

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
In the Matter of the Application of  
SUZANNE MCCRORY and STUART TIEKERT

Petitioners,

For a Judgment Pursuant to Article 78 of the CPLR

--against--

VILLAGE OF MAMARONECK PLANNING BOARD;  
CAROLINA FONSECA IN HER CAPACITY AS VILLAGE  
OF MAMARONECK DIRECTOR OF BUILDING,  
CODE ENFORCMENT AND LAND USE ADMINISTRATION;  
IAN SIGALOW; and JESSICA SIGALOW

Respondents.

-----X  
PLEASE TAKE NOTICE that upon the Verified Petition and the Exhibits thereto, and upon all the related administrative proceedings, Petitioners will make an application before a Justice of the Supreme Court, Westchester County, assigned to this case, at the courthouse, 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York 10601, on December 15, 2023, at 9:30 am or as soon thereafter at such date, time and location as such Justice shall determine, and as counsel can be heard, for an judgment revoking the amended Site plan for 886 Orienta Avenue; ordering Respondent Village of Mamaroneck Planning Board to apply to the Village of Mamaroneck Board of Appeals for an interpretation of the zoning compliance of the development at 886 Orienta Avenue; ordering the Respondent Village of Mamaroneck Director of Building, Code Enforcement and Land Use Administration Carolina Fonseca, to issue a Notice of Violation and

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NEW YORK

NOTICE OF PETITION

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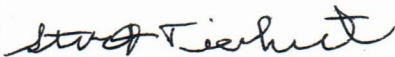
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TIMOTHY C. IDOMI  
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COUNTY OF WESTCHESTER

an Order to Remedy the two dwellings on the one-family residence district lot at 886 Orienta Avenue; and for other such relief as this court may determine appropriate.

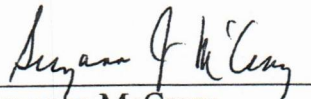
PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 7804(e), Respondents Village of Mamaroneck Planning Board and Carolina Fonseca are required to file an Answer herein and certified transcript of the record of their proceedings and the same shall be served upon Petitioners at least five (5) days before the return date of this Petition.

The venue of this Special Proceeding is Westchester County, the county of residence of Petitioners, and Respondents, as well as the location of the parcel at 886 Orienta Avenue.

Mamaroneck, NY 10543  
October 26, 2023



Stuart Tiekert  
130 Beach Avenue  
Mamaroneck, NY 10543  
[tiekerts@yahoo.com](mailto:tiekerts@yahoo.com)  
914 698-7495



Suzanne McCrory  
720 The Crescent  
Mamaroneck, NY 10543  
[smccrory@mac.com](mailto:smccrory@mac.com)  
914 698-5686

Copy to:

Village of Mamaroneck Planning Board  
Carolina Fonseca, Village of Mamaroneck Director of Building. Code Enforcement & Land Use  
Administration  
Jessica & Ian Sigalow, 886 Orienta Avenue, Mamaroneck, NY 10543



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
In the Matter of the Application of  
SUZANNE MCCRORY and STUART TIEKERT

Petitioners,

**VERIFIED PETITION**

For a Judgment Pursuant to Article 78 of the CPLR

--against--

INDEX NO: 2329-23

VILLAGE OF MAMARONECK PLANNING BOARD;  
CAROLINA FONSECA IN HER CAPACITY AS VILLAGE  
OF MAMARONECK DIRECTOR OF BUILDING,  
CODE ENFORCMENT AND LAND USE ADMINISTRATION;  
IAN SIGALOW; and JESSICA SIGALOW

Respondents.

-----X  
The Pro Se Petition of SUZANNE MCCRORY (McCrory) and STUART TIEKERT (Tiekert) (together "Petitioners") in this proceeding, under and pursuant to New York Civil Practice Laws and Rules (CPLR) article 78, to reverse Respondent Village of Mamaroneck Planning Board's September 27, 2023 approval of a site plan amendment for the property known as 886 Orienta Avenue (parcel) in the Village and Town of Mamaroneck, owned by Respondents Ian Sigalow and Jessica Sigalow (together the "Sigalows"). The site plan application ostensibly sought approval of landscaping changes, but showed two dwellings on a one-family

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VILLAGE OF MAMARONECK  
NEW YORK

lot when the Code of the Village of Mamaroneck specifies a principal use in this district of "One-family dwellings, not to exceed one such dwelling on each lot."

Petitioners have repeatedly brought this zoning deviation to the attention of Village of Mamaroneck officials and boards who have failed to remediate the unlawful condition, leading Petitioners to seek judicial review as their sole lawful option.

In support thereof, Petitioners allege the following:

1. Since 1968, Village of Mamaroneck one-family residence district lots have been limited to one-dwelling per lot. (Village of Mamaroneck Code §342-21A(1)).

2. In particular, Petitioner McCrory's parcel at 720 The Crescent is zoned into the one-family R-15 residence district, Petitioner Tiekert's parcel at 130 Beach Avenue is zoned into the one-family R-5 residence district, and Respondents' Sigalow parcel at 886 Orienta Avenue lies in the R-20 one-family residence district.

3. The zoning code of the Village of Mamaroneck prescribes the following principal use for all such one-family residence districts:

"One-family dwellings, not to exceed one such dwelling on each lot." Village of Mamaroneck Code §342-21(A)(1).

4. Each Petitioner lot was the subject of a past building permit application to alter an existing building in a way that would add a second dwelling or dwelling unit in the one-family residence district.



5. On Petitioners' lots, these permit applications were denied, as required by the zoning code, as were variances to allow a second dwelling, creating a clear zoning precedent.

6. But on Respondents' Sigalows' parcel known as 886 Orienta Avenue, a building permit was granted and that permit allowed a former carriage house/garage to be converted to a second dwelling on the lot without having obtained a variance.

7. There has been no rational explanation of why 886 Orienta Avenue has been granted greater property rights than Petitioners' respective one-family residential lots when all involved substantially similar circumstances, precedents had been established requiring variances for second dwellings, and the applicable zoning code was unchanged.

8. There has either been intentional favoritism or corruption involving the Sigalows' lot and discrimination against Petitioners' lots and property rights.

#### **Background on Development of 886 Orienta Avenue**

9. The original lot at 886 Orienta Avenue was developed in 1887 with a residence and carriage house.

10. When the Village of Mamaroneck zoning districts were created in 1968, this lot had conforming land uses—a one-family dwelling and an accessory carriage house/garage.

11. When the long-time owners died, the large lot was sold and divided into two parcels, called as 886 and 888 Orienta Avenue.

12. Village of Mamaroneck Code §342-11D prescribes the following in such circumstances:

Subdivision of a lot. Where a lot is formed hereafter from part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith; and *no permit shall be issued for the establishment of a land use or the erection of a building on the new lot thus created unless all the requirements of this chapter are complied with by such new lot.* Emphasis added.

13. The original 1887 house on 886 Orienta Avenue was demolished but the 1887 carriage house remained as a boarded-up building in the rear corner of the lot that was described contemporaneously by surveyors in 2017 as “stucco garage with room over.” Exhibit 1.

14. In 2017, the Sigalows began to construct a new house on the new 886 Orienta lot that was completed on or about July 31, 2018. See Parcel history at Exhibit 2.

15. On or about May 15, 2021, the Sigalows began “renovations” to the dilapidated and boarded-up accessory garage. Exhibit 2.

16. Specifically, the approved plans for “interior renovations” showed the 886 Orienta Avenue permit would create a second dwelling by adding a kitchen,



bathrooms, a bedroom, and living spaces that resulted in a 2500 square foot dwelling over two stories. A copy of the approved plans is shown at Exhibit 3.

17. Petitioners filed a zoning appeal with Village Mamaroneck Board of Appeals (“Board of Appeals” or “ZBA”) to challenge the May 15, 2021, building permit for the garage/carriage house “renovations” that would create a second dwelling without a variance.

18. A multi-month public hearing was held before the ZBA ; the matter was heard on the merits and the ZBA members individually acknowledged that the plans showed the former carriage house being converted to a second dwelling on the lot in contravention of the zoning code.

19. At the public hearing, Respondent Sigalows did not deny that the former garage/carriage house was being converted into a dwelling nor did they provide any legal basis for permitting such a second dwelling.

20. Instead, Respondents Sigalow argued that neither McCrory nor Tiekert lived close enough to the property to give the Board of Appeals jurisdiction to hear the appeal and address the zoning violation.

21. McCrory lives several blocks away from 886 Orienta Avenue but close enough to hear party noise from the property. Tiekert was more distant.

22. But McCrory and Tiekert each claimed aggrievement based on equal protection provisions because Petitioners’ similarly situated lots had been denied a

building permit for a second dwelling/dwelling unit that the Sigalows had been able to obtain as of right, without need for a variance.

23. Absent case law directly on point, the ZBA split 2-2 on the jurisdictional question with two members believing proximity was essential for aggrievement, one believing McCrory lived proximate enough to be aggrieved, and another believing unequal treatment could establish aggrievement.

24. After the vote on jurisdiction resulted in a tie, the attorney for the Board of Appeals recommended that Petitioners file a complaint with the newly appointed Director of Building, Code Enforcement and Land Use Administration, Respondent Carolina Fonseca (Respondent Fonseca), to attempt to get the illegal second dwelling addressed.

25. McCrory notified Respondent Fonseca about her concerns on this and other properties in an attempt to resolve the non-compliance but received no response.<sup>1</sup>

Exhibit 4.

