

**RESOLUTION OF THE  
OF THE VILLAGE OF LARCHMONT  
BOARD OF TRUSTEES  
September 21, 2020**

Section 6 Block 6, Lot 409

**“CENTRO” LARCHMONT  
108-114 CHATSWORTH AVENUE  
SPECIAL PERMIT APPROVAL**

**WHEREAS**, the Board of Trustees of the Village of Larchmont, located in Westchester County, New York, has received an application for Special Permit Approval, submitted by Elk Chatsworth, LP (herein after referred to as the “Applicant”); and

**WHEREAS**, the proposed project is located at 108-114 Chatsworth Avenue and is more specifically known and identified as Section 6, Block 6 Lot 409; and (herein after referred to as the “Site”); and

**WHEREAS**, the proposed action involves the redevelopment of an existing 11,070 square foot parcel fronting on Chatsworth Avenue that currently supports a vacant one-story commercial building, to accommodate a new 4-story with a partial 5<sup>th</sup> story mixed use building including 2,450 square feet of retail space on the ground floor and 14 apartments on the 2<sup>nd</sup> through 5<sup>th</sup> floors. The apartments would consist of 5 – 3-bedroom units, 8 – 2-bedroom units and 1 – 1-bedroom unit which would be designated as an Affordable Affirmatively Furthering Fair Housing (AFFH) unit. 25 off-street parking spaces are provided within the ground floor level of the building, accessed via an existing easement to Wendt Avenue. Various building amenities are proposed including a fitness area, enclosed bike storage, a rooftop terrace and live roof planting area. New stormwater management facilities and utility connections are also proposed along with associated site improvements (herein after known as the “Proposed Action”); and

**WHEREAS**, the Village Board, with the assistance of its professional consultants, has reviewed the following materials regarding the pending Special Permit application:

- Special Permit Application Form
- Full Environmental Assessment Form and supporting documentation
- School impact memorandum prepared by Kimley Horn, April 27, 2020
- Correspondence from Harfenist Kraut & Perlstein, LLP, May 1, 2020
- Stormwater Pollution Prevention Plan, prepared by Bibbo Associates, March 11, 2019, last revised April 30, 2020.
- Traffic safety letter prepared by Kimley Horn, June 20, 2019
- Correspondence from Elk Homes, May 12, 2020.
- County Planning Board Referral LAR 20-001, June 19, 2020
- Correspondence from EnviroSpace Architecture, July 16, 2020
- Correspondence from Harfenist Kraut & Perlstein, LLP, June 26, 2020 including Exhibit 1 – Property Survey, Exhibit 2 – Spec Sheets for ParkPlus Semi Automated

Parking System, Exhibit 3 – Indenture containing right-of-way (Liber 2562, Page 8), Exhibit 4 – Specs of sample traffic control system, Sheet A101 – basement and Ground Floor Plans, Sheet CP-1 – Construction Management Plan

- Site Plan, Special Permit and SEQR review memorandum from Cleary Consulting, June 16, 2020.
- Correspondence from Harfenist Kraut & Perlstein, LLP, July 13, 2020
- Planning Board comments on Special Permit application, July XX, 2020.
- Centro Design Committee comments, August 11, 2020.
- Correspondence from Syrette Dym and Frank Grant, June 21, 2020.
- Memorandum from Benedict A. Salanitro, P.E., P.C., August 13, 2020.
- Correspondence from Bibbo Associates, July 28, 2020.
- Correspondence from Harfenist Kraut & Perlstein, LLP, July 27, 2020
- Special Permit and SEQR Issue Summary from Cleary Consulting, August 14, 2020.
- Memorandum regarding the public amenity fee from Cleary Consulting, July 3, 2020.
- Correspondence from Frank Blasi, Building Inspector, XXX, 2020.
- Various additional correspondence from interested parties.

