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November 20, 2025

**BY HAND DELIVERY**

Chair Robin Kramer  
and Members of the Zoning Board of Appeals  
Village of Mamaroneck  
169 Mt. Pleasant Avenue  
Mamaroneck, NY 10543

Re: Supplemental Materials  
Application for Area Variances  
Suriya Parksuwan  
714 The Crescent, Mamaroneck, New York 10543  
Village of Mamaroneck Parcel ID: 9-37-121

Dear Chair Kramer and Members of the Zoning Board of Appeals:

On behalf of Suriya Parksuwan (the “Applicant”), owner of property located at the captioned Premises, we respectfully submit this letter and the enclosed materials in furtherance of the proposed alterations to the existing single-family home (the “Project”).

In response to comments received from this Board and members of the public during the November 6<sup>th</sup> meeting, the Applicant has revised the Project to move the replacement deck further away from the eastern property line. As such, an updated Zoning Determination from the Village Building Inspector, dated November 19, 2025, is enclosed as **Exhibit A**.

**I. Proposed Alterations to the Premises & Modified Deck Plan**

As this Board is aware, the Applicant is proposing an addition to the home and modification of existing accessory improvements to maximize the functionality and outdoor living space on this substandard lot. The proposed improvements are further detailed in the updated site plans prepared by Keller Eaton Architects P.C., revised November 14, 2025 (the “Site Drawings”) and the updated landscape plans depicting details of the proposed deck, prepared by Fusco Landscape Architects, revised November 14, 2025. A summary of each element of the Applicant’s proposed alterations is detailed below and renderings are included in **Exhibit B**.

- Home addition- The Applicant proposes to construct an approximately 118 square foot addition to the rear portion of the first floor of the existing home. This addition will “square off” the existing walk-out bay window area and extend the first floor so that it aligns with



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the existing second-floor balcony overhang. The proposed addition will not extend the structure further towards the side property lines than the conditions that exist today.

- Balcony modification- The Applicant proposes to modify the existing second floor balcony to “square off” the shape and accommodate new stairs proposed that will allow access to the lower deck. See **Exhibit C** – Photographs of Existing Conditions. This alteration will add approximately 6 square feet to the balcony.
- Replace the wood deck- The Applicant proposes to remove the existing rear patio (approximately 412 square feet) and the existing rear deck (approximately 271 square feet) and replace them with a new approximately 916.52 square foot wooden deck. This new deck will be located in approximately the same area as the existing deck, concrete patio and blacktop patio extension where the grill is currently located. See **Exhibit C** – Photographs of Existing Conditions. The wood deck will be accessible from the house and backyard, as well as from a proposed set of stairs (approximately 7 steps) from the existing driveway along the western side yard.
  - Grade of the backyard- The front and rear yards of the Premises are at approximately elevation 9, sloping down to elevation 8.3 at the seawall and elevation 8.4 at the roadway frontage. The existing first floor at the rear door is at elevation approximately 12.66, and the existing small wood deck is at elevation approximately 12.5. The Applicant is proposing to lower the elevation of the replacement deck by approximately 6 inches to elevation 12.0, with a slight pitch to elevation 11.75. The rear lawn elevation is approximately 9.25. The proposed replacement deck will be lower and closer to the existing rear yard than the current deck. The existing patio elevation varies from approximately 11.27 to 11.17. The proposed replacement deck will be approximately 6-7 inches higher than the existing patio area. The proposed deck will be approximately 1 inch higher than the top of the existing retaining wall along the eastern property line.
  - Modified Deck Plans- In response to comments received at the November 6<sup>th</sup> meeting, the Applicant has modified the deck dimensions so it will be located approximately 1.5 feet further from the eastern property line. With this modification, the deck will be approximately 2 feet from the eastern side lot line and will be approximately 46.48 square feet smaller than originally proposed.
  - Removal of outdoor kitchen- The Applicant has also modified plans for the deck by eliminating the proposed outdoor kitchen.
- New exterior stairs- The Applicant is proposing new exterior stairs to be located on the replacement deck that will connect to the balcony.
- Removal of Other Existing Hardscape Areas- The Applicant proposes to remove the existing approximately 925 square-foot asphalt boat ramp along the western property line



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and replace with low marsh tidal wetlands plantings. The Applicant also proposes to remove the small stone patio along the waterfront in the backyard and replace with a lawn terrace.

