

Public Meeting to Discuss Land Use Regulations
Wednesday, June 15, 2016- 7:30 PM

In Attendance:

Mayor Walsh, Deputy Mayor Miller, Trustee Komar, Trustee Fanelli, Trustee Frouman, Village Attorney Staudt, Village Administrator/Clerk Datino and Village Planning Consultant Richard Preiss

Mayor Lorraine Walsh welcomed those present and noted this meeting is being held to discuss land use regulations. Mayor Walsh thanked Mr. Preiss for changing his schedule to be here tonight. The meeting is for the community and Board to hear directly from Mr. Preiss.

Mr. Preiss was hired by the Village of Larchmont to review various land use issues, suggest updates to the laws and help put in place any appropriate revisions. The reason for this review was due to the dramatic increase in actual and proposed property redevelopments involving the replacement of one house with two or more houses as well as the replacement of one house with a significantly larger house.

Mayor Walsh provided a little background on why the moratorium was put in place as there were concerns with the community's character and environment with this type of redevelopment. The Board took a detailed look at properties in the Village which could have the creation of new lots or subdivisions. A Board meeting was held on May 16, 2016 where Mr. Preiss provided preliminary conclusions from a work session that was held on May 13, 2016. At the work session Mr. Preiss was asked to look at other concerns that had been raised by the Village Board, land use boards and residents including: set-back requirements, height limitations, excavation, subdivision, stormwater regulations, historic preservation legislation and ways to streamline the application process with the three land use boards.

The following is a list of those individuals who were present in the audience regarding this matter.

Joel Sachs, Keane & Beane
Sarah Bauer, 9 Walnut Avenue
Nat Parrish, 297 Knollwood Road
Carol Herman, 12 Linden Avenue
Ken Ricci, 8 Iden Avenue
Mauri Tamarin, 8 Serpentine Trail
Michele Gouda, 2 Sheppard Place
Rob Rothman, 3 Linden Avenue
Mike McCrum, 14 Bronson Avenue
Michele Murphy, o/b/o 40 Ocean Avenue
Greg Gorman 1444 Boston Post Road
Irene Math, 15 Vanderburgh Avenue
John Parkinson, 23 Sherwood Drive
Laura Smith, 25 Valley Road
Michele Faber, 66 Larchmont Avenue
Frank Owens, 10 Thompson Place
Denise Fletcher, 1 Park Avenue
Kelly Brock, 16 Bayard Avenue
Bill Brock, 10 Walnut Avenue
Lynne Crowley, 22 Rockwood Drive
Dee Van Eyck, 203 Larchmont Avenue
Mary Zampino, 8 Magnolia Avenue
Giovanni Zapata, 21 Harrison Drive
Theresa Finck, 30 Concord Avenue
Carol Akin, 1299 Palmer Avenue

Mr. Richard Preiss made the following presentation.

Mr. Preiss stated the issues reviewed included: subdivision, bulky houses, historic preservation, height limitations, exaction, retaining wall, HVAC equipment, generators and stormwater regulations.

The looked at 135 possible subdivisions on paper.

Several examples of homes that met this criteria, based on the tables provided, including homes on: Soundview Drive, Rockwood Drive, Woods Way, Iselin Terrace and Kilmer Road.

A. Subdivision

Possible subdivision properties – 135

Likely – 3 subdivisions (4 additional homes)

Somewhat likely – 3 subdivisions (5 additional homes)

Possible but unlikely – 13 subdivisions (14-29 additional homes)

- Subdivision

- Results/Recommendation

- From a legally defensible and equitable basis, more regulations were not recommended.
 - Even if such regulations were enacted, the impacts:
 - Loss of historic homes;
 - Development incompatible with neighborhood character/design; and
 - The overwhelming scale of the new homes that could be built; would not be addressed by such regulations.
 - Thus, the focus of proposed regulations in the Village should be on addressing those latter issues, not the subdivisions themselves
 - For the Village to better control and regulate future subdivisions, however, it is recommended that the definition of “subdivision” in the Village Code be amended to include 2 lots subdivisions. whereas at present that number is 3 lots

B. Bulky Houses

A single-family home whose appearance significantly differs from homes in the immediate area by virtue of its considerably larger floor area and mass (Myers 2008)

- Extensive review of teardowns/replacement houses and additions/renovations of existing homes in the Village considered to be overwhelming in scale, (“bulky houses”) and at odds with the size of homes in the neighborhoods
- Field visit, photography, ariel photos, Street View etc.
- Shared with and discussed at a public meeting with Village Board of Trustees.