**WHEREAS**, the Applicant submitted the following plans in support of the Special Permit application:

- G000 Zoning Cover Sheet, prepared by Perkins Eastman, dated April 30, 2020.
- AS101 Architectural Site Plan, prepared by Perkins Eastman, dated April 30, 2020.
- A101 Basement and Ground Floor Plans, prepared by Perkins Eastman, dated April 30, 2020, last revised June 23, 2020.
- A102 Second and Third Floor Plans, prepared by Perkins Eastman, dated April 30, 2020.
- A103 Fourth and Fifth Floor Plans, prepared by Perkins Eastman, dated April 30, 2020.
- A104 Roof Construction Plan, prepared by Perkins Eastman, dated April 30, 2020.
- A201 Exterior Elevations, prepared by Perkins Eastman, dated April 30, 2020.
- A202 Exterior Elevations, prepared by Perkins Eastman, dated April 30, 2020.
- A301 Building Sections, prepared by Perkins Eastman, dated April 30, 2020.
- A302 Building Sections, prepared by Perkins Eastman, dated April 30, 2020.
- L-1 Landscape Plan, prepared by Didona Associates, dated May 1, 2020.
- EX-1 Existing Conditions Plan, prepared by Bibbo Associates, LLP, dated July 24, 2020.
- SP-1 Site Plan, prepared by Bibbo Associates, LLP, dated July 24, 2020.
- D-1 Details, prepared by Bibbo Associates, LLP, dated July 24, 2020.
- N-1 Neighboring Properties Plan, prepared by Bibbo Associates, LLP, dated July 24, 2020.
- TS-1 Temporary Sidewalk Diversion Plan, prepared by Bibbo Associates, LLP, dated July 24, 2020.
- CP-1 Construction Management Plan, prepared by Bibbo Associates, LLP, dated July 24, 2020.

**WHEREAS**, on XXX, 20XX, a pre-submission conference was held pursuant to §381-49 A. (1); and

**WHEREAS**, on XXX, 2020, the Village Board serving as Lead Agency for this Unlisted Action, adopted a Negative Declaration, indicating that the Proposed Action would not result in any significant adverse environmental impacts; and

**WHEREAS**, the application for Special Permit approval was heard by the Village Board on August 14, 2020, August 31, 2020 and September 21, 2020, at which time interested members of the public were given an opportunity to comment on the Project; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board finds that:

**COMPLIANCE WITH SPECIAL PERMIT GENERAL STANDARDS:**

The Proposed Action complies with the applicable Special Permit General Standards as follows:

1. §381-50 A. – The Proposed Action fully complies with the provisions of the recently adopted Public Amenity Mixed-Use Zoning (PAMUZ). Through demonstrating compliance with these provisions, it can be concluded that the Proposed Action will be in harmony with the orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts.
2. §381-50 C. – The Proposed action includes 2,450 square feet of ground floor retail space designed in full conformance with the PAMUZ. The Proposed Action is harmonious with the commercial district in which it is situated in that it will provide retail and residential uses similar and complimentary to those in the district and based inter alia on the advice of the Village’s expert consultants, does not create pedestrian or vehicular traffic hazards and does not display signs or emit noise, fumes or permit flashing lights to a degree that would hinder normal development or impair the value of adjacent land and buildings.

**COMPLIANCE WITH SPECIFIC REQUIREMENTS FOR PRINCIPAL USES PERMITTED BY SPECIAL PERMIT:**

The Proposed Action fully complies with the PAMUZ special permit criteria set forth in §381-51N, as follows:

3. *10,000 square foot minimum lot area; 40-foot minimum lot width; 0-foot front yard, 0-foot side yards, 0-foot rear yard, 100% principal building coverage, maximum number of stories: 4, principal building maximum height: 50 feet from existing grade along the Chatsworth Avenue frontage of the subject property; provided, however, the Village Board may allow a partial additional story as provided in Section 381-51.N. Within these maximums, coverage, height and story limitations will be set by the Village Board on a case-by-case basis as part of the Special Permit process.*

The project complies with the applicable dimensional regulations. The project includes a partial 5<sup>th</sup> floor.

4. *A Public Amenity Supplemented Mixed-Use Development shall be located within the RC - Retail Center zoning district.*

The site is located in the RC zoning district.

5. *The proposed Public Amenity Supplemented Mixed-Use Development shall be designed, occupied and utilized in a manner that results in a substantial enhancement to the Village's business district, as determined by the Village Board.*

For the past several years, the Village Board has been studying and implementing measures to reinvigorate the Village's struggling Palmer/Chatsworth Business District. The redevelopment of this long vacant parcel, in this key location, is an important element of the Board's efforts in this regard. The Village Board finds that design and configuration of the Proposed Action, which includes 2,450 square feet of ground floor retail space, will reestablish an active and vibrant continuous commercial building frontage and streetscape along Chatsworth Avenue.

