

Minutes of the Special Meeting of the  
Board of Trustees of the  
Village of Larchmont, N. Y.  
Held on Monday, August 8, 2016

**PRESENT:** Mayor Lorraine Walsh  
Trustees Peter Fanelli  
Malcolm Frouman

**ABSENT:** Deputy Mayor Miller, Trustee Komar

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

On motion of Trustee Frouman, seconded by Trustee Fanelli, and unanimously carried, the following resolution was adopted:

Resolution to adopt findings and decision statement concerning the appeal for variance from application of the temporary moratorium enacted by Local Law # 1-2016 on the redevelopment of 3 Douglas Lane, Larchmont, New York

**RESOLUTION**  
Spielvogel, David & Lisa  
3 Douglas Lane  
Approve variance  
L.L No. 1-2016

WHEREAS, on July 14, 2016, the Board of Trustees (the Board) of the Village of Larchmont (the Village) received application materials from David and Lisa Spielvogel (the Applicants), the owners of 3 Douglas Lane in the Village (the Property) for a variance from the application of the temporary moratorium enacted by Local Law #1-2016 of the Village of Larchmont on their proposed redevelopment of the Property (the Appeal); and

WHEREAS, the Board held a duly noticed public hearing on the Appeal on August 1, 2016; and

WHEREAS, on August 1, 2016, the Board deliberated on the Appeal and directed the Village's staff and attorneys to draft a decision granting the Appeal; and

WHEREAS, the Board reviewed and considered the decision so drafted;

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees grants the Appeal for the reasons set forth in the Findings and Decision attached hereto and incorporated herein, and

BE IT FURTHER RESOLVED that the Board of Trustees directs Village staff to notify the Applicants of the Board's decision.

State of New York  
Village of Larchmont

Board Decision  
Variance  
L.L No. 1-2106  
3 Douglas Lane  
Spielvogel, David & Lisa

In the matter of the appeal by  
**David and Lisa Spielvogel**

**FINDINGS AND DECISION  
of the  
BOARD OF TRUSTEES**

for a variance from the application of the temporary moratorium enacted by Local Law # 1-2016 on the proposed redevelopment of 3 Douglas Lane, Larchmont, New York

Board Decision  
Con't.

On July 14, 2016, the Board of Trustees (the Board) of the Village of Larchmont (the Village) received application materials by David and Lisa Spielvogel (the Applicants), the owners of 3 Douglas Lane (the Property) for a variance from the application of the temporary moratorium (the Appeal) enacted by Local Law # 1-2016 of the Village of Larchmont (the Law)<sup>1</sup> on its proposed redevelopment of the Property (the Plan). Following the Applicants' initial submission, the Applicants made one additional submission on July 25, 2016.

As required by the Law, on August 1, 2016, the Board held a duly noticed public hearing on the Appeal. Beyond the Board, Village staff, and Village counsel, only the Applicants and the Applicants' architects attended the public hearing. The Board did receive in advance of the public hearing a letter from The Committee to Preserve Larchmont (Preserve Larchmont), a community group, stating that Preserve Larchmont has no objection to the Appeal. The Board closed the public hearing that same evening.

As part of the proceeding on the Appeal, the Board received and considered the following documents:

1. The Applicants' initial July 14th submission;
2. A letter dated July 13, 2016, from the Applicants' architect, Donald Mac Donald, which was included in the initial submission;
3. Various plans dated July 15, 2016, and prepared by Donald Mac Donald and Renee Purse, the Applicants' architects, including a proposed site plan, various floor plans, and elevations;
4. Plans prepared by Sean Jancski, the Applicants' landscape architect, including a landscape plan dated July 8, 2016, a preliminary site development plan dated July 8, 2016, and four 3D landscape visualization renderings dated July 11, 2016;
5. A revised site plan dated July 22, 2016, and prepared by the Applicants' architects modifying only the scale of the drawing and a note concerning the survey information;
6. A survey of the Property dated April 17, 2014, prepared by Gabriel E. Senior, P.C.;
7. A memorandum from the Board's planning consultant, Phillips Preiss Grygiel LLC, dated July 27, 2016; and Local Law # 6-2016 extended the duration of the temporary moratorium to October 15, 2016.
8. A letter from Preserve Larchmont dated July 31, 2016.

For the reasons stated herein, the Appeal is granted.