- Stormwater Management- The Applicant proposes to install new stormwater management measures where none exist today. See enclosed Civil Engineering Plans prepared by Hudson Engineering & Consulting P.C.

## **II. The Substandard Lot, Prior Area Variances & Existing Improvements**

The Premises is a preexisting nonconforming lot created in approximately 1912 that does not comply with the current minimum lot width, area, and frontage requirements applicable to parcels in the R15 Zoning District.<sup>1</sup> The property width is 50 feet, where 100 feet is required, and the total lot area is 11,922 square feet where 15,000 square feet is required.

In approximately 1970<sup>2</sup>, prior owners of the Premises received area variances to construct the existing home with nonconforming side yards on a substandard lot. The house was issued a Certificate of Occupancy in 1973.<sup>3</sup> It appears that the non-habitable “bump outs” on either side of the home do not comply with the area variances granted in 1970, however they are depicted as “existing conditions” on approved building permit plans, dated March 15, 2014. See **Exhibit D**. Subsequent to the November 6<sup>th</sup> meeting, the Applicant’s team conducted a file review of the Village’s records for this property at the Planning & Building Department and located the historical plans for the property enclosed in **Exhibit D**, which depict the balcony in the original design. The existing deck and patio are depicted in subsequent approved plans.<sup>4</sup>

## **III. The Area Variances Requested**

The Applicant requests that the ZBA grant area variances from the following requirements for the proposed addition to the house, replacement deck in its modified configuration and alterations to the balcony:

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<sup>1</sup> See Exhibit H of the Applicant’s October 16, 2025 submission for a copy of the filed Subdivision Map (the Premises is identified as lot #35 on this Subdivision Map).

<sup>2</sup> See Exhibit G of the Applicant’s October 16, 2025 submission for a copy of the ZBA Resolution approving the area variances.

<sup>3</sup> See Exhibit G of the Applicant’s October 16, 2025 submission for a copy of the Certificate of Occupancy.

<sup>4</sup> As discussed at the November 6<sup>th</sup> meeting, the Applicant submitted a Freedom of Information Request in or about 2024 to the Village for copies of prior approvals and permits and was provided with the prior documentation included in Exhibit G of the Applicant’s October 16, 2025 submission.



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	Zoning Code Requirements (R 15)	Existing	Proposed
<b>The House</b>			
Minimum Side Yard Setback- Lesser Sides <sup>5</sup>	15'	10.4' <sup>6</sup> / 12' <sup>7</sup>	12'
Minimum Side Yard Setback - Combined <sup>8</sup>	35'	24' <sup>9</sup> / 27' <sup>10</sup>	27'
<b>First Floor Deck</b>			
Minimum Side Yard Setback- Lesser Side	15'	0' <sup>11</sup>	2'
Minimum Side Yard Setback - Combined	35'	0.5'	8'
<b>Balcony</b>			
Minimum Side Yard Setback- Lesser Side	15'	12'	10' <sup>12</sup>
Minimum Side Yard Setback - Combined	35'	27'	23.1' <sup>13</sup>

As further detailed below, we respectfully submit that the benefit to the Applicant if the variances are granted outweighs any detriment to the health, safety and welfare of the neighborhood by such grant.

- a. The proposed addition, replacement deck and modification to the balcony will not result in an undesirable change to the character of the neighborhood or detriment nearby properties.

<sup>5</sup> Zoning Code Section 342-27.

<sup>6</sup> 10.4' is the existing lesser side yard measured from the home's non-habitable "bump outs" on either side of the structure.

<sup>7</sup> 12' is the existing lesser side yard measured from the approved habitable structure.

<sup>8</sup> Zoning Code Section 342-27.

<sup>9</sup> 24' is the existing combined side yards, each measured from the home's non-habitable "bump outs."

