

**DRAFT** 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 planting area at the property known as 412 Munro Avenue,  
Village of Mamaroneck

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

**Date: May 10, 2023**

**WHEREAS**, an application was submitted by Archer Property Management (the “Applicant”), for site plan approval pursuant to Village Code Chapter 342, Section 75 and 76 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, and the area of disturbance is .03 acres; 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 dated August 19, 2022 which includes (1) an Adjoiner 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; and
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., enclosing:
  - a. Site Plan Materials as revised March 28, 2023, including (1) Adjoiner 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, and
  - b. Stormwater Pollution Prevention Plan (“SWPPP”) revised April 3, 2023; and
6. Letter dated April 28, 2023 from Catazione Engineering, P.C., enclosing Site Plan Materials as revised April 27, 2023, including (1) Adjoiner Map, (2) Overall Layout Plan, (3) Existing Conditions, Grading & Drainage, Erosion & Sediment Control Plan, (4) Tree Protection Plan, (5) Landscape Plan, and (6) Details; and

7. Letter dated May 1, 2023 from Catazione Engineering, P.C., enclosing Site Plan Materials as revised May 1, 2023, including (1) Adjoiner Map, (2) Overall Layout Plan, (3) Existing Conditions, Grading & Drainage, Erosion & Sediment Control Plan, (4) Tree Protection Plan, (5) Landscape Plan, and (6) Details; and
8. Letter dated May 2, 2023 from Catazione Engineering, P.C., enclosing Site Plan Materials as revised May 2, 2023, including (1) Adjoiner Map, (2) Overall Layout Plan, (3) Existing Conditions, Grading & Drainage, Erosion & Sediment Control Plan, (4) Tree Protection Plan, (5) Landscape Plan, and (6) Details.; and

**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 letters and revised Site Plan Materials to the Planning Board on April 12, 2023, April 28, 2023, May 1, 2023 and May 2, 2023 addressing the concerns and comments of the Planning Board’s consultants; and

**WHEREAS**, Kellard Sessions updated its September 9, 2022 memorandum on April 20, 2023, and noted that the Applicant had sufficiently addressed all the comments previously raised; 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

**WHEREAS**, TBLD reviewed the revised application materials submitted between April 12, 2023 and March 3, 2023, and after working with the Applicant, confirmed in its memorandum of March 3, 2023 that tree protection is indicated on the Site Plans, that a tree preservation plan was submitted as required under Village Code § 318-8D, that the scale of the Landscaping Plan was properly increased, and that the plant material selection was revised to include native plants that are shade tolerant and appropriately sized for the location; and

**WHEREAS**, on April 26, 2023 and May 10, 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, carpets, 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) In the event that any of the trees planted as required by the Tree Preservation Plan do not survive then they shall be replaced at the Applicant's expense in perpetuity.
- 2) Any necessary tree root pruning shall follow the ANSI A300 Tree Care Industry Standards.
- 3) The applicant shall furnish copies of the approvals for the proposed water service and sewer connection prior to obtaining a Building Permit.
- 4) All demolition materials shall be removed from the project site and disposed of in accordance with Federal, State and Local Regulations.
- 5) 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