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<sup>1</sup> McCrory's email at Exhibit 4 reported the following with respect to 886 Orienta Avenue: "This property has been re-developed in violation of our zoning code. The original lot —888 Orienta Avenue— was never subdivided as our zoning code requires. An original 1887 house was demolished and a new house was built, followed by the interior "renovations" of a dilapidated and boarded-up 1887 carriage house into a 2500 square foot, two story **second** dwelling on a **one-family** lot. A pool was also constructed next to the accessory structure but in the Village of Mamaroneck, one cannot have an accessory use to another accessory building. Stuart Tiekert and I brought a zoning appeal challenging two dwellings on a one-family lot but that appeal that ended up in a jurisdictional dispute —the members could not agree whether we had standing to appeal. While the Board of Appeals got hung up on jurisdictional matters, members individually expressed their belief that the permit for the second dwelling was unlawful. At one point, they discussed writing a letter to the Building Department to say so —an action that was endorsed by then-counsel, Charles Gottlieb.



26. Because the responsible Village officials intentionally failed to address the blatant zoning non-compliance, Petitioners brought an article 78 petition to address the default denial. *McCrory and Tiekert v. Village of Mamaroneck Board of Appeals Westchester County* (Index No. 01108-23)

27. The Board of Appeals and the Sigalows filed motions to dismiss that article 78 on standing grounds and that motion has been opposed by Petitioners and is pending.

28. The Village of Mamaroneck also filed a curious motion to intervene, suggesting that the Village would defend official error rather than correct it.

#### **Planning Board Review of 2023 Amended Site Plan for 886 Orienta Avenue**

29. Upon information and belief, the 2023 “Amended Site plan Application” is the Sigalows’ latest attempt to obtain approval of their *ultra vires* second dwelling.

30. The Planning Board resolution under review can be found at Exhibit 5 and lists the application documents included in the record.

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I want to bring this matter to your attention in an effort to avoid unnecessary litigation. Counsel to the ZBA, Lori Lee Dickson, suggested that a complaint should be filed now that Frank Tavalacci is no longer in charge. Should you issue a notice of violation, the property owners can seek the required variances and litigation would be unnecessary. I think the ZBA members would be pleased to have you do so. While they are split on whether they have jurisdiction, the ZBA members were all confident that this second dwelling is a zoning non-compliant condition that you have the authority to address. I urge you to make your mark as a no-nonsense official who enforces the codes of the Village of Mamaroneck and the State of New York.

31. Among those listed documents is the survey accompanying the 2023 amended site plan. The 2023 survey showed two dwellings –the 2-1/2 story frame residence and a “2-Story Frame pool house.” [As Built Survey prepared by TC Merits Land Surveyors, last revised August 29, 2023 shown at Exhibit 6.]

32. Earlier surveys and plans described this building as either a “carriage house” or a “garage” so the building had a new description by 2023, corresponding to the alterations that changed its use. See for example, Exhibit 1 and Exhibit 7 showing former descriptions.

33. Changing this building’s use from a garage or carriage house –both permitted accessory uses -- to a “pool house” itself suitable for a one-family dwelling required site plan approval and environmental review.

34. Upon information and belief, the 2023 amended site plan application was a *sub rosa* attempt to legalize the second dwelling at 886 Orienta Avenue insofar as the survey showed a change in use (garage converted to a second dwelling called a pool house) but the site plan application sought approval for only landscaping changes. See Exhibit 8.

35. Furthermore, the administrative record lacked certification of compliance with the Village of Mamaroneck zoning code:

Every application for site development plan approval shall be accompanied by a certification by the Director of Building, Code Enforcement and Land Use Administration to the effect that



said plan **meets all the specific applicable requirements of this [zoning] chapter** and a certificate by the Village Engineer that the plans meet all the applicable standards and requirements established or approved by him. Village of Mamaroneck Code §342-74. Emphasis added.

36. There was no public hearing on the application.

37. Petitioner McCrory informed the Planning Board by email that the certification was missing and that there was a zoning non-compliant condition of two dwellings this one-family district lot. Exhibit 9.

38. McCrory further noted that the Planning Board itself could bring a zoning appeal for an interpretation of the matter or the Sigalows could directly seek a variance:

Notwithstanding any provisions of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, applications may be made to the zoning board of appeals for an area variance pursuant to section 7-712-b of this article, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. NYS Village Law§7-723-a[3].

39. On September 27, 2023, the Planning Board approved the amended site plan as submitted, without zoning certification, and its resolution was filed with the Clerk on October 3, 2023. Exhibit 5.

40. The instant matter ensued.

## **JURISDICTION, TIMING & PARTIES**

41. Village Law prescribes the following for judicial review of a site plan:

Any person aggrieved by a decision of the authorized board or any officer, department, board or bureau of the village may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules[CPLR]. Such proceedings shall be instituted within thirty days after the filing of a decision by such board in the office of the village clerk. The court may take evidence or appoint a referee to take such evidence as it may direct, and report the same, with findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The court shall itself dispose of the matter on the merits, determining all questions which may be presented for determination. Village Law §7-725-a [11].

42. An article 78 proceeding is a special proceeding where the following questions may be raised:

1. whether the body or officer failed to perform a duty enjoined upon it by law; or
2. whether the body or officer proceeded, is proceeding or is about to proceed without or in excess of jurisdiction; or
3. whether a determination was made in violation of lawful procedure, was affected by an error of law or was arbitrary and capricious or an abuse of discretion, including abuse of discretion as to the measure or mode of penalty or discipline imposed; or
4. whether a determination made as a result of a hearing held, and at which evidence was taken, pursuant to direction by law is, on the entire record, supported by substantial evidence. CPLR §7803.



43. This petition alleges that Respondent Fonseca failed to perform a duty enjoined on her by law insofar as she failed to certify the zoning compliance of the 2023 amended site plan for 886 Orienta Avenue and thereby failed to remediate the zoning non-compliance of a second dwelling on the lot in the one-family residence district.

44. This proceeding also alleges that Respondent Village of Mamaroneck Planning Board lacked jurisdiction to approve a site plan without certification of the site plan's zoning compliance.

45. Finally, this petition alleges that the Planning Board determination to approve the amended site plan for 886 Orienta Avenue without a variance for two dwellings on the lot was an error of law, was arbitrary and capricious, and was an abuse of discretion.

46. The venue for this proceeding is Westchester County Supreme Court, the location of the parcel in question, the location of the residence of Petitioners, and the location of the Village of Mamaroneck.

### **Parties**

47. Petitioner Suzanne McCrory lives at 720 The Crescent in the Village of Mamaroneck in the R-15 one-family residential district and she is aggrieved not only because the integrity of the one-family residential district in her Orienta neighborhood has been undermined with two dwellings on a newly formed smaller lot, but also

because in 1997 the Village denied a building permit and variance to alter an original structure on her lot in a way that would create a second dwelling unit. That precedent was ignored in the instant matter and the Sigalows lot was granted property rights denied to her similarly situated lot.

48. Petitioner Stuart Tiekert lives at 130B Beach Avenue in the R-5 one-family residential district and he is aggrieved because his property at 130 Beach Avenue applied for a 1984 building permit to add a dwelling unit on the third floor of the original house and was denied that right under the zoning code. The then-property owners sought a variance that was denied. Those precedents were ignored in determining the Sigalow development rights.

49. Tiekert is further aggrieved because in September 2019, his personal condo unit was subject to criminal search and he was issued violations claiming he had in effect, created an additional dwelling unit on his third floor when that space had a bedroom, bath and living area from the 1940s but no cooking facilities.

50. The Village has not explained how Tiekert's third floor without cooking facilities could be a "dwelling unit" when the Sigalow's two story, 2500 square foot "pool house" with kitchen, bathrooms, bedroom and living areas was not considered a "dwelling."



51. Upon information and belief, the Village has applied its zoning code corruptly to the Sigalow lot, granting privileges not allowed by law while harassing others like Tiekert with unmerited violations.

52. Respondents Ian and Jessica Sigalow are named because they are the property owners of 886 Orienta Avenue who have violated the zoning code and injured the integrity of the one-family residential neighborhood. The property rights they have unlawfully obtained would be affected by the grant of this petition.

53. Respondent Village of Mamaroneck Planning Board is named as the municipal Board that approved a zoning non-compliant “amended” site plan showing two dwellings on a one-family residence district lot without a variance and certification of zoning compliance.

54. Respondent Carolina Fonseca is the Village of Mamaroneck Director of Building, Code Enforcement and Land Use Administration who is the official responsible for enforcing and certifying compliance to the Planning Board for purposes of assuring that site plans are compliant with the zoning code of the Village of Mamaroneck—a duty she failed to perform.

55. This petition is filed within 30 days of the entry of the Planning Board resolution with the Clerk of the Village of Mamaroneck.

## **The Subject Site Plan Amendment of 886 Orienta Avenue Is *Ultra Vires***

56. Petitioners repeat, reiterate, and reallege each and every allegation contained in paragraphs “1” through “55” of this Verified Petition, inclusive, with the same force and effect as though more fully set forth herein at length.

57. After the subdivision of the original 886 Orienta Avenue lot, all land uses on the newly formed lot known as 886 Orienta Avenue were required to conform to the zoning code pursuant to Village of Mamaroneck §342-11D.

58. In 2021, Respondents Sigalow added a non-conforming land use on their one-family residential lot by converting the former accessory carriage house/ garage to a second dwelling in violation of Village of Mamaroneck Code §342-21(A)(1).

59. Adding a second dwelling to a one-family residence district lot requires not only a variance but also site plan approval.<sup>2</sup>

60. When Respondent Sigalows applied for an amended site plan showing two dwellings, the zoning compliance of that plan was required to be certified by Respondent Fonseca as a prerequisite for site plan approval.