6. *The site shall be located to the east side of Palmer Avenue and west of Vanderburgh Avenue, with frontage on Chatsworth Avenue.*

This locational requirement is complied with.

7. *The site shall be a minimum of 10,000 square feet in area.*

The site is 11,070 square feet in area. The minimum lot area requirement is complied with.

8. *A minimum of 50% of the first floor's gross floor area (exclusive of off- street parking) shall be occupied by retail, restaurant, theater, food establishment or group fitness class uses. A minimum of 70% of a Chatsworth Avenue building's street level frontage shall be occupied by the above stated non-residential uses. No first floor (street level) residential dwelling units are permitted to front on the Chatsworth Avenue street frontage, and if provided on the first floor of the building, must be located so as to not face the Chatsworth Avenue street frontage. The only residential component permitted to front on the Chatsworth Avenue street level street frontage is a lobby entrance.*

- The gross floor area of the ground floor is 4,700 square feet. The 2,540 square feet of retail space equals 52.1%, which complies with the minimum requirement.
- The retail frontage amounts to 73.9% of the total building frontage, which complies with the minimum requirement.
- No first-floor residential units are proposed.
- The only residential element of the project on the Chatsworth Avenue frontage is a 23' wide lobby.

9. *To be eligible for the Special Permit, an applicant shall provide, in addition to other public enhancements, (and in addition to the off-street parking required for the building) a public amenity of municipal parking. The requirement to provide an enhancement to municipal parking and other public amenities can be satisfied by an in-kind contribution or fee in lieu to be set by the Village Board during the Special Permit process, commensurate with the zoning density benefits that are achieved.*

See paragraph 11 below regarding amenity for enhancement of municipal parking.

10. *If there is municipal parking adjacent to the applicant's property which does not have adequate pedestrian access to Chatsworth Avenue, one public amenity shall be an improved accessway of a width and design to be determined by the Village Board and Planning Board in the Special Permit/Site Plan process which shall include it being designed to meet, at a minimum, ADA requirements, provided through the applicant's property to Chatsworth Avenue, to be dedicated for public use. Appropriate easements or other property rights shall be granted and/or exchanged to facilitate this requirement.*

The Village Board finds that the proposed 8' wide public walkway along the east side of the building satisfies this requirement. Final walkway design will be determined by the Village Board as part of its architectural review of the project. The Applicant shall grant to the Village an easement to this walkway satisfactory to Village Counsel.

11. *The applicant may be required to provide to the Village other public amenities, such as infrastructure improvements, as the Village Board deems commensurate with the zoning density benefits that are achieved by the applicant.*

The Village Board, based upon its own knowledge and study of the Palmer/Chatsworth Business District area, and the details of this development, determines that the primary additional public amenity needed in the area is enhancement of public parking resources. The Board hereby accepts the Applicant's offer and requires the payment of \$375,000.00 to be used by the Village for enhancements to public parking resources. The Board finds, based upon its own review of the development, and the advice of its consultants, that a payment from the Applicant to the Village of \$375,000.00 for the enhancement of public parking resources, together with the other public amenities being provided, satisfies the public amenity requirements of paragraphs 9-12 hereof.

12. *If the Village Board determines that the public amenities being provided sufficiently exceed those the Village Board would otherwise deem adequate pursuant to subsections (6), (7), and (8) above, the Village Board are sufficient, it may, in its sole discretion, permit an additional partial story to be constructed. Provided, however, such partial story, if permitted, must be set back by at least 25% of the depth of the building from the Chatsworth Avenue façade of the story below it, and can be no more than 60% of the square footage of the story below it and it shall be no more than 13 feet in height. Among the considerations/determinations to be made by the Village Board shall be that such partial story, if permitted, will not result in a significant adverse visual impact.*

The Village Board finds that public amenity contribution described above warrants the approval of the additional partial 5<sup>th</sup> floor, which is setback by 35% of the depth of the building and is 59% of the floor area of the 4<sup>th</sup> floor, and is 13' in height. These dimensions comply with the applicable requirements.

