

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

Approving the Application of Danielle & Christopher Abele for a coastal permit and special  
permit to renovate their existing home located at 350 Ward Avenue  
in the Village of Mamaroneck

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

**Date: April , 2023**

**WHEREAS**, an application was submitted by Danielle & Christopher Abele (the “Applicant”), for a special permit pursuant to §§ 240-30, 341-31.A(1)(d) and 342-50 of the Code of the Village of Mamaroneck (the “Code”) to perform renovations to their home located at 350 Ward Avenue (Section 9, Block 12, Lot 29A); and

**WHEREAS**, the site is a 5,518 square feet (0.126 acres) lot with several preexisting nonconformities located in the C-2 commercial zoning district, and the project involves the removal of an existing roof and attic, the addition of a new second floor to their one-story single family residential building erected in 1887, and the addition of off-street parking; and

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

1. Special Permit Application signed by the Applicant June 19, 2022,
2. Site Plan by Group Designs LLC dated February 9, 2022,
3. Short Environmental Assessment Form signed June 26, 2022,
4. Planning Board Application signed June 16, 2022,
5. Building Permit Application signed June 16, 2022,
6. Architectural drawings by Group Designs LLC dated March 5, 2021,
7. Engineering Plans by Hudson Engineering & Consulting P.C.,
8. Building determination letter dated July 22, 2022,
9. Revised Site Plans and Proposed Elevations dated August 22, 2022,
10. Survey performed by TC Merritts Land Surveyors prepared January 14, 2022, and
11. Letter dated March 8, 2023 from Group Designs LLC enclosing an update site plan materials, including a zoning chart and notations recommended by the Zoning Board of Appeals; and

**WHEREAS** the Building Department of Village of Mamaroneck reviewed the application, and determined that the project triggered the special permit requirements under §§ 240-30 and 342-50 of the Code because the site is located within 50 feet of the Mamaroneck River, and the property is a residential unit in a commercial zoning district, and also required variances from the Zoning Board of Appeals (“ZBA”) and review by the Board of Architectural Review; and

**WHEREAS**, on September 14, 2022, the Applicant appeared for a preliminary site plan review before the Village of Mamaroneck 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)(11), and referred the application to the Zoning Board of Appeals (“ZBA”) for the required variances; and

**WHEREAS**, the Applicant appeared before the ZBA for the necessary variances for the nonconforming dwelling within the C-2 zoning district and for an off-street parking space, a public hearing was opened on November 3, 2022, continued December 29, 2022, and closed January 5, 2022, and having deliberated on the application during its February 2, 2023 meeting, the ZBA granted the necessary variances to Applicant (ZBA resolution is attached hereto); and

**WHEREAS**, the Board’s engineering consultant, Kellard Sessions, reviewed the application materials and commented in a letter dated September 9, 2022 and updated March 27, 2023 that the Applicant should clarify why the detail sheet contains two different pavement restoration details within the Village right-of-way, that the Applicant should confirm that a six inch diameter pipe has sufficient capacity for the anticipated runoff, and noted that the Applicant will require a Road Opening Permit with the Village Department of Works prior to starting work on the drainage improvements; and

**WHEREAS**, the Board’s landscaping consultant, Terra Bella Land Design (“TBLD”), reviewed the Applicant’s plans and in a memorandum dated September 9, 2022, noted that the location of the storage area should be moved to protect the existing row of pine trees at the rear of the site, and that an existing deciduous tree needed to be added to the plans; and

**WHEREAS**, the Board’s planning consultant, AKRF, reviewed the application materials and in a memorandum dated April 21, 2023, noted that the project meets the additional special permit requirements under § 342-50F which were not previously addressed by the ZBA, meets the special permit requirements under § 240-30 of the Code because the proposed constriction cannot reasonably be located outside the 50-foot buffer from the mean high-water line of the Mamaroneck River, and pointed out the suggested green building elements on Applicant’s plan to meet the requirements of § 342-50B of the Code; and

**WHEREAS**, on March 22, 2023, the applicant returned to the Board, at which time a public hearing on the Application was set for April 26, 2023;

**WHEREAS**, on April 26, 2023, the Board opened the public hearing where members of the public were invited to comment on the project, the Applicant addressed questions raised by Board, and the Planning Board thoroughly reviewed the revised application materials, comments from its consultants and the public, and the applicable standards and criteria, and determined that its review of the Application is complete, and

**WHEREAS**, having deliberated on the Application with regard to the special permit requirements under §§ 240 and § 342-50F of the Code for construction within the 50-foot buffer zone of the Mamaroneck River, the Board determined (consistent with the ZBA’s determination of the same) that the Applicant meets those requirements and has demonstrated to the Board’s

satisfaction that the project cannot reasonably be located elsewhere on the property, that the proposed project satisfies the green building requirements per § 342-50B(4) of the Code, and further noted that the Applicant does not propose enlarging the dwelling's footprint; and

**NOW, THEREFORE, BE IT RESOLVED** that the Application is a Type II action pursuant SEQRA regulations found at 6 NYCRR § 617.5(c)(11) which provides that the "construction or expansion of a single-family, a two-family or a three-family residence on an approved lot" are Type II actions under the New York State Department of Environmental Conservation regulations; and

**BE IT FURTHER RESOLVED** that the Board hereby grants the Applicant the necessary special permit subject to the following conditions:

**Conditions**

- 1) Applicant shall clarify the issues noted in the September 9, 2022 letter from Kellard Sessions.
- 2) Applicant shall move the storage area to protect the existing row of pine trees at the rear of the site and add the existing deciduous tree to the site plans, as noted in the September 9, 2022 TBLD letter.
- 3) Tree care standards shall be on all construction documents.
- 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:

---

Seamus O'Rourke, Chair