

**RESOLUTION TO ADOPT PROPOSED  
LOCAL LAWS A, B, C, D, E, F, H, I, N, P, AND Q OF 2016**

WHEREAS, the Board of Trustees is considering taking an action to adopt the following proposed local laws:

<u>Proposed Local Law</u>	<u>Title</u>
A of 2016	A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law
B of 2016	A local law to strengthen stormwater management controls during and following development
C of 2016	A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets
D of 2016	A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval
E of 2016	A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances
F of 2016	A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts
H of 2016	A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts
I of 2016	A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts
N of 2016	A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character
P of 2016	A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees
Q of 2016	A local law to amend the grandfathering provisions of the Zoning Law following amendments

(collectively, the Proposed Local Laws); and

WHEREAS, public hearings on the Proposed Local Laws were scheduled for October 17, 2016, at 7:30 p.m., and notice of such public hearings 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 Laws and public hearings to the Westchester County Planning Board, neighboring municipalities, and other entities were timely made; and

WHEREAS, on October 3, 2016, the Village received a response from the Westchester County Planning Board affirming that these are matters for local determination; and

WHEREAS, the Board referred the Proposed Local Laws to the Village's Planning Board/Commission and received comments in favor of their adoption; and

WHEREAS, the Board referred the relevant Proposed Local Laws to the Town of Mamaroneck / Village of Larchmont Coastal Zone Management Commission (the CZMC) and, in a letter dated October 26, 2016, the CZMC stated that it had determined that the relevant Proposed Local Laws are consistent with the policies in the Local Waterfront Revitalization Program (the LWRP) and that the Village should move forward with their adoption; and

WHEREAS, the Village held numerous work sessions during which the Proposed Local Laws were discussed, and during such work session members of the public were invited to share their thoughts and did so; and

WHEREAS, the Village also received written public comments on the Proposed Local Laws; and

WHEREAS, public hearings on the Proposed Local Laws were duly opened on October 17, 2016, and adjourned to November 21, 2016, and during both sessions public comments on the Proposed Local Laws were heard, and the public hearings were closed on November 21, 2016;

NOW, THEREFORE, BE IT RESOLVED: that the Board of Trustees ratifies the CZMC's opinion that adoption of the Proposed Local Laws is consistent with the LWRP, finds that the Proposed Local Laws are required in the public interest and are in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and such findings are set forth in the statement attached hereto,

AND BE IT FURTHER RESOLVED: that the Board of Trustees hereby adopts proposed the Proposed Local Laws, and that upon adoption, the Proposed Local Laws will become local laws designated as follows:

<u>Proposed</u> <u>Local</u> <u>Law</u>	<u>(Adopted)</u> <u>Local Law</u>	<u>Title</u>
A of 2016	# 7-2016	A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law
B of 2016	# 8-2016	A local law to strengthen stormwater management controls during and following development
C of 2016	# 9-2016	A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets
D of 2016	# 10-2016	A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval

E of 2016	# 11-2016	A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances
F of 2016	# 12-2016	A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts
H of 2016	# 13-2016	A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts
I of 2016	# 14-2016	A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts
N of 2016	# 15-2016	A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character
P of 2016	# 16-2016	A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees
Q of 2016	# 17-2016	A local law to amend the grandfathering provisions of the Zoning Law following amendments

(collectively, the Local Laws)

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

**FINDING STATEMENT REGARDING  
PROPOSED LOCAL LAWS A, B, C, D, E, F, H, I, N, P, AND Q OF 2016**

- |           |  |
|-----------|--|
| A of 2016 | A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law   |
| B of 2016 | A local law to strengthen stormwater management controls during and following development  |
| C of 2016 | A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets  |
| D of 2016 | A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval   |
| E of 2016 | A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances            |
| F of 2016 | A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts  |
| H of 2016 | A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts                  |
| I of 2016 | A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts  |
| N of 2016 | A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character |
| P of 2016 | A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees   |
| Q of 2016 | A local law to amend the grandfathering provisions of the Zoning Law following amendments  |

(collectively, the "Proposed Local Laws").

