

Minutes of Regular Meeting of the  
Board of Trustees of the  
Village of Larchmont, NY  
**held on Monday, October 17, 2016**

**PRESENT:** Mayor Lorraine Walsh  
Deputy Mayor Carol Miller  
Trustees John Komar  
Peter Fanelli  
Malcolm Frouman

**ABSENT:** None

**Also Present:** Dep. Clerk Rilley, Attorney Staudt,  
Treasurer Brucciani, Administrator Datino

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:33 PM.

**Mayor's Announcements**

The Mayor made the following announcements.

1. Hydrant flushing will begin throughout the Village beginning tomorrow, October 18<sup>th</sup>. Residents can expect a phone call the night before their area will be done. Discoloration of water may occur and if it does, run cold water taps till it turns clear. If laundry is being done during discoloration, come to Village Hall and pick-up "Red-B-Gone" to help clear up discolored clothing.
2. The Joint Sanitation Commission will be installing signs on the back of all garbage trucks that say "Slow Down to Get Around". Because garbage trucks have to stop on different sections of the road, residents are asked to proceed with caution when passing a garbage truck

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

**RESOLVED,** that the Public Hearings to consider and take comment on proposed local laws A-Q, 2016 be opened.

**RESOLUTION**

Open Public Hearing  
Proposed Local Laws

Mayor Walsh stated after several meetings between the Board, the Attorney's office, the Village Planning consultant and residents a series of proposed local laws were developed. These proposed local laws which have been posted on the Village website, were sent for referral to the Westchester County Planning Board who in their reply letter, found the laws are for local determination. The proposed laws were also sent for referral to the Coastal Zone Management Commission who were unable to write a letter of determination. Without the CZMC letter the Board cannot vote on any of the proposed local laws this evening.

Richard Preiss the Village's planning consultant made the statement below.

Want to keep my comments or introduction short, because obviously we want to hear from the residents of Larchmont.

All I really wanted to say is that when the BOT brought our firm in to help them review the current zoning regulations, there were a lot of concerns expressed about the amount of new houses being built in Larchmont - in particular over the past 2-3 years, both from teardowns and rebuilding on the same lot, or teardowns and replacement of one house with 2 or 3 homes.

Public Hearing  
Con't.

- We embarked on a very careful, in depth and detailed study of all of the problems & concerns brought to our attention – and worked as quickly and transparently as possible, sharing the results of our work along the way - by posting these results on Village website and presenting them at public meetings and workshops.
- There was considerable pressure on the BOT to limit the amount of new houses that could be built via teardowns & subdivisions, by increasing the minimum lot size, or changing zoning boundaries, but after considerable study we reached two conclusions:
  - (a) Not a realistic possibility that many houses would be added through subdivision.
  - (b) There was no appropriate or solid planning rationale for changes to lot size & restricting the numbers of new houses that could be attained from oversized properties. So we recommended keeping the current zoning in place.
- What we did find is that the current regulations were inadequate in dealing with some of the adverse consequences of teardowns and their replacement by much bigger houses.
  - Houses that overwhelmed & dwarfed the scale of other houses in neighborhood.
  - Excessive changes to grade, excessive exportation or importation of soil, removal of trees, building too close & too high to neighbors to side, excessive impervious coverage, stormwater runoff issues, etc.
  - The local laws that are before BOT tonight are aimed to address these issues. However, we were careful to craft such regulations to minimally meet the need, and not to exceed it. Not to overregulate or substantially diminish private property rights to build new & bigger houses on these lots.
  - For some of the preservationists – we may be criticized for not having gone far enough.
  - For some of the developers - we may be criticized for making development a lot more complex and difficult.
  - In general, these local laws will require very careful design to preserve all of the existing characteristics which are valued in the Village, including:
    - The scale of houses, their mass and setbacks
    - Open space, existing topography, low retaining walls
    - Lowering amount of stormwater runoff, etc.
  - At the end of the day, we were very careful to still allow very large houses to be built in Larchmont.
  - Perhaps, not as large as before, BUT certainly much larger and with a greater maximum floor area than houses in comparative communities that have adopted FAR restrictions for controlling McMansions & Bulky Houses.
  - We are mindful that the process of obtaining approval may be longer and more complex, but we believe this is the trade-off required to allow for appropriate and large scale homes in Larchmont rather than the adoption of very strict regulations which would significantly curtail teardowns in the community.