13. *Off-street parking shall be provided in accordance with §381-64, except that the requirement for multi-family dwellings shall be 1.25 per unit.*

The Proposed Action is deficient in required off-street parking by between one (1) and three (3) spaces. The Building Inspector shall render his

determination as to the actual number prior to completion of the Site Plan process. The Village Board finds that it is impractical to provide the required spaces on-site, and this deficiency is satisfactorily mitigated through a payment-in-lieu of parking in accordance with § 381-65 of the Village Code. This payment of \$25,000.00 per deficient space shall be in addition to any other payments described above.

14. *Awnings and canopies shall be of such height, width and design as may be determined by the Village Board in its sole discretion.*

Final awning and canopy design will be determined by the Village Board as part of its architectural review of the project.

15. *A Public Amenity Supplemented Mixed-Use Development shall, at a minimum, comply with the following design guidelines. For good cause shown, the Village Board may grant a waiver of these guidelines upon consultation with the Planning Board.*

- a. *To maintain a unified streetscape, a minimum of 85% of the building's street façade shall be located on or within three feet (3') of the front property line.*

89% of the building frontage is within 3' of the front property line. The Village Board finds that this condition is satisfactorily addressed.

- b. *Ground level non-residential spaces that face Chatsworth Avenue shall have clear glass on at least 60% of their facades between 3 and 8 feet above grade.*

66% of the building façade includes clear glass. The Village Board finds that this condition is satisfactorily addressed.

- c. *A continuous sidewalk shall be maintained along the building's Chatsworth Avenue frontage. No more than 5% of the sidewalk's length shall be crossed by features such as driveways, alleys or service bay openings.*

The sidewalk is uninterrupted across the site's frontage. The Village Board finds that, subject to any further requirements of the Site Plan process, this condition is satisfactorily addressed.

- d. *No overhead utility wires shall be permitted along the building's principal street frontage.*

Existing overhead utility lines will be relocated so that no overhead utility lines shall be present along the buildings' Chatsworth Avenue frontage. The Village Board finds that, subject to any further requirements of the Site Plan process, this condition is satisfactorily addressed.

- e. *Street trees, lighting and other streetscape features shall be provided along the street frontage consistent with the existing streetscape.*

The Village Board finds that the proposed maintenance of the existing street trees, street lights and streetscape features along Chatsworth Avenue, as well as the addition of two new bike racks, satisfactorily

addresses this condition, subject to any further requirements of the Site Plan process.

- f. *The development shall include secure enclosed bicycle storage for residents and commercial tenant employees. Additionally, a public bike rack, accommodating a minimum of 5 bikes, shall be provided for visitors and customers, and located as required by the Village Board.*

A lower level enclosed bike storage room is proposed in the building and 2 new bike racks are proposed in front of the building on the Chatsworth Avenue sidewalk. The Village Board finds that this condition is satisfactorily addressed, subject to any further requirements of the Site Plan process.

- g. *A Public Amenity Supported Mixed-Use Building shall make a tangible effort to reduce its carbon footprint through employing green building measures such as those advocated by the US Green Building Council or the Green Building Institute. The building shall be built to LEED Certification standards and shall include measures such as*

- *Utilizing energy star, water sense, green seal or other similarly endorsed mechanical equipment and appliances.*
- *Utilizing sustainable building materials with a high percentage of recycled content.*
- *Utilizing construction materials with low levels of volatile organic compounds.*
- *Utilizing energy efficient windows and doors.*
- *Utilizing insulation with high R-values.*
- *Utilizing a green or low reflectivity roof.*
- *Providing electric vehicle charging stations.*

The Village Board finds that the Proposed Action shall document a minimum of 40 points to establish “LEED Certification.” The Applicant shall identify the specific measures to achieve a minimum of 40 points. During the Site Plan process, the Planning Board, with the assistance of a Planning Board-engaged LEED monitor, shall evaluate the LEED elements being proposed, and may require that they be modified or added to in order to assure their substantive value and sufficiency in reducing carbon footprint. The Planning Board shall require that a LEED monitor for the Village be engaged during the construction process to confirm that the approved measures and materials are used.

