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Memorandum

To: Village of Mamaroneck Planning Board
From: Alicia Moore
Date: May 5, 2023
Re: 1025-1035 Seahaven Drive (Lot Line Adjustment)

AKRF, Inc. has not received new materials in connection with the above referenced application.

PROJECT DESCRIPTION

The Applicants, Samuel and Nathalie Orans, own two adjacent parcels and propose to adjust the property line between the two parcels, which are located at 1035 Seahaven Drive (SBL: 9-111-14) (**Lot A**) and 1025 Seahaven Drive (SBL: 9-111-15) (**Lot B**) in the R-20 district. The lot line adjustment would transfer **1,835.2 sf** from **Lot B** (currently 27,775.1 sf; proposed: 25,939.9 sf) to **Lot A** (currently 23,941.8 sf; proposed 25,777.0 sf). The combined acreage is 1.2 (51,716.9 sf). In addition to the transfer of square footage, the adjustment would correct the preexisting nonconforming side setback on **Lot B**, which is currently 19.5 feet, and as proposed, would be 20.1 feet. (The required minimum side setback in the R-20 district is 20 feet.) The parcels are each improved with single-family home, and **Lot A** also includes a swimming pool. No additional modifications or changes to existing structures are proposed. The Applicants own both parcels and reside on **Lot A**. The project requires Subdivision approval per § A348-20.

COMMENTS

This memorandum has been updated to reflect the information provided by the Applicant at the previous Planning Board meeting. Previous comments are shown in *italics*, new and follow-up comments are in **bold**.

1. *While no other modifications or construction are proposed as part of this application, the Planning Board may request that the Applicant explain the nature and purpose for the lot line adjustment.*

The Applicant explained that the purpose of the proposed lot line adjustment is to create more space on the parcel on which they reside, Lot A.

2. *The EAF includes a document titled, Figure 5A.35 Stabilized Construction Entrance. The Applicant should clarify the purpose of this document.*

This document may be ignored as irrelevant.

3. *As noted in the application, the proposed lot line adjustment would correct a preexisting nonconforming side setback on Lot B. The required minimum side setback in the R-20 district is 20 feet (342 Attachment 2). Currently, the side setback on Lot B is 19.5 feet. After the proposed lot line adjustment, the side setback would be 20.1 feet, bringing the lot into compliance with the zoning requirements.*

No further comment.

4. *The Building Permit application provides that the parcels are served by municipal sewer.*

No further comment.

5. *The reapportionment map shows that on Lot A, there is a wall along the perimeter of the driveway that runs concurrent with the existing property line. As a result of the lot line adjustment, a portion of that wall would be on the property of Lot B. An easement would therefore be required to grant Lot A the right to have that portion of the wall on Lot B's property. The reapportionment map includes an Easement Detail. The Planning Board may request additional information about the easement.*

As provided by the Planning Board's legal counsel, Abrams Fensterman, LLP, the easement is outside of the scope of the Planning Board's subdivision review and does not need to be considered.

6. *Proposed lot line adjustments are reviewed as subdivisions under the Village Code. Under Section A348-20, the subdivision plat is required to show the existing and proposed contours (topography) and the existing elevation (per § § A348-20B., E), which are not shown on the submitted reapportionment map. However, since the parcels are not in the floodplain, and no work is proposed, the Planning Board may waive these requirements.*

The Planning Board waived these requirements as unnecessary for this application.

7. *Village Code Section A348-21 provides the standards of consideration for approving subdivision plats. The standards generally consider the impact of the anticipated development of the parcels. As the subject parcels are already developed and no new construction is proposed, the standards may be less applicable here than they would to a standard subdivision project. Section A348-21 provides:*

A348-21 Standards of consideration.

- A. *In granting or withholding approval of such a subdivision plat, the Board will consider:*

- (1) *Whether there is adequate provision and access for a separate sewer connection and a separate water service line to each principal building to be erected on such lots, block or sites.*
- (2) *Method whereby such lots, blocks or sites are proposed to be drained.*
- (3) *Whether, in other respects, such lots, blocks or sites are of such a character and location that they can be used safely for the purpose and in the manner proposed without danger to health or peril from fire or other menace.*
- (4) *Whether there is any reasonable basis for assuming that a street will later be opened adjacent to any part of such lot and, if so, whether the proposed use might interfere with any such street or result in any noncompliance with the provisions of the Zoning Ordinance[1] in the event any such street is later opened.*

(5) Whether the proposed use will be in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the public health, safety and the general welfare.

B. In approving any such subdivision plat, the Board may impose such reasonable conditions and safeguards as it may deem appropriate.

No further comment.

8. *This application may be classified as a Type II Action under SEQRA §617.5(c)(16) – “granting of individual setback and lot line variances and adjustments.”*

The Planning Board so classified the application on 4/12/23.

RECOMMENDATION

At the May 10, 2023 Planning Board meeting, AKRF recommends that the Planning Board consider granting subdivision approval.