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<sup>2</sup> Site development plan approval by the Planning Board shall be required in all districts for:

**A.** The erection or enlargement of any building or other structure other than one- or two-family dwellings.

**B.** Any change of use or intensity in use other than in relation to a one- or two-family dwelling that will affect the characteristics of the site or increase the requirements under this Code in terms of parking, loading, circulation, drainage, utilities, landscaping, or outdoor lighting.



61. The administrative record for site plan approval of 886 Orienta Avenue included no such certification.

62. Respondent Fonseca failed to perform her duty under law to identify the zoning non-compliance of 886 Orienta Avenue –namely, two dwellings on a single-lot.

63. Respondent Planning Board acted unlawfully and in excess of its jurisdiction to approve the 2023 amended site plan without certification of zoning compliance.

64. Furthermore, the Planning Board erred to approve a site plan that showed a change in use without evaluating that change for the purposes of environmental review under the State Environmental Quality Review Act.

65. To the extent zoning laws are promulgated for the purpose of promoting public health, safety and welfare of the community<sup>3</sup>, the Village of Mamaroneck

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<sup>3</sup> For the purpose of promoting the health, safety, morals, or the general welfare of the community, the board of trustees of a village is hereby empowered, by local law, to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. As a part of the comprehensive plan and design, the village board is empowered by local law, to regulate and restrict certain areas as national historic landmarks, special historic sites, places and buildings for the purpose of conservation, protection, enhancement and perpetuation of these places of natural heritage. Such regulations shall provide that a board of appeals may determine and vary their application in harmony with the general purpose and intent, and in accordance with general or specific rules therein contained. NYS Village Law § 7-700.

has failed to enforce such laws to the detriment of its residents, particularly Tiekert and McCrory, who have lots that were similarly situated but treated differently.

WHEREFOR, Petitioners urge this court annul or revoke the Respondent Planning Board's September 27, 2023 amended site plan resolution for 886 Orienta Avenue because the lot has been improved with two dwellings, in violation of the Code of the Village of Mamaroneck principal uses for its one-family residence districts. Petitioners further urge this court to order Respondent Planning Board to appeal to the Village of Mamaroneck Board of Appeals for a interpretation of zoning compliance of 886 Orienta Avenue's development shown on the amended site plan. Finally, Petitioners urge this court to order Respondent Fonseca to issue a notice of violation and Order to Remedy for two dwellings at the lot known as 886 Orienta Avenue, revoke any certificates of compliance or certificates of occupancy for the illegal second dwelling, and for other such relief as may be appropriate.

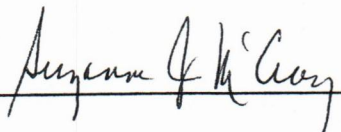
Mamaroneck, NY



**OATH OF TRUTH**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF WESTCHESTER)

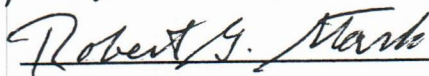
SUZANNE MCCRORY, being duly sworn, says that she is a Petitioner in the within action, that she has read the foregoing Petition and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true.



SUZANNE MCCRORY

Petitioner Pro Se  
720 The Crescent  
Mamaroneck, NY 10543  
914 698-5686

Sworn to before me this  
27<sup>th</sup> day of October 2023

  
NOTARY PUBLIC

ROBERT G. STARK  
Notary Public, State of New York  
No. 01ST4846635  
Qualified in Westchester County  
Term Expires November 30, 2025

**CERTIFICATION**

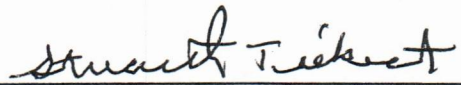
I, **SUZANNE MCCRORY**, **HEREBY CERTIFY**, under penalty of perjury, to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the foregoing Petition Pursuant to CPLR 5531 is not frivolous pursuant to Subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator (22NYCRR).

  
SUZANNE MCCRORY

**OATH OF TRUTH**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF WESTCHESTER)

STUART TIEKERT, being duly sworn, says that he is a Petitioner in the within action, that he has read the foregoing Petition and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.



STUART TIEKERT

Petitioner Pro Se  
130B Beach Avenue  
Mamaroneck, NY 10543  
914 698-7495

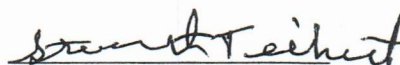
Sworn to before me this  
27<sup>th</sup> day of October 2023

  
NOTARY PUBLIC

ROBERT G. STARK  
Notary Public, State of New York  
No. 01ST4846635  
Qualified in Westchester County  
Term Expires November 30, 2025

**CERTIFICATION**

**I, STUART TIEKERT, HEREBY CERTIFY**, under penalty of perjury, to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the foregoing Petition Pursuant to CPLR 5531 is not frivolous pursuant to Subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator (22NYCRR).



STUART TIEKERT



## EXHIBIT LIST

### Number

### Title

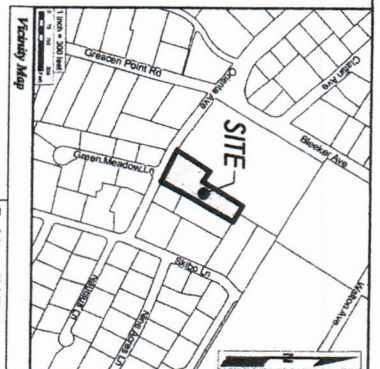
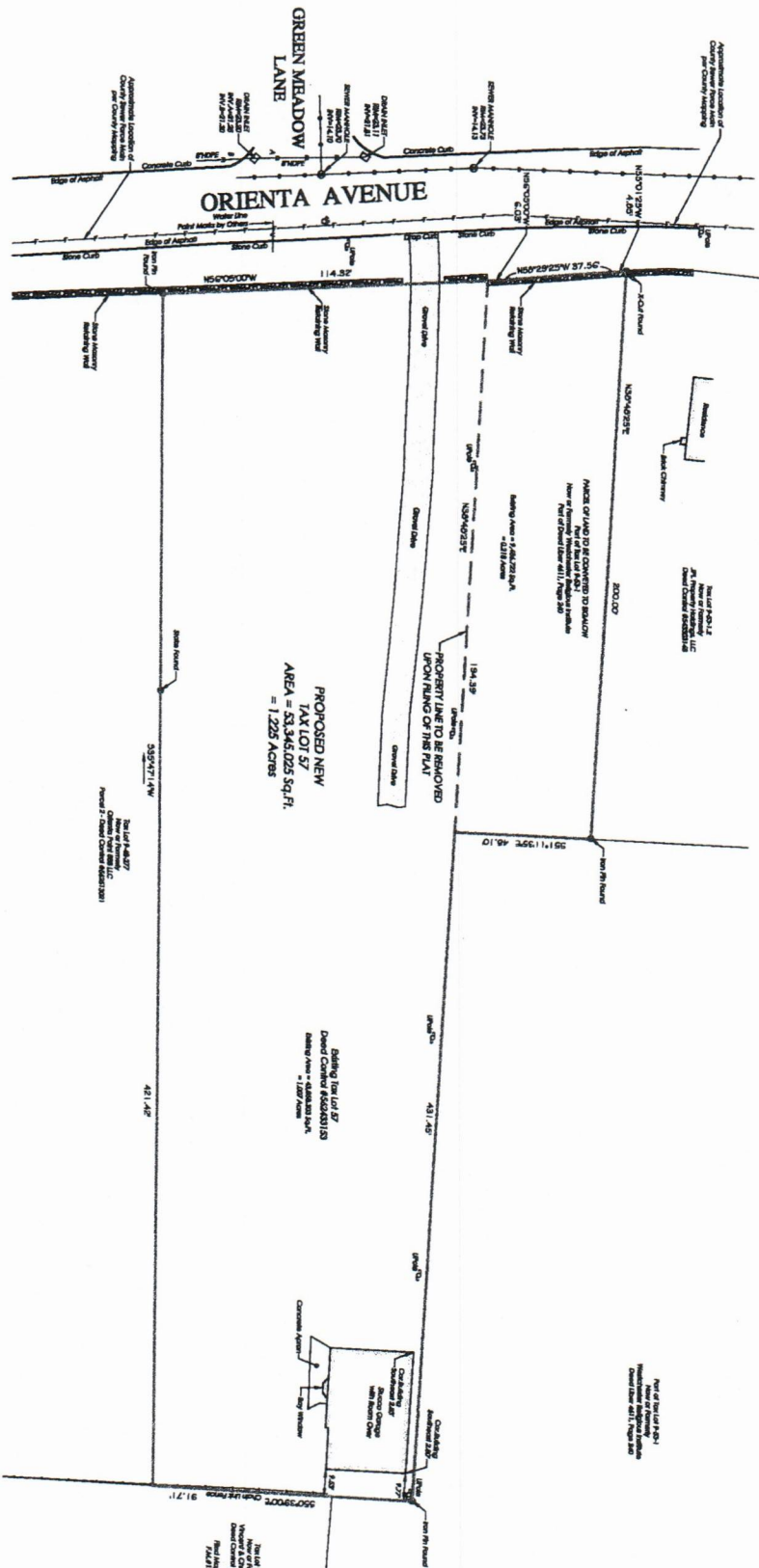
- 1 2017 Survey of 886 Orienta Avenue showing empty lot except for "Stucco Garage with room over"
- 2 Parcel History for 886 Orienta, dated 10/13/2021
- 3 Approved Plans to Renovate Garage/Carriage house
- 4 McCrory email to Respondent Fonseca about 2 dwellings on one-family residence district lot at 886 Orienta Avenue
- 5 Planning Board Resolution filed October 3, 2023
- 6 Survey of 886 Orienta Avenue [August 29, 2023]
- 7 2021 "Overall Site Plan" denoting building next to proposed pool as "Carriage House"
- 8 Owner's letter claiming that the only changes to the site plan were landscaping changes
- 9 McCrory email to Planning Board re: 886 Orienta Avenue

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NEW YORK

BLEEKER AVENUE



Total Area = 53,546.025 Sq. Ft. = 1.223 Acres

**EXHIBIT 1**

Additional property lines and easements are shown as uncolored lines on this map. The colored lines represent the proposed lot boundaries and easements. The map is prepared for the Village of Monticello, New York, and is subject to the provisions of the Town of Monticello Zoning Ordinance, Section 2.0 of the Town Code.

