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SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD

TARRYTOWN, NEW YORK 10591

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WRITER'S E-MAIL ADDRESS

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MICHAEL SHERIDAN (NY/NJ)
DAVID KENNY (NY/NJ)

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(1956-2012)

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown Office

January 21, 2025

Ms. Brittanie O'Neill
Land Use Boards Coordinator
Village of Mamaroneck
169 Mount Pleasant Avenue, 3rd Floor
Mamaroneck, NY 10543

Re: Appeal of Issuance of Building Permit
1011 Greacen Point Road, Mamaroneck, NY

Dear Ms. O'Neill:

We represent Francesca Ortenzio, MD and Jakub "Kuba" Tatka, MD, the owners of the property at 1019 Greacen Point Road, regarding their appeal of the issuance of the building permit in connection with the property located at 1011 Greacen Point Road.

In furtherance of the foregoing, and in connection with the February 6, 2024, Zoning Board of Appeals meeting, enclosed please find:

1. Sworn Statement Verifying Placement of Required Sign and Proof of Mailing;
2. Green certified mailing receipts;
3. 200ft notice list and radius map;
4. Copy of notice mailed to neighbors; and
5. Photographs of notice sign.

If you have any questions, please do not hesitate to contact me. We look forward to discussing this matter with the Board of Zoning Appeals at the February 6th meeting.

Very truly yours,



Robert D. Gaudioso



VILLAGE OF MAMARONECK
PLANNING DEPARTMENT

169 Mt. Pleasant Avenue,
Mamaroneck, NY 10543

Phone: (914) 825-8758
www.village.mamaroneck.ny.us/planning-department

Sworn Statement Verifying Placement of Required Sign & Proof of Mailing

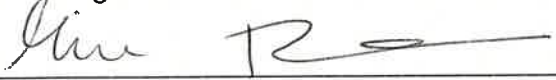
State of New York
County of Westchester

Gina Ruotolo of
Snyder & Snyder, LLP, being duly sworn, deposes and says:

That I am the: ☐ Applicant ☒ Agent ☐ Other (specify _____)

of the above referenced application to a Land Use Board of the Village of Mamaroneck with
respect to the property located at: 1011 Greacen Point Road

and designated on the tax assessment roll of the Village of Mamaroneck as, Section 9,
Block 49 and Lot(s) 12, and that I have placed the required notification sign and
sent the required mailing notice in accordance with the provisions of Chapter 372 of the Code
of the Village of Mamaroneck.

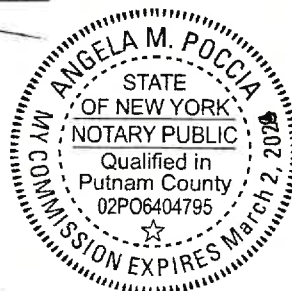


Signature

Sworn to before me this 21st day of JANUARY, 2025


Notary Public

SS:



7099 3400 0002 9637 8012

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Stare Ortensio, Francesca
1019 Greacen Point Rd
Mamaroneck, NY 10543

for Instructions

7099 3400 0002 9637 8043

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Zola, Neil and Corrine
1000 Greacen Point Rd
Mamaroneck, NY 10543

for Instruction

7099 3400 0002 9637 7954

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Schnur Daniel and Debbie
937 Greacen Point Rd
Mamaroneck, NY 10543

for Instructions

7099 3400 0002 9637 7985

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Greenblatt, Josh and Vivian
943 Greacen Point Rd
Mamaroneck, NY 10543

for Instruction

7099 3400 0002 9637 7893

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Coleman, Ron and Becca
1030 Greacen Point Rd
Mamaroneck, NY 10543

for Instructions

7099 3400 0002 9637 7923

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Weinstein, Pierre and Caroline
1010 Greacen Point Rd
Mamaroneck, NY 10543

Instruction

7099 3400 0002 9637 7831

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Name: **Cohen, Benjamin**
Street: **1115 Greacen Point Rd**
City, S: **Mamaroneck, NY 10543**

PS Form 3800, June 2005 (Instructions on Reverse)

