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**VILLAGE OF MAMARONECK
PLANNING BOARD MEETING MINUTES
WEDNESDAY APRIL 26, 2023 7:30 PM
Courtroom, 169 Mt. Pleasant Avenue, Mamaroneck, NY**

These are intended to be “Action Minutes”, which primarily record the actions voted on by the Planning Board on April 26, 2023. 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-04-26-23/

PLEASE BE ADVISED, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for May 10, 2023 at 7:00 P.M. in the Courtroom in Village Hall, 169 Mt. Pleasant Avenue, Mamaroneck, NY

PRESENT:

**SEAMUS O’ROURKE, CHAIR
CINDY GOLDSTEIN
RICHARD LITMAN
BILL BINTZER
MALLORY CALL CHINN**

**ALICIA MOORE – VILLAGE CONSULTING PLANNER
MARY E. DESMOND - VILLAGE PLANNING BOARD
ATTORNEY
JOHN KELLARD – VILLAGE CONSULTING ENGINEER
SUSAN OAKLEY – VILLAGE LANDSCAPE CONSULTANT
BRITTANIE O’NEILL – VILLAGE LAND USE SECRETARY
GREG CUTLER – VILLAGE PLANNER
TERESA CANNONE – VILLAGE CONSULTING
ENVIRONMENTAL SCIENTIST**

EXCUSED: **CAROLINA FONSECA – VILLAGE BUILDING INSPECTOR
JAMES CONTINI – VILLAGE ASST. BUILDING INSPECTOR**

Chair O’Rourke pointed out the fire exits and asked that everyone turn off their cell phones.

CALL TO ORDER

On motion of Chair O’Rourke, seconded by Ms. Goldstein and carried, the meeting was opened at 7:31 p.m.

All in favor?

Aye.

Excused: None

1. APPROVAL OF MINUTES

- A. The Board reviewed the minutes from the meeting held on April 12, 2023.

On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board adopted the minutes as amended.

Ayes: Mr. Litman, Chair O'Rourke, Ms. Goldstein, Mr. Bintzer

Nays: None

Excused: None

Abstain: Ms. Chinn

Chair O'Rourke noted that the last two applications will be swapped. 412 Munro Avenue will be heard before 850 Rushmore Avenue due to recusals.

2. SPECIAL PERMIT – PUBLIC HEARING

A. 350 Ward Avenue, (Section 9, Block 12, Lot 29A) located in the C-2 Zoning District, Preliminary Special Permit Application, SEQRA Classification: Type II

The applicant proposes to remove the existing roof/attic and construct a full 2nd story to the existing single-family residence. Work is within 50' of the Mamaroneck River. The application requires Planning Board Special Permit approval as per Village Code.

Mr. Kellard:

- Why are there 2 details addressing the restoration of pavement in the right-of-way
- Is the 6" pipe of adequate size to carry the projected flows
- A road opening permit from the Dept. of Public Works is required before working in the Village right-of-way
- I'm comfortable with my first 2 comments being conditions in the resolution to be reviewed by the Building Department

On motion of Mr. Litman, seconded by Ms. Goldstein and carried, the Board opened the public hearing.

Ayes: Ms. Chinn, Mr. Bintzer, Mr. Litman, Ms. Goldstein, Chair O'Rourke

Nays: None

Excused: None

Public Comment:

Stuart Tiekert:

- The Code requires a Discharge Connection Permit to connect to a Village catch basin
- The last set of plans listed in your resolution for 1310 Flagler Drive are unavailable
- A different set of plans were reviewed by the BAR
- The gaming of the land use process has happened numerous times in the past

End of Public Comment

On motion of Ms. Goldstein, seconded by Ms. Chinn and carried, the Board closed the public hearing.

Ayes: Ms. Chinn, Mr. Bintzer, Mr. Litman, Ms. Goldstein, Chair O'Rourke

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Nays: None
Excused: None

Ms. Goldstein noted the issues in Ms. Oakley's September 9, 2022 memo, including a tree growing in the river. Chair O'Rourke noted that the resolution notes that the storage area in the back should be moved, the site plan doesn't show the storage area.

Ms. Oakley stated that she recommended to remove as little as the tree as possible. She hasn't been back to the site since her memo.

Christopher Abele, the homeowner:

- The tree has to come down, it's essentially an old weed growing out of the retaining wall
- We discussed planting more evergreens to offset it
- We'll complete the project without removing the tree
- A previous tenant had stuff in the storage area
- The tree grows away from the house

The Board reviewed the draft resolution and requested Ms. Desmond to make amendments.

On motion of Ms. Goldstein, seconded by Ms. Chinn and carried, the Board approved the resolution as amended.

