

Minutes of Regular Meeting of the
Board of Trustees of the
Village of Larchmont, NY
held on Monday, November 21, 2016
at the Village Center, 119 Larchmont Avenue

DRAFT

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

ABSENT: None

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

Mayor Walsh welcomed all in attendance and called the meeting to order at 7:38 PM.

Mayor Walsh spoke about the fire that took place on November 6th at 1912 Palmer Avenue. The fire caused damage to 2 stores and the 12 apartments in the building. The apartment dwellers escaped without injury but were left homeless and without any of their possessions. As of today some have found homes but others haven't. Donations of clothing, food and gift cards began to come in immediately from the community. Some residents opened their homes to those who were in the fire while they looked for a new apartment.

The Mayor then thanked the fire departments from the Village and Town of Mamaroneck, New Rochelle, Pelham and Pelham Manor, Greenville and Scarsdale for their assistance in bringing the fire under control.

Mayor Walsh then presented a proclamation to retiring crossing guard Barbara Thomas. For many years Ms. Thomas was stationed at the corner of Chatsworth and Forest Park Avenues making sure children of the Village, including the Mayor's crossed the street safely. Ms. Thomas thanked the Mayor, the Board and all the residents of the Village. She added that all the children she crossed for all the years were hers.

Chief Poleway made the following report.

1. Thanksgiving holiday quickly approaching, I would like to remind everyone that if you are going to drink alcohol – please do not drive. Historically, the Wednesday before Thanksgiving and the Thanksgiving weekend are some of the most active times for our bars and restaurants. College students return home and relatives travel into the Village for family gatherings and this often creates environments where the consumption of alcohol occurs. So, if you are going to consume alcohol, don't drive, choose a sober designated driver or call a taxi to ensure safe travel. For the well-being of everyone - please don't drink and drive. The police department will have additional DWI patrols on duty over the Thanksgiving weekend to enforce driving while impaired laws and to keep all of our motorists and pedestrians safe.
2. During the holiday season, there will be an increase of police officers on foot patrols in the business districts in an effort to interact with the public and business owners and create a safe environment for those that are conducting business and shopping within the village. Business owners are reminded to contact the police if they would like an escort while making bank deposits for their businesses at any time during the day.
3. Yesterday was another violent and deadly day for the law enforcement community as four police officers were shot in three different states – one fatally. San Antonio police officer Detective Benjamin Marconi who was 50 was ambushed and executed as he was writing a

summons in his marked patrol vehicle while in front of police headquarters at approximately 11:45 a.m. He was shot twice in the head and appears to have been targeted because of his uniform and the assassin is still at large. Detective Marconi was a 20 year veteran and the father of two. Elsewhere, a St. Louis police sergeant was shot twice in the face at 7:30 p.m. Sunday night, but was expected to survive and was hospitalized in critical condition. An officer in Gladstone, Missouri was shot and sustained non-life threatening injuries and another officer in Sanibel, Florida was shot and injured. In 2016, 58 state, county and local officers have been shot and killed while on duty with no end in sight. This assault on our nation's law enforcement community is troubling and unacceptable and needs to stop. My thoughts and prayers are with all those officers and their families that have been affected by this violence.

4. As of October 15th the police department has responded to over 300 calls for service including 32 aided cases and 31 motor vehicle accidents. In addition, there were four penal law arrests that included two felonies and two vehicle and traffic law misdemeanors. The detectives also served two warrants of arrest for individuals that failed to return to village court and they were subsequently remanded to the County jail.

5. See something – Say something –I would like to remind everyone to stay vigilant in reporting any suspicious activity that may be observed over the upcoming holiday. If you observe something that may be suspicious, please, do not keep it to yourself – call the 24 hour NYS Terrorism Tips Line at 866 SAFE-NYS (866-723-3697) or call the Larchmont Police Department at (914) 834-1000 or simply dial 911.