7099 3400 0002 9637 7862

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Name: **Porat, Lauren E and Sam**
Street: **1014 Greacen Point Rd**
City: **Mamaroneck, NY 10543**

PS Form 3800, June 2005 (Instructions on Reverse)

7099 3400 0002 9637 7749

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Name: **Girvin, Robert M**
Street: **940 Greacen Point Rd**
City: **Mamaroneck, NY 10543**

PS Form 3800, June 2005 (Instructions on Reverse)

7099 3400 0002 9637 7770

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Name: **Khaw Christopher**
Street: **840 Pirates Cv**
City: **Mamaroneck, NY 10543**

PS Form 3800, June 2005 (Instructions on Reverse)

7099 3400 0002 9637 7800

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Name: **Shapiro, Jason S**
Street: **930 Orienta Ave**
City: **Mamaroneck, NY 10543**

PS Form 3800, June 2005 (Instructions on Reverse)

Zola, Neil
1000 Greacen Point Rd
MAMARONECK, NY10543

Stare Ortenzio, Francesca
1019 Greacen Point Rd
MAMARONECK, NY10543

Prouve, Cedric
943 Greacen Point Rd
MAMARONECK, NY10543

Schnur, Daniel
937 Greacen Point Rd
MAMARONECK, NY10543

Weinstein, Pierre
1010 Greacen Point Rd
MAMARONECK, NY10543

Prouve, Cedric
943 Greacen Point Rd
MAMARONECK, NY10543

Stare Ortenzio, Francesca
1019 Greacen Point Rd
MAMARONECK, NY10543

Prouve, Blanca
943 Greacen Point Rd
MAMARONECK, NY10543

Coleman, Charles T
1030 Greacen Point Rd
MAMARONECK, NY10543

Porat, Lauren E
1014 Greacen Point Rd
MAMARONECK, NY10543

Cohen, Benjamin
1115 Greacen Point Rd
MAMARONECK, NY10543

Schnur, Daniel
937 Greacen Point Rd
MAMARONECK, NY10543

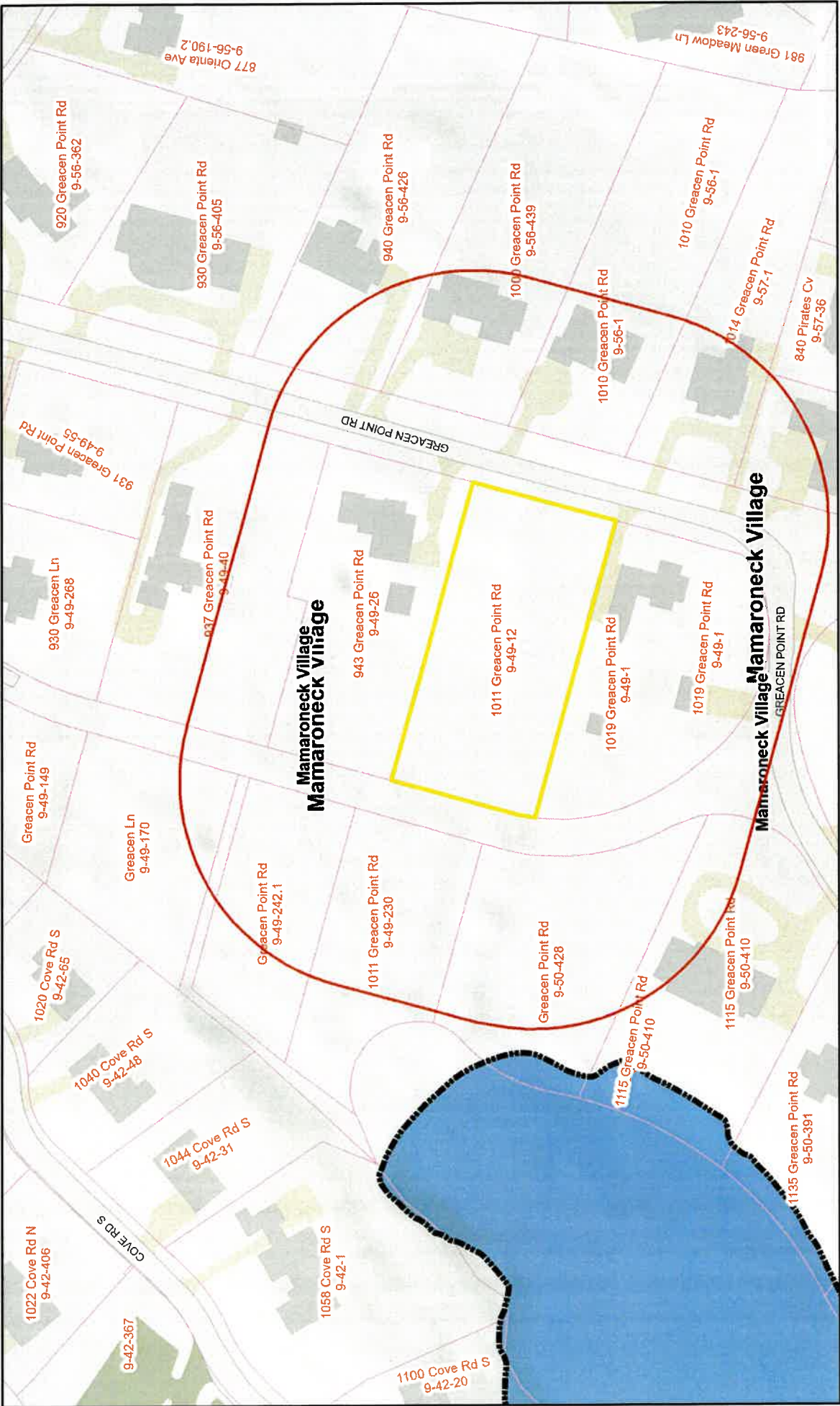
Khaw, Christophe
840 Pirates Cv
MAMARONECK, NY10543

