

APPROVED



**VILLAGE OF MAMARONECK  
PLANNING BOARD MEETING MINUTES  
WEDNESDAY APRIL 14, 2021 7:00 PM ONLINE**

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on April 14, 2021. The full public record of this Meeting is the audio/video recording made of this [https://lmcmedia.org/videos\\_list/village-of-mamaroneck-planning-board-meeting-04-14-21/](https://lmcmedia.org/videos_list/village-of-mamaroneck-planning-board-meeting-04-14-21/)

**PLEASE BE ADVISED**, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for April 28, 2021 at 7:00 P.M. online.

**PRESENT:**                    **KATHLEEN SAVOLT, CHAIR**  
                                 **CINDY GOLDSTEIN**  
                                 **RICHARD LITMAN**  
                                 **ELLEN STYLER**  
                                 **JOHN VERNI**

**FRANK TAVOLACCI, VILLAGE BUILDING INSPECTOR**  
**AMBER NOWAK, VILLAGE ASSISTANT PLANNER**  
**STEVEN GATES, VILLAGE CONSULTING PLANNER**  
**ESTEBAN GARCIA, VILLAGE CONSULTING ENGINEER**  
**TERRESA BAKNER, VILLAGE PLANNING BOARD ATTORNEY**  
**SUSAN OAKLEY – VILLAGE LANDSCAPE CONSULTANT**  
**DENNIS DROGAN – VILLAGE ASSISTANT BUILDING**  
**INSPECTOR**

**EXCUSED:**                    **NONE**

**CALL TO ORDER**

Chair Savolt called the meeting to order at 7:01 p.m. She introduced the Board members, staff and consultants.

She noted that the site plan review applications for 680 Barrymore Lane and 1069 Bay Head will be heard first. 650 Van Ranst will be heard next followed by 1258 East Boston Post Road and 131 Highview Street.

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**1. APPROVAL OF MINUTES**

**A. The Planning Board will review the minutes from the February 24, 2021 meeting.**

**On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board approved the minutes of February 24, 2021.**

**Ayes: Ms. Styler, Mr. Litman, Mr. Verni, Ms. Goldstein, Chair Savolt**

**Nays: None**

**Abstain: None**

**Excused: None**

**2. SITE PLAN REVIEW**

**A. 680 Barrymore Lane (Section 4, Block 79A, Lots 13, 14, 15) located in the R-15 Zoning District – Site Plan Review Application** The applicant proposes to construct an in-ground swimming pool and patio which requires a new retaining wall, grading and fill. The project exceeds 1,000 sf of disturbance and requires a stormwater pollution prevention plan and Planning Board site plan approval. The application was classified as a Type II Action under SEQRA. The application was approved by the Board of Architectural Review on March 18, 2021.

Chair Savolt noted date changes on the draft resolution.

Michael Stein, P.E. represented the applicant. The Board didn't have any questions or comments for him.

**On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board approved the resolution.**

**Ayes: Ms. Goldstein, Mr. Verni, Ms. Styler, Mr. Litman, Chair Savolt**

**Nays: None**

**Abstain: None**

**Excused: None**

**Resolution of the Planning Board of the  
Village of Mamaroneck  
Approving the Application of Michael Geary owner of 680 Barrymore Lane  
(Section 4, Block 79A, Lot 14) for a Swimming Pool**

Moved by \_\_\_\_\_; Seconded by \_\_\_\_\_

**WHEREAS**, an application was submitted by Mr. Geary, the owner of 680 Barrymore Lane (the "Applicant"), for the necessary permits to construct a residential in ground swimming pool, site work and grading, new retaining walls, fence, patio and associated drainage in the rear yard of his 0.35 acres lot (Section 4, Block 79A, Lot 14) located in the R-15 Zoning District;

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**WHEREAS**, the application for the proposed residential swimming pool, site work and grading, new retaining walls, fence, patio and associated drainage is on file at the Village Offices and consists of Sheets C-1 through C-6, prepared by Hudson Engineering and Consulting P.C., dated last revised 4/8/21, and supporting documents, such as SP.1, dated February 9, 2021 entitled “Proposed Storm Water Management for New Pool Patio, 680 Barrymore Lane, prepared by Community Designs engineering D.P.C.;

**WHEREAS**, the Building Inspector of the Village of Mamaroneck determined that the Applicant required a Stormwater Management and Sediment Control Permit; a Stormwater Pollution Prevention Plan, and Site Plan Approval, as well as review by the Board of Architectural Review; and

**WHEREAS**, the Planning Board’s planning consultant, AKRF, reviewed the criteria for swimming pools found in Chapter 300 of the Village Zoning Code and in a memorandum dated February 23, 2021 confirmed that the swimming pool meets these requirements; and