Earlier this year, the Board of Trustees (the Board) of the Village of Larchmont (the Village) enacted a temporary moratorium on certain land use applications that are pending or may subsequently be filed within the Village, during which the Board, working with the Village's planning consultants, consulting engineers, attorneys, and staff, studied, identified, and formulated a plan to address 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. This plan culminated in the introduction of seventeen proposed local laws addressing issues such as stormwater regulation, demolitions, maximum floor area ratios, grading and soil importation and exportation, and retaining walls.

The Board held numerous work sessions on both the conceptual ideas and the seventeen proposed local laws, and at each work session, the members of the public in attendance were invited to participate in the discussions, and many did so. As a result of such discussions, written comments, and other public comments, some of the seventeen proposed local laws were revised substantively and will be considered at a later date. The remaining Proposed Local Laws identified above are the subject of these findings and will be taken in turn.

### **Consistency with Comprehensive Master Plan and Comprehensive Zoning Scheme**

The Board finds that Proposed Local Laws are consistent with the Village's Comprehensive Master Plan (the Plan) in that they fall within the stated objective to achieve a "safe, healthy, pleasant, convenient, and economically sound environment for all of Larchmont's residents and businesses," even as the Village grows (Plan, pp. 82). For example, the Plan provides that "[t]hroughout most of its area, the Village should limit the types of residential development to those which will be compatible with its present character;" and "[a]ll dwellings should provide sufficient area, privacy, comfort, and convenience to meet accepted standards for healthy family living;" and "[t]he attractiveness of the landscape should be preserved and enhanced, wherever possible. Monotony in any future development should be avoided" (Plan, pp. 82-83). As set forth in more detail below, the Proposed Local Laws will help protect the Village's character, landscape, and the general health, safety, and welfare of its residents, businesses, and visitors.

### **PLL A of 2016: A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law**

Entitled, "A local law to move the separate Site Plan Approval and Subdivision of Land chapters of the Village Code into the Zoning Law," PLL A is purely administrative in nature. While this local law does not effect any substantive changes, the Board finds that moving the separate laws into the Zoning Law will effect greater continuity and ease of reference and that it is in the best interest of the Village to adopt PLL A.

### **PLL B of 2016: A local law to strengthen stormwater management controls during and following development**

As its title, "A local law to strengthen stormwater management controls during and following development," suggests, PLL B strengthens various existing stormwater management regulations set forth in Article II, "Stormwater Management and Erosion and Sediment Control," of Chapter 335 of the Village Code. The Village consists of a one-square mile area that is already heavily developed. Current regulations are based on the minimum state mandates and require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) only where one acre of land or more is to be disturbed. On recommendation from the Village's consulting engineers who have been working for the Village for approximately ten years and who have been intimately involved in many projects throughout the Village, this local law reduces the threshold that triggers the preparation of a SWPPP. The local law also encourages and requires the use of green infrastructure practices, implements tighter regulations concerning the handling of stormwater, and sets more readily distinguishable standards on which applicants and developers can base their stormwater management designs. Furthermore, the local law provides for more proactive inspection practices to avoid future issues, including the need to unearth stormwater management controls for inspection purposes, which should increase efficiency and decrease costs.

This Village is no stranger to flooding in certain areas, and these revisions to the Village's stormwater controls are in keeping with the Village's comprehensive zoning plan and are specifically designed to help guard against increased flooding and the mismanagement of stormwater, in terms of both quality and quantity. They will promote health and general welfare of both the community and the environment, and, by helping to curtail excessive stormwater run-off and additional flooding, also help conserve the value of buildings and other property. This local law, therefore, is in furtherance of the purposes set forth in Article 7 of the New York State Village Law. For these reasons, the Board finds that is in the best interests of the Village to adopt PLL B.

**PLL C of 2016: A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets**

Trees are critical to the environment and ecosystem, and as stated in the legislative intent of PLL C, trees provide necessary shade, green space and aesthetic appeal, impede soil erosion, aid water absorption, buffer noise, and provide other benefits and generally enhance the quality of life within the Village. PLL C, entitled, "A local law to amend Chapter 263 of Village Code to regulate and strengthen the protection of trees in parks and on streets," offers greater regulation concerning the Village's public trees, resulting in both greater protection of existing trees and trees to be planted in the future. The regulations also impose stiffer penalties for violations, which should act as an increased deterrent. For these reasons, the Board finds that it is in the best interests of the Village to adopt PLL C.