Girvin Robert M
940 Greacen Point Rd
MAMARONECK, NY10543

Prouve, Blanca
943 Greacen Point Rd
MAMARONECK, NY10543

Shapiro Jason S
930 Orienta Ave
MAMARONECK, NY10543

1011 Greacen Point Rd. ID: 9-49-12 (Mamaroneck Village)



January 3, 2025

1:1,500

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.



**VILLAGE OF MAMARONECK
PLANNING DEPARTMENT**

*169 Mt. Pleasant Avenue,
Mamaroneck, NY 10543*

*Phone: (914) 825-8758
www.village.mamaroneck.ny.us/planning-department*

Neighbor Notification of Land Use Board Application

PLEASE TAKE NOTICE that the following application is scheduled to appear before the
Zoning Board of Appeals
of the Village of Mamaroneck, NY for a public meeting/hearing.

Project Location: 1011 Greacen Point Road

Project Scope: Appeal of Building Permit #24-0008

See attached determination letter for a detailed description of work and list of other required
land use board approval(s), if applicable.

DATE OF FIRST BOARD MEETING: 2/6/2025

TIME: 7:30 PM

LOCATION: 169 MT. PLEASANT AVE. MAMARONECK, NY 10543 – COURTROOM

SIGNATURE OF APPLICANT OR AGENT:

DATE:

Notifications must be mailed to all property owners of record within the 200 ft radius of the
property which is the subject of the public meeting/hearing by certified mail at least 10 days
prior, in accordance with Village Code.

The complete and accurate copy of the application submitted is available to download at the
following web address: <https://mamaroneck.novusagenda.com/agendapublic/> . In addition,
this application can be viewed at the Village of Mamaroneck Planning Department located at
169 Mt. Pleasant Ave, Mamaroneck, New York 10543 (3rd floor) Monday-Friday 10-4.

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(1956-2012)

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NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:

Tarrytown office

December 16, 2024

Honorable Chair Robin Kramer and
Members of the Zoning Board
Village of Mamaroneck
169 Mount Pleasant Avenue
Mamaroneck, NY 10543

Re: Appeal of Issuance of Building Permit
1011 Greacen Point Road, Mamaroneck, NY

Honorable Chair and Members of the Zoning Board:

We represent Francesca Ortenzio, MD and Jakub "Kuba" Tatka, MD ("Appellants"), the owners of the property at 1019 Greacen Point Road, and we write to respectfully appeal ("Appeal") the issuance of the building permit ("Building Permit") in connection with the property located at 1011 Greacen Point Road ("Property").

