

THE VILLAGE OF MAMARONECK PLANNING BOARD
RESOLUTION ON SUBDIVISION APPROVAL for
308 MELBOURNE AVENUE (SECTION 4, BLOCK 55, LOT 6)

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VILLAGE OF MAMARONECK
NEW YORK

Date of Approval: April 23, 2025

Expiration Date: October 22, 2025 (180 Days)

WHEREAS, the Applicant seeks Planning Board approval pursuant to Chapter A348 of the Code of the Village of Mamaroneck (the "Village Code") in connection with its application to subdivide the existing 23,947 sf lot located at 308 Melbourne Avenue in the R-5 zoning district, resulting in two lots, sized 13,765 sf (Lot 1) and 10,182 sf (Lot 2) (collectively the "Project"); and

WHEREAS, the property is currently improved with a 2.5-story 3,320 sf single-family home, pool, and accessory improvements, which would remain on Lot 1, a portion of the existing driveway extends into the proposed Lot 2, Lot 2 is otherwise vacant, and no work is currently proposed on Lot 2; and

WHEREAS, the application materials for subdivision approval are on file at the Village Offices and consist of the following documents:

1. Original Building Permit Application dated May 15, 2023.
2. Survey by Spinelli Surveying dated July 21, 2010 and updated February 28, 2023.
3. Engineer's Report (SWPPP) for Young Residence dated October 25, 2023.
4. Village of Mamaroneck Building Determination Letter dated December 14, 2023.
5. Village of Mamaroneck Subdivision Planning Board Application signed January 23, 2024.
6. Short Environmental Assessment Form dated January 23, 2024.
7. Building Permit Application signed January 24, 2024.
8. Engineer's Report (SWPPP) for Lot 1 dated June 25, 2024, revised October 2, 2024, November 26, 2024, March 30, 2025, and April 15, 2025.
9. Engineer's Report (SWPPP) for Lot 2 dated June 25, 2024, revised October 2, 2024 and November 27, 2024.
10. Architectural Plans prepared by EnviroSpace Architecture dated April 11, 2023, revised June 4, 2024, and October 28, 2024.
11. Tree Removal, Protection, Planting, Preservation Plan dated March 20, 2024, revised May 29, 2024, June 10, 2024, July 9, 2024, December 23, 2024, March 31, 2025 & April 14, 2025.
12. Tree Planting Plan dated March 31, 2025 and updated April 10, 2025.
13. Tree Law Compliance Check List.
14. Tree Evaluation Report prepared by Michal J. Nowak, Arborist, dated May 10, 2024, revised May 29, 2024 and June 11, 2024.
15. Tree Report prepared by Michal J. Nowak, Arborist, dated March 31, 2025.
16. Subdivision Plat prepared by Spinelli Surveying completed February 27, 2025.
17. Site Plan and Construction Details dated August 4, 2023, updated April 15, 2024, June 25, 2024, August 27, 2024, September 25, 2024, October 24, 2024, November 21, 2024, and April 15, 2025 prepared by Christopher S. Utschig, P.E.
18. Letters from EnviroSpace Architecture dated January 22, 2024, June 26, 2024, August 28, 2024, October 3, 2024, October 30, 2024, and April 1, 2025.

19. Letter from Christopher S. Utschig, P.E. dated June 26, 2024 and October 2, 2024.
20. Written comments submitted to the Planning Board dated January 8, 2025, March 11, 2025, and April 14, 2025.
21. Letter to the Planning Board from Applicant's counsel, Dorf Nelson & Zauderer LP dated March 19, 2025.
22. Letter from Mamaroneck Historical Society to the Planning Board dated March 28, 2025.
23. Application Summary Sheet prepared by AKRF dated February 28, 2024 and revised July 10, 2024.
24. Memorandum prepared by AKRF dated July 8, 2024.
25. Memoranda from the Village Director of Planning and Development dated February 23, 2024 and December 11, 2024.
26. Memoranda from Village Landscape Consultant, Terra Bella Land Design, dated February 22, 2024, July 3, 2024, January 6, 2025, March 6, 2025, March 19, 2025, April 10, 2025 and April 18, 2025.
27. Memorandum from KSCJ, Village Engineering Consultant, dated February 28, 2024 and updated July 10, 2024, January 8, 2025, March 12, 2025, and April 15, 2025.
28. State Environmental Quality Review ("SEQR") Notice of Determination of Significance dated July 10, 2024 and filed July 18, 2024.
29. Draft SEQR Notice of Determination of Significance dated July 10, 2024.
30. HCZMC Application signed July 15, 2024.
31. Coastal Assessment Form signed August 28, 2024.
32. HCZMC Resolution on Consistency dated December 11, 2024; and

WHEREAS, the Applicant appeared before the Planning Board for a preliminary subdivision review on February 28, 2024, and the Planning Board declared its intent to be Lead Agency under SEQRA; and on July 10, 2024, the Planning Board declared itself lead agency and adopted a negative declaration after determining that the project will not have a significant adverse environmental impact and referred the application to the Harbor & Coastal Zone Management Commission ("HCZMC") for consistency review; and

WHEREAS, to satisfy the requirements regarding adequate drainage and address concerns raised by the public, the Planning Board requested, and the Applicant submitted, a hypothetical SWPPP and buildout for Lot 2 based upon maximum permitted FAR but less than maximum permissible lot coverage; and