**WHEREAS**, the Planning Board’s engineering consultant, Kellard Sessions, reviewed the application and drawings and prepared memoranda dated February 23, 2021, March 22, 2021, March 31, 2021, and finally April 9, 2021 providing comments on the site plans and supporting documents; and

**WHEREAS**, the Applicant’s engineer, Hudson Engineering and Consulting responded to the Planning Board’s engineering consultant by providing, revised plans, memoranda and other information addressing the comments of Kellard Sessions. The final submission by Hudson Engineering and Consulting was on April 8, 2021. Kellard Sessions in its April 9, 2021 memorandum advised that their comments have all been addressed, signing off on the revised plans and documents finding that they comply with the requirements of the Village of Mamaroneck Code, Chapter 294, Stormwater Management and Erosion and Sedimentation Control, and other sections, as applicable, as well as the NYS Department of Environmental Conservation Stormwater management Design Manual (last revised January 2015) and the NY State Standards and Specifications for Erosion and Sediment Control, dated November 2016, subject to three conditions which are addressed below; and

**WHEREAS**, the Village Planning Board’s landscaping consultant, Susan Oakley of Terra Bella Land Design, reviewed the landscaping proposed for the project and in a memorandum dated March 18, 2021 advised the Planning Board that landscaping issues remain with respect to the preservation of a mature mulberry tree on adjoining parcels which is ambiguous as to whether it will be preserved and its roots protected or removed and replaced as well as concerns regarding a row of Etna English Laurel proposed for planting near the Attenuation Gallery. Ms. Oakley also pointed out that the root protection detail and detail drawings for the retaining walls and fencing are not included in the plans. The Applicant’s engineer submitted drawings and memoranda to address

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Ms. Oakley's comments and Ms. Oakley has advised the Planning Board in a memorandum dated April 2, 2021 that the Applicant's engineer has addressed her previous landscaping comments; and

**WHEREAS**, during the Village Planning Board meeting of February 24, 2021 the Planning Board members raised concerns about the retaining walls and the proximity of the pool to the property line, as well as with the mature trees surrounding the property and the impact of the extensive site grading and depth of foundations of the retaining walls that may impact the long- term viability of those trees; and

**WHEREAS**, the Village Planning Board members further evaluated the Project and the revised plans during its March 24, 2021 and April 14, 2021 meetings and thoroughly reviewed the application and the standards for site plan development set forth in Article IX of the Village Code, Chapter 342-76, including the specific provisions relative to swimming pools found in the Village Code at section 342-49 and in Chapter 300, and the requirements for stormwater management and erosion and sedimentation Control set forth in Chapter 294, as well as the application documents and plans and the advice provided by the Planning Board's consultants, and the Planning Board has completed its review of the standards and criteria and have determined that the applicable standards and criteria have been satisfied; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Application for the swimming pool, patio, fence, retaining walls, site grading and associated drainage facilities are a Type II action pursuant to the SEQRA regulations found at 6 NYCRR Section 617.5(c)(12) which provides that "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes , fences, barns, storage sheds or other buildings not changing land use or density" are Type II actions pursuant to SEQRA; and

**BE IT FURTHER, RESOLVED**, that the Planning Board hereby grants site development plan approval, issues the stormwater management and sediment control permit and approves the stormwater pollution prevention plan for the Swimming Pool and its drainage facilities as shown in the application documents and particularly on the design drawings C1 through C6 prepared by Hudson Engineering & Consulting, P.C. dated last revised 4/8/21, subject to the following conditions:

- 1) Prior to the issuance of a certificate of occupancy, the applicant shall provide a maintenance schedule and procedures for all proposed stormwater management infrastructure, including the trench drains; and
- 2) Prior to the issuance of a certificate of occupancy, the applicants shall provide a maintenance agreement for the proposed stormwater management features for review by the Village Consulting Engineer; and
- 3) Prior to the issuance of the Certificate of Occupancy, the applicant shall submit a

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Stormwater As-Built Survey that includes topography and the location, description, rim elevations and invert elevations of all installed stormwater facilities for review by the Village Consulting Engineer; and

- 4) Prior to the issuance of the Certificate of Occupancy, a Construction, Maintenance and Inspection Declaration for the stormwater management facilities to be installed, in a form satisfactory to the Village shall be fully executed and submitted to the Building Department with proof that the Declaration has been recorded in the Westchester County Clerk's Office, and
- 5) All application and consultant review fees shall be paid prior to the issuance of the building permit; and
- 6) The applicant shall obtain all required state, county and local permits and approvals prior to the issuance of the building permit.