**PLL D of 2016: A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval**

The benefits of trees are as stated above, and older, larger trees tend to have a greater benefit than younger, smaller trees whose root systems are not as substantial, canopies are narrower, and which do not take up as much water. The loss a healthy 100-year-old tree, for example, can affect not only the property in which the tree is growing, but the community in general. The loss of many trees can have a greater impact. The Board finds that increased oversight and regulation of the preservation of such trees, to the extent feasible, and other vegetation during the development review process is necessary. PLL D, entitled, "A local law to amend the Zoning Law regarding tree removal, preservation, and planting in connection with subdivision and site plan approval," will serve to protect trees and other vegetation on private property both during the planning stage and during development. The local law also provides that in certain instances, the Planning Board may require the installation of supplemental trees. For the reasons set forth herein, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL D.

**PLL E of 2016: A local law to amend the Zoning Law by establishing maximum gross residential floor area ratios for one-family dwellings within certain districts and by requiring increased setbacks under certain circumstances**

As stated above, when the Board enacted the temporary moratorium earlier this year, it did so to have the opportunity to study and assess 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 permitted. Recently, the Village has experienced an increase in the construction of new or modified homes that are out-of-scale and disharmonious with others nearby. Such homes create more impervious areas, decrease open space and light and air, can often create a feeling that the land is

overcrowded, and can endanger the visual character of the community, among other impacts to the health, safety, and welfare of the Village.

In addition to being open for public comment during the public hearing sessions, the concept proposed that led to the drafting of the local law and the proposed local law itself were the topic of many discussions during public work sessions. At these work sessions, members of the public in attendance were invited to participate in a collaborative way. Initially, members of the public suggested that the Village increase minimum required yards / setbacks, but it was noted that such increased regulations would render a large number of properties non-conforming, which creates a whole host of other issues. Instead, new regulations consisting of maximum floor area ratios combined with increased setbacks under certain circumstances were developed. As a result of additional discussions with members of the public during public meetings, certain exemptions from the calculations of gross floor area ratio were added to allay concerns over the inclusion of all basement space in such calculations.

These new regulations will have the effect of limiting the overall bulk or scale of new or modified homes while preserving to balance the desire of residents to enlarge their homes with the preservation of neighborhood character so that the homes are not or do not appear to be out-of-scale with the neighborhood. When triggered, the increased minimum side yard setbacks will reduce the scale of the façade facing the street and increase the green space and separation between homes. Great effort was made to ensure that these new regulations would be reasonable in their overall effect and achieve the balance described above. In one hypothetical under the new regulations, for example, a home consisting of 4,100 square feet of floor area would be permitted on a 6,000 square foot lot in the R-5 zoning district, even when factoring in the increased setbacks and proposed lot coverage regulations (see discussions below). In contrast, under the current regulations, a home consisting of 6,930 square feet of floor area would be permitted on the same 6,000 square foot lot. In the R-15 zoning district under the current regulations, a home of 16,362 square feet of floor area could be constructed on a 17,000 square foot lot; under the proposed regulations, a home of 7,400 square feet of floor area would be permitted.

Under the new regulations, homes of substantial size will still be permitted, but their impact on their neighborhood will be mitigated and more controlled. For the reasons set forth herein, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL E.

**PLL F of 2016: A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts**

As part of the Village's intent to further protect the environment, open and green space, PLL F, entitled, "A local law to amend the Zoning Law by establishing limitations on lot coverage in certain zoning districts," limits the extent to which a lot may be covered by structures, man-made materials, and paved surfaces (as defined in the local law). These regulations will also have a positive impact on stormwater runoff, as there will be less to impede absorption and infiltration into soils, and may reduce the footprints of new and modified homes, in keeping with the Village's intent to limit the overall bulk or scale of new or modified homes. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL F.

**PLL H of 2016: A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts**

As stated above, the Village is a one-square mile area that is already heavily developed. As the demand for generators and heating, ventilating, and/or air conditioning equipment increases, it has become necessary to regulate various aspects to preserve and protect the health, safety, and welfare of the community. These types of equipment can be very loud, for example, and when placed in close proximity to a neighbor's property, can have a negative effect on the neighbor's quality of life. The Board finds that it is appropriate to impose reasonable regulations over the location of such equipment, require screening, and cross-reference the maximum sound pressure levels with the Village's existing noise law. For the reasons stated herein, PLL H, entitled, "A local law to amend the Zoning Law by establishing limitations on placement and noise impacts of generators and HVAC (heating, ventilating, and/or air conditioning) equipment in certain zoning districts," is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL H.

