



**VILLAGE OF MAMARONECK  
PLANNING BOARD MEETING MINUTES  
WEDNESDAY MAY 10, 2023 7:00 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 May 10, 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-05-10-23/](https://lmcmedia.org/videos_list/village-of-mamaroneck-planning-board-meeting-05-10-23/)

**PLEASE BE ADVISED**, that the next Meeting of the Planning Board of the Village of Mamaroneck is scheduled for May 24, 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  
BRITTANIE O’NEILL – VILLAGE LAND USE SECRETARY  
GREG CUTLER – VILLAGE PLANNER  
COREY BLOCK – VILLAGE CONSULTING PLANNER**

**EXCUSED:** **CAROLINA FONSECA – VILLAGE BUILDING INSPECTOR  
JAMES CONTINI – VILLAGE ASST. BUILDING INSPECTOR  
SUSAN OAKLEY – VILLAGE LANDSCAPE CONSULTANT**

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 7:03 p.m.**

**All in favor?**

**Aye.**

**Excused: None**

**1. APPROVAL OF MINUTES**

- A. The Board reviewed the minutes from the meeting held on April 26, 2023.

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

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

**Nays: None**

**Excused: None**

**2. ADMINISTRATIVE ACTION**

- A. 652 Shore Acres Drive, (Section 4, Block 67, Lot 5B) located in the R-10 Zoning District**

Request for extension of the Site Plan and Wetlands Permit approvals set to expire on May 31, 2023.

Kristen Motel, Esq.:

- A temporary CO was issued for the project on May 8, 2023
- A condition of the approval was that work be done within 2 ½ years, which will be in mid November
- We're requesting a 1-year extension in case the work isn't completed by November

Kevin Schultz, Esq., representing the neighbors to the east of the property (The Tobiases)

- We've submitted a letter
- What's there isn't consistent with what was approved
- There's more rain runoff on the Tobias' property
- The garage is completely destroyed despite being told it would be altered
- There are zoning concerns with what's been built

Ms. Desmond noted that the Board has been named in the lawsuit and won't engage in the back and forth.

Chair O'Rourke noted that it's the Board's job to approve the site plan and the Building Department's job for enforcement.

**On motion of Ms. Goldstein, seconded by Mr. Bintzer and carried, the Board granted a 1-year extension of the approvals.**

**Ayes: Ms. Chinn**

Mr. Litman stated that he would like to hear from the Building Department as to whether the objection is valid. He suggested going into Executive Session with Ms. Desmond.

The vote on the motion was suspended.

**On motion of Ms. Goldstein, seconded by Chair O'Rourke and carried, the Board entered into Advice of Counsel at 7:20 pm.**

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

**Nays: None**

**Excused: None**

DRAFT

**On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board returned from Advice of Counsel at 7:35 pm.**

**All in favor?**

**Aye.**

**None excused.**

**Continuation of previous vote to grant the extension.**

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

**Nays: None**

**Excused: None**

### **3. 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.

The Board discussed the draft resolution and requested amendments.

**On motion of Mr. Litman, seconded by Ms. Goldstein and carried, the Board adopted the resolution as amended.**

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

**Nays: None**

**Excused: None**

### **4. SUBDIVISION REVIEW – PUBLIC HEARING**

**A. 1025-1035 Seahaven Drive, (Section 9, Block 111, Lots 14/15) located in the R-20 Zoning District, Subdivision Application, Recommended SEQRA Classification: Type II**

The applicant seeks subdivision approval for the lot line adjustment between two parcels of single ownership, resulting in the transfer of 1,835.2 sf from 1035 Seahaven Drive (Lot B) to 1025 Seahaven Drive (Lot A). The lot line adjustment would correct the pre-existing non-conforming side setback on Lot B as per Village Code Chapter A348, Article VI, Section 20.

Andrew Spatz, Esq. represented the applicant. He didn't have any new information.

Chair O'Rourke noted that AKRF's updated memo notes that everything is complete. There aren't any Kellard Sessions or Terra Bella memos.