Vote:

|                 |     |     |         |
|-----------------|-----|-----|---------|
| Kathleen Savolt | Yea | Nay | Abstain |
| Richard Litman  | Yea | Nay | Abstain |
| Cindy Goldstein | Yea | Nay | Abstain |
| John Verni      | Yea | Nay | Abstain |
| Ellen Styler    | Yea | Nay | Abstain |

Planning Board of the Village of Mamaroneck

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Kathleen Savolt, Chairperson

- B. 1069 Bay Head (Section 9, Block 106, Lot 11) located in the R-20 Zoning District – Site Plan Review Application** The applicant proposes to construct an in-ground swimming pool. The project exceeds 1,000 sf of disturbance and requires a stormwater pollution prevention plan and Planning Board site plan approval. The Planning Board will consider classifying the project as a Type II Action under SEQRA.

Chair Savolt noted date changes on the draft resolution.

Michael Stein, P.E. represented the applicant. The Board didn't have any questions or comments for him.

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**On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board approved the resolution.**

**Ayes: Mr. Verni, Mr. Litman, Ms. Styler, Ms. Goldstein, Chair Savolt**

**Nays: None**

**Abstain: None**

**Excused: None**

**Resolution of the Planning Board of the  
Village of Mamaroneck  
Approving the Application of Nicholas Barnes owner of 1069 Bayhead Drive  
(Section 9, Block 106, Lot 11) for a Swimming Pool**

Moved by \_\_\_\_\_; Seconded by \_\_\_\_\_

**WHEREAS**, an application was submitted by Mr. Barnes, the owner of 1069 Bayhead Drive (the “Applicant”), for the necessary permits to construct a residential in ground swimming pool and hot tub, basement access, patios, fence and associated drainage in the rear yard of 0.47 acres lot (Section 9, Block 106, Lot 11) located in the R-20 Zoning District; and

**WHEREAS**, the application for the proposed residential swimming pool, site work and grading, fence, patio and associated drainage is on file at the Village Offices and consists of Sheets C-1 through C-3, prepared by Hudson Engineering and Consulting P.C., dated last revised 4/69/21, and supporting documents such as the Stormwater Pollution Prevention Plan and the revised Pool Environment Concept Plan by Glengate, dated March 23, 2021;

**WHEREAS**, the Building Inspector of the Village of Mamaroneck determined on December 14, 2020 that the Applicant required a Stormwater Management and Sediment Control Permit; a Stormwater Pollution Prevention Plan, and Site Plan Approval, as well as review by the Board of Architectural Review; and

**WHEREAS**, the Planning Board’s planning consultant, AKRF, reviewed the criteria for swimming pools found in Chapter 300 of the Village Zoning Code and ~~in a memorandum dated \_\_\_\_\_, 2021~~ confirmed at the Planning Board meeting on March 21, 2021, that the swimming pool meets these requirements; and

**WHEREAS**, the Planning Board’s engineering consultant, Kellard Sessions, reviewed the application and drawings and prepared memoranda dated March 22, 2021 and April 9, 2021 providing comments on the site plans and supporting documents; and

**WHEREAS**, the Applicant’s engineer, Hudson Engineering and Consulting responded to the Planning Board’s engineering consultant by providing, revised plans, memoranda and other information addressing the comments of Kellard Sessions. The final submission by Hudson Engineering and Consulting was ~~on a plan dated~~ April 613, 2021. Kellard

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Sessions in its April 9, 2021 memorandum advised that their comments have all been addressed, with the following minor documents to be provided for their review prior to the issuance of the building permit including the following: an emergency overflow detail to address the potential for a larger than 25- year storm; a patio section detail, an inlet protection detail, a detail for the 12” by 12” NDS catch basin depicted on sheet C-2 and a plan and detail for sheet C-3 addressing the sump and cover on the catch basin. Kellard Session with these exceptions has signed off on the revised plans and documents finding that they comply with the requirements of the Village of Mamaroneck Code, Chapter 294, Stormwater Management and Erosion and Sedimentation Control, and other sections, as applicable, as well as the NYS Department of Environmental Conservation Stormwater management Design Manual (last revised January 2015) and the NY State Standards and Specifications for Erosion and Sediment Control, dated November 2016, subject to the conditions which are addressed below; and

**WHEREAS**, the Village Planning Board’s landscaping consultant, Susan Oakley of Terra Bella Land Design, reviewed the landscaping proposed for the project and in a final memorandum dated April 9, 2021 advised the Planning Board that no landscaping issues remain with the exception of that the tree protection detail was removed and must be readded to Sheet C-3 in the event that any trees are proposed to be retained, on April 13, 2021 Hudson Engineering and Consulting, P.C. resubmitted Sheet C-3, dated last revised April 13, 2021 showing the tree protection; and