**LEGEND**

PROPOSED LOT BOUNDARIES: Shaded area with dashed lines.

EASEMENTS: Thin lines with arrows indicating direction.

EXISTING STRUCTURES: Outlined areas with labels.

PROPOSED NEW LOT: Shaded area with dashed lines.

PROPOSED LOT AREA: 53,546.025 Sq. Ft. = 1.223 Acres.

PROPOSED LOT DIMENSIONS: 134.39' x 421.45'.

PROPOSED LOT CORNERS: 134.39' x 421.45' x 134.39' x 421.45'.

PROPOSED LOT AREA: 53,546.025 Sq. Ft. = 1.223 Acres.

PROPOSED LOT DIMENSIONS: 134.39' x 421.45'.

PROPOSED LOT CORNERS: 134.39' x 421.45' x 134.39' x 421.45'.

**APPROVED BY THE VILLAGE OF MONTICELLO**

The undersigned hereby certifies that the foregoing is a true and correct copy of the original map as filed with the Town of Monticello, New York, and is subject to the provisions of the Town of Monticello Zoning Ordinance, Section 2.0 of the Town Code.

**APPROVED BY THE TOWN OF MONTICELLO**

The undersigned hereby certifies that the foregoing is a true and correct copy of the original map as filed with the Town of Monticello, New York, and is subject to the provisions of the Town of Monticello Zoning Ordinance, Section 2.0 of the Town Code.



**LOT LINE CHANGE MAP**  
**PREPARED FOR**  
**IAN SIGALOW**  
**AND**  
**JESSICA SIGALOW**  
**STAYERS IN THE**  
**VILLAGE OF MONTICELLO**  
**WENTCHESTER COUNTY, NEW YORK**

TC MERRITT LAND SURVEYORS  
394 BEDFORD ROAD • PLASANTVILLE • NY 10570  
(914) 766-5003 • (203) 622-8899

STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
DIVISION OF REAL PROPERTY SERVICES

1. David J. Merritt, Licensed Land Surveyor, who made this map, the boundary survey, and the survey map, which this map is based on, completed March 7, 2017, and has signed this map on March 7, 2017.

*David J. Merritt*  
David J. Merritt, Licensed Land Surveyor No. 000064

Project: 16-002  
Drawn By: JAC  
Checked By: JAC



## PARCEL HISTORY



**Village of Mamaroneck  
169 Mt. Pleasant Ave  
Mamaroneck, New York 10543  
914-777-7731**

10/13/2021

**Address:** 886 ORIENTA AV

**Parcel ID: 9-100-2**

Issued Date	Item	Status	CO/CC #	CO/CC Date
1/12/2004	PERMIT #:21355	CLOSED		
<b>Owner:</b> Mort Propp alteration remove & replace 1000 gal ust				
2/10/2004	CC #:21355	ISSUED		
<b>Owner:</b> alteration remove & replace 1000 gal ust				
3/17/2015	CERT #:15-0561	ISSUED		3/17/2015
<b>Owner:</b>				
5/10/2016	COMPLAINT #:16-2550	CLOSED		5/10/2016
<b>Owner:</b> alteration remove & replace 1000 gal ust				
5/30/2017	COMPLAINT #:17-3421	CLOSED		8/23/2017
<b>Owner:</b> alteration remove & replace 1000 gal ust				

EXHIBIT 2

# PARCEL HISTORY



Village of Mamaroneck  
169 Mt. Pleasant Ave  
Mamaroneck, New York 10543  
914-777-7731

10/13/2021

Address: 886 ORIENTA AV

Parcel ID: 9-100-2

Issued Date	Item	Status	CO/CC #	CO/CC Date
8/17/2017	PERMIT #:17-0946	CLOSED	17-0946	7/31/2018
<b>Owner:</b> SIGALOW, IAN AND JESSICA				
Construction of a New One Family Dwelling - BAR Approval 3/16/17 Revised Plans Approved 03/12/18 for the Bump Out of Wall @ Steel Sash Conventional Basement With 4" Slab. HUD Tie Downs, Steel Saddle Detail and Removal of A/C Well & Replace with Window Well. Unfinished Attic No Sprinklers, Spray Foam on Rafters, Alaskan yellow Cedar Roof, Spray Foam Under Entire Basement. Added Beam 3 in Kitchen Ceiling and Added Flitch Beam and Covered Porch. Revised Plans Approved 05/02/18 for New Details of Retaining Wall. Revised Plans Approved 06/05/18 to Install a Generator & BBQ.				
8/17/2017	PERMIT #:17-0947	CLOSED		7/31/2018
<b>Owner:</b> SIGALOW, IAN AND JESSICA				
This Permit is Being Issued in Conjunction with BP#17-0946 Issued for the Construction of New One (1) Family Dwelling. All Inspections will be Reflected on BP#17-0946.				
8/22/2017	PERMIT #:17-0973-E	CLOSED		9/21/2021
<b>Owner:</b> SIGALOW, IAN AND JESSICA				
200 amp temp service				
10/23/2017	PERMIT #:17-1255-P	CLOSED		7/31/2018
<b>Owner:</b> SIGALOW, IAN AND JESSICA				
install new fixtures and gas throughout new house - BP 17-0946				



# PARCEL HISTORY



Village of Mamaroneck  
169 Mt. Pleasant Ave  
Mamaroneck, New York 10543  
914-777-7731

10/13/2021

Address: 886 ORIENTA AV

Parcel ID: 9-100-2

Issued Date	Item	Status	CO/CC #	CO/CC Date
11/14/2017	PERMIT #:17-1369-E	CLOSED		6/21/2018
Owner: SIGALOW, IAN AND JESSICA wiring of new house with 400 amps underground service - BP 17-0946				
12/27/2017	PERMIT #:17-1509-E	CLOSED		6/26/2018
Owner: SIGALOW, IAN AND JESSICA low voltage security system, fire and CO protection: 5 smoke detectors, 12 combo smoke/CO detectors and 1 natural gas detector - BP 17-0946				
7/2/2018	PERMIT #:18-0608	CLOSED	18-0608	9/1/2021
Owner: SIGALOW, IAN AND JESSICA Installation of a 27 kW Natural Gas Generator				
7/3/2018	PERMIT #:18-0615-E	CLOSED		7/17/2018
Owner: SIGALOW, IAN AND JESSICA install a 48kW generator with 400 amps transfer switch - BP 18-0608				
7/3/2018	PERMIT #:18-0618-P	CLOSED		11/2/2018
Owner: SIGALOW, IAN AND JESSICA gas for generator - BP 18-0608				

# PARCEL HISTORY



Village of Mamaroneck  
169 Mt. Pleasant Ave  
Mamaroneck, New York 10543  
914-777-7731

10/13/2021

Address: 886 ORIENTA AV  
Parcel ID: 9-100-2

Issued Date	Item	Status	CO/CC #	CO/CC Date
7/10/2018	PERMIT #:18-0648-E	CLOSED		7/16/2018
Owner: SIGALOW, IAN AND JESSICA install 12 volt lighting in front of house				
7/25/2018	PERMIT #:18-0724-M	OPEN		
Owner: SIGALOW, IAN AND JESSICA Installation of New HVAC Throughout the House				
7/31/2018	CO #:17-0946	ISSUED		
Owner: Construction of a New One Family Dwelling - BAR Approval 3/16/17 Revised Plans Approved 03/12/18 for the Bump Out of Wall @ Steel Sash Conventional Basement With 4" Slab, HUD Tie Downs, Steel Saddle Detail and Removal of A/C Well & Replace with Window Well. Unfinished Attic No Sprinklers, Spray Foam on Rafters, Alaskan Yellow Cedar Roof, Spray Foam Under Entire Basement, Added Beam 3 in Kitchen Ceiling and Added Flitch Beam and Covered Porch Revised Plans Approved 05/02/18 for New Details of Retaining Wall. Revised Plans Approved 06/05/18 to Install a Generator & BBQ.				
5/15/2021	PERMIT #:21-0459	OPEN		
Owner: SIGALOW, IAN AND JESSICA Interior Renovation of Existing Accessory Structure (Carriage House) With New Exterior Windows, Doors and Siding BAR Approval 3/18/21				



# PARCEL HISTORY



Village of Mamaroneck  
169 Mt. Pleasant Ave  
Mamaroneck, New York 10543  
914-777-7731

10/13/2021

Address: 886 ORIENTA AV  
Parcel ID: 9-100-2

Issued Date	Item	Status	CO/CC #	CO/CC Date
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9/1/2021	CC #:18-0608	ISSUED		
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Owner:

Installation of a 27 kW Natural Gas Generator

10/8/2021	COMPLAINT #:21-0900	OPEN		
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Owner:

APPROVED CONSTRUCTION DOCUMENTS

10/8/2021	COMPLAINT #:21-0901	OPEN		
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Owner:

NO PERMIT OUT PERMIT DISPLAYED

## 16 February 2021 - Building Department Issue

## PROJECT CONTACTS

SYMBOLS[illegible]

## DRAWING LIST

- A-002 PLOT PLAN & ZONING DATA
- A-003 EXISTING MAIN HOUSE AND ADJACENT NEIGHBOR PHOTOS
- A-004 EXISTING ACCESSORY BUILDING PHOTOS
- A-010 EXISTING FLOOR PLANS
- A-020 EXISTING EXTERIOR ELEVATIONS
- A-101 FOUNDATION & 1ST FLOOR PLANS
- A-102 SECOND FLOOR & ROOF PLANS
- A-201 EXTERIOR ELEVATIONS
- A-301 BUILDING SECTION AND DETAILS

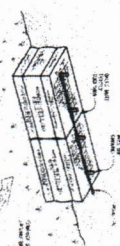
[illegible][illegible]

SUBMISSIONS		SEAL NUMBER
Date	Description	
1-27-21	Building Department Issue	
2-16-21	Building Department Issue	B.P.#21-0459

NO OCCUPANCY OF ANY  
PREVIOUS SERIES WITH  
CERT. OF NO OCCUPANCY X  
HAS BEEN ISSUED

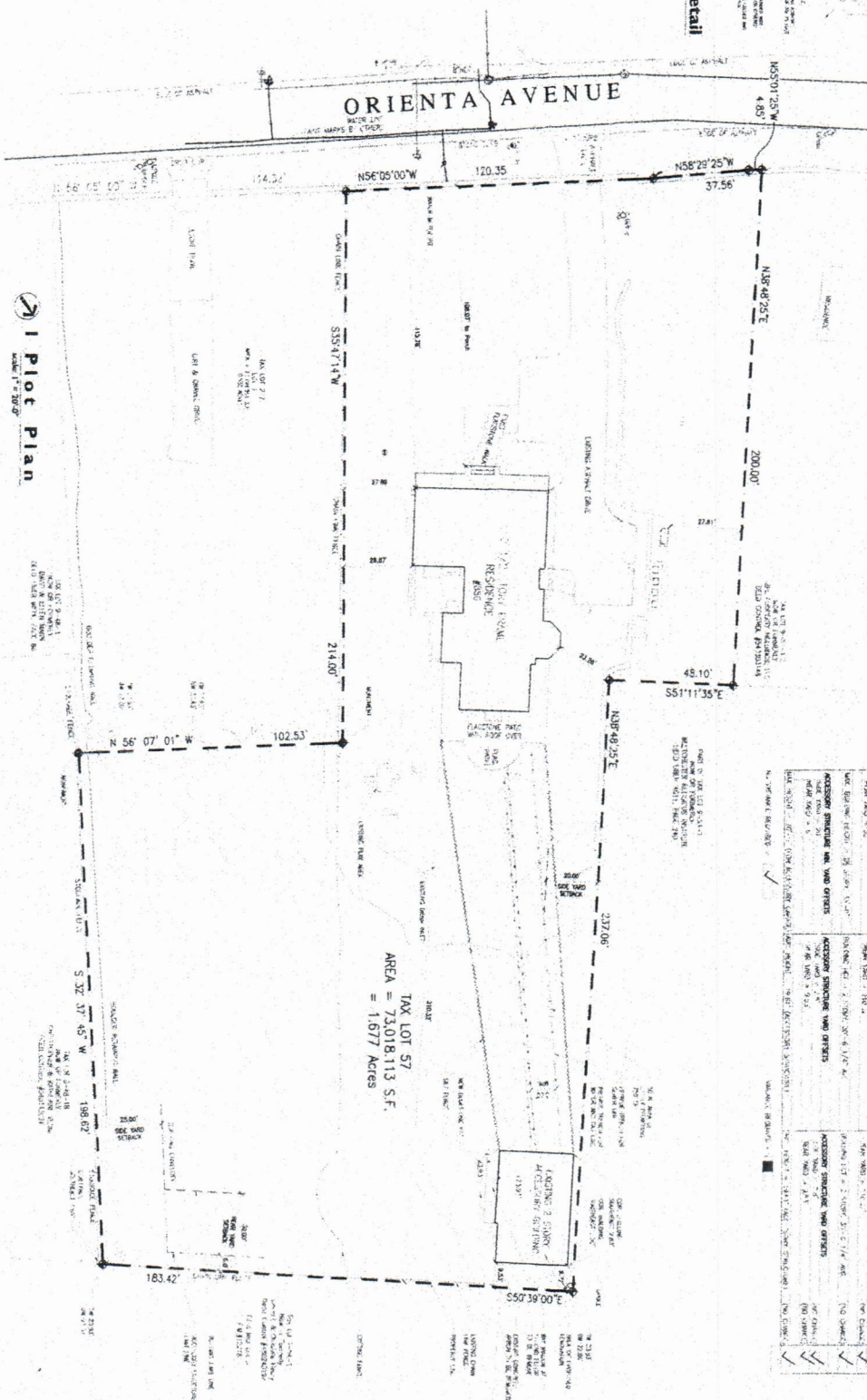
Sigalow Residence - 886 Orienta Ave, Mamaroneck, NY 10543  
Accessory Structure Renovation - 16 February 2021 - Building Department Issue





## 2 Strawbale Silt Barrier

#### 4 Soil Stockpile Detail

[illegible]

MARSELLA  
ARCHITECTS  
P.C.

178 EAST BOSTON POST RD  
MAMAKONUCK, NY 10543  
914.630.0800

*[Signature]*

THE SECRETARY OF THE  
TREASURY

**Sigalow Residence**

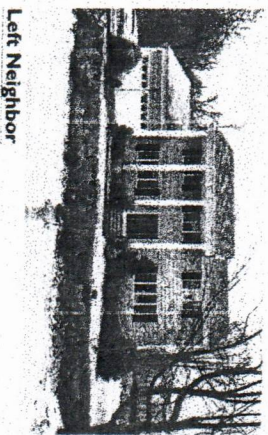
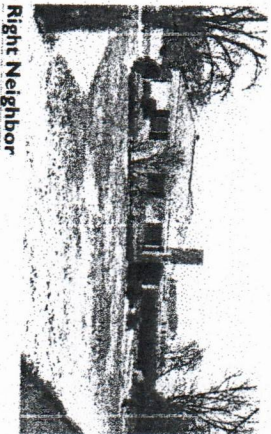
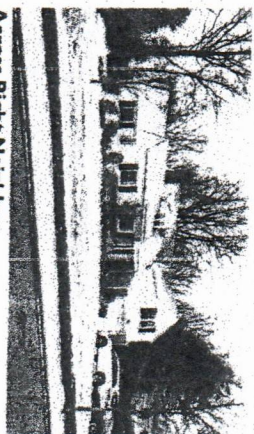
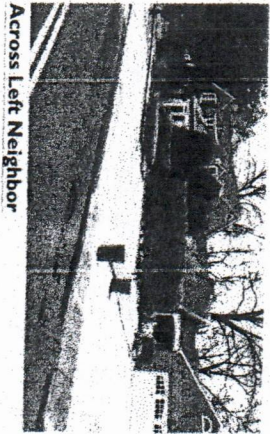
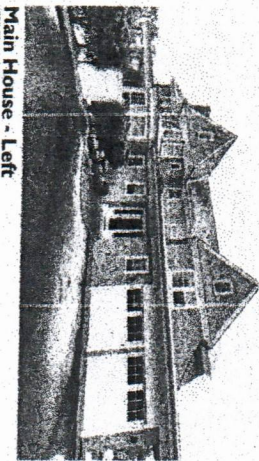
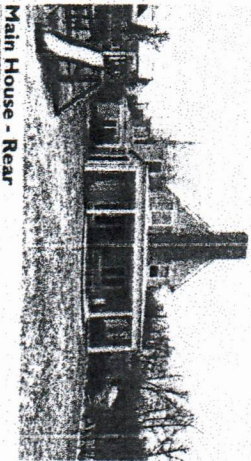
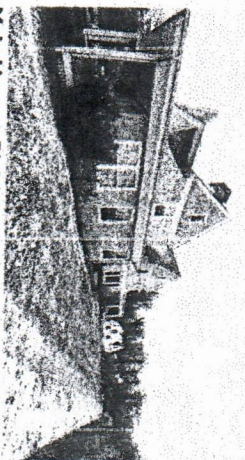
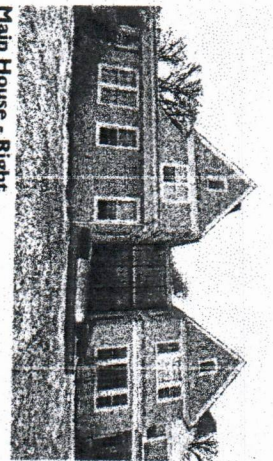
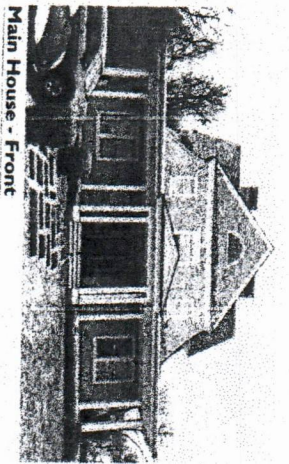
## Accessory Structure Renovation