<sup>10</sup> 27' is the existing combined side yards, each measured from the approved habitable structure.

<sup>11</sup> This measurement is along the western property line where the existing patio area meets the asphalt boat ramp. The patio area in this location runs directly to the property line. The existing patio area in the eastern side yard is approximately 0.4' from the property line.

<sup>12</sup> The modified balcony will be aligned with the existing roof overhang on the side of the house.

<sup>13</sup> The modified balcony will be aligned with the existing roof overhang on the side of the house.





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i. Addition

As previously noted, in 1970, the ZBA found that the encroachment of the home into the side yards would not be detrimental to the neighborhood.<sup>14</sup> This Application requests area variances for the proposed 118-square foot addition to the first floor that will square off the walk-out bay window area in the rear of the home to increase usable floor area. Notably, the proposed addition will be located entirely underneath the existing balcony overhang. The addition will not encroach further towards the side lot lines than the existing conditions. Therefore, the variances requested for the addition to the house are consistent with the ZBA's prior determination and should be granted.

The addition will be minimally, if at all, visible from the adjacent residences and not visible from the street. The side property lines are screened by trees, dense vegetation and existing privacy fences, as demonstrated in the previously submitted and enclosed photographs and renderings (**Exhibits B & C**).<sup>15</sup>

The minor addition to the home is consistent with the previously granted area variances and the existing side yards, which have existed on The Crescent for over half a century. Therefore, it is respectfully submitted that the proposed addition will not adversely impact the character of the neighborhood.

ii. Balcony Modification

The existing second-floor balcony was part of the original plans to construct the home and has also existed in its current configuration for approximately 54 years. See **Exhibit D**. The minor modification proposed to the balcony will simply square off the shape and add approximately 6 square feet, a nominal increase, to accommodate the proposed stairs to the first-floor deck. The proposed modifications will be aligned with the existing roof overhang on the sides of the home and therefore will be visually consistent with the existing conditions.

As previously noted herein, the balcony is screened from views along the side property lines by existing privacy fences, trees and vegetation, as depicted in the enclosed photographs and renderings (**Exhibits B & C**).<sup>16</sup> We respectfully submit that the addition of 6 total square feet to the balcony will have minimal, if any, impact to the surrounding neighborhood.

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<sup>14</sup> “[A] decision of an administrative agency which neither adheres to its own prior precedent nor indicates its reason for reaching a different result on essentially the same facts is arbitrary and capricious.” *Knight v. Amelkin*, 503 N.E.2d 106, 106 (1986).

<sup>15</sup> See Exhibits D & E of Applicant's October 16, 2025 submission.

<sup>16</sup> See also Exhibits D & E of Applicant's October 16, 2025 submission.



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### iii. Replacement Deck

The existing wood deck will be replaced with a new wood deck within an area currently improved with hardscape. Enclosed in **Exhibit D** are the original plans for the home, prepared in 1969, which depict a first-floor deck. However, the revised plans prepared in 1970, which the ZBA variance resolution references, omit the deck. See Exhibit D. The deck is shown on the “existing first floor” plan on drawings prepared by Mastrogiacomo Engineering, dated February 15, 2014 and approved by the Building Department on October 17, 2014. See Exhibit D. Those same 2014 plans, approved by the Building Department, show a proposed bluestone patio area along the eastern side of the property. See Exhibit D. On March 16, 2015, the Building Department approved plans to add stairs and replacement railings to the existing deck. See Exhibit D. Further, a review of historical aerial images available on Westchester County GIS depict the deck in a similar and/or the same location in the year 2000.<sup>17</sup> See Exhibit D. Collectively, these records demonstrate that the deck has existed in its current configuration for at least 25 years, and that the location of the patio and updates to the deck were approved by the Building Department in approximately 2014.

Notably, in response to comments received from the Board and the public, the Applicant has modified the design of the replacement deck to be located approximately 2 feet from the eastern property line, which is approximately 1.5 feet further away than the existing patio area and also improves the existing side yard nonconformity. This further minimizes any impact to the neighboring property.

