

AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, HELD ON APRIL 4, 2024, THE FOLLOWING RESOLUTION WAS ADOPTED:

APPLICATION ZON-24-0002

Name: Kevin Valles and Madelyn Moelis (collectively, the "Applicant")
Premises: 1011 Greacen Point Road ("Premises")
District: R-20
Tax I.D.: Section 9, Block 93C, Lot 19 (Town S/B/L 9-49-12)

WHEREAS, the Applicant has applied to the Zoning Board of Appeals ("Board") for area variance relief from the maximum Floor Area Ratio ("FAR") requirement set forth in the Village of Mamaroneck Zoning Code ("Zoning Code") to facilitate the construction of a proposed single-family residence and accessory structures at the above-captioned Premises which has a lot area of 40,689.017 square feet ("SF") and a portion of which is located in a wetland ("Project"); and

WHEREAS, the proposed 11,966 SF residence will exceed the maximum FAR of 10,986.03 SF permitted at the Premises by the Zoning Code which requires the Applicant to obtain an area variance of 8.92% for .2941 FAR where .27 FAR is required ("Area Variance"); and

WHEREAS, in furtherance of the application, the Applicant submitted materials for the Board to consider ("Application Materials"), which included a topographic survey of the Premises prepared by TC Merritts Land Surveyors dated April 21, 2023, a 15-sheet set of architectural plans for the Project dated February 15, 2024, prepared by Cardello Architects, and site photographs and architectural renderings; and

WHEREAS, the Board opened a duly noticed public hearing on March 7, 2024, heard from the Applicant's consultant who made a presentation and provided answers to questions posed by the Board about the FAR calculations, the property and other matters, received public comments and acknowledged receipt of written comments, including letters of support from property owners to the north and south and diagonally across the street from the Premises; and

WHEREAS, the Board expressed concern and requested clarification because the Application Materials also included reference to, and certain calculations based on a second vacant lot owned by the Applicant which is located across a private mapped roadway to the rear of the Premises ("Second Lot"); and

WHEREAS, the public hearing was adjourned to April 4, 2024 to provide an opportunity for the Applicant to supplement the Application Materials by clarifying certain aspects of the Project, including that the application is limited to the Applicant's property with frontage on Greacen Point Road and does not involve the Second Lot, and to seek an opinion from the Village Attorney regarding a jurisdictional question raised in written comments received by the Board; and

WHEREAS, in advance of the next meeting, the Board received the requested supplemental information from the Applicant which provided the necessary clarifications, and a letter from Village Attorney Robert A. Spolzino dated March 28, 2024 which resolved the jurisdictional question; and

WHEREAS, on April 4, 2024, the Applicant made an additional presentation, after which the Board closed the public hearing and considered the application; and

WHEREAS, the Board's action in connection with the Area Variance is classified as Type II pursuant to the New York State Environmental Quality Review Act ("SEQRA") regulations, 6 NYCRR §§617.5(c).

NOW, THEREFORE BE IT RESOLVED, that, after duly reviewing the Application Materials, including the supplemental clarification as to the Second Lot, and information and comments received during the public hearing process, the Board approves the requested Area Variance. In making its determination, the Board finds that the benefit to the Applicant from granting the requested Area Variance outweighs any detriment to the community or neighborhood. This determination is based on its consideration of the five factors set forth in NYS Village Law 7-712-B(3)(a) which resulted in the following findings:

- 1) The Area Variance will not result in an undesirable change to the character of the neighborhood or be a detriment to nearby properties. The size, scope and architectural features of the proposed residence are consistent with many other residences in the area. The placement of the residence on the property in relation to the vegetative border and the sight lines is appropriate when compared to other properties in the vicinity.
- 2) The benefit sought by the Applicant, that being a 11,966 SF residence, cannot be achieved by any alternate and also feasible method other than the Area Variance. For a residence of this size, the FAR requirements in the Zoning Code cannot be met. They have made the choice to include 640 SF of unfinished storage space in the attic and include 400 SF of mechanical area in the basement. Without the Area Variance, these design choices could not be accomplished.
- 3) The Board finds that the Area Variance of 8.92% is not substantial.
- 4) The Area Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because the footprint of the proposed residence is respectful of the existing flood zone and coastal areas.
- 5) The Board does find that the need for the requested Area Variance is self-created, but that factor alone is not dispositive and does not prevent the Board from granting the Area Variance.

BE IT FURTHER RESOLVED, that, the grant of the Area Variance for the Project as set forth in this resolution ("Resolution") is conditioned on the following:

- 1) The Area Variance granted by this resolution shall apply only to the Premises (Section 9, Block 93C, Lot 19 (Town S/B/L 9-49-12, 1011 Greacen Point Road) and does not involve, pertain to or rely on any calculation involving the Second Lot owned by the Applicant or the mapped private roadway to the rear of the Premises.
- 2) The Applicant shall obtain all the approvals including a building permit from the Village of Mamaroneck Building Department as set forth in the Building Determination Letter dated February 2, 2024 and as otherwise may be required.
- 3) As required by §342-94(F) of the Zoning Code, Applicant shall obtain a building permit within twelve months of the date of this Resolution.
- 4) The Applicant shall complete construction within 18 months of the date the building permit is issued, unless otherwise extended by the Board.
- 5) The Project shall be constructed in compliance with this Resolution and all Application Materials, including the plans dated February 15, 2024 as prepared by Cardello Architects, except for non-substantial changes that may occur during construction, but which shall not alter the Area Variance as set forth in the Resolution.
- 6) The granting of the Area Variance does not relieve the Applicant from complying with all other applicable laws and regulations.

AND BE IT FURTHER RESOLVED, that, the Board directs that a complete copy of this resolution be filed with the Village Clerk in compliance with New York State Village Law.

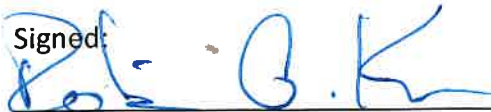
On the motion by Board member Shingler, seconded by Board member Glattstein, the foregoing resolution was brought before the full board for consideration with the Board members voting as follows:

Robin Kramer, Chair	YES
Richard Clifford	YES
Brian Glattstein	YES
David Neufeld	Recused
Angelique Shingler	YES

The motion was carried on a vote of 4-0, with one recusal.

Dated: _____, 2024

Signed:



Robin A. Kramer, Zoning Board Chairperson



Brian Glattstein, Board Secretary

APPLICATION NO. ZON-24-0002
1011 Greacen Point Road

Dated: _____, 2024

Signed:

Robin A. Kramer, Zoning Board Chairperson

Brian Glattstein, Board Secretary

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ZONING BOARD
CLERK