886 Orienta Ave  
Mamaroneck, N.Y. 1054

Plot Plan &amp; Zoning Data

**A-007**





DATE: 10/20/03

PROJ. NO. 03-0003  
10/20/03

**MARSELLA  
ARCHITECTS  
P.C.**

178 EAST BOSTON POST RD.  
MANHATTAN, NY 10043

914.630.0800

*[Signature]*

NO.	DATE
1	10/20/03
2	10/20/03
3	10/20/03
4	10/20/03
5	10/20/03
6	10/20/03
7	10/20/03
8	10/20/03
9	10/20/03
10	10/20/03

NO. DATE

**Signalow Residence**

**Accessory Structure  
Renovation**

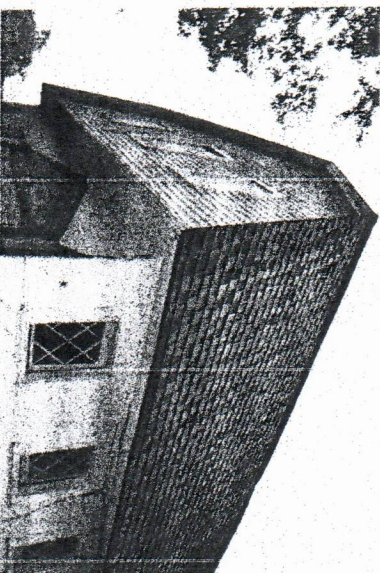
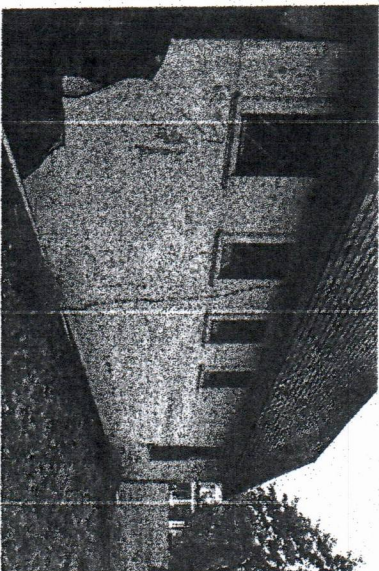
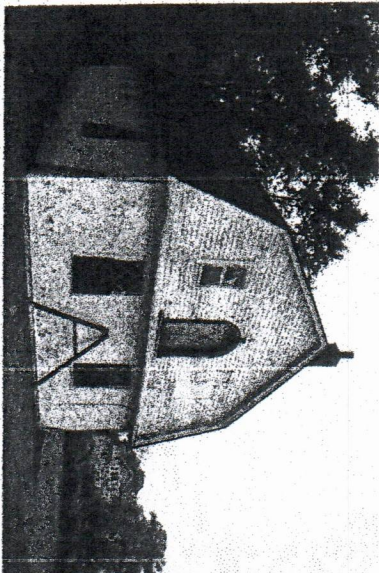
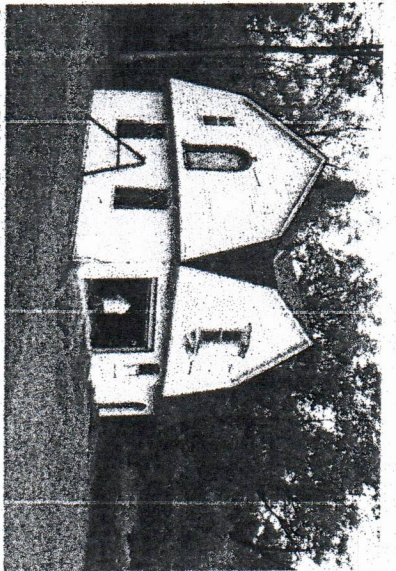
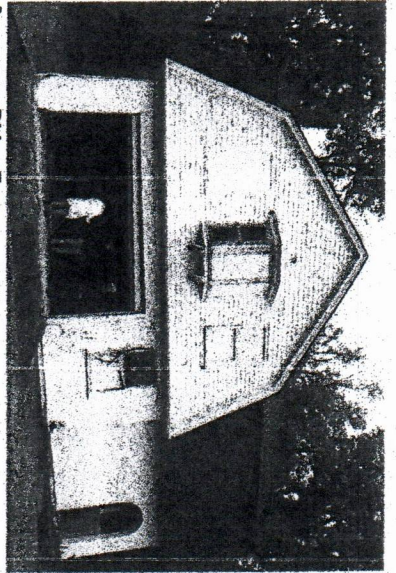
886 Orienta Ave  
Manamontec, N.Y. 10543

Building Department Issue

Existing Main House and  
Adjacent Neighbor Photos

**A-003**





THE UNIVERSITY OF CHICAGO

MARSELLA  
ARCHITECTS  
PC

178 EAST BOSTON POST RD.  
MAMARONICK, NY 10543

914.630.0800

NO.	REPORTER	DATE
1	Dealing in Government Issue	10/17/77
2	Dealing in Government Issue	11/18/77

**Sigalow Residence**

### Accessory Structure Renovation

886 Orienta Ave  
Mamaroneck, N.Y. 1054

Year 9      Room 4b      Date 5/7

ASPECT 1: MODEL

Building Department Issue

## Existing Accessory Building Photos

**Sig-Dot-4-Med-DMG.**

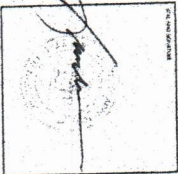
**A-004**



**MARSELLA  
ARCHITECTS  
P.C.**

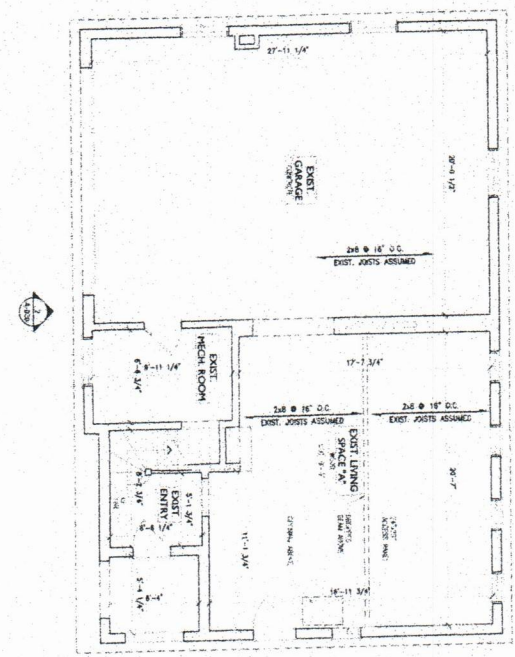
78 EAST BOSTON POST RD  
MAMARONECK, NY 10543

914.630.0800

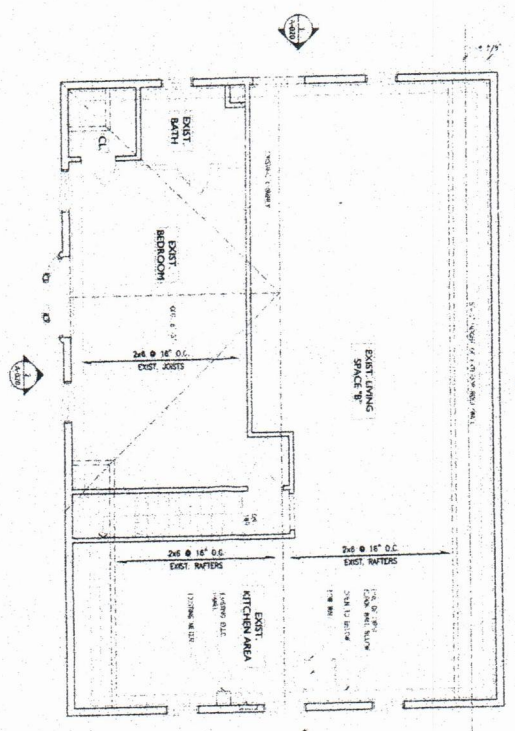


NO.	REVISION	DATE
1	Initial, Issued for Permit	07/27/10
2	Issued for Construction	07/27/10

<b>Signalow Residence</b> Accessory Structure Renovation 886 Chertea Ave Mamaroneck, NY 10543	
Drawing No. A-010	Building Department Issue Date 07/27/10



**1 Existing First Floor Plan**  
Scale: 1/8" = 1'-0"



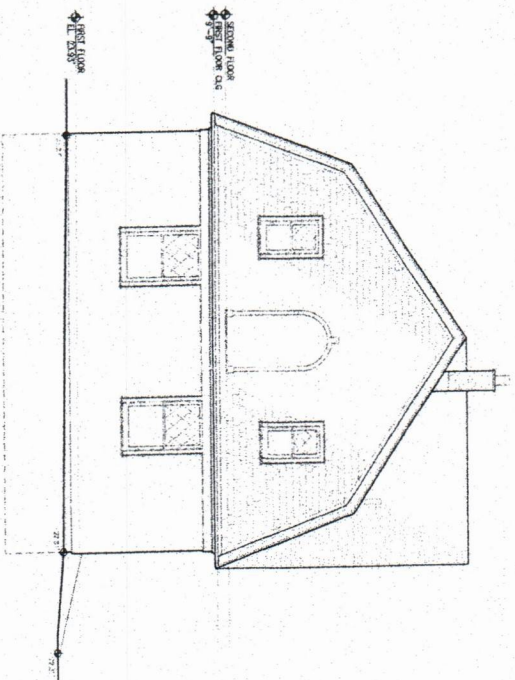
**2 Existing Second Floor Plan**  
Scale: 1/8" = 1'-0"

