

Minutes of the Special Meeting
Of the Board of Trustees of the
Village of Larchmont, N.Y.
held on Monday, August 31, 2020

The Board of Trustees held this meeting via Zoom with Mayor Walsh calling the meeting to order at 4:30 PM. Instructions to join the meeting were published on the Village website calendar.

PRESENT: Mayor Lorraine Walsh
Trustees Carol Casazza Herman
Peter Fanelli
Malcolm Frouman
Sarah Bauer

Also Present: Administrator Datino,
Amanda S. Brosy representing the Village Attorney's office,
Planning Consultant Pat Cleary

To view this entire meeting please click below:
https://lmcmedia.org/videos_list/village-of-larchmont-board-of-trustees-public-hearing-8-31-20/

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

RESOLVED, to reopen the public hearing, adjourned on August 14, 2020, to take comments on the application of Elk Homes for a special permit for the Centro Project, 108-114 Chatsworth Avenue.

RESOLUTION

Reopen P.H.
Elk Homes
Special Permit
Adj. 8/13/2020

Mayor Walsh said the Board met on this matter a week and a half ago and adjourned to this evening. She said that before the hearing is opened for public comments she and the Board would do a brief review. At this point, there are really three main issues. That doesn't mean that there aren't some secondary or smaller issues but three main issues that are at the fore of our consideration of the special permit. Those would be architecture, LEED building standards and the public amenity. As far as architecture is concerned, as we offered at the previous hearing, the team did reach out and Trustee Bauer did schedule another meeting with the Village's architectural advisory group.

The Mayor added that this important point about this project or any project that would be using this zoning code for a permit that, in addition to SEQRA determination, this project requires three approvals, a special permit from the Board of Trustees, a site plan approval from the Planning Board, and Architectural approval from the Board of Trustees. That is an unusual requirement of this code. But the Board of Trustees is being advised by our advisory group, which has three architects and two board members on it. So those are three separate approvals that are required for this project, in addition to the SEQRA determination. I believe progress is being made.

Trustee Bauer said the meeting that was held last week was the second meeting that she participated in and it was a very positive meeting. Prior to that, our architecture team had provided a variety of comments and feedback on the design to the ALC. team. They responded with an updated design, which our architects felt was it was a great first step, and they're in the right direction. Thanks to Ken, Sokol and Catherine for donating or giving their time to serve on this Advisory Committee. The meeting on Monday, the feedback was very positive. I think the focus of our architecture team at that meeting was to ask the Elk team to delineate the bottom, the middle and the top of the building so that it has sort of distinct sections, which in the new sort of iteration was missing. But they really did like the changes that were made. And so they would like to see that more defined. I know another issue that hasn't really been addressed yet is the view from Wendt I know that's a topic that's on their minds as well and something that they would really like to engage with the Elk architects as well.

Mayor Walsh said the second main issue of consideration is LEED building standards. The Board did not require the formal process of attaining LEED certification in the code, the code does require compliance with the LEED standards of building given her extensive professional experience in this in this arena, I'm going to ask Trustee Herman to talk to us about what that requirement actually means, and how may the Board choose to address this issue within the special permit.

Trustee Herman said we should just start to refresh everyone's recollection, really what's required by the law and it's has two parts. One is that a building make a tangible effort to reduce its carbon footprint by employing green building measures. And the second and this and this is very directive that the building shall LEED certification standards and shall include and then there is a number of there are a number of measures in the law that are outlined. To be clear, those are not the only measures that might be used to have the building meet LEED certification standards. And I do think we should spend just one quick minute explaining to everyone that pursuing LEED could be done at any number of four levels. Certified is the number where you need to acquire the least number of points 40 to 49, silver, gold and platinum and we quite intentionally thought that it was appropriate for this building to meet the LEED certified level of points in a project and set How that's normally done.

And how one might do it here is that the developer needs to develop a lead scorecard or sometimes known as a project checklist. And that would delineate all of the possible ways in which this building could achieve LEED certification and identify up front what items they're going to pursue to reach that level of standard. So that so that's an easy way to do it. We would certainly seek that since LEED certification at that at the certified level is a requirement and then to make sure that those things that are identified get done. If someone was going for a formal certification, they would submit this and register the project with a Green Building Council. The law does not require that. So what one might do is have a monitor who would monitor the work in project in progress the project, as it goes along to assure along the way that those things identified in the scorecard we're actually done. And then at the end of the project, we're left with a building that actually needs or gathers up the number of points that one needs. So this is something that's done in a number of projects where you're not going for formal certification, but it's still something that gives the local municipality or whoever is interested in this comfort that the building has actually reached the standard. So that's, that's a way this could work with this project.

Mayor Walsh then opened the hearing to public comment.

Kate Bialo of 24 Elm Avenue addressed the meeting by thanking the Board for spending this extra time focused on this obviously very important aspect of the project. It's important enough for you all to write it into the law, the special permit law that you enacted, you clearly envisioned that a public amenity value was appropriate in exchange for granting valuable zoning rights that a developer wouldn't otherwise have. One of the pieces that no one mentioned in here is that when you did pass the new special permit law, you basically gave this developer or any developer who came along an extra floor already because the zoning as of right, as I recall, was perhaps two floors over retail. So it would have been three floors was all that would have been entitled to. So this developer in any future developer has already gotten the benefit of an additional floor kind of thrown in without having to do anything for it. And so therefore, putting the public amenity additional public amenity requirement in there as a quid pro quo for the right to build, yet an additional partial floor, I think was the right choice. And it's certainly important. And I would urge you all to continue to achieve a result that is commensurate with the value that has that is being considered to be granted to this developer and to future developers. And obviously, keeping in mind that this transaction will set the stage for any future transactions in that zone. So again, thank you for continuing to focus on this important aspect.