I recently had the privilege of attending a 10 week course of study at the FBI National Academy down in Quantico, Virginia. I was a member of class 265 that consisted of 241 men and women in the law enforcement community and they represented 48 states and 24 different countries. It was a unique and rewarding experience and certainly one of the highlights of my career. The Academy ran from July 11th and concluded with our graduation on September 16th. The training included an intensive academic course of study in topics related to leadership, counterterrorism, communications, forensics, managing organizational change, as well as officer fitness and wellness. In addition, there was a strenuous physical fitness component to the academy that proved quite challenging. We were required to attend 3 to 4 PT sessions each week and every Wednesday we were put through an intense physical challenge as a class. The culminating physical activity was a 6.1 mile obstacle course designed by the Marines and it is affectionately known as "The Yellow Brick Road". It was difficult, but I was able to complete it and received a yellow brick in recognition of my efforts and that brick is now proudly displayed in my office. The most important component of attending the National Academy is ultimately the networking that occurs amongst the classmates and the friendships that are formed as a result. I have continued to stay in touch with my classmates and now have personal contacts throughout the country and in many different parts of the world. I am the first police officer from Larchmont to have attended and graduated from the National Academy and hopefully, in time, there will be others. I would like to take a moment to acknowledge and thank the mayor and the board for their support in this endeavor and for allowing me to take advantage of this wonderful opportunity and enriching experience.

The Chief then wished everyone a safe and Happy Thanksgiving.

Chief Caparelli made the following report.

1. The Larchmont Fire Department responded to an alarm of fire at 1912 Palmer Avenue on November 6, 2016 at 0317 am. The first arriving units were met with visible fire from the third floor windows and residents exiting the building. Lt. Doherty initiated an all hands response from 60 Control which summoned personnel and apparatus from the TMFD, NRPD, PFD, PMFD, GFD, SFD and the VMFD as well as a recall of all off duty Larchmont career personnel and Volunteers. The duty crew of Lt. Doherty, FF Allen and FF DiGilio immediately began to fight the fire and evacuate the remaining residents, some of which were still sleeping and not aware of the ongoing fire on the third floor. Operations continued for approximately 6 hours with personnel inside fighting the fire as well as extensive exterior operations until the fire was brought under control at approximately 10 am. I am happy to report that no residents were

injured and only 1 firefighter sustained non-life threatening injuries when he became disoriented in the smoke and stepped off the roof falling approximately 12 feet to the ground. He has since been released from the hospital and is recovering. The building sustained substantial fire damage to the third floor and extensive water and smoke damage to the rest of the building. The latest from the building owner is that he is waiting for his insurance agency to determine if the building will be demolished or repaired above the first floor store fronts. I will report back to the Board when I hear updated news. I would like to thank the departments who responded to our call for aid and extend our most sincere sense of appreciation for their work in extinguishing this fire.

2. The Fire Department's annual Inspection was held this past Friday and I would like to thank the members of the Board who attended and supported us. The dinner was attended by neighboring departments and guests from agencies we deal with on a daily basis. Everyone had a wonderful time.

3. The Career staff will be sponsoring the third annual Light up Larchmont event in Constitution Park on December 3, 2016 from 3pm to 6pm. There will be a tree lighting, pictures with Santa, music and refreshments free of charge. Please make every effort to attend.

4. The Fire Department received all the equipment specified in the grant awarded to us by the Department of Homeland Security. The Hose and related water distribution equipment was delivered and is now in service replacing old worn out hose, valves, nozzles and fittings some of which were over 20 years old.

5. Tonight, the Volunteer staff will be attending a Defensive Driving course here at the fire house in keeping with the Village's insurance carrier's request that all drivers of Village vehicles complete this class before operating a Village owned vehicle.

All apparatus and equipment are in service and operational.

All Fire Inspections and Code Enforcement efforts are ongoing.

Trustee Miller gave the following report.

Recreation

1. Recreation Committee met on November 10th. Items discussed were:

Reviving the Pet Parade, Paddle Tennis Clinics to be run through Continuing Ed, Spring and Summer Tennis and a possible clinic in April.

2. Bike lanes should be ready by May 1, 2017 in time for the return of the Tour de Larchmont on May 5th.

3. The Larchmont Run, "Sprint to Flint" will take place on June 16, 2017.

4. The next Recreation Committee meeting will be held on December 16th.

Friends of the Library

1. Meet the Author, on December 12th, Jennifer Armstrong will read from her book, "Seinfeldia".

2. "Larchmont" a movie created by 2 local residents, Ben Zuckert and William Seife, will be screened on December 18th. Both of these programs will take place at the Village Center (behind the Library) at 4:00 PM with refreshments served at 3:30 PM.

Trustee Frouman made the following report.

1. Catherine Kassenoff formerly of the Governor's office is joining the Committee on the Environment.

2. Committee on the Environment Chair, Kristen Anderson, has scheduled monthly meetings through June.

Next Steve Robbins and Anthony Catalano from Woodard and Curran spoke to Board about the Byron Place Pump Station Project. Mr. Robbins, the Project Manager, said the station was built in 1925 that had one steel tank with a building that houses two pumps. A second tank was added in the fifties with upgrades in the eighties. The Village decided to do upgrades to the station by improving the pumping capacity, electrical efficiency, heating and insulation, controls and record keeping. The pump rehabilitation began in the spring and last week Con Ed brought power to the site. Testing should begin soon.