Existing Floor Plans

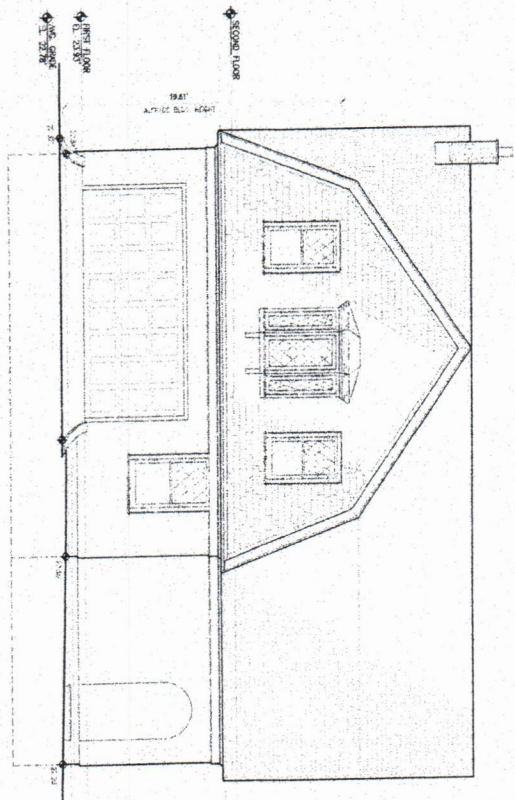
Date 07/27/10 Drawn by J. J. J. Checked by J. J. J. Project No. 886-010	Title Signalow Residence Accessory Structure Renovation
--	--

**A-010**

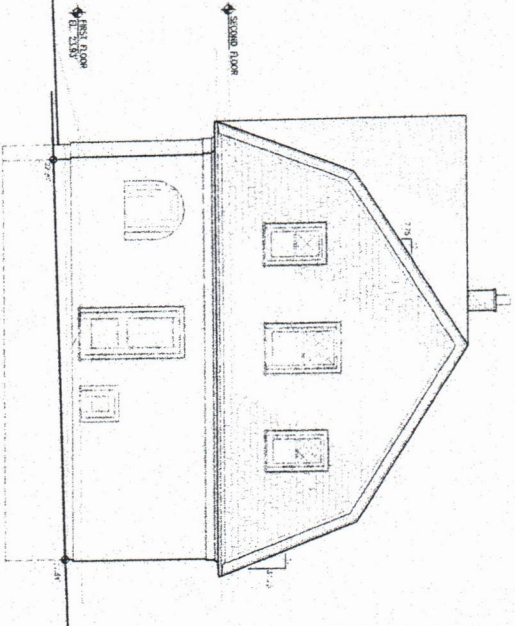




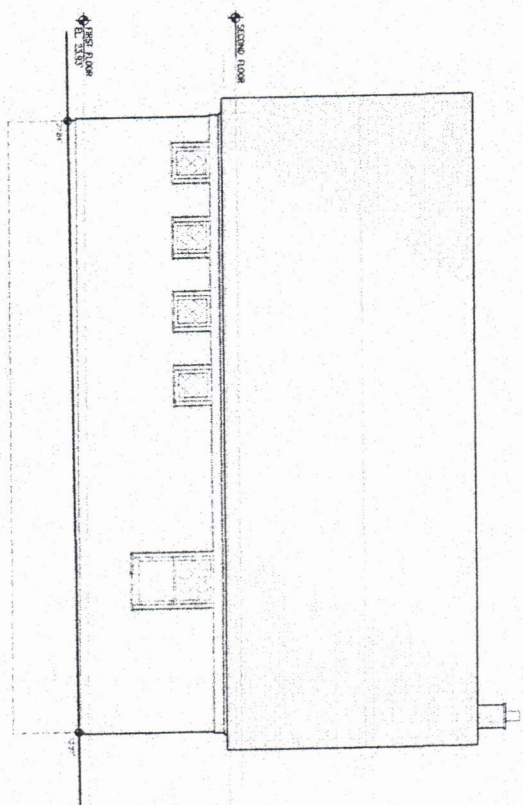
1 Existing South Elevation  
Scale: 1/4" = 1'-0"



2 Existing East Elevation  
Scale: 1/4" = 1'-0"



3 Existing North Elevation  
Scale: 1/4" = 1'-0"



4 Existing West Elevation  
Scale: 1/4" = 1'-0"

MARSELLA  
ARCHITECTS  
P.C.

78 EAST BOSTON POST RD  
MAMAKONICK, NY 10540  
914.630.0800

NO.	REVISION	DATE
1	Issued for Construction	10/1/17
2	Issued for Construction	10/1/17

Sigalow Residence

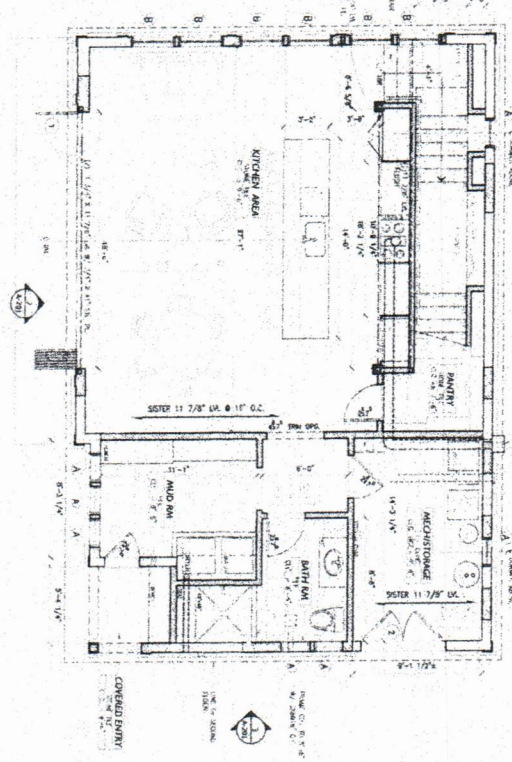
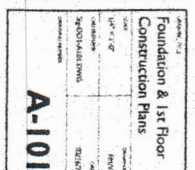
Accessory Structure  
Renovation

886 Orienta Ave  
Manhasset Neck, N.Y. 10543

Building Department Issue

Existing Exterior  
Elevations

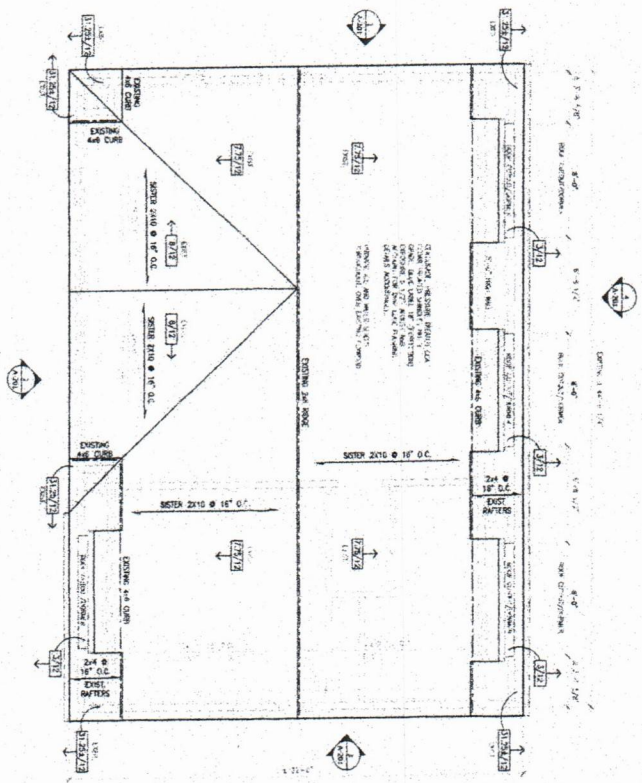
A-020





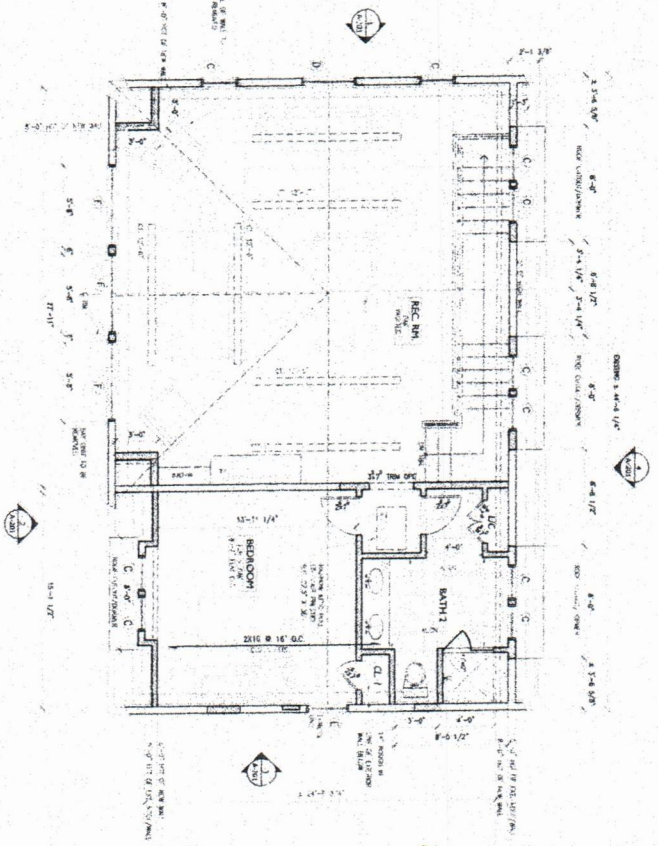
# 1 Roof Plan

Scale: 1/4" = 1'-0"