Removal of the existing hardscape and patio areas result in a reduction of impervious coverage on the property, within the wetland buffer area and in the high hazard flood zone. As previously noted herein, the replacement deck will be approximately 6 inches lower than the existing deck and approximately 6-7 inches higher than the existing patio areas to accommodate the grade change on the Premises. While the proposed deck will be approximately 1 inch higher than the top of the existing retaining wall along the eastern property line, that side yard is shielded from view of the neighboring property by a privacy fence and dense vegetation. See Exhibits B & C.

As demonstrated by the materials provided herein and the previously submitted materials,<sup>18</sup> the proposed replacement deck is consistent with numerous other homes that have accessory improvements in the side yards in this area of The Crescent.<sup>19</sup> In fact, records for the property immediately to the east of the Premises appear to show a wooden pool deck, which replaced a smaller nonconforming deck, that encroaches into the required side yards. See Exhibit E. As

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<sup>17</sup> The Westchester County GIS images prior to 2000 do not clearly depict the property.

<sup>18</sup> See Exhibit D of Applicant’s October 16, 2025 submission.

<sup>19</sup> See Exhibit D of Applicant’s October 16, 2025 submission.



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such, the Applicant's proposed improvements will conform to a demonstrated land use pattern in the neighborhood and not adversely impact the surrounding area.<sup>20</sup> See **Exhibit E**.

b. The proposed addition, deck and balcony alterations will not have an adverse impact on the physical or environmental conditions in the neighborhood.

i. Addition & Replacement Deck

The requested area variances for the addition to the home and the replacement deck will not have an adverse impact on the physical or environmental conditions in the neighborhood. Both improvements will be located on areas currently developed with a deck, patio and hardscape.

In fact, the proposed alterations will positively impact the environment, because the Project will decrease overall lot coverage in the wetland buffer and high hazard flood zone by removing the existing boat ramp and patio areas. See civil engineering plans prepared by Hudson Engineering & Consulting, P.C., Sheet C-1. The total impervious coverage will be reduced by approximately 2,175 square feet, with approximately 1,219 square feet removed within the locally regulated wetland buffer and approximately 1,220 square feet removed in the high hazard ("VE") flood zone.

Moreover, stormwater runoff rates and stormwater quality will be improved by the new stormwater management measures the Applicant is proposing. No stormwater management currently exists on the Premises. Further, the Project will restore tidal wetland habitat along Mamaroneck Harbor and add new native landscaping which will also improve stormwater runoff rates and water quality in Mamaroneck Harbor.<sup>21</sup>

In addition to removing impervious coverage within the flood zone, the Project proposes to increase the flood volume storage on the property by approximately 241 cubic feet.<sup>22</sup> Further, the proposed stormwater management and regrading in the backyard will convey the majority of the stormwater runoff generated at the rear of the property, to flow from the eastern side property line towards the location of the existing boat ramp, which conveys the runoff to the Long Island Sound. See engineering plans prepared by Hudson Engineering & Consulting, P.C.

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<sup>20</sup> It is understood that "[g]enerally, when an applicant is seeking variances to conform to that which is prevalent in the neighborhood, absent other overriding considerations, a denial of relief is likely to be found arbitrary." *Daneri v. ZBA of Town of Southold*, 2010 WL 4155289 (N.Y. Sup. 2010).

<sup>21</sup> See Engineering Plans prepared by Hudson Engineering & Consulting, P.C..

<sup>22</sup> As noted by Village of Mamaroneck Building Inspector, Scott Ransom, at the November 6<sup>th</sup> meeting, the Applicant submitted an application for a Floodplain Development Permit to the Building Department on August 21, 2025 and that application will be reviewed by the Village's Floodplain Administrator for compliance with the applicable local Flood Damage Prevention Code ("Flood Code"). It is the Applicant's understanding that the Floodplain Development Permit application will be reviewed subsequent to the ZBA's review of this Application.