Construction is on budget and there have been minimal changes orders and no contract changes that would have to be approved by the Board. Woodard and Curran are recommending that the Village move forward with Phase 2 which is the replacement of the two tanks with one larger concrete tank. The bid documents are being prepared, with construction to begin in the spring.

Mayor Walsh said that the last time her and Mr. Robbins spoke, bid documents were ready but they were waiting for the Department of Health approval, she asked what the status was.

Mr. Robbins replied that the Department of Health sent their comments but this will not be an issue moving forward.

Mayor Walsh asked if the pumps also require an inspection by the Department of Health.

Mr. Robbins said once the disinfecting and testing is completed, the Health Department will perform an inspection.

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

RESOLVED, that the Public Hearings adjourned from the October 17, 2016 meeting, to consider and take comment on proposed local laws A-Q, 2016 be opened.

Mayor Walsh said that tonight's public hearing was adjourned at last month's meeting and at that time there were 17 land use laws on the agenda. 11 of those laws have remained the same and are on the agenda. Comments will be taken for Proposed Laws A,B,C,D,E,F,H,I,N,P,Q tonight. When the public hearing is closed the Board will consider the resolution to adopt. The Village has received responses from Westchester County Planning, the CZMC and the Planning Board regarding the proposed laws. Changes have been made to the balance of the laws and tonight a new public hearing will be set for December 19th to take comments on them. Proposed Local Law "L" is gone and now part of Proposed Local Law "M" and an additional Law "R" has been added.

The following made comments on the proposed local laws:

Sarah Bauer

Hendi Susanto

Sally Robling

Michael Puglisi-read a prepared statement

Carol Cassaza

Theresa Finck

Kim Tofalli

Stacey Caffrey

Joel Weinberg

Mike McCrum

Comments were made on: Changes to the proposed laws, trees and removal permits, mansion sized properties, character of the Village, the Board and the fear of lawsuits from developers, defining subdivision of residential or commercial properties, historic law, duration of the moratorium and the Board of Architectural Review not taking comments.

Mayor Walsh and Attorney Staudt replied to some of the comments that were made.

Mayor Walsh- the 11 laws for this public hearing with the exception of a half of a sentence, are the same that have been worked on by everyone and came to be agreed upon. Only change was in law "D" in "C2" that says, "It will not be deemed feasible to require such relocation or removal where doing so would substantially interfere with a permitted use." The Mayor asked the Attorney to comment

Attorney Staudt- the language included gives the Planning Board more latitude to require improvements to be moved to save a tree than the suggested language of tying it to the standard of financial hardship. The key to the sentence is “substantially interfere with a permitted use.” It is not substantially interfere with a proposed improvement, in zoning law, use and area requirements are separated. When you are talking about use you are talking about the use. What this sentence means is that improvements can be required to be changed as long as doing so won’t substantially interfere with the right to use the property for one-family residential purposes. Think of the dialogue that may occur between a planning board and an applicant, the planning board would say ‘we would like you to shift this house 3 ft. to the right then we think you can save that tree or not put that garage there, move it back’. The applicant would say ‘that substantially interferes with the permitted use’. The answer is no. The permitted use is to use the property for one-family residential purposes. If you do that you can still use the property for one-family residential purposes. However if we make the standard significant financial effect, the applicant can make a very good argument ‘that if you make me move the garage back there and I have to do more excavation or you make me take 600 sq. ft. off the house, that’s going to cost \$20,000’, that is a substantial financial effect. In my opinion the language in there gives the Planning Board more flexibility to protect trees than the language that has been suggested by speakers tonight.

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

RESOLVED, that the Public Hearings be closed.

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

**RESOLUTION DETERMINING SIGNIFICANCE
OF LOCAL LAWS B, C, D, E, F, H, I, AND N OF
2016
PURSUANT TO
SEQRA**

WHEREAS, the Board of Trustees (the Board) of the Village of Larchmont (the Village) has proposed the adoption of the following local laws:

<u>Proposed Local Law</u>	<u>Title</u>
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

(collectively, the Proposed Local Laws);
and

WHEREAS, the Board, the only involved agency, reviewed and accepted the Environmental Assessment Forms (EAFs), Parts 1 and 2, prepared by the Village's consultants, and by resolution dated September 19, 2016, determined that adoption of the Proposed Local Laws are Unlisted actions under the New York State Environmental Quality Review Act and implementing regulations (collectively, SEQRA);
and

WHEREAS, the Board has reviewed the criteria of significance set forth in the SEQRA regulations, and has reviewed and accepted Part 3 of the EAFs prepared by the Village's consultants, attached hereto,

NOW, THEREFORE, BE IT RESOLVED that for the reasons set forth in the Negative Declaration forms attached hereto, the Board of Trustees finds that adoption of the Proposed Local Laws will not have a significant adverse impact on the environment and thus no Environmental Impact Statement is required.