# 2 Second Floor Plan

Scale: 1/4" = 1'-0"



**MARSELLA ARCHITECTS P.C.**  
128 EAST BOSTON POST RD.  
MANHATTEN, NY 10540  
914-630-0800

*Signature*

**Seiglow Residence**  
Accessory Structure  
Renovation  
886 Orient Ave  
Manhasset, N.Y. 10543

**Roof Plan & 2nd Floor Construction Plans**  
A-102



178 EAST BOSTON POST RD  
MAMARONECK, NY 10743  
914.630.0800

13	NOV 20 1964	100-237
12	100-237-1000	
11	100-237-1000	
10	100-237-1000	
9	100-237-1000	
8	100-237-1000	
7	100-237-1000	
6	100-237-1000	
5	100-237-1000	
4	100-237-1000	
3	100-237-1000	
2	100-237-1000	
1	100-237-1000	

**Signalow Residence**  
**Accessory Structure**  
**Renovation**  
886 Orienta Ave  
Mamaroneck, N.Y. 10543

**Exterior Elevations**

Model: \_\_\_\_\_  
Date: \_\_\_\_\_  
Location: \_\_\_\_\_  
Project: \_\_\_\_\_  
Drawn by: \_\_\_\_\_  
Scale: \_\_\_\_\_  
Notes: \_\_\_\_\_

A-201





## 5 Window Head and Sill Detail

scale: 1/12" = 1'-0"

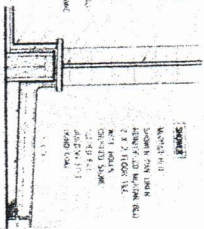
1-1700-1000  
SHELL & CO. INC.

4. CHRYSLER (1994)



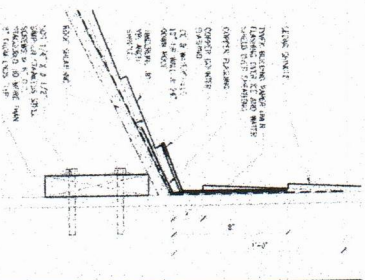
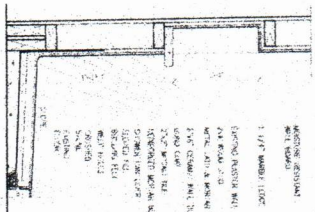
## 6 Patio on Grade Detail

scale:  $3/4" = 1'-0"$



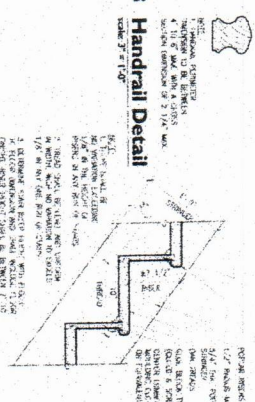
## 7 Shower Curb Detail

scale: 1 1/2" = 1'-0"



#### 4 Roof to Wall Flashing Detail

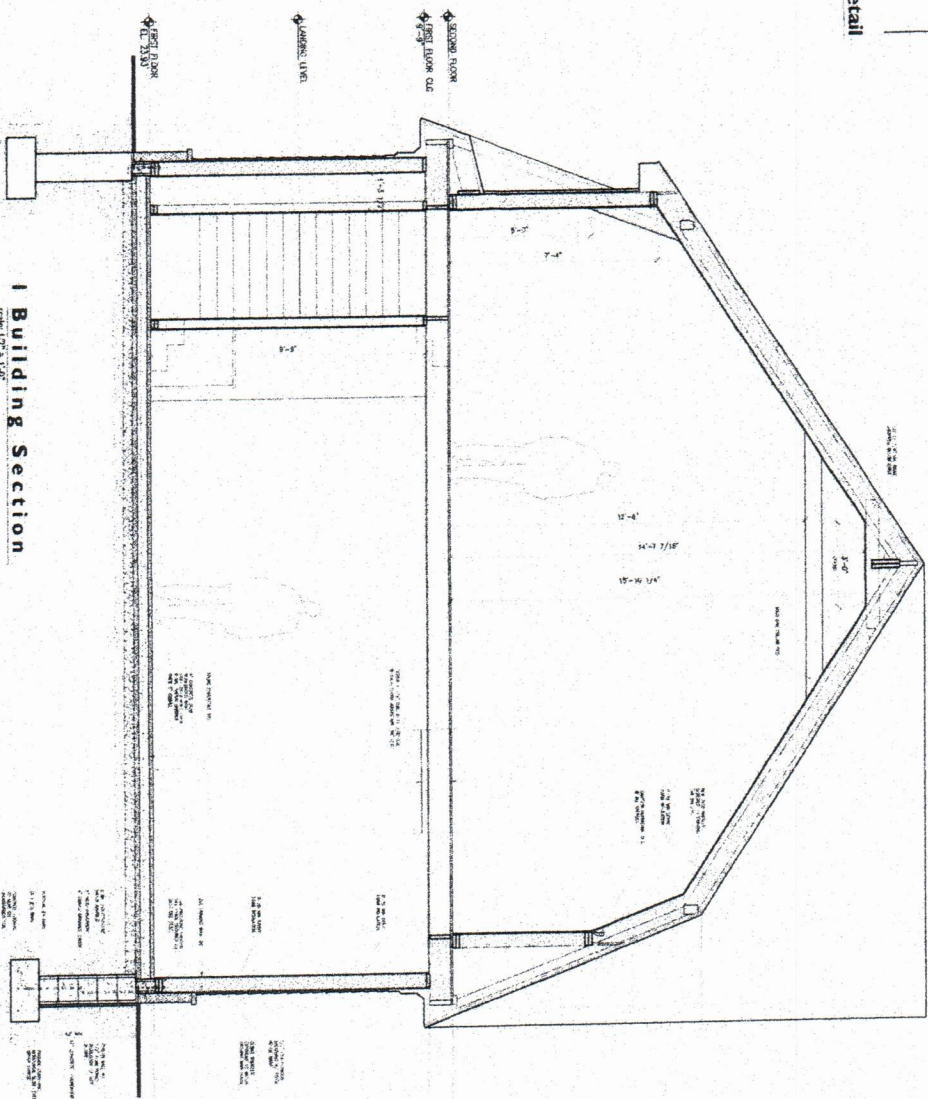
scale: 1 1/2" = 1'-0"



### 3 Handrail Detail

value:  $3^{\circ} = 1^{\circ}, 0^{\circ}$ .

## 2 Stair Section

scale:  $1/12^{\circ} = 1^{\circ} 0'$ 

## Building Section

scale: 1/2" = 1'-0"



**From:** Suzanne McCrory smccrory@mac.com  
**Subject:** 1310 Flagler Drive, 800 Rushmore Avenue and 886 Orienta Avenue  
**Date:** January 14, 2023 at 2:30 PM  
**To:** cfonseca@vomny.org

Dear Ms. Fonseca,

Welcome to the Village of Mamaroneck. I truly hope that your tenure involves high attention to flood zone and zoning requirements as properties are re-developed in this community. I want to address three current development projects of concern:

**(1) 1310 Flagler Drive:**

This lot is located on the open waters of Long Island Sound in the flood zone area designated a "V-zone" where the threat of wind and breaking waves from a hurricane can cause structural damage (think about Ian's impact on Sanibel Island Florida earlier this year). John Farris, the prior owner of 1310 Flagler, suffered extensive damage from Sandy in 2012—and that storm was not hurricane strength when it reached New York.

I have looked through the documents on the website associated with the Planning Board's site plan review of a new house at 1310 Flagler. There is no foundation plan, no designs for breakaway walls although the applicant claims the walls will be breakaway, nor can I locate the required engineering certification (signed and sealed) confirming that the design will meet minimum flood zone rules. The floodplain development permit is shown as a document filled in by the applicant but never completed by the floodplain administrator. I don't know who serves as our floodplain administrator but he/she allowed this development proposal to escape required design review.

We had a case like this about 15 years ago at 818 The Crescent. Richard Ottinger (a former US Congressman) and his wife June, proposed a re-development of their house on Mamaroneck Harbor in the V-zone. I brought the development to the attention of the NYS Floodplain Administrator who personally visited and told them that the new house had to be built on piers or pilings. The Ottingers revised their plans to show piers rather than a solid foundation. But they built the solid foundation walls anyway. The Ottingers found themselves trapped in a state of non-compliance that prevented a certificate of occupancy. After trying unsuccessfully for years to retrofit the foundation to satisfy FEMA requirements, they ultimately applied (twice) to revise the FEMA flood map. They had to reinforce their seawall extensively. The building official who turned a blind eye to the non-compliance was Richard Carroll and then John Winter spent years trying to restore compliance.

The lesson from the Ottinger experience is that foundations are critical in the V-zone both in the design and construction stage. Please require the applicant to submit the foundation plan for this development, plans for breakaway walls (which must meet strict performance criteria) and a certification from a design professional that the foundation and any proposed breakaway walls will satisfy minimum flood zone rules. And, please be vigilant during construction to assure that the design is built as approved.

I also note that this development has three stories but the zoning table lists the stories as "FEMA +2." I respectfully suggest that the permit application should have been disapproved with respect to stories so that an interpretation and/or variance can be sought. Mr. Tavalacci has been very uneven in his enforcement of law and I hope your tenure will involve greater consistency.

**(2) 800 Rushmore Avenue**

EXHIBIT 4