B. Bulky Houses

Analysis

- Previous efforts to control scale were initially successful
 - Amendments to a variety of bulk & design regulations 12 years ago did address concerns related to bulky housing
- However, recent teardowns/replacements and expansions are not adequately controlling bulky houses
- The Village previously rejected utilizing restrictions on Floor Area Ration (FAR) because:
 - The substantial variation in lot size, home size and design;
 - Such restrictions would have been ineffective in controlling bulky houses; and
 - Unintended adverse consequences
- Revisited the issue and rejected the sole reliance on FAR regulations for the same reasons

B. Bulky Houses

Recommendation

- A new method of controlling bulky houses has to be formulated
- However, must not be overly complex to administer and enforce, and not allow for loopholes that undermine the overall objectives.
- The proposed regulations would require new construction and/or alterations/additions that increase the FAR beyond a certain threshold to increase the required side yard setbacks on both sides of the home proportional to the increase in floor area
- For each of the one-family districts in Larchmont (R-5, R-7.5, R-10, R-12.5, R-15, and R-30), a variety of regulations were studied and the impact of the regulations were examined through statistical calculation and sketches
- Variation in lot configuration (either wider or shallower lots) or in lot size (oversized lots in each district) were included in the analysis

Conclusion

- The methodology holds a realistic probability of controlling the most egregious impacts of bulky houses while not unnecessarily curtailing either creativity and flexibility in design
- Also still allows properties to accommodate substantially sized houses

Proposed Regulations

Zone R5

- For houses over 2500 square feet of Gross Floor Area, both side yard setbacks shall be increased by one half foot (1/2') for every 100 square foot over 2500 square feet, but in no case shall the side yard setbacks be required to be increased beyond seven and a half additional feet (7 1/2") per side yard

Zone R-7.5

- For houses over 3500 square feet of Gross Floor Area, both side yard setbacks shall be increased by one half foot (1/2') for every 100 square foot over 3500 square feet, but in no case shall the side yard setbacks be required to be increased beyond ten additional feet (10') per side yard

Zone R-10

- For houses over 4000 square feet of Gross Floor Area, both side yard setbacks shall be increased by one half foot (1/2') for every 100 square foot over 4000 square feet, but in no case shall the side yard setbacks be required to be increased beyond seventeen and a half additional feet (17 1/2') per side yard

Zone R-12.5

- For houses over 4500 square feet of Gross Floor Area, both side yard setbacks shall be increased by one half foot (1/2') for every 100 square foot over 4500 square feet, but in no case shall the side yard setbacks be required to be increased beyond seventeen and a half additional feet (17 1/2') per side yard

Zone R-15

- For houses over 5000 square feet of Gross Floor Area, both side yard set backs shall be increased by one half foot (1/2') for every 100 square foot over 5000 square feet, but in no case shall the side yard setbacks be required to be increased beyond seventeen and a half additional feet (17 1/2') per side yard

Zone R-30

- For houses over 5000 square feet of Gross Floor Area, both side yard setbacks shall be increased by one quarter foot (1/4') for every 100 square foot over 5000 square feet, but in no case shall the side yard setbacks be required to be increased beyond twenty additional feet (20') per side yard.

Potential for Reduced Impacts

- **View from street**
 - Increasing the setbacks for houses that exceed a certain mass creates narrower front façade facing the street, reducing the public's perception of the homes size
- **View from neighbors**
 - When side yard setbacks are increased, a greater separation between the home and its neighbors (on both sides in the case of an interior lot) are created, reducing the perceived mass of the home and increasing privacy and green space in the intervening side yard

Potential for Reduced Impacts

- **Impact on Homeowners**
 - Under the current regulations, the full building envelope (factoring in the limitations of mandated front, rear and side yard setbacks and height) are the only limitations on home size
 - The regulations still allow substantially sized homes, but an upper limitation of the maximum possible FAR would be established
 - In all zones, but particularly in those which have smaller lot sizes (R-5 and R-7.5 in particular), the regulations would not permit the complete filling of the building envelope, yielding a massive home in comparison to those in the neighborhood

Advantages of Proposed Regulations v. Traditional FAR Regulations

- **Simplicity**
 - The proposed regulations would include all finished spaces whether above or below ground, in an attic or in detached buildings
 - Other FAR regulations are often complex, with added complexities related as to what is included in the calculation of FAR [basements (?), attic space (?), enclosed porches (?) attached garages (?), detached garages (?)]

Advantages of Proposed Regulations v. Traditional FAR Regulations

- **Closes loopholes/avoids unintended consequences**
 - The application of traditional FAR regulations sometimes results in a smaller house below the mandated FAR threshold to be built, but which still appears overly large (from a streetscape view) and too close to and looming over neighboring properties
- **Supplementing design regulations**
 - At the same time, creating variation and articulation in facades, rooflines, design, etc. – similar to what other FAR regulations typically require would still be required, and for the same reasons
 - These regulations will need to be revised and supplemented

C. Historic Preservation

- **Review:** In concert with the Village Attorney, reviewed the potential to add historic preservation regulations to the Village Code as a means of protecting historic resources
- **Progress;** The Village Attorney has provided a synopsis of what would be involved in and the potential effectiveness of such regulations in addressing this issue.