16. *The building shall be composed of high quality, durable building materials that reflect the character of the Village, and relate harmoniously to adjacent properties.*

Building materials shall be approved by the Village Board as part of its architectural review of the project.

17. *Such other design features the Village Board may require.*

Design features shall be approved by the Village Board as part of its architectural review of the project.

18. *The granting of the special permit will not result in development which will substantially over-burden Village infrastructure (e.g. storm sewer, sanitary sewer, water supply systems) nor substantially exacerbate already overburdened infrastructure.*

Based upon the advice of Village consultants and proceedings of the Planning Board to date, the Village Board finds that, subject to further review of the Planning Board and requirements of their Site Plan process, the Proposed Action will not over burden Village infrastructure.

**ADDITIONAL CONDITIONS OF SPECIAL PERMIT APPROVAL:**

19. The Proposed Action shall comply with the requirements of the Village's Affordable Affirmatively Furthering Fair Housing Law (§ 381-45).
20. Public amenity and fee in lieu of parking payments shall be made to the Village 50% prior to issuance of the Building Permit to construct the building and 50% prior to issuance of a Certificate of Occupancy. All public amenities, and any other required payments and reimbursements, must be completed and paid prior to issuance of a Certificate of Occupancy.
21. The Village shall retain a LEED monitor to ensure that condition 15(g) above is satisfactorily complied with. The Applicant shall fund this monitor through an escrow deposit.
22. The Applicant shall reimburse the Village for all professional fees the Village incurs regarding the Proposed Action through the issuance of the final Certificate of Occupancy, including, inter alia, third party construction monitor, LEED monitor, consulting engineer, planning consultant and attorney.
23. This Special Permit Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval and as documented by the Site Plan Approval by the Planning Board. *Any change in use, alteration or modification to the Site Plan, or to the existing or approved facilities and Site shall require an amendment to this approval by the Village Board.*
24. The Building Inspector shall not issue a Building Permit or Certificate of Occupancy pertaining to the activities described herein unless all conditions established herein, all conditions of Site Plan Approval, and all SEQRA conditions to be satisfied prior to the issuance of the Building Permit or Certificate of Occupancy are fully complied with. Unless otherwise specified, all conditions must be satisfied prior to obtaining a Certificate of Occupancy.
25. The Applicant shall obtain all other necessary permits and approvals, and shall pay all other fees as may be required by other applicable agencies.



26. The proposed project shall be subject to any other requirements and conditions of the Planning Board in the Site Plan process. Nothing herein is intended to limit the Planning Board's normal Site Plan review authority.
27. The Building Permit shall not issue until final architectural review approval is granted by this Board. Elements to be considered by this Board in conducting this review shall include, inter alia: overall design; detailed design; and building materials, including type and color of brick and metal paneling. The Board acknowledges that the Applicant has been working with the Board to achieve an acceptable design.
28. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in addition to any other remedies provided in the Village Code.

**PLANNING BOARD DIRECTION:**

29. Without limiting the general authority of the Planning Board during its Site Plan process, the Village Board directs that the Planning Board include in its review the following:
  - a. LEED certification as per paragraph 15(g) above.
  - b. Implementation of a detailed construction management plan.
  - c. Requirement that a construction manager and a LEED monitor be engaged on behalf of the Village to monitor construction and LEED condition compliance.
  - d. Issues regarding the right of way access including: maintenance, garbage, deliveries, and snow removal.
  - e. The proposed parking system including noise issues.
  - f. Consider potential disruption of traffic/parking in the Palmer/Chatsworth Business District, which might be caused during the construction process, particularly during the holiday season.
  - g. Consider requiring that work and material storage be conducted from the Wendt Avenue side of the Property where feasible.

**BE IT FINALLY RESOLVED**, that this resolution shall have an effective date of September 21, 2020.

On a motion of Planning Board Member \_\_\_\_\_, Seconded by Planning Board Member \_\_\_\_\_, this resolution was approved by the following vote:

Ayes:

Nayes:

Abstained:

Absent:

\_\_\_\_\_  
Lorraine Walsh  
Mayor

\_\_\_\_\_  
Date

*This Resolution Was Thereupon Duly Adopted*