

**Resolution of the Planning Board of the  
Village of Mamaroneck**

Approving the Application of Archer Property Management for site plan approval to construct a retaining wall, fencing, patio and planting area at the property known as 412 Munro Avenue,  
Village of Mamaroneck

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

**Date: April , 2023**

**WHEREAS**, an application was submitted Archer Property Management on behalf of the property owner Heathcote Manor (the “Applicant”), for site plan approval pursuant to Village Code Chapter 342, Section 75 for the construction of a retaining wall, fencing, patio with permeable pavement, and a planting area at the four-story residential building located at 412 Munro Avenue (Section 9, Block 47, Lot 23A); and

**WHEREAS**, the site is located on a .46-acre lot in the R-7.5 Zoning District, includes 0.33 acres of existing impervious cover and 0.13 acres of open space and is located within the Sheldrake and Mamaroneck River watershed; and

**WHEREAS**, the application for the proposed work is on file at the Village Offices and consists of the following documents:

1. Site Plan Application signed by the Applicant on August 16, 2022; and
2. Initial Site Plan materials prepared by Catizone Engineering, P.C. dated May 7, 2021 (and later revised as indicated on the plans) which includes (1) an Adjoinder Map, (2) Overall Layout Plan, (3) Existing Conditions, Grading & Drainage Plan, Erosion & Sediment Control Plan, (4) Landscape Plan, and (5) Details; and
3. Survey by Gabriel E. Senior, P.C. dated July 8, 2022;
4. Stormwater Pollution Prevention Plan prepared by Catizone Engineering, P.C. dated August 19, 2022; and
5. Letter dated April 12, 2023 from Catazione Engineering, P.C. addressing the Village Consultants’ comments and, enclosing:
  - a. Site Plan Materials as revised March 28, 2023, including (1) Adjoinder Map, (2) Overall Layout Plan, (3) Existing Conditions, Grading & Drainage Plan, (4) Erosion & Sediment Control Plan and Tree Protection Plan, (5) Landscape Plan, and (6) Details; dated March 28, 2023, and
  - b. Stormwater Pollution Prevention Plan (“SWPPP”) revised April 3, 2023;

**WHEREAS**, on September 14, 2022, the Applicant first appeared for a preliminary site plan review before the Planning Board (the “Board”) where the Board’s consultants provided their initial comments on the application, the application was typed as a Type II action pursuant to SEQRA regulations found at 6 NYCRR § 617.5(c)(12); and

**WHEREAS**, the Board’s engineering consultant, Kellard Sessions, outlined its initial comments in a memorandum dated September 9, 2022, noting that specific design detail was needed for the proposed retaining wall, that deep tests and percolation tests were required for the SWPPP, that the plans should state that the imported soil will comply with the requirements for quality and residential purposes, and that the Applicant shall submit a note stating that the design professional shall inspect and certify the retaining walls prior to issuance of a Certificate of Occupancy; and

**WHEREAS**, the Board’s landscaping consultant, Terra Bella Land Design (“TBLD”), reviewed the Applicant’s plans and conducted a site visit, and in a memorandum dated September 9, 2022, and proposed plantings more appropriate for the patio area; and

**WHEREAS**, the Board’s planning consultant, AKRF, reviewed the application materials and in a memorandum dated September 7, 2022, noted that preexisting nonconformities should be added to the zoning table in the plans, that the Applicant would require a variance if the proposed plan would increase lot coverage, that the applicant should submit a tree preservation, and recommended that the Planning Board classify the project as Type II pursuant to SEQRA § 617.5(c)(12); and

**WHEREAS**, the Applicant appeared before the Zoning Board of Appeals (“ZBA”) for area variance relief related to maximum building coverage and side yard setback on November 3, 2022, December 29, 2022 and January 5, 2023, and having deliberated on the application during its February 2, 2023 meeting, granted the necessary variances to Applicant (ZBA resolution is attached hereto);

**WHEREAS**, the Applicant’s engineer submitted a letter dated April 12, 2023, with revised application materials addressing the concerns and comments of the Planning Board’s consultants; and

**WHEREAS**, TBLD reviewed the revised application materials and in a memo dated April 20, 2023, further noted that a separate tree preservation plan is required under Village Code § 318-8D, that any necessary tree root pruning shall follow the ANSI A300 Tree Care Industry Standards, and recommended the use of native species and more appropriately sized shade trees; and

**WHEREAS**, in a memo dated April 21, 2023, AKRF noted that the Applicant had properly updated the zoning table, had received the proper variances from the ZBA to increase building coverage and reduce the side yard setback, and (as noted by TBLD) a tree preservation plan is required; and

**WHEREAS**, on April 26, 2023, the Planning Board thoroughly reviewed the revised application materials according to the standards for site plan development as set forth in Article

IX the Village Code, Chapter 342, the requirements for stormwater management, erosion and sedimentation control set forth in Chapter 294, the requirements for tree protection found in the Village of Mamaroneck Code Section 318-8, and the advice provided by the Planning Board's consultants, and upon consideration of the applicable standards and criteria determined that its review of the Application is complete,

**NOW, THEREFORE, BE IT RESOLVED** that the Application is a Type II action pursuant SEQRA regulations found at 6 NYCRR § 617.5(c)(12) which provides that the "construction, expansion or placement of minor accessory/appurtenant residential structures, including garage, 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 under the New York State Department of Environmental Conservation regulations; and

**BE IT FURTHER RESOLVED** that the Board hereby grants site plan approval subject to the following conditions:

**Conditions**

- 1) Applicant shall submit a Tree Preservation Plan and shall prune tree roots in accordance with ANSI A300 Tree Care Industry Standards in the protected root zone.
- 2) Tree care standards shall be on all construction documents.
- 3) Any replacement tree that does not survive shall be replaced, and consideration made as to whether there is a more appropriate species for the location.
- 4) The applicant shall furnish copies of the approvals for the proposed water service and sewer connection prior to obtaining a Building Permit.
- 5) All demolition materials shall be removed from the project site and disposed of in accordance with Federal, State and Local Regulations.
- 6) Prior to the issuance of a Certificate of Occupancy, applicant shall submit a fully executed maintenance agreement approved by the Village for the proposed stormwater management facilities which is binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property.

**Vote**

Ayes:

Nays:

Recused:

Absent:

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Seamus O'Rourke, Chair

