

Minutes of a Meeting of the  
Board of Trustees of the  
Village of Larchmont, NY  
**held on Wednesday, July 6, 2016.**

**PRESENT:** Trustee John Komar  
Trustee Peter Fanelli  
Trustee Malcolm Frouman  
Deputy Mayor Carol Miller (via Skype in Williamstown, MA)

**ABSENT:** Mayor Lorraine Walsh

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

Trustee Komar called the meeting to order at 7:30 PM and welcomed those present and added that this meeting is being held to discuss the Resolution to consider Local Law No. 6-2016 regarding Certain Land Use Applications.

On motion of Trustee Fanelli, seconded by Trustee Frouman and unanimously carried to open the Public Hearing.

**RESOLUTION**  
Open P.H.

Trustee Komar read aloud a statement regarding the moratorium. The 6 month moratorium expires on July 15, 2016 and the Village Board is considering an extension of said moratorium. The moratorium was set in place to create breathing room to conduct a review of the current land use regulations, determine the scope of possible development stresses the Village might be facing and suggested changes that could be made to address some of the concerns expressed by the Board and community.

Several public meetings were held and Mr. Price, retained by the Village of Larchmont, identified possible improvements to the Village's current land use regulations and he and the Board of Trustees with community input will continue to work on those. The Board expects some of the proposed changes to be ready at Public Hearings no later than the fall.

As a result of these meetings and discussions, there is a resolution put forth before the Board to hold a Public Hearing to consider extending the moratorium until October 15, 2016. It is important to note that not all considered changes will necessarily be in place, at the same time, the process will continue even after the moratorium expires. Trustee Komar wanted to alert property owners to Village Code 381-86 which restricts the issuance of building permits for 90 days for any work which might be affected with the proposed amendments to the Village Code once they have presented by the Village Board at a Public Hearing.

Trustee Komar noted that land use issues in a small community implicate a huge number of issues and interests and the Board relies on advice from consultants to do what is in the best interest of the community as a whole and the majority of the residents. He urged those who disagree with the proposed changes to work with the Board on going forward with the revisions.

Trustee Komar noted that revamping the land use regulations is not simple and the Board welcomes continued input from the community beyond these revisions and other land use issues. Some revisions should be able to be adopted by the fall and then applications will be dealt with on a case by case basis by the land use boards.

Trustee Komar opened the floor for public comment. Mrs. Lisa Spielvogel, 3 Douglas Lane addressed the Board as the moratorium is adversely affecting her. She has a hardship as she is being held up tearing down her home and building a new one. Ms. Spielvogel noted that other options were explored with their current home, but were not feasible and they need to tear it down.

Attorney Staudt noted that the Village has an appeals process and if there is a hardship she could pursue that. Mrs. Spielvogel would need to explain why the 3 months would be significant to her appeal of hardship.

Mr. Edward Fitzpatrick, 85 Willow Avenue, appeared before the Board and voiced his support for the continuation of the moratorium.

The floor was opened to those Board members who would like to comment.

**RESOLUTION**

Close P. H.

On motion of Trustee Fanelli, seconded by Trustee Frouman and unanimously carried, to close the public hearing.

**RESOLUTION**

Adopt L.L.No. 6-2016

Trustee Komar read aloud the proposed Resolution.

On motion of Trustee Frouman, seconded by Trustee Fanelli, and unanimously carried, with Deputy Mayor Miller in attendance via internet connection from Williamstown, MA the following resolution was adopted:

**Resolution to adopt proposed Local Law # 6-2016 to extend the duration of the temporary moratorium established by Local Law # 1-2016 on certain land use applications that are pending or may be subsequently filed with the Village of Larchmont**

WHEREAS, on January 11, 2016, the Board of Trustees (the Board) of the Village of Larchmont (the Village) adopted Local Law # 1-2016, which established a six (6) month temporary moratorium on certain land use applications that are pending or may be subsequently filed with the Village, and such local law became effective on January 15, 2016; and

WHEREAS, while the moratorium has been in place, Village officials and the Village's planning and engineering consultants, attorneys, and staff have been studying and identifying present and future development needs, public meetings were conducted during which members of the public were given the opportunity to raise various issues and concerns, and members of the public have also submitted written comments; and

WHEREAS, issues the Board, consultants, and staff continue to analyze include subdivisions, setbacks, floor-to-area ratio, the overall height and bulk of single-family homes, historic preservation, stormwater, excavation, retaining walls, installation of equipment in certain yards, historic preservation, and architectural design requirements; and