WHEREAS, the Planning Board acknowledges that the hypothetical SWPPP will not be valid for an actual development on Lot 2, and a new SWPPP will be required and must be approved for any future land development on Lot 2; and

WHEREAS, on December 11, 2024 the HCZMC determined that the Project is consistent, to the maximum extent practicable, with policies of the LWRP and will not substantially hinder the achievement of any of the policies set forth therein, basing its decision on evidence showing a compliant SWPPP could be crafted for development of a single-family residence on Lot 2; and

WHEREAS, on January 8, 2025, the Applicant returned to the Planning Board for subdivision review, presented the project, the Planning Board opened the public hearing where members of the public expressed concerns which were primarily related to flooding and the

impact of additional development in the area, the Planning Board deliberated, and the public hearing was left open; and

WHEREAS, the Village Director of Planning and Development advised that the proposed subdivision conforms to the existing zoning and is consistent with the development pattern along Melbourne Avenue and the surrounding area, and that application will require moving the existing driveway and creating a new curb-cut; and

WHEREAS, Terra Bella Land Design suggested in its memorandum of March 19, 2025, that the driveway entrance be moved to the south so that no excavation would occur within the drip line of existing street tree, noted that tree protection is required during all phases of excavation and construction, and advised that a Tree Preservation Plan is required; and

WHEREAS, KSCJ in its memorandum dated March 12, 2025, requested details for the three proposed infiltration practices to confirm conformance with the regulations, directed the Applicant to revise the chart for Test Pit #2 with consistent units of measurement, and revise the site plan for Lot 1 to provide the correct increase in impervious surface; and

WHEREAS, on March 26, 2025, the applicant returned to the Planning Board, and discussed with the Board and its consultants outstanding issues, in particular the need to redesign the infiltration system for Lot 1, and accommodating a Village street tree by moving the proposed driveway on Lot 1 further to the south, and the Planning Board reviewed and discussed a proposed resolution; and

WHEREAS, also on March 26, 2025, the Planning Board continued to hear public comments on the subdivision application, which primarily addressed flooding concerns, preservation of the historic character of the neighborhood, and subdivision approval requirements; the Applicant was directed to address open items with further submittals; and the public hearing was left open to continue April 14, 2025; and

WHEREAS, on April 14, 2025, the Applicant again appeared before the Planning Board; the Applicant discussed revised plans which addressed the comments in the March 12, 2025 KSCJ memorandum and KSCJ confirmed that the proposed changes to the infiltration system are satisfactory; the Applicant's arborist gave his professional opinion that the Village street tree on Lot 1 closest to Lot 2 is failing, will need to be removed, and therefore determined that moving the driveway on Lot 1 further south as previously discussed was not preferred by the applicant; the public hearing continued at which time all remaining interested parties were heard; and the Planning Board closed the Public Hearing; and

WHEREAS, the Applicant returned to the Planning Board on April 23, 2025 and the Board determined that it had sufficient information to vote on the application; and

WHEREAS, the Planning Board has carefully reviewed the proposed subdivision plat, supporting documents submitted by the Applicant, considered comments from the public expressed during the public hearing and submitted in writing, and the input from its consultants and staff; and

WHEREAS, having deliberated on the application and fully considered the relevant factors set forth in Chapter A348 Articles V and VI of the Village Code, which includes consideration of site drainage, public health and safety, impact on existing infrastructure, whether the proposed use

could interfere with traffic and future street development, and consistency with the intent of the Village Code zoning provisions, the Planning Board determined that such standards and criteria have been satisfied conditional on the items listed below; and

NOW, THEREFORE, BE IT RESOLVED, on motion by William Binzer and seconded by Helen Rafferty, that the application for approval of a subdivision plat is approved subject to compliance with the following conditions, which unless otherwise specified, must be satisfied prior to the signing of the final plat by the Planning Board Chair:

1. The Applicant must pay all outstanding consultant and professional review fees in connection with the Planning Board's review of the application.
2. The Applicant must pay a fee-in-lieu of recreation in the amount of \$8,500 to be deposited in a Village trust fund to be used by the Village exclusively for park, playground or other recreational purposes.
3. The subdivision plat must bear the required endorsement from the Westchester County Department of Health.
4. The Applicant must complete the proposed removal and replacement of the tree on Lot 1.
5. The Applicant must obtain written confirmation from the Building Department that the proposed driveway with open parking in the front yard of Lot 1 is acceptable pursuant to § 342-54(B)(1) of the Village Code.
6. Applicant must revise plans to include curb cuts and construction detail on proposed driveway for Lot 1.
7. The Applicant must obtain approval for the removal of the twin-trunked Village street tree, and tree must be removed.
8. The Applicant must install the new driveway on Lot 1 as proposed, including the installation of the infiltration system, as substantiated by final inspection and closed building permit.
9. Planning Board site plan approval and compliance with the Village stormwater requirements will be required for the development of Lot 2. This requirement shall be written on the Plat.

VOTE RECORD				
RESOLUTION RE: SUBDIVISION APPROVAL FOR 308 MELBOURNE AVENUE				
APRIL 23, 2025				
	Yes	No	Abstain	Absent
Seamus O'Rourke	x			
Helen Rafferty	x			
Mary Shiffer			x	
Richard Litman				x
William Bintzer	x			


Seamus O'Rourke, Chair