**WHEREAS**, the Village Planning Board members evaluated the Project and the plans during its March 24, 2021 and April 14, 2021 meetings and thoroughly reviewed the application and the standards for site plan development set forth in Article IX of the Village Code, Chapter 342-76, including the specific provisions relative to swimming pools found in the Village Code at section 342-49 and in Chapter 300, and the requirements for stormwater management and erosion and sedimentation Control set forth in Chapter 294, as well as the application documents and plans and the advice provided by the Planning Board’s consultants, and the Planning Board has completed its review of the standards and criteria and have determined that the applicable standards and criteria have been satisfied; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Application for the swimming pool, patio, fence, retaining walls, site grading and associated drainage facilities are a Type II action pursuant to the SEQRA regulations found at 6 NYCRR Section 617.5(c)(12) which provides that “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes , fences, barns, storage sheds or other buildings not changing land use or density” are Type II actions pursuant to SEQRA; and

**BE IT FURTHER, RESOLVED**, that the Planning Board hereby grants site development plan approval, issues the stormwater management and sediment control permit and approves the stormwater pollution prevention plan for the Swimming Pool and its drainage facilities as shown in the application documents and particularly on the

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design drawings C1 through C3 prepared by Hudson Engineering & Consulting, P.C. dated last revised 4/69/21, and accompanying plans and reports, subject to the following conditions:

- 1) Prior to the issuance of the building permit the Applicant shall have its engineer submit the following to the Village's Consulting Engineer: an emergency overflow detail to address the potential for a larger than 25- year storm; a patio section detail, an inlet protection detail, a detail for the 12" by 12" NDS catch basin depicted on sheet C-2, and a plan and detail for sheet C-3 addressing the sump and cover on the catch basin; ~~and tree protection details to the Plan in the event any trees are proposed to be preserved;~~ and
- 2) Prior to the issuance of a certificate of occupancy, the applicant shall provide a maintenance schedule and procedures for all proposed stormwater management infrastructure for review by the Village Consulting Engineer; and
- 3) Prior to the issuance of a certificate of occupancy, the applicants shall provide a maintenance agreement for the proposed stormwater management features for review by the Village Consulting Engineer; and

Prior to the issuance of the Certificate of Occupancy, the applicant shall submit a Stormwater As-Built Survey that includes topography and the location, description, rim elevations and invert elevations of all installed stormwater facilities for review by the Village Consulting Engineer; and

- 4) Prior to the issuance of the Certificate of Occupancy, a Construction, Maintenance and Inspection Declaration for the stormwater management facilities to be installed, in a form satisfactory to the Village shall be fully executed and submitted to the Building Department with proof that the Declaration has been recorded in the Westchester County Clerk's Office, and
- 5) All application and consultant review fees shall be paid prior to the issuance of the building permit; and
- 6) The applicant shall obtain all required state, county and local permits and approvals prior to the issuance of the building permit.

### Vote:

|                 |     |     |         |
|-----------------|-----|-----|---------|
| Kathleen Savolt | Yea | Nay | Abstain |
| Richard Litman  | Yea | Nay | Abstain |
| Cindy Goldstein | Yea | Nay | Abstain |
| John Verni      | Yea | Nay | Abstain |

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Ellen Styler                      Yea      Nay      Abstain

Planning Board of the Village of Mamaroneck

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Kathleen Savolt, Chairperson

### **3. ADMINISTRATIVE ACTIONS**

- A. 650 Van Ranst Place (Section 8, Block 83, Lot 15) located in the TOD Zoning District – Site Plan Review Application** The applicant seeks an extension for Planning Board approval to construct a new single-family house that was approved May 13, 2020.

Chair Savolt noted that a new single-family house was approved last May. They haven't been able to start construction due to the pandemic and are asking for an extension.

As the applicant wasn't in attendance, Ms. Nowak shared their written extension request on screen.

Mr. Tavalacci stated that he didn't have an objection to granting the extension.

**On motion of Mr. Litman, seconded by Mr. Verni and carried, the extension was granted for 1 year.**

**Ayes: Mr. Verni, Ms. Goldstein, Ms. Styler, Mr. Litman, Chair Savolt**

**Nays: None**

**Abstain: None**

**Excused: None**

### **4. INFORMAL DISCUSSION**

- A. 1258 East Boston Post Road (Section 4, Block 65D, Lot 306B) located in the C-1 Zoning District – Site Plan Review Application** The applicant proposes to construct a new motor vehicle sales facility with related parking and vehicle storage on a currently vacant lot. The proposed project would include 38 parking spaces, stormwater management practices and tree and shrub plantings around the perimeter of the property. The applicant requires Planning Board site plan

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approval per 342-XI.74 of the Village Code. The applicant also seeks a change of use for the erection of a building per 342-XI.75 of the Village Code.