Pursuant to NYS Village Law Sec. 7-712-a(6), the Appeal stays the Building Permit and any work commenced will be illegal.

NYS Village Law Sec. 7-712-a(6) states:

Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

We respectfully request that the Village stay the Building Permit and notify the owners of the Property immediately to avoid the need for a temporary restraining order.

The Appellants own the property directly adjoining the Property and will be aggrieved by the work proposed under the Building Permit.

In furtherance of the Appeal, enclosed please find a check in the amount of the \$195.00 representing the appeal fee, a check in the amount of \$1,000.00 representing the escrow fee, and six (6) copies of the following documents:

1. Zoning Board of Appeals application form;
2. FOIL requests dated October 2, 2024, which the Village has not yet complied with, and December 13, 2024 (collectively, "FOIL Requests"); and
3. Request for Determination filed with the Building Department dated October 31, 2024 ("Request for Determination"), which has not been addressed.

As you may be aware, the Building Permit approves a 12,000-square-foot house with a pool. A foundation wall ("Foundation Wall") is proposed within one foot of the Property line, looming over our clients' property and driveway. The location and height of the Foundation Wall is a clear public health, safety, and welfare hazard to persons and cars, which may topple over the wall and plummet onto our clients' active driveway. We reserve the right to amend this appeal upon receiving a response to the FOIL Requests and review of the final plans.

The Foundation Wall is necessary to support the proposed oversized house and driveway that have been significantly elevated based on the environmental constraints on the Property (including relatively small lot size, floodplains and wetlands) and the desire of the owner to have a golf simulator in the basement. The Foundation Wall is a component of the house necessary to raise the elevation and the elevated driveway leading to the three-car garage facing our clients' property.

The Foundation Wall was not detailed on the approved Site Plan. In fact, the Planning Consultant during the review process noted that the Foundation Wall would be only four feet in height. *See* Memorandum from John Kellard, P.E. to the Planning Board and Building Inspector, dated May 8, 2024, attached as Exhibit 1 to the Request for Determination ("Village Planner Memo"). Given the proposed height, the Foundation Wall requires a barrier or fence to keep persons and vehicles from falling over the Foundation Wall and onto my clients' driveway. *See* Comment 4 of the Village Planner Memo. Thus, the SEQRA Determination and Site Plan approval did not contemplate the location, height and overall scale of the Foundation Wall, and a new SEQRA determination is required as well as Amended Site Plan approval.

Moreover, given the location of the Foundation Wall, a side yard setback variance is required because it is a "Structure" and "Building" as defined by the Village Code and thus must be set back twenty feet from the Property line. A 19-foot setback variance is required and has not yet been obtained. Moreover, a height variance may be required based on the wall's height including the necessary barrier.

Specifically, Note 11 of the Village of Mamaroneck Bulk table states: "Every accessory *building or structure* shall conform in all respects to the minimum front and *side yard setbacks* applicable to the lot in question and shall not be located closer than six feet to the rear lot line." (Emphasis supplied). The term "building" is defined as: "Any structure having a roof supported by columns or by walls and intended for shelter, housing, protection or enclosure of persons, animals or property. Depending upon its applicability, the use herein of 'building' shall include the term 'structure.'" The term "structure" is defined as: "Anything constructed, erected or installed the use of which requires location on or under the ground level, in whole or in part, or attachment to something having location on or under the ground. Depending upon its applicability, the use herein of 'structure' shall include the term 'building.'" Accordingly, the Foundation Wall is clearly an essential part of the "building," and absolutely a "structure" that must meet the 20-foot side yard setback. Even if the Foundation Wall is somehow considered an architectural feature, it is non-compliant and requires a variance pursuant to Section 342-14.A of the Zoning Code.