WHEREAS, a public hearing on proposed Local Law # 6-2016 to extend the moratorium was scheduled for July 6, 2016, at 7:30 p.m., and notice of such public hearing was timely published in the newspaper and circulated in accordance with applicable laws and regulations; and

WHEREAS, all requisite referrals and notices of the proposed local law and public hearing to the Westchester County Planning Board, neighboring municipalities, and other entities were timely made; and

WHEREAS, on June 29, 2016, the Village received a response from the Westchester County Planning Board affirming that this is a matter of legitimate local concern; and

WHEREAS, the Board referred proposed Local Law # 6-2016 to the Village's Planning Board/Commission for an advisory report, and in a report dated June 29, 2016 and received by the Board of Trustees on July 5, 2016, 2016, the Village's Planning Board/Commission stated that it voted unanimously to recommend the extension of the moratorium and adoption of proposed Local Law # 6-2016; and

WHEREAS, a public hearing on proposed Local Law #6-2016 was duly held on July 6, 2016, at 7:30 p.m., during which public comments on the proposed local law were heard,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees finds that additional time is necessary to continue studying the various issues identified and to consider appropriate revisions to the Village's laws and regulations.

AND BE IT FURTHER RESOLVED, that the Board of Trustees finds that due to the complexities and intricacies of the numerous issues under review, and the Board's desire to avoid unintended consequences, it is in the best interest of the Village to extend the temporary moratorium by an additional three (3) months to October 15, 2016,

AND BE IT FURTHER RESOLVED, that the Board of Trustees finds that the proposed extension of the temporary moratorium is required in the public interest and is in furtherance of the purposes set forth in Article 7 of the New York State Village Law,

AND BE IT FURTHER RESOLVED: that the Board of Trustees hereby adopts proposed Local Law #6-2016, thus extending the temporary moratorium established by Local Law # 1-2016 to October 15, 2016, and that upon adoption, proposed Local Law # 6-2016 will become Local Law #6 -2016,

AND BE IT FURTHER RESOLVED: that the Board of Trustees directs Village staff to file, publish and circulate Local Law # 6-2016 in accordance with applicable law and regulations.

**ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE  
OF LARCHMONT  
ON JULY 6, 2016  
LOCAL LAW # 6-2016**

A local law to extend the duration of the temporary moratorium established by Local Law #1-2016 on certain land use applications that are pending or may be Subsequently filed with the Village of Larchmont

Be it enacted by the Board of Trustees of the Village of Larchmont as follows:

Section One. Purpose and Intent.

On January 11, 2016, the Board of Trustees of the Village of Larchmont (the Village) adopted Local Law # 1-2016, which established a six (6) month temporary moratorium on certain land use applications that are pending or may be subsequently filed with the Village. Effective upon its filing with the New York State Secretary of State on January 15, 2016, Local Law # 1-2016 expires on July 15, 2016.

As stated in Local Law #1-2016, the Village has over the last few years seen an increase in teardowns of existing homes to make room for larger homes. In keeping with the stated purpose of the temporary moratorium, Village officials and the Village's planning and engineering consultants, attorneys, and staff have been studying and identifying present and future development impacts and needs, especially with respect to the appropriate degree to which continual increases in housing and buildings, both in terms of number and scale, should be permitted in various zoning districts. Other issues being reviewed include stormwater regulations, height of single-family homes, excavation, retaining walls, installation of certain types of equipment in front or side yards, historic preservation, and architectural design requirements. Due to the complex nature of the issues presented, and the desire to avoid unintended consequences and complications, it is anticipated that additional time will be required to continue such studies and to consider any appropriate revisions to the Village's land use regulations. It is necessary, therefore, to extend the temporary moratorium by an additional three months.

Section Two. Local Law # 1-2016 is hereby amended by revising Section Five in its entirety to read as follows, with such local law remaining unchanged in all other respects:

Section Five. Duration.

The provisions of this local law shall be in effect up to and including October 15, 2016, unless earlier repealed, modified, extended, or supplemented by further local law of the Village of Larchmont.

Section Three. Severability.

If any section, subsection, clause, phrase, or other portion of this Local Law is, for any reason, declared in valid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Trustee Komar noted that there are issues that were raised by residents and Mr. Price in the original report and the Board plans on addressing them over the course of the summer and into the fall, prior to the expiration of the current moratorium. The Board has scheduled meetings in July and August to address these issues which are listed on the Village calendar along with what issues they will be addressing. The public was encouraged to attend and give the Board feedback and input. The Board does want to move forward with this matter.

On motion of Trustee Frouman, seconded by Trustee Fanelli and unanimously carried to adjourn the meeting.