

Minutes of a Meeting of the Board of Trustees
of the Village of Larchmont held on
Thursday, February 25, 2016.

PRESENT: Mayor Anne McAndrews
Deputy Mayor Lorraine Walsh
Trustees John Komar
Peter Fanelli

ABSENT: Trustee Kolbert

Also Present: Administrator Datino, Attorney Staudt,
Joanna C. Feldman, Esq., representing the Village Attorney's office

Mayor McAndrews called the meeting to order at 7:30 PM and welcomed those present to the special meeting.

Mayor McAndrews noted this meeting is for consideration by the Village Board for a variance under the newly passed Local Law #1-2016, moratorium on building construction, demolition site plan review subdivision, etc.

Mayor McAndrews turned over the meeting to Village Council, Attorney Staudt. Attorney Staudt stated at the last meeting there was a public hearing opened and conducted regarding the application of 40 Ocean entity for a variance to the moratorium law. Input was taken, written documentation was taken and at the conclusion of the session the Village Board would give the applicant, 40 Ocean entity the opportunity to respond to some of the materials that came in close to the date of the hearing and anything new that came in, and likewise for anyone else.

The Village Board directed the Village Administrator to circulate to the Village Departments and consultants the materials that had come in and for any comment on them. The Village made a request to the Village Planning Board that they review the application and make a recommendation to the Village Board.

The Village Board is here tonight if anyone had anything new to add to this matter, they would be entitled to do so or comment on one of the newer documents that they wouldn't have been reasonably expected to comment on at the last hearing session. Since that time there have been documents submitted. We had a response from Cuddy & Feder to documents submitted by Keane and Beane, which was put on the Village's website.

The Village Planning Board did meet between last meeting and this meeting and submitted a recommendation to the Village Board, which was put on the Village's website. The Village's consulting engineer looked at the application and submitted a memorandum also put on the Village's website. There then was a further letter, a response to the response from Keane and Beane, also submitted from the last hearing, which was also posted on the Village's website.

Administrator Datino noted that there are two applications that were pending before the Planning Board that were stopped because of the moratorium, 15 Thompson Place and 78 Shore Drive.

Mayor McAndrews asked anyone in the audience if they had any further comment.

Chiocchio, L.
Cuddy & Feder

Lucia Chiocchio, from Cuddy & Feder, representing the applicant that owns 40 Ocean Avenue appeared before the Village Board.

Ms. Chiocchio noted that with respect to the submissions, in addition to setting the hearings the Village Board set a deadline for any submissions, any comments to materials for Tuesday, February 23, 2016. The Village Board required that attorneys copy the other attorneys with respect to submissions. Preserve Larchmont's Attorney Mr. Sachs had submitted a letter today, February 25, 2016, that Cuddy and Feder were not copied on. The Village Clerk provided a copy to Cuddy and Feder but given that Preserve Larchmont did not comply with the deadline, she urges the Village Board not to accept this as part of the record.

Cuddy and Feder complied with the deadline and if the Board accepts the letter, they are being rewarded for not following the rules and violating the procedures set forth by the Village Board.

Ms. Chiocchio noted that upon review of the public hearings that were held on the moratorium, it was determined that several of the speakers were not Village residents. Ms. Chiocchio thinks this is a concern for clarity for the record that many of those speaking are not constituents of the Village of Larchmont. Ms. Chiocchio would ask that the speakers identify and provide addresses and she asks that the Village Board remain consistent about it.

Mayor McAndrews asked if any other parties want to make a comment before the public hearing is closed. Upon the public hearing being closed the Village Board may deliberate but there would not be an opportunity for any further comment.

On motion of Trustee Fanelli, seconded by Trustee Komar, and unanimously carried, it was:

RESOLUTION
P. H. for appeal of
Moratorium
L.L No. 1-2016
was closed

RESOLVED, that the Public Hearing on an application of the Moratorium on Certain Land Use Applications (L.L. No. 1-2016) re: 40 Ocean Avenue be closed.

Mayor McAndrews noted each Trustee will be given an opportunity to comment on the matter if they choose to.