Ayes: Ms. Chinn, Mr. Bintzer, Mr. Litman, Ms. Goldstein, Chair O'Rourke
Nays: None
Excused: None

3. SITE PLAN AND WETLANDS REVIEW – PUBLIC HEARING CONTINUED

A. 921 Soundview Drive, (Section 4, Block 78, Lot 6A or 6B) located in the R-10 Zoning District, Site Plan and Wetlands Review Application, SEQRA Classification: Type II

The applicant proposes a new single-family residence and pool on approximately 0.52-acre lot. The project requires site plan and Wetlands Permit approval from the Planning Board as per Village Code Chapters 342 and 192, Section 75, Part C.

Jaclyn Tyler, R.A.:

- We've submitted a chart of the size/livable area of the neighboring houses
- Based on the FAR, we're in the middle of 20+ houses
- We're at 10 ½% building coverage, a number of the other houses range from 15 – 20%
- We're within similar mass to other houses along Otter Creek
- We've submitted an updated landscape and tree replacement plan
- We no longer intend to remove the trees on the north side
- We're providing additional screening along the back side of the pool

Beth Evans, Environmental Scientist:

- I received an e-mail from the DEC, a permit isn't needed as we are outside of their jurisdiction
- We also don't need a permit from the Army Corps of Engineers
- If the salt-water pool were to drain suddenly, it wouldn't release chemicals that would have an adverse impact on the wetlands

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Chair O'Rourke confirmed with Ms. Evans that the wetlands don't extend beyond the fence.

Adam Wekstein, Esq.:

- You have expert opinion that what's proposed isn't going to hurt the wetlands

Due to audio issues, much of what Mr. Wekstein said was inaudible.

Ms. Goldstein noted that every parcel is different, so precedent from one parcel to another is virtually useless.

Chair O'Rourke confirmed with Mr. Kellard that other than the proposed stormwater pre-treatment structure located under a proposed Viburnum shrub he is satisfied with the proposal.

Ms. Moore didn't have any new comments.

Ms. Cannone:

- Comparing the updated landscape plans to the previous landscape plans, I noticed they had omitted some tree removals that were proposed and included additional plantings
- Most of the steeper slopes per the slope analysis plan were above where the retaining wall is supposed to be and in the area that the house is going to be
- I don't think it's necessarily an issue
- The slope will be vegetated
- They have to comply with the SPDES Permit during construction
- The lighting should have shields and timers

Ms. Oakley stated that the tree preservation plan has contradictory labels.

Public Comment:

Susan Berenzweig of 931 Soundview Drive:

Due to audio issues, Ms. Berenzweig was inaudible when she began speaking

- The neighboring property comparison and wetland map overlay are flawed and inaccurate
- The back part of the property isn't buildable, but the whole lot is figured in the FAR
- The pool and the size of the house will present many unexpected problems during construction
- The standard for allowing disturbance on lands adjacent to wetlands is that it be reasonable and necessary

Randi Rabinowitz of 540 Lawn Terrace:

- I've been in real estate for 19 years
- This project seems not necessary and not reasonable
- In the past two years 29 properties have sold in Shore Acres, only 2 have pools
- I'm not sure a pool is necessary to sell this property
- The average square footage of the 29 houses is roughly 3,100 sf
- I looked at the slope, it's terrifying
- The property has been listed for 2 ½ years, it's worth more with an approved site plan

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Barbara Novick of 955 Soundview Drive

- A tremendous amount of the development area is in the wetland buffer
- They're looking to flip the property
- There are migratory birds and turtles lay their eggs

Due to audio issues, some of what Ms. Novick said was inaudible

Beverly Sherrid of 625 The Parkway:

- I'm the president of SAPOA
- 7 trees along the boundary will remain, but all of the other ones will be taken down
- The pool isn't necessary

Jonathan Sands of 749 Soundview Drive:

- The Creek would be affected from the runoff
- Soundview Drive is the mosquito capital of Mamaroneck, the pool would become a liability
- The excavation could damage surrounding properties

Clarisse Hasse of 911 Soundview Drive:

- The neighborhood comparison chart includes the houses on the other side of Soundview Drive
- Those houses don't present the same risk in terms of the polluted water they might release into the marshland

David Freeman of 941 Soundview Drive:

- I'm the Chair for the Committee for the Environment, but am speaking as a private citizen
- I met with Ms. Tyler and Mr. Wekstein and suggested that the house be smaller, reduce the size of the deck and preserve more trees
- They're not willing to compromise
- We're not trying to prevent appropriate development, but this is a monstrosity
- The standard is reasonable and necessary
- The pool isn't necessary
- The numbers on their chart aren't accurate for my house
- We don't really know where the wetlands start
- He read from Chapter 192

End of Public Hearing

Ms. Tyler refuted Mr. Freeman's claims regarding the figures on her chart.

The Board discussed their next steps. They will compile a list of items that will be required to allow the project to meet the Wetlands Permit Standards. Ms. Desmond will start to build a resolution.