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To summarize, the Project reduces impervious coverage, improves stormwater runoff rates and quality, restores tidal habitat, adds native plantings and increasing flood volume storage. Therefore, the Project will not adversely impact the environment.

ii. Balcony Modification

The Applicant's proposed renovations to the balcony will not adversely impact the physical environmental conditions, because the proposed renovations will not have any at-grade disturbance and the area underneath the balcony will be improved with the replacement wood deck.

c. The requested area variances are not substantial.

i. Addition

The Applicant is proposing to maintain the existing side yards and the approximately 118 square foot addition will not be closer to the side yard property lines than the existing home. The addition merely increases livable space on the first floor of the home underneath the existing balcony. Given that area variances were already issued for the existing side yards, which the proposed addition will not encroach further on, it is respectfully submitted that the area variances requested are not substantial.

iii. Balcony Modification

The variances requested for the balcony modification will permit a 6 square foot increase to accommodate the proposed stairs and "square off" the shape of the balcony to make the space more usable. The modification will also bring the balcony in line with existing roof overhang on the sides of the home, so it will not extend further past existing features of the home. Given that, the side yard variances for the balcony modification are not substantial.

iv. Replacement Deck

The side yard variances requested for the replacement deck are not substantial because they will actually improve the existing nonconformity. The replacement deck will be located further from each side lot line than the existing patio areas and will increase the total combined side yards. On the eastern side, the deck will be located approximately 2 feet from the lot line, where the patio is currently approximately 0.4 feet from the property line. On the western side, at the closest point, the deck will be located approximately 6 feet from the lot line, where the existing hardscape and extension of the patio area run directly to the property line. The combined side yards will total 8 feet, where 0.5 feet of combined side yards currently exist.





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The Board must consider the surrounding neighborhood<sup>23</sup> and shall examine the totality of the circumstances within an application when considering whether a variance is substantial.<sup>24</sup> Given that the deck has existed in substantially the same configuration for at least 25 years (see **Exhibit D**), currently encroaches further into the side yards than the proposed replacement deck, is largely screened from view of the adjacent properties, and is similar to other accessory structures encroaching in the side yards in the surrounding neighborhood (see **Exhibit E**), we respectfully submit that the variances are not substantial. Indeed, the variances will allow for an improvement in existing conditions by increasing the side yards and decreasing impervious coverage. Therefore, it is respectfully submitted that when reviewing the totality of the circumstances, the requested variances lack substantiality.

We note that the mere fact that a variance may be deemed “substantial,” or fails to meet one of the other five factors, does not preclude application of the overall balancing test.<sup>25</sup>

- d. The expansion of useable indoor and outdoor living spaces cannot be achieved by any other feasible method, other than the area variances.
- i. Addition

Given that the home is located on a 50-foot-wide preexisting nonconforming lot and does not comply with the required side yard setbacks, there is no other feasible configuration that could result in a meaningful increase in floor area. The nonconforming characteristics of the Premises would render any exterior alteration to the eastern or western walls of the home nonconforming.

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<sup>23</sup> See Crystal Pond Homes, Inc. v. Prior, 305 A.D.2d 595 (2d Dep’t 2003) (Court overturned lot area application for 12,750 square foot lot where 21,780 was required where there were many substandard lots in the area); Gonzalez v. ZBA of Putnam Valley, 3 A.D.3d 496 (2d Dep’t 2004) (denial overturned where record showed substandard lots next to subject lot and other nearby nonconforming structures similar to that sought by the applicant).

<sup>24</sup> See Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (3d Dep’t 2008) (although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community); see also Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821, 824, 968 N.Y.S.2d 702, 705 (3rd Dep’t 2013) (upholding ZBA determination that an area variance was not substantial when compared to the nearby buildings).

<sup>25</sup> Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dep’t 2002) (determination that a request that was determined “substantial” did not excuse Zoning Board of Appeals from applying the overall balancing test).



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As the ZBA noted in 1970, “strict application of the [side yard requirements] would deprive the appellants of the reasonable use of such land.”<sup>26</sup> Indeed, the side yard setbacks limit the total permissible width of the home to just 13 feet wide.