Jonathan Kraut of Harfenist Kraut and Perlstein, LLP:

- We're requesting that the Board declare its' intent to be Lead Agency and indicate that it's an Unlisted Action
- A referral to the HCZMC is also required
- We've received the comment letters from Kellard Sessions and the landscape consultant

Mr. Gates:

- It's not clear if this is a wetland or a water course
- It would be helpful to have a wetland scientist delineate if there is a wetland
- Confirmation of a whether or not there's a floodplain is also needed

Mr. Kraut:

- The existing impervious surfaces in the wetland buffer will be decreased between 650 – 700 sf

Alan Pilch, P.E.:

- The water course is completely contained within a stone masonry retaining wall
- There may be some fringes of wetland within that retaining wall
- We'll look into it

Ms. Goldstein asked where the watercourse flows to and from. She also asked about flooding.

Chair Savolt noted that it does flood in heavy storms.

Mr. Pilch:

- We will be doing soil testing
- Our plans include stormwater management and water quality

Ms. Bakner noted that the buffer calculation on T-100 is doing a disservice. A table showing the overall statistics would be helpful. The amount you're reducing impervious surface within the buffer would also be good, as the Harbor Commission will want to see those numbers.

Mr. Gates suggested classifying the project as a Type II Action. Ms. Bakner agreed.

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**On motion of Mr. Verni, seconded by Ms. Goldstein and carried, the Board classified the project as a Type II Action under SEQRA.**

**Ayes: Mr. Verni, Ms. Goldstein, Mr. Litman, Ms. Styler, Chair Savolt**

**Nays: None**

**Abstain: None**

**Excused: None**

## **2. SITE PLAN REVIEW CONTINUED**

**C 131 Highview Street – Section 8, Block 55, Lot 9) located in the R-5 Zoning District** The applicant proposes to construct a new single-family residence on a Vacant land. The application requires Planning Board Site Plan Approval per 342-75 of the Village Code.

Chair Savolt noted that the Planning Board is reviewing a site plan for a single-family home because the project involves clearing of vegetation on a lot that's a little more than ½ an acre. Also, there was an action before the Zoning Board in October 2020 in which the resolution stated that a site plan was required.

Chad Firmstone, R.A.:

- The approximate lot area is 23,540'
- About .9% of the FAR will be used
- About 33.9% of the lot coverage will be used
- The approach will be from Highview Street
- The driveway will be about 150' feet long due to the site constraints
- There will be about 729 cubic yards of soil movement
- We are reviewing the Village engineer's comments
- Most of the neighborhood has extended driveways
- There will be a lot of cut, not a lot of fill
- We'll be conducting a soil perc test
- We've encountered bedrock within about 4'

Ms. Bakner shared Sheet C-103 on screen.

Mr. Garcia noted that they might not be able to meet the infiltration requirement for separation due to the rock.

Ms. Oakley:

- I made a site visit to get a better understanding of the tree coverage
- I encourage the Board members to do a site visit as you get a better feel for the property

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**On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the Board classified the project as a Type II Action under SEQRA.**

**Ayes: Mr. Litman, Ms. Styler, Mr. Verni, Ms. Goldstein, Chair Savolt**

**Nays: None**

**Abstain: None**

**Excused: None**

Chair Savolt noted a letter received from a neighbor. The letter stated that the Notice mailed to the neighbors wasn't received 10 days before the meeting. The applicant filed an affidavit with the Planning Department saying that the Notice was mailed on time. All of the documents related to the application are on the Village website.

She also noted that the letter references Code. Staff will look into that. The letter also references the stormwater management plan, which the Village's consulting engineer is working on.

There's also an issue regarding an easement and deed restriction. Mr. Tavalacci stated that he has a certified copy of an Order discharging that easement from Westchester County.

The letter also stated that there is runoff on her property since some of the vegetation has been removed. Mr. Tavalacci stated that a silt fence and hay bales can be installed to control the runoff.

The letter also asked if the lot was legally subdivided. Mr. Tavalacci stated that it was subdivided as Code required in 2004.

## **5. ADJOURN MEETING**

**On motion of Ms. Goldstein, seconded by Mr. Verni and carried, the meeting was adjourned at 8:01 p.m.**

**All in favor?**

**Aye.**

**None opposed or excused.**