On motion of Mr. Litman, seconded by Ms. Goldstein and carried, the Board closed the public hearing.

Ayes: Ms. Chinn, Ms. Goldstein, Mr. Litman, Chair O'Rourke, Mr. Bintzer

Nays: None

Excused: None

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The application was adjourned.

4. PRELIMINARY WETLANDS PERMIT REVIEW

A. 820 Pirates Cove, (Section 9, Block 103, Lot 7) located in the R-20 Zoning District, Wetlands Permit Application, Recommended SEQRA Classification: Type II

The applicant proposes to construct a boat dock comprising a 4' x 66' piling supported timber pier, a 42" x 36' aluminum ramp, an 8' x 25' timber floating dock and two 12' diameter timber float anchor pilings. Project requires Wetland Permit approval from the Planning Board as per Village Code Chapter 192, Section 4.

John Hilts, agent:

Due to audio issues, Mr. Hilts was inaudible.

Ms. Moore noted that this is a Type II under Subsection 12.

On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board classified the project as a Type II under SEQRA and referred it to the HCZMC.

Ayes: Ms. Chinn, Mr. Bintzer, Mr. Litman, Ms. Goldstein, Chair O'Rourke

Nays: None

Excused: None

5. SITE PLAN REVIEW

A. 412 Munro Avenue, (Section 9, Block 47, Lot 23A) located in the R-7.5 Zoning District, Site Plan Review Application, SEQRA Classification: Type II

The applicant seeks site plan approval to construct a retaining wall, fencing, patio and planting area as per Village Code Chapter 342, Section 75.

Peter Catizone, P.E.:

- We've received a variance from the ZBA for building coverage
- We'll dig the areas adjacent to the drip lines by hand
- We'll replace the American Holly with Maple Leaf
- The 1 tree to be removed will be replaced with 2 new trees

Mr. Kellard confirmed that his comments have been addressed.

Ms. Oakley:

- I'd like to look at the plan
- The ANSI guidelines should be on the plan
- Honeysuckle is known to be invasive, I recommended native species
- The plant list should have the Latin name and the common name

The application was adjourned until the next meeting pending submittal of the updated plan for Ms. Oakley's review.

The Board reviewed the draft resolution and requested amendments be made.

6. PRELIMINARY FLOODPLAIN VARIANCE REVIEW

A. 850 Rushmore Avenue, (Section 9, Block 97A, Lot 9) located in the R-15 Zoning District, Floodplain Variance Application, Recommended SEQRA Classification: Type II

The application is being made for a Floodplain Variance through the Planning Board for the 2nd story master suite and rear lounge addition. Installation of new windows, roof and siding around the entire residence. Project was approved by BAR 5/20/21. The applicant has retained a new architect and revised the architectural plans. Revised plans approved by BAR 11/01/22. Determination revised to include variance from floodplain requirements as per Village Code Chapter 186, Article 1, Section 6.

Ms. Goldstein is recused from this application, as she has a business relationship with the applicants. Mr. Bintzer is recused, as he has a business relationship with the architect.

Brian Crowley, R.A.:

- The renovation costs will constitute a substantial improvement
- The existing garage will be removed, a new 2-story garage with an elevated lounge and master suite above is proposed
- The proposed additions meet Village zoning and FEMA regulations
- The existing 1st floor is below the 2' elevation that it needs to be above
- The entire lot is within the 100-year floodplain
- We need a variance to not have to raise the 1st floor or remove the basement
- The project will not increase the existing non-conforming setback on the right hand side
- There aren't any tree removals proposed, 3 small trees will be relocated

Peter Catizone, P.E.:

- The driveway will be gravel
- Any flood storage removed on the left side will be compensated by additional flood storage in the driveway section
- We're taking away 36.2 cy, we're providing 41.5 cy

Mr. Kellard:

- My comments dealing with the site related aspects of the project have been addressed
- My comments regarding the waiver request are in my memo

Ms. Oakley:

- It's up to the Board to determine whether transplanting trees doesn't constitute removal
- The Code doesn't require replacement of removed trees less than 8"
- The tree protection should be consistent across all of the plans

Mr. Cutler noted that the authority of the Board regarding trees is for site plan and subdivision applications.

Ms. Desmond will draft a resolution for the next meeting.

On motion of Chair O'Rourke, seconded by Mr. Litman and carried, the project was classified as a Type II under SEQRA.

Ayes: Ms. Chinn, Mr. Litman, Chair O'Rourke

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Nays: None

Excused: Ms. Goldstein, Mr. Bintzer

7. ADJOURN MEETING

On motion of Chair O'Rourke, seconded by Ms. Chinn and carried, the meeting was adjourned at 10:47 p.m.

All in favor?

Aye.

Ms. Goldstein and Mr. Bintzer excused.