Mr. Preiss thanked everyone in attendance for their time.

Public Hearing  
Con't.

Mayor Walsh informed the audience that this public hearing is for comment on the proposed local laws and not for any other matter. The Mayor then asked for comments.

*Jeff Powers-* In the Purpose and Intent it refers to 1 family residence and waterfront coastal zone districts. What is the coastal zone district and are they all single family homes.

*Mayor Walsh-* They are all single family homes in the resident districts and along the waterfront it is not referred R5 or R75. It's W for waterfront. In order to capture all those single family residences, we had to put in that wording.

*Jeff Power-* Is there a provision for the FEMA flood plain for consideration of construction practice for run-off for an area already in a bit of trauma.

*Attorney Staudt-* There are amendments to the stormwater law. One of the amendments will require a detailed stormwater management study plan for developments much smaller than are now not required. The law is now requiring a SWPPP (Stormwater Pollution Prevention Plan) which is a drainage study. There are guidelines on how a SWPPP is prepared. One of those is the baseline area, 'am I working in a flood plain and is it in a flood prone area'.

*Jeff Powers-* Who will prepare that document.

*Attorney Staudt-* The law as written is that the SWPPP be prepared by the applicant and then referred to a consulting engineer who is working as a consultant for the Village.

*Ann Locker-* What about a single family house being torn down and replaced by a multi-family house.

*Attorney Staudt-* At every meeting there was not any concern that single family lots will be turned into multi-family lots. Unless where there is now one house, then there would be one or two houses built, that was addressed. Nothing has been done in this zoning to make any zone, now a one family zone, into a two or more family zone.

*Cary Sleeper-* Are any properties down zoned.

*Mayor Walsh-* No changes have been made to boundaries and minimum lot sizes.

*Cary Sleeper-* Is there a law on how to build a house.

*Attorney Staudt-* All of these laws are amendments to the Zoning Code. They may be looked at the way they are today. They will go into each section. To start 'what is the permitted use, what are permitted sizes' and supplemental like stormwater requirements will be in the Zoning Code.

*Cary Sleeper-* In the Town of Mamaroneck for a SWPPP if someone does an addition they have to run a camera through the sewer line and pay for it. If the engineering study says the line is too small, they must pay to replace the line. Is that part of the new laws.

Public Hearing  
Con't.

*Attorney Staudt*- It is part of existing regulations. When the 52 units on Palmer Avenue were built, the Planning Board required the developer to camera the lines and they were required to enhance the lines. The Planning Board has generic authority to have any applicant for development analyze the lines. Nothing says that if there is a development and a neighborhood sewer line is deficient that one home owner would have to pay to improve the line for the entire neighborhood.

*Cary Sleeper*-If in a neighborhood of Victorian homes and someone wants to build a Contemporary house, where is it that determined.

*Mayor Walsh*- Same place it presently is. ARB looks at the design and guidelines. There may be changes to the design guidelines but that has not been part of the review yet.

*Attorney Staudt*- One aspect that is addressed is these laws and that is mandating an early interaction among ABR, Planning and Zoning. Currently an application goes in front of Planning, ARB comes later to the process. ARB now will be able to comment earlier in the process.

*Giovanni Zapata*- Most houses are non-conforming, with regulation it will increase the list. How will this be handled.

*Mayor Walsh*- Non-conforming is handled in the last law Q – Grandfathering Law. That says that most new regulations do not apply to existing conditions.

*Giovanni Zapata*- Soon as new regulation is approved most of the houses behind that will get another regulation or not.

*Mayor Walsh*- as an example, you have a house with a 8 foot retaining wall that going forward is not allowed, we will not say you must remove the wall.

*Giovanni Zapata*- The FAR setbacks are very complicated. If a setback are non-conforming and you want to extend the second floor or the back you have to have a very weird building. My home is part in the Village and part in the Town. How will you handle the new regulations with the Town and easements.

*Robert Fletcher* read a prepared statement on proposed local law K-Blasting that was submitted to the Board along with suggested changes to the law. Documents were posted to the Village website. Some of Mr. Fletcher's comments were on: Current blasting permit procedures and new technology for removing rock.

*Diana Schwatka*- How will the new laws change current projects.