**PLL I of 2016: A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts**

In keeping with the intent to protect the health, safety, and welfare of the community, the Board has proposed driveway regulations through PLL I, entitled, "A local law to amend the Zoning Law by establishing standards for the location and dimensions of single and shared driveways in certain districts." These spatial regulations will also preserve open space, neighborhood character, and visual aesthetics, as well as avoid certain traffic issues that often occur when a driveway is located near an intersection. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL I.

**PLL N of 2016: A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character**

PLL N is entitled, "A local law to amend the subdivision regulations of the Zoning Law by revising the definition of subdivision, adding provisions concerning lot arrangement and dimensions and ensuring consideration of the land's character." The Village's current subdivision regulations are applicable to the division of land into three or more lots. PLL N provides that the Village's subdivision regulations apply to the division of land into two or more lots. In addition to the tearing down and replacement of a home on a single lot, the Village has experienced recently an increase in the number of applications seeking to turn one lot into two or more lots. Some of those applications, however, did not need formal subdivision approval pursuant to the Village's subdivision regulations. Given the potential impacts of creating additional lots, especially in an area the size of the Village that, as has been said previously, is heavily developed, the Board finds that it is prudent to subject such actions to the standards set forth in the Village's subdivision regulations. The additional provisions in the local law concerning lot arrangement, lot dimensions, and lot character, are also prudent to avoid future issues by requiring these factors to be considered during the application review process.

These additional regulations will protect the health, safety, and welfare of the community, and are in keeping with Village's policy to consider subdivisions as part of a plan for the orderly, efficient, and economical development of the Village. For these reasons, this local law is in furtherance of the purposes

set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL N.

**PLL P of 2016: A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees**

PLL P of 2016, entitled, “A local law to amend the Zoning Law provisions concerning fees and establishing the requirement of escrow accounts for consultant fees,” establishes a streamlined procedure for handling application fees, and a stricter procedure for handling consultant fees when such consultants are retained by the Village in connection with the review of a land use application. While this local law does not change the existing provision that the applicant is required to bear the actual expense of the fees, this procedure will eliminate the need for the Village to float the funds to pay the consultants and wait to be reimbursed by the applicant. This new procedure will also create more efficiency in the Village by cutting down on staff time often needed to follow up on such reimbursements. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL P.

**PLL Q of 2016: A local law to amend the grandfathering provisions of the Zoning Law following amendments**

Given the number of amendments proposed to the Zoning Law, the Board finds that it is prudent to adopt PLL Q, entitled, “A local law to amend the grandfathering provisions of the Zoning Law following amendments,” to clarify the effect of these amendments on existing structures, generators, HVAC units, etc. This local law provides that, where so specified, existing legal nonconformities may remain or be rebuilt. In other words, generally speaking, the existing grandfathering provisions of the Zoning Law are being expanded to include buildings, structures, generators, and outdoor HVAC equipment to take into account, for example, the new generator and HVAC regulations. The Board, for example, finds that it would not be reasonable, upon adoption of PLL H, to force everyone within the Village with a non-conforming outdoor HVAC unit to move it to be so conforming. Such an expense would be an unreasonable burden.

Importantly, the local law provides that where final subdivision approval or site plan approval was granted before October 17, 2017, amendments to the Zoning Law adopted between October 17, 2016, and November 21, 2016 – except amendments concerning mechanical rock excavation and blasting – shall not affect such developments. The Board finds that this provision is reasonable in such situations, given the costs incurred and time expended on such applications and their status in terms of the application review process. For these reasons, this local law is in furtherance of the purposes set forth in Article 7 of the New York State Village Law, and the Board finds that it is in the best interests of the Village to adopt PLL Q.

## **Conclusion**

Again, for the reasons stated herein, the Board finds that adoption of these proposed local laws are in the best interests of the Village. They will help protect the environment, as well as the health, safety, and welfare of the Village. They are also in keeping with the Village's Comprehensive Master Plan and, where applicable, are in furtherance of the purposes set forth in Article 7 of the New York State Village Law.