On motion of Trustee Komar, seconded by Trustees Miller, and unanimously carried, the following resolution was adopted:

**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 Local Law</u>	<u>(Adopted) 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 it 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

TO READ ADOPTED LOCAL LAWS SEE ATTACHED

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

RESOLVED, that a Public Hearing is hereby scheduled by the Village Board of the Village of Larchmont to be held in the Courtroom in Village Hall, 120 Larchmont Avenue, on Monday, December 19, 2016 at 7:30 PM, to consider and take comments on the following:

Proposed Local Law G to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

Proposed Local Law J to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

Proposed Local Law K to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

Proposed Local Law M to amend the site plan regulations of the Zoning Law by prohibiting site plan approval for proposed demolition that is subject to additional zoning regulations

Proposed Local Law O to amend the Zoning Law by increasing coordination among the Village's land use boards

Proposed Local Law R to amend the grandfathering provisions of the Zoning Law

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

WHEREAS, the Village of Larchmont Board of Trustees is considering the enactment of the following proposed Local Laws;

Proposed Local Law G to revise the Zoning Law by regulating the location and dimensions of retaining walls and the land surrounding them

Proposed Local Law J to amend the Zoning Law by adding regulations concerning changes of grade and soil movement

Proposed Local Law K to amend the Zoning Law by establishing regulations concerning mechanical rock excavation and additional regulations concerning rock blasting

Proposed Local Law M to amend the site pan regulations of the Zoning Law by prohibiting site plan approval for proposed demolition that is subject to additional zoning regulations

Proposed Local Law O to amend the Zoning Law by increasing coordination among the Village's land use boards

Proposed Local Law R to amend the grandfathering provisions of the Zoning Law
and

WHEREAS, pursuant to various state and local laws and regulations, the Board of Trustees must refer the proposed local laws to various governmental entities,
and

NOW, THEREFORE, BE IT

RESOLVED that Village staff is directed to refer all proposed Local Laws listed above to other governmental entities in accordance with applicable laws and regulations.

On motion of Trustee Miller, seconded by Trustee Komar, the vote on the following resolution was as follows:

AYES: Mayor Walsh, Dep. Mayor Miller, Trustee Komar, Trustee Fanelli, Trustee Frouman

NAYS: None

ABSTAINS: None

A **RESOLUTION** authorizing subject to permissive referendum, the issuing of an additional \$550,000 bonds of the Village of Larchmont, Westchester County, New York, to pay part of the costs of the Reconstruction of Palmer Avenue, in and for said Village.

On motion of Trustee Frouman, seconded by Trustee Miller, the vote on the following resolution was as follows:

AYES: Mayor Walsh, Dep. Mayor Miller, Trustee Komar, Trustee Fanelli, Trustee Frouman

NAYS: None

ABSTAINS: None

A **RESOLUTION** authorizing subject to permissive referendum, the issuing of an additional \$900,000 bonds of the Village of Larchmont, Westchester County, New York, to pay part of the costs of the Reconstruction of Various Elements of the Water Storage and Distribution System, in and for said Village.

Mayor Walsh opened the meeting to anyone who wanted to address the Board on a non-agenda item. Below are those who spoke:

Carla Porter
Carol Cassaza
Stacey Caffrey
Carol Akin
Cheryl Brock
Laura Smith
Kim Tofalli

Topics they spoke on were the adopted and proposed local laws, historic preservation, changes made to the local laws adopted this evening and whether they were weakened.

The Mayor thanked everyone for their comments and added that the laws have not been weakened and they should be read in their entirety to see what has been changed.

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

RESOLVED, to approve the minutes of the meeting held on October 17, 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 24, 2016

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

RESOLVED, that Abstract Audit Voucher # 7, dated November 21, 2016 in the amount of \$354,745.43, per copies filed with the Clerk, be paid, subject to confirmation and approval of Trustee Miller.

On motion of Trustee Miller, seconded by Trustee Fanelli, and unanimously carried, the meeting adjourned at 9:54 PM.