*Mayor Walsh*- That was discussed at a prior meeting. There are FAQ's posted to the Village website and Facebook page that gives a synopsis with what the intent and purposes are. Referring to the FAR and setback laws there are two examples. There are illustrations of two properties, of two different sizes, in different zones that shows what could be done prior to these laws and what would be allowed after these laws are enacted.

Public Hearing  
Con't.

*Sara Bauer*- Preserve Larchmont supports these laws and thanks the Board. Would like a public hearing set on historic significance.

*Kim Tofalli*- Thanks the Board for the good work on laws. There is a need for a public hearing on historic significance. Several hundred signed the petition which shows the passion for the Village's historic homes. Zoning has not gone far enough.

*Mauri Tamrin*-Representing the Larchmont historical Society. Grateful for all the work on the laws. The issue of historic preservation is key to the future of the Village and would like hearings on that matter. At first meeting Mr. Preiss said there was limited possibilities of demolition and subdividing properties. For the record, there was a feeling that this was not going to happen, it wasn't reassuring to hear that flippant statement. The local law L that deals with demolition does not go far enough.

*Steven Silverberg of Silverberg/Zalantis*, representing the owner of 40 Ocean Avenue, submitted comments to the Board on the proposed laws that were posted to the Village website. Some of Mr. Silverberg comments were on: Tree law feasibility, grade soil movement, rock removal, demolition and coordination of land use boards.

*Ken Ricci*- Survey of Significant Properties/ Discussion of commissioning a survey of significant possibly historic homes and building to develop a baseline for further consideration. This approach will provide concrete data in the form of photos descriptions of some of the background of the housing stock and neighborhood features that define Larchmont like retaining walls, topography, trees and vistas. Much of Larchmont is significant but not historic. We need to document these features in order to move the conversation beyond words like "charm". The building environment has vocabulary to describe architectural characteristics. Survey will provide visual evidence of attributes that people feel but cannot express.

Design Guidelines/Many communities have these. The door should be kept open to consideration of guidelines within limits. Guidelines are a great tool if done the right way. Using the proper design vocabulary, guidelines will alleviate a lot of vexing design issues without infringing on property rights or creativity.

*Jeff Powers*- he wrote a letter to the Board 8 weeks ago that talked about the waterfront area and the issues that are down there. Also that you have to put things in writing and tighten it up. What we've heard tonight 'why don't you water down the tree law or water down this law'. People who have homes in the area want you to go further, we live here you can trust us.

Public Hearing  
Con't.

*Joel Weinberg, 9 Thompson Pl.-* I have taken a look at the laws and I have a specific property I've been focused on. Most of us look at these things in the context of our specific experience. I live in a 2,900 sq. ft. home, one of the larger on my block. On my side are ¼ acre properties. The law would allow a house, depends which portion of the law you look at, between 4,200-4,400-5000 sq. ft. Has there been a study that takes all the houses by lot and house size and compares with the current average. If we could say the requirement for lot size coverage now allows a house to be built that's says X on each size and see how it compares with the existing and see the difference. It would allow instead of talking about what I think my situation is, which is house that is still too big, it would allow everybody in the Village to see statistically. Has there been that study.

*Richard Preiss-* That study would be difficult. That data is not available. To get the data for each individual house would take a significant amount of time to compile. Then to do it on a narrow wide basis and to pick up a number of samples would be at a significant cost. When we did the analysis ten years ago, we were thinking of going in that direction and did assemble a kind of analysis. One of the problems with that in a particular neighborhood was a very wide variation in the term of size of houses. Some houses were very large, very well designed and fit very well into the neighborhood. Next door you had a smaller house on a similar size lot. For reasons of design or setback or location did not fit in. We haven't used the consistency of FAR as a basis to say this is appropriate, this is not appropriate. What we did during the power point presentation, we tried to identify what was most egregious about some of the oversized houses and one of the things we determined was rather than significantly clamping down of the size of the houses, was to increase the setbacks. When the houses went over a certain size, we used examples to translate it into drawings as a before and after. We felt that it deals with the issues in terms of the appearance of the front façade of the building. From the street, over all mass of the house, the amount of open space you have and the relationship to its neighbors. We think we have addressed that. What wasn't apparent at that particular time, or subsequently brought to our attention, that not so much in 5,000 sq. ft. houses in the R5 zone when you have an oversized lot in those districts, that you can build enormous houses irrespective of that setback. One of the things that has been added that is different from the power point, we also put in a cap. A maximum FAR that is meant to capture very, very large houses. I don't think that cap will play a huge role on the larger lots in Larchmont. In other words 10,000-12,500 and above but some of the R5 and R7.5, there are circumstances where somebody under the current regulations, will be able to build a very large house that would be completely out of scale of the community. If you had a 10,000 sq. ft. lot in the R5 we did put in that cap in there and above and beyond the increased setback, is going to be able to address those concerns.