The Mayor thanked Ms. Bialo for her comments.

Mayor Walsh asked the Board if they had any questions or comments.

Trustee Frouman said the Mayor has enumerated the key issues and a lot of this is still in process, but I'm not aware of other issues that we aren't already addressing.

The Mayor added I know that we did have a little discussion at the last meeting about the required parking spaces for on-site parking for the project and how many they may or may not be, have a deficit of and what the payment in lieu of parking would be. At the suggestion of Mr. Cleary, as it should be done. It's been referred to the building inspector for his analysis. He is not only looking at the application, but he's also looking at the records and file for the property. And he, I expect that he'll be able to get back to the Board with his assessment within the next couple of days on that issue, but that is not an issue of the special permit. That is an issue that is required to be addressed by Planning. And then if there's a deficiency referred to the Board of Trustees for determination of payment in lieu. Mayor Walsh asked Attorney Brosy for clarification.

Attorney Brosy replied it was definitely an issue whether or not they have sufficient parking.

We talked a few separate times about different things, context about their initial parking requirements, whether they meet the parking requirements, and then whether or not a payment in lieu of would be necessary or whether a credit would be applied. But I think it's important for the building inspector to weigh in and make this threshold determination here.

The Board began to discuss the resolution for the special permit that the Village Attorney and Planning Consultant will draft.

Trustee Herman said she had a question that relates to what we might put in the resolution. Talking about the resolution, it made me say I really need an answer to this question. Are we to see an actual permit at the end of this process? The resolution is a resolution to approve this special permit. But is there a permit?

Mr. Cleary said the resolution becomes the special permit.

Trustee Herman replied then it is important that we put in the resolution those things that we might have wanted to see in an actual permit, ie permit conditions perhaps. But I think we might want to also talk about LEED and some other things that might hang off that resolution.

Mayor Walsh said absolutely. The resolution for the special permit needs to be quite explicit. Because it is the opportunity for the Board to lay out their expectations within which the project can proceed.

Mr. Cleary added, my expectation is the resolution would document the manner by which each condition is being satisfied. And it would be very explicit and specific to how that's being addressed for every condition.

Trustee Fanelli asked would lighting of the building be part of that parking lot lighting. Would that be part of the architecture? Is that a separate line item?

Attorney Brosy said that would be site plan and the parking lot as I understand it, at this point the parking lot is interior to the building. So, in other words not visible in the architecture usually refers to exterior items right exterior appearance of the building. Yeah design element design elements. Okay, so since the lighting is now although architecture would include potentially exterior lights like entryway lights and canopy lights and such, then for the walkway of the pedestrian walkway would include as well. The design elements of the walkway the separation from the adjoining properties, the pavement, the lighting the plan.

The Board continued this discussion.

Next Jonathan Kraut, lawyer for Elk Homes, joined the meeting. He said to the Board that he wanted to inquire now that you're speaking of a date because unless I miss understood the present calendar dates, and I guess was, we're able to have multiple types of board meetings within the same municipality going off the same time, I believe that the Planning and your Board meeting or on September 15, right. So presuming for a moment that I am correct, I have a grave concern that goes to the heart of getting this project actually to happen, notwithstanding all the good conversation you are having and with a presumption that you'll arrive at a resolution that satisfactory to you at your next meeting. We obviously will still have, under any scenario, the Planning Board piece and the Architectural committee piece to close the loop on and I think we're excited about that the with your resolutions in hand, our client is obviously willing to do all that is commercially reasonable given where we are with the project in terms of satisfying the architectural committee and I think Ms. Bauer can attest to our intentions to do that in the progress that we've made. Parallel to that, though, is making sure that we complete the Planning Board process in a timely manner so that we can get a foundation permit and out of the ground prior to the hard winter setting in. So it will be very important to us to be both in front of you and on the Planning Board agenda on the team. And we certainly have the ability within our team to cover both meetings, even if they're happening at the same time.

Mr. Cleary stated to Mayor Walsh that the Planning Board can't grant site plan approval until you complete the SEQRA review. You're the lead agency in this case.

The discussion continued with Mr. Kraut and the Board.

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

RESOLUTION

Adj. P. H.
To 9/21/2020 at 5PM
Elk Homes
Special Permit

RESOLUTION

Auth. Vill. Att. &
Planning Consultant draft
Resolution- Special
Permit- Elk Homes

RESOLUTION

Auth. Vill. Att. &
Planning Consultant draft
Resolution- Neg Dec
SEQRA- Elk Homes

RESOLVED, to adjourn the Public Hearing to Monday, September 21, 2020, at 5:00 PM, via Zoom with instructions to join the meeting posted on the calendar date on the Village website, www.villageoflarchmont.org.

On motion of Trustee Bauer, seconded by Trustee Herman, and unanimously carried, it was:

RESOLVED, to authorize the Village Attorney and the Village Planning Consultant to draft a resolution for a Special Permit regarding the Elk Chatsworth Project.

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

RESOLVED, to authorize the Village Attorney and the Village Planning Consultant to draft a resolution for a Determination of Negative Declaration under SEQRA regarding the Elk Chatsworth Project.