- **Result: Awaiting feedback from the Board of Trustees before proceeding with any further analysis of proposed regulations**

D. Height Limitations/Excavation/Retaining Walls

- **These three issues are interrelated because the perception of the height of structures, both homes themselves, as well as structures used to modify existing grade (retaining walls, cutting/filling, etc.) are impacted by these regulations**
- **Height**
 - **Reviewed whether the permitted height limitations are adequate to negate overly tall homes from being developed and the way height is measured under the current law**
- **Does not appear that either of these two regulations (height limitation itself and how height is measured) is the problem. Amended appropriately many years ago.**
- **Issue is the height of finished grade upon which homes are built, which has implications for controls on retaining walls and excavation/filling of natural grade**

D. Height Limitations/Excavation/Retaining Walls

Excavation

- **Next step involves analysis of whether current regulations adequately control the following:**
 - **Significant changes in the natural grade (excessive excavation and export of soil, or conversely excessive filling and importation of soil), which has the potential for adverse impact on neighbors**
 - **Excessively tall buildings that loom over neighbors**
 - **Exposure of high retaining walls to the street or neighboring properties**
 - **Generating a large number of truck trips involved in soil movement during construction period**
 - **The appearance of substantial changes to natural topography along with associated impacts of stormwater runoff/flooding of adjacent properties**
 - **Excessive loss of existing trees and vegetation**

Retaining Walls

- **Will also undertake a reexamination of current regulations that control the length, location, height and appearance of retaining walls necessary to accommodate significant changes in grade and recommend changes, as needed**
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E. HVAC Equipment/Generators

- **The placement of large HVAC cabinets and generators in the front or side yards of single-family homes have the potential for adverse visual and noise impacts**
- **A preliminary review of how other communities have enacted regulations that allow homeowners to add accessory structures in a way that addresses these impacts has been undertaken**
- **We recommend the Village adopt effective regulations enacted in other similar communities and will draft proposed amendments to the Village Code for enactment.**

F. Stormwater Regulations

- **Review:** The Village Engineer and an Attorney have recommended adopting amendments to further control the impacts of stormwater runoff on neighbors (potential flooding from overland and seepage into basements) and on the environment (stormwater runoff quality controls and flooding downstream). We concur. We also recommend limitations on the amount of impervious coverage on individual single-family lots for stormwater runoff control, as well as to maintain adequate green space and vegetation on properties.
- **Progress:** In concert with bulk regulations, analyzed percentage of overall lot that should be covered by impervious surface - by zone.
- **Recommendation:** Add above limitations to the list of bulk regulations.

G. Design Requirements

- **Review:** A reexamination of the design standards adopted 12 years ago is necessary to determine any shortcomings or loopholes
- **Progress:** A very preliminary review has been undertaken to date. Awaiting establishment of FAR/setback regulations to determine how added design regulations could ameliorate potential design issues associated with them.
- **Recommendation:** Consultation with the Board of Architectural Review will be necessary to revisit the effectiveness of the existing regulations, as well as to supplement the proposed amendments to FAR/setback regulations to control the impacts of bulky houses

Mayor Walsh thanked Mr. Preiss for the thorough presentation and opened the floor for comments and responses from the audience.

The following individuals spoke out in favor of extending the moratorium.

Joel Sacs, Attorney with Keane & Beane, representing Preserve Larchmont
Sarah Bauer, 9 Walnut Avenue
Mauri Tamarin, 8 Serpentine Trail
Nat Parrish, 297 Knollwood Road
Carol Herman, 12 Linden Avenue
Denise Fletcher, 1 Park Avenue, (former Chair of Zoning Board of Appeals)
Ken Ricci, 8 Iden Avenue
Laura Smith, 25 Valley Road
Carol Akin, 1299 Palmer Avenue (President of Mamaroneck's Historical Society)
Theresa Fink, 30 Concord Avenue
Irene Math, 15 Vanderburgh Avenue
John Parkingson, 23 Sherwood Drive (Chair of the Planning Board)
Rob Rothman, 3 Linden Avenue (Co-Chair of Traffic Commission)

The following individual spoke out against extending the moratorium.

Michele Murphy – Attorney representing owners of 40 Ocean Avenue

Mayor Walsh stated the Board is going to take all the information that has been shared tonight and they will consider it. The next Board meeting will be on June 20, 2016 and the Board will discuss these issues including extension of the moratorium and will have a decision toward many of these issues at that meeting.

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

Meeting was videotaped and can be seen regularly on LMC-TV, Channel 76 (Cablevision) or Channel 35 (Verizon)