Trustee Walsh made the following comments:

Trustee Comments

1. Trustee Walsh looked at the documents and disregarded the letter from February 25, 2016.
2. She reviewed the points that the applicant needed to make in order to approve a variance.
3. The applicant stated that the moratorium was directed solely at the property of 40 Ocean Avenue and that was not the case. There were projects on Palmer Avenue, Larchmont Avenue, Vanderburgh Avenue and pending applications on Thompson and Shore Drive. This moratorium is in response to what the Village Board saw as a developing new trend in the Village. There were potentially some inadequacies in our Village Code that Village Board wanted an opportunity to review and see if the Code adequately addressed some of the impacts that could come from this development. Some of those impacts include: infrastructure, architectural character, drainage, removal of mature trees, etc. The Village Board wanted an opportunity to review the Village Code.
4. The Village Board hired a consultant and the review is well underway. A meeting has been scheduled for Monday, February 29, 2016 for Community Input at the Village Center at 8:00 PM. Trustee Walsh does not anticipate requiring extending the moratorium past the 6 month period, but the purpose is so the Village can have the time to review.
5. The applicant made the case that their proposal could be handled by exiting regulations in the code. The Board is reviewing the Code as the existing regulations may not be adequate addressing these issues. Trustee Walsh noted that giving the 40 Ocean a variance to the moratorium would thwart the purpose of the moratorium.
6. The applicant stated they have been subject to unnecessary hardship. After review, there were some generalized statements in this application but no evidence of real specific hardship or expenditures.

Trustee Komar made the following comments:

1. He noted that he is not a planning or land use expert and is deferring to the experts retained by the Village to provide guidance; the Planning Board, Engineering Consultant and Planning Consultant. All these groups have come to the Village Board with reports that strongly suggest 40 Ocean Avenue really goes to the heart of what the moratorium is designed to study. As we are right on the water, we are a low-lying community, downstream from everything and water and drainage are very significant issues for the Village.
2. Grading and excavation are major issues of the community and as it pertains to this property needs to be studied closely.
3. It is a concern how much we let someone alter the character of a lot and for residents, what we allow the applicants to do, needs to be looked at.
4. Trustee Komar is inclined to go along with the moratorium for this property and not grant a variance. It does really require a study by the Village.

Trustee Comments
Con't.

Trustee Fanelli made the following comments:

1. He is in agreement with both colleagues there does need to be denial of the variance and they need to continue to study and get all the information including the environmental impact and water drainage.
2. Having this moratorium is a good thing as it gives the Village a chance to look at the issues and see what is the best long term plan for the community.

Mayor's Comments

Mayor McAndrews made the following comments:

1. She reviewed the unnecessary hardship issue raised by the applicant of 40 Ocean Avenue and did not see any level of hardship due to precise family circumstances or financial circumstances.
2. The other part of the local law under section 8 appeals process, the Village Board can take into account the existing land use in the vicinity of the property, which is being included in the Planning and Zoning study.
3. The impact of the variance on infrastructure, neighborhood and community character, natural resources, government services and other environmental issues all goes to the heart of the Planning study.
4. The moratorium is not being solely directed at 40 Ocean Avenue, it is an issue that has been simmering in the Village for the last few years and it is time to look at all the issues throughout the whole Village. This is a significant application that requires the Village to be very thorough.

Mayor McAndrews instructed Attorney Staudt to work with the Village Administrator to draft a decision for the Village Board along the lines of the discussion tonight, circulate among the Board if anyone has comments on or further notions they want to work into it, convey that to Attorney Staudt and Administrator Datino.

RESOLUTION

Set meeting date for
decision of appeal of
Moratorium L.L. No. 1-2016
40 Ocean Avenue
For March 3, 2016

On motion of Trustee Walsh, seconded by Trustee Komar, and unanimously carried, it was:

RESOLVED, to set the meeting to make the decision on the 40 Ocean Avenue variance application for Thursday, March 3, 2016 at 7:00 PM in the Conference Room at Village Hall.

On motion of Trustee Walsh, seconded by Trustee Komar and unanimously carried, the meeting was adjourned.

Minutes developed in office by Kim Vetere.