*Joel Weinberg-* On our street is a 10,000 sq. ft., R5, it's 5,000 something, it's a very big house. There is a 14,050 sq. ft., the largest house is 3,200 sq. ft. If it goes to the 5, 000 I,m a little concern that the numbers are going to accomplish what is intended, if that's the intention because that was on of the intentions that was a limit. In that case it would move a house further from me and that would be to my benefit. On Bronson a very large house was built and not very centered, would have it been much smaller under this requirement.

*Mayor Walsh-* I can't speak specifically because I don't know the sq. footage of the house. My guess the setbacks in the house would have to increase.

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

**RESOLVED**, that the Public Hearings to consider and take comment on proposed local laws A-Q, 2016, be adjourned to Monday, November 21, 2016 at 7:30 PM.

**RESOLUTION**  
**Adjourn P. H. to**  
**11/21/2016**

Mayor Walsh said that there were valuable comments made this evening that will be taken into consideration. At the next meeting there might be some laws that will be voted on in their current standard, some that may be amended. If we make a substantive change to a law, the process has to begin again with that law.

**Mayor's Q & A**

The Mayor accepted questions from the audience:

With the 90 days extension of the moratorium due to expire in December will it allow those waiting to begin their projects be allowed to start.

*Mayor Walsh-* That a project may proceed with the application but cannot receive a building permit for anything that is contained or covered within these laws until those 90 days are over. Also, all of these laws when enacted will apply to any application that has not received final subdivision or site plan approval.

When will hearings be held on historic preservation.

*Mayor Walsh-* A meeting will be held to get a better sense on what the community is looking for and to discuss the topic. An announcement should be made sometime next month.

While the Board waits for the CZMC referral letter and with the moratorium set to expire in December what does it do to the timing to get these laws approved.

*Mayor Walsh-* There are a combination of factors. We do need that letter as part of the process but there was a public hearing tonight. People have made some good commentary and we may need to look at these proposed laws and we may choose to edit them from this form to another form. We can also choose to vote on these and amend them after the fact.

Would the Board consider extending the moratorium.

*Mayor Walsh-* No, it expired on Saturday. We would have to do the entire process over again.

Would the Board consider holding another meeting sooner than the scheduled one on November 21<sup>st</sup>.

*Mayor Walsh-* I think we are fine with the scheduling. If we want to make amendments to the law it will take some time to incorporate some of the commentary.

Mayor's Q & A  
Con't.

*Trustee Miller*- there were comments made that we will want to discuss and consider. It will take a couple of weeks to do that because we don't meet every day.

If the Board does decide to change any of these laws will there be meetings.

*Mayor Walsh*- Discussions will happen at public work sessions. Check the Village calendar on the website.

At 8:55 the Board took a brief recess and reconvened at 9:18 PM.

**RESOLUTION**  
Set Public Hearing  
For proposed Local  
Law- Affordable  
Housing on  
12/19/2016

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

**RESOLVED**, that a Public Hearing is here by scheduled by the Board of Trustees on Monday, December 19, 2016, at 7:30 PM, in the Courtroom of Village Hall, 120 Larchmont Avenue, Larchmont, NY 10538, to consider and take comment on a proposed Local Law Regarding the Provision of Affordable Housing

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

**WHEREAS**, Village employees, employee groups and employee unions are generous with their volunteer time in the communities in which they work and live, this generosity is illustrated by their hard work and dedication to their jobs as well as their efforts and contributions to worthwhile causes in the community when they are not working; and

**WHEREAS**, the Larchmont Professional Fire Fighters Association (LPFFA) and the Larchmont Police Benevolent Association (LPBA) has requested that the Village of Larchmont approve their request to hold "Light Up Larchmont" in Constitution Park on Saturday, December 3, 2016 from 3:00pm to 6:00pm; and

**WHEREAS**, this event is completely sponsored by both the LPFFA and the LPBA and includes live music from local organizations, food, holiday games and other activities for children and families at no cost to participants; now therefore be it

**RESOLVED**, that the Village Board herein approves and supports the LPFFA & LPBA's efforts with regard to the "Light Up Larchmont" event to be held in Constitution Park on Saturday, December 3, 2016 from 3:00pm – 6:00pm.