The modest 118 square foot addition is in line with the existing home and located squarely underneath the existing balcony overhang in an area already developed to minimize adverse impacts. As such, the proposed increase in usable floor area cannot be achieved by another method feasible for the Applicant to pursue.

ii. Balcony Modification

The same constraints previously discussed herein also apply to the existing balcony. It is respectfully submitted that there is no other feasible alternative to minimally expand the balcony to accommodate the proposed stairs and “square off” the configuration to improve functionality that would not also require area variances.

iii. Replacement Deck

The deck and the patio areas already exist within the side yards, so practically any modification to those improvements would require area variances. The design of the proposed replacement deck has been modified to be located 2 feet away from the eastern property line, improving the existing side yard nonconformities. The existing side yard nonconformities will be further improved on the western portion of the lot because the replacement deck will be located approximately 6 feet from the property line, where the existing patio area runs directly to the lot line.

Despite the significant space constraints in the backyard, this Application proposes a practicable and sensitive design that allows for meaningful use of the outdoor space within substantially the same area as existing hardscapes. Accordingly, there are no other feasible alternatives for the Applicant to pursue that would result in an expanded deck area that provides meaningful usable space.<sup>27</sup>

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<sup>26</sup> See Exhibit G of the Applicant’s October 16, 2025 submission.

<sup>27</sup> A ZBA may not deny a variance and attempt to relegate an applicant to an alternative design that is a “profound departure” from, or substantially more costly than, the design proposed in the variance. Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dep’t 2002). See also, Baker v. Brownlie, 248 A.D.2d 527 (2d Dep’t 1998) and Salkin, New York Zoning Law & Practice § 29:36 Administrative Relief from Zoning Regulations: Variances.



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e. The difficulty was not self-created.

The area variances requested herein are not self-created, but instead are the result of the Applicant proposing a minor addition to a nonconforming home and alterations to the existing balcony and deck on a substandard lot. As previously discussed, the existing 50-foot-wide lot was created prior to the adoption of the Village's Zoning Code, and the home and balcony have existed in its current configuration since approximately 1971. Area variances for construction of the home and balcony were granted to a former owner in 1970 and a Certificate of Occupancy was granted in 1971. Historic property records and aerial images suggest that the deck has existed in approximately the same configuration since at least 2000 and received approvals for modifications as recent as 2015 from the Building Department. See **Exhibit D**. The Applicant purchased the property in its current condition on or about July 18, 2023 and is merely trying to increase usable floor area and outdoor living space. As such, the variances requested are not self-created.

**IV. Materials Enclosed**

For your review, enclosed please find six (6) copies and an electronic version of the following materials:

- Exhibit A: Updated Zoning Compliance Determination, dated November 19, 2025;
- Exhibit B: Renderings of the Proposed Improvements;
- Exhibit C: Additional Photographs of the rear and side yards of the home;
- Exhibit D: Historic architectural plans of the home and improvements on the Premises and Historic 2000 Aerial Image;
- Exhibit E: Aerial images and plans depicting the location of existing improvements in the side yards of the adjacent property; and
- Exhibit F: Letter to the ZBA from Kristen Motel.

Also enclosed are copies of following:

- Site Plans prepared by Keller/Eaton Architects, P.C., dated July 10, 2025, revised November 14, 2025;
- Updated Survey prepared by Ward Carpenter Engineers, Inc., revised November 13, 2025 with the updated location of the Mean High-Water Line, which now reflects the existing improvements on the Premises;
- Civil Engineering Plans prepared by Hudson Engineering & Consulting, P.C., revised November 14, 2025; and
- Landscape Layout Plan and Tree Protection drawings, prepared by Louis Fusco Architects, revised November 14, 2025.



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The Applicant looks forward to appearing before the ZBA at its December 4<sup>th</sup> meeting. Should the Board of Village Staff have any questions or comments, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Kristen Motel', is written over a light blue circular stamp.

Kristen Motel

Enclosures

cc: Robert Keller, Keller/Eaton Architects, P.C.  
Louis Fusco Landscape Architects  
Hudson Engineering & Consulting P.C.  
Client