Section 342-14.C of the Zoning Code states: "Fences, walls or retaining walls shall be constructed with the finished side facing outward from the property, and **shall not exceed six feet in height**, except:

- (1) On a corner parcel, placed beyond the front or side building lines, they shall not exceed four feet in height.
- (2) An additional six inches in height may be allowed, at the discretion of the Building Inspector, to provide for necessary distance between the grade and the bottom of the fence, for greater flexibility in mounting.
- (3) Where required pursuant to Article XI.
- (4) Where approved in conjunction with a special permit granted under Article X."

(Emphasis supplied).

The Foundation Wall requires a height variance, particularly once the barrier or fence is placed on top for safety and code compliance purposes. It must also be noted that there is no practical way for the Foundation Wall to be constructed, including with the installation of necessary erosion control measures, without trespassing on our clients' property.

Simply put, the Foundation Wall was never properly considered, for whatever reason, during the zoning and planning review process, and not properly evaluated under SEQRA. However, the Site Plan approval resolution ("Site Plan Resolution"), attached hereto as Exhibit 2, contemplated the necessity for the Building Inspector to carefully consider this issue and potentially require a new design. Specifically, Condition #1 of the Site Plan Resolution requires that:

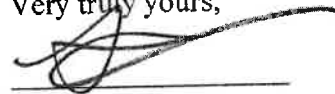
“If the Building Inspector determines that, as a result of concerns related to public health, safety, and welfare, minor changes are necessary to complete the work authorized by the approved plans, the Building Inspector may, [sic] allow such changes and amend the building permit(s) accordingly. **The applicant must submit amended plans reflecting the approved changes.** If the Building Inspector determines that concerns related to the public health, safety and welfare require a change in the approved plans but that change is not minor, **any deviation from or change in the approved Plans must be approved by the Planning Board by amendment to this approval.**”

(Emphasis supplied).

Moreover, Condition #4 of the Site Plan Resolution states that: “The Applicant must submit plans for structural retaining walls along the driveway at the edge of pavement, prior to obtaining a Building Permit. I personally reviewed the Building Permit filing pursuant to a FOIL request on October 24, 2024 and no such required structural retaining wall plans have been submitted as of that time of my review, nor provided to me pursuant to the FOIL Requests.”

Thank you for your consideration, and we look forward to the required public hearing on the Appeal.

Very truly yours,




Robert D. Gaudio

Enclosures

RDG/cae

cc: Village of Mamaroneck Clerk-Treasurer Agostino A. Fusco
Mayor Sharon Torres and the Board of Trustees
David Turiano, LaBella Associates
Kristen Wilson, Marks DiPalermo Wilson PLLC
Village of Mamaroneck Planning Board
Robert Spolzino, Village Attorney
Mary Desmond, Village Attorney
Mr. James Contini, Acting Building Inspector



ON 1011 GREACEN POINT ROAD A HOUSE IS PROPOSED.
AN APPEAL OF THE BUILDING PERMIT (BP#24-0008) FOR
THE HOUSE WILL BE DISCUSSED AT A MEETING OF THE
ZBA ON FEBRUARY 6, 2025, AT 7:30 PM. THE MEETING
WILL BE HELD IN PERSON AT 169 MT. PLEASANT AVE.,
MAMARONECK, NY 10543-COURTROOM. FOR FURTHER
INFORMATION, VISIT THE VILLAGE'S WEBSITE
www.village.mamaroneck.ny.us OR CONTACT THE
PLANNING DEPARTMENT AT (914)825-8758.

A photograph of a two-story stone house with a gabled roof and a chimney. The house is partially obscured by dense green and yellowing bushes. In the foreground, a wooden fence runs across the frame, and a black signpost holds a white sign. The ground is covered with fallen autumn leaves.

ON 1011 GREACEN POINT ROAD A HOUSE IS PROPOSED.
AN APPEAL OF THE BUILDING PERMIT (BP#24-0008) FOR
THE HOUSE WILL BE DISCUSSED AT A MEETING OF THE
ZBA ON FEBRUARY 6, 2025, AT 7:30 PM. THE MEETING
WILL BE HELD IN PERSON AT 169 MT. PLEASANT AVE.,
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