Work Session  
Resolution

Mayor Walsh announced a resolution approved at the October 7, 2016 work session.

1. Alpine Fest, November 2<sup>nd</sup> from Noon to 6:00 PM on Gilder Avenue and Post Alley. This event is sponsored by Auray Gourmet.

Trustee Fanelli made the following report.

Trustee Reports

1. The Larchmont 125<sup>th</sup> yearlong celebration ended with the Street Fair on September 24<sup>th</sup>. Also that day the Committee on the Arts Festival and Big Trucks Day was held. Thanks to everyone involved. Over 1,800 were in attendance.
2. Thanks to the Professional Fire Fighters and the Manor Park Society for the movie in the park.
3. Thanks to the Volunteer Fire Fighters for the tent used by the Board at the Farmer’s Market this past Saturday. The Board was there seeking volunteers for the various Village committees. Reusable bags designed by Trustee Frouman were handed out.

Trustee Miller gave the following report.

Recreation:

1. The Ragamuffin Parade takes place on Saturday, October 22<sup>nd</sup> with a rain date on October 29<sup>th</sup>. Line-up is at 12:30PM on the corner of Larchmont and Palmer Avenue and the parade starts at 1:00PM. The parade ends at Village Hall where there will be a DJ and hot dogs courtesy of the Volunteer Fire Fighters.
2. Halloween Window Painting will be Friday October 21<sup>st</sup> at 2:45 PM. Sign-up on the Village website.
3. The Recreation Committee will meet on November 11<sup>th</sup> in Village Hall. Anyone interested in volunteering should contact Village Hall.

Upcoming Friends of the Library Programs:

1. November 20<sup>th</sup>, authors Steve Reddicliffe “New York Times Book of Cocktails”, Robert Simonson “A Proper Drink” and Frank Caiafa “The Waldorf Astoria Bar Book” will read from their books. Cocktails will be served.
  2. December 4<sup>th</sup>, Roger Lowenstein will read from his book “America’s Bank: The Epic Struggle to Create the Federal Reserve”.
  3. December 11<sup>th</sup>, Jennifer Armstrong will read from her book “Seinfeldia: How a Show About Nothing Changed Everything”.
- All of these programs will be held at the Village Center behind the Library and will begin at 4:00 PM with refreshments prior to at 3:30 PM.

Trustee Frouman gave the following report.

1. The Committee on the Environment is seeking to add a new member, Kristen Andersen. The Committee is also seeking approval for Ms. Andersen to be appointed chair.

On motion of Trustee Miller, seconded by Trustee Frouman and unanimously carried, it was:

**RESOLVED**, to approve the appointment of Kristin Andersen as a member to the Committee on the Environment.

**RESOLUTION**  
Andersen, K.  
member  
Comm. on the  
Environment

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

**RESOLVED**, to approve the appointment of Kristin Andersen as chair to the Committee on the Environment.

**RESOLUTION**  
Andersen, K.  
Chair  
Comm. on the  
Environment

Mayor Walsh said last Saturday the Board was at the Farmer’s Market to speak to residents about volunteering for any of the Village’s committees. New members are always welcomed and there are many committees for different interests.

**RESOLUTION**

Approve minutes  
9/18/2016

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

**RESOLVED.** to approve the minutes of the meeting held on September 18, 2016.

**RESOLUTION**

Approve Work Session  
Minutes  
9/26/2016

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

**RESOLVED.** to approve the minutes of the work session meeting held on September 26, 2017.

**RESOLUTION**

Approve Work Session  
Minutes  
10/7/2016

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

**RESOLVED.** to approve the minutes of the work session meeting held on October 7, 2016.

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

**RESOLVED.** that Abstract Audit Voucher #5, dated October 17, 2016, in amount of \$515,302.32, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Miller.

On motion of Trustee Fanelli, seconded by Trustee Frouman, and unanimously carried the meeting adjourned at 9:35 PM.