On January 11, 2016, the Board adopted the Law for the reasons set forth in the Resolution and Findings Statement, which are attached hereto and incorporated herein. The Law authorizes the Board "to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary hardship affecting a lot. To grant such a request, the Board of Trustees must find that a variance or waiver will not adversely affect the purpose of this local law, the health, safety, or welfare of the Village of Larchmont, nor will it substantially undermine the land use planning and potential revision process under review. The Board shall take into account the existing land use in the immediate vicinity of the property and the impact of the variance or waiver on infrastructure, neighborhood and community character, natural resources, government services, and other environmental issues." Local Law # 1-2016(8)(1). To assist it in its review, the Board requested the advice of the Village's planning consultant. Local Law # 1-2016(8)(2) and (3).

As recited in the Appeal, the Plan is to tear down the existing single-family home and construct a new single-family home on the Property. No subdivision is proposed. The Applicants have asserted that when they looked into renovating the existing home, they learned that the home's condition is so compromised that renovations would be too costly and, in any event, would not bring the home into compliance with applicable FEMA flood regulations. Specifically, the Applicants assert many issues with the home, including that water enters the home at various points, the roof is leaking, wood is rotting, the single-pane windows are not energy- or cost-efficient, the garage (which is under the house) is unusable due to continual standing water (which is malodorous and a breeding ground for mosquitoes), water often infiltrates the basement during high tide, and the electrical system is antiquated.

As the Board restated in Local Law # 6-2016 extending the moratorium, the Board is studying and identifying present and future development impacts and needs, especially with respect to the manner in which increases in housing and buildings, both in terms of number and scale, should be regulated in various zoning districts. Other issues being reviewed include the Village's environment, architectural character, infrastructure, storm water regulations, exacerbation of flooding issues, rock removal, historic preservation, and excavation and retaining walls.

The Property, measuring approximately 15,682 square feet and irregularly shaped, is located adjacent to an inlet to Long Island Sound in the Village's R-15 district where the minimum lot size is 15,000 square feet. As explained in the Applicants' submissions and summarized in the memorandum submitted by the Board's planning consultant, Richard Preiss, the proposed change in building area is an additional 140 square feet. The proposed side yards and rear yard will be deeper than what currently exists and will meet current minimum requirements. The proposed height of the new home is to be approximately 6 inches higher than existing, even though the first floor will be raised by two feet to accommodate regulations for developing within the flood plain. The proposed front yard does not comply with the current required setback, but the Applicants assert that a new front landing and steps will be necessary to access the proposed raised first floor and plan to seek a variance from the Zoning Board of Appeals.

Board Decision  
Con't.

All in all, the proposed new residence space (which, as opposed to existing conditions, will not include a garage under the house) is actually slightly smaller than the existing residence space (not including the existing garage space under the house). The Plan calls for an increase in lot coverage by 4 1,009 square feet (58%) due, in large part, to the addition of a new adjoining garage placed at grade-level to avoid the infiltration of groundwater. With the proposed additional building coverage, the overall lot coverage (17.8%) will be below what is currently permitted (22.5%).

The Board finds that except for the additional lot coverage, the proposal is, in terms of scale, largely in keeping with the current house. Even with the addition of the at-grade garage, the total building area is proposed to increase only by 140 square feet. The proposed increase in height is also minimal. Most of the setbacks will be larger. The temporary moratorium was put in place in part to consider concerns stemming from the teardowns of existing homes to make room for significantly larger homes. That is not the case here.

The proposed lot coverage, increased in part by the single-story at-grade garage, increases the amount of impervious surface, but the Village's current storm water regulations will adequately address the additional runoff. While two trees are proposed to be removed to make way for the new garage and space connecting the garage to the home, the proposed landscaping plan is extensive and includes the planting of four new deciduous trees.

The existing home does not appear to be of any historic significance, and the proposed home appears to be complimentary to the neighborhood's existing architectural design. In addition, it does not appear that the Plan calls for substantial site disturbance and excavation work; in fact, the garage and area connecting the garage to the main residence space will be built on concrete slab.

As stated in his memorandum, the Board's planning consultant has no objection to the granting of the variance. For the foregoing reasons, the Board finds that the Plan does not have the potential to impact the residential properties in the immediate vicinity of the Property. The Board further finds that due to the deteriorating condition of the home, a variance is required to alleviate the unnecessary hardship. The Plan will not adversely affect the purpose of the temporary moratorium, the health, safety, or welfare of the Village, and it will not undermine the land use planning and potential revision process that is underway.

The variance from the temporary moratorium, therefore, is granted.