**On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board opened the public hearing.**

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

**Nays: None**

**Excused: None**

There was no public comment.

DRAFT

**On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board closed the public hearing.**

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

**Nays:** None

**Excused:** None

The Board discussed the draft resolution and requested amendments.

**On motion of Mr. Litman, seconded by Ms. Goldstein and carried, the Board adopted the resolution as amended.**

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

**Nays:** None

**Excused:** None

## **5. PRELIMINARY WETLANDS PERMIT REVIEW – PUBLIC HEARING**

### **A. 561 Lawn Terrace, (Section 4, Block 60F, Lot 99) located in the R-7.5 Zoning District, Recommended SEQRA Classification: Type II**

The applicant seeks a Wetlands Permit to construct a 42" by 3' by 6' reinforced concrete landing, a 42" by 38' aluminum ramp, an 8' by 25' timber floating dock and three 12" diameter steel floating anchor pilings as per Village Code Chapter 192, Section 4.

John Hilts, agent:

- The HCZMC hasn't granted consistency as they're waiting for your resolution
- At the HCZMC's request, a surveyor placed stakes at the corners of the proposed location
- Members of the HCZMC made a site visit and determined that it was ok in keeping with the adjacent docks

Chair O'Rourke noted that the project isn't in Ms. Oakley's purview, as per her memo. Mr. Kellard noted that he hasn't commented on the application as there's no upland disturbance.

Mr. Hilts:

- He explained the construction sequence
- We've received permits from the DEC, Army Corps, DOS Coastal Consistency and a letter from OGS stating that a permit isn't necessary

**On motion of Ms. Goldstein, seconded by Mr. Litman and carried, the Board classified the application as a Type II under SEQRA.**

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

**Nays:** None

**Excused:** None

**On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board opened the public hearing.**

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

**Nays:** None

**Excused:** None

There was no public comment.

DRAFT

**On motion of Chair O'Rourke, seconded by Ms. Goldstein and carried, the Board closed the public hearing.**

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

**Nays: None**

**Excused: None**

The application was adjourned pending the HCZMC approval. Counsel will prepare a draft resolution.

## **6. SITE PLAN REVIEW**

### **A. 572 Van Ranst Place, (Section 8, Block 88, Lot 15B) located in the R-M3 Zoning District, SEQRA Classification: Unlisted (Planning Board adopted Negative Declaration on 7/27/22).**

The applicant seeks site plan approval for the construction of a five-story building including 10 residential apartment units and an on-grade parking structure for 12 parking spaces as per Village Code Chapter 342, Articles 27.1 and 75, Sections A, B and E.

Kristen Motel, Esq.:

- She summarized the application
- The ZBA has approved 8 area variances
- The HCZMC has issued a Consistency Determination
- We've corrected the comment on Terra Bella's memo

Mr. Kellard stated that all of his comments have been addressed. There will be a slight increase in flood volume.

Ms. Moore noted that her updated memo recaps the granted ZBA variances and the HCZMC Consistency Determination.

Counsel will prepare a draft resolution for the next meeting.

## **7. 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 2<sup>nd</sup> 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 and Mr. Bintzer are recused from this application, as stated at the previous meeting.

Chair O'Rourke noted that there aren't any updated memos from Kellard Sessions or Terra Bella.

DRAFT

Mr. Catizone noted that he has provided comments for the previous memos from Kellard Sessions and AKRF.

Chair O'Rourke noted that Ms. Oakley isn't satisfied with the plans. However, this application is for a floodplain variance, not site plan approval.

Mr. Kellard confirmed that his comments have been addressed.

The Board discussed the draft resolution and requested amendments.

**On motion of Chair O'Rourke, seconded by Mr. Litman and carried, the Board adopted the resolution as amended.**

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

**Nays: None**

**Recused: Ms. Goldstein, Mr. Bintzer**

## **8. ADJOURN MEETING**

**On motion of Chair O'Rourke, seconded by Ms. Chinn and carried, the meeting was adjourned at 9:08 p.m.**

**All in favor?**

**Aye.**

**Ms. Goldstein and Mr. Bintzer excused.**