

Minutes of the Special Meeting  
Of the Board of Trustees of the  
Village of Larchmont, N.Y.  
**held on Monday, September 21, 2020**

The Board of Trustees held this meeting via Zoom with Mayor Walsh calling the meeting to order at 5:01 PM. Instructions to join the meeting were published on the Village website calendar.

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

**ABSENT:** Trustee Malcolm Frouman

**Also Present:** Attorney Staudt, Administrator Datino,  
Planning Consultant Pat Cleary

To view this entire meeting please click below:

<https://lmcmedia.org/show/village-of-larchmont-board-of-trustees-meeting-9-21-20/>

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

**RESOLVED,** to reopen the public hearing, adjourned on August 31, 2020, to take comments on the application of Elk Homes for a special permit for the Centro Project, 108-114 Chatsworth Avenue.

Mayor Walsh said the Board will go right to the public comment section of the meeting. The documents we have are the resolution for the special permit and a resolution regarding the SEQRA negative declaration. Both were posted on the Village's website on the CENTRO button page and the calendar of this meeting.

Syrette Dym of 52 Wendt Avenue addressed the Board. Ms. Dym thanked the Board for keeping the public hearing open and giving them a chance to take a look at the two new documents, at which she looked at briefly. I really only have one question then one comment. The one thing that I looked at, and this is in keeping with one of my continued concerns there, I looked at the issue regarding the watering of the site and talked about the cultech that's going to be used there permanently. I don't recall whether it was at the last real or actual prior to virtual meetings, or if it was at the last virtual meeting. But there was a comment that the Benny Salanitro made regarding the type of system that he was recommending, and that the applicant had some concerns and comments that he felt were basically going too far. And it's not clear to me from the final disposition of this, whether or not that has been, what his original thoughts were that Benny's thoughts for, or if that has been modified somehow to accommodate the concerns of the applicant. So I know this is not necessarily a back and forth. But if someone could clarify that, I would appreciate that.

**RESOLUTION**

Open Public Hearing  
Special Permit  
Elk Homes  
108-114 Chatsworth  
Ave

Public Hearing  
Participants  
Board  
Attorney Staudt  
Cleary, P.  
Dym, S.  
Bialo, K.  
Kraut, J.

Public Hearing  
Con't.

Mr. Cleary replied to Ms. Dym there's still the next stage to this, which is the site plan approval. Benny's, original

concept, while it has been and it is evolved slightly, it still remains essentially the same plan that you saw originally.

Ms. Dym replied, you said modified slightly. That's what concerns me because I know that the applicant was very much against the extra step that Benny was suggesting. And I'm asking, again, is that extra step part of it? Or has that been taken out?

Mr. Cleary said it's my understanding the extra step is still in the plan, subject again to the Planning Board approving it at their next meeting.

Ms. Dym said I see that the Board is maintaining continued architectural review through the end of this project. It's been my experience over many years, that even when that happens, that once a project goes into construction, that in the field, there are things that happen that are sometimes referred to as Value Engineering. And I would like to make certain that field changes do not become the purview of the building inspector. And that Value Engineering does not take place. And that whatever it is, that has been determined by the group of architects that are advising the Board, and the Board's final approval on those architectural features come out exactly the way the Board has determined and that decisions are not made in the field outside of the purview of the Board.

Mayor Walsh told Ms. Dym that is a concern of the Board's too.

Attorney Staudt said the Board retained the jurisdiction to grant that architectural review approval at a later date. And when the Board does that, it would be the appropriate time to include any language about the strictness of adherence to it and the changes that can and couldn't be made and so forth.

Mr. Cleary said item 23 in the approval resolution is a holding spot provision without the specifics that basically says the building inspectors shall not issue the building permit until all the conditions are complied with. We didn't quite have all the conditions yet. But that is intent of that provision that would be fleshed out when we know the conditions.

Ms. Dym thanked the Board for their diligence and willingness to listen and take comments from those who are concerned about this project.

Mayor Walsh thanked Ms. Dym and that her comments were helpful.

Kate Bialo of 24 Elm Avenue was next to speak. I've been looking at the resolution and the Planning Board direction part is good to see without limiting the general authority of the Planning Board and your direction that they've focused on some of the specific things that we've all expressed concerns about. I'm just wondering what happens if in the process of looking at these matters in the site plan process? I know the Board has made certain determinations in the resolution, and the SEQRA, what happens if in during the site plan process, the Planning Board determines that in fact, the underlying issue may not may not be supported. Some of the resolutions, the assumptions and the resolutions are not supported.

Public Hearing  
Con't.

Attorney Staudt said to Ms. Bialo if you're saying that, could the Planning Board override something that is in the act contrary to or override a requirement in the special permit determination? The answer would be no. If they felt strongly about it, they would have to somehow bring it back to the Village Board or recommend the Village Board reopen things or something like that, they would not have the authority to override a provision of the special permit resolution.

Ms. Bialo said the issue that is still of concern, I think hasn't been addressed completely is the safety and the traffic aspect with the easement. And I know that there was supposed to be a legal opinion issued about the appropriateness of the easement or the ability of the easement to be used by everyone for this particular purpose. I know we talked about that at the last meeting. And I think that nobody had a copy of the easement at that point. But there seem to be some assumptions that have been made at this point about the safety of the easement. So my question is, does the Planning Board have the ability to look at that again? Or is that something that's already been decided by virtue of the resolution?

Attorney Staudt replied from a legal standpoint the Planning Board can continue to look at the access way. And in fact, one of the directions of the Village Board to the Planning Board in 20 HC is that they should look at issues regarding the right of way access, including maintenance, garbage deliveries and snow removal, but it's not limited.

Ms. Bialo said well, as long as it's not limited that you didn't say anything about safety. So that was one of the reasons I was concerned. All right. Well, again, very complicated. Thank you very much.

The Mayor said an hour ago, the Board received an edited version back from the applicant with some suggested changes that he's interested in. I can ask them to come on and just explain to the Board the reasoning behind each of their changes. Mayor Walsh put the document up for public viewing.

Public Hearing  
Con't.

Elk Homes attorney Jonathan Kraut spoke next. He said we first got the draft on Friday. So we really worked on it as quick as we could today to get that out. But they're really not. Um, I don't think they'll strike anyone on the Board as being on any topics that we have not already been discussed. But let me let me just lead with the first one, which would be LEED certification. So as the Board will probably recall, there was a lot of discussion early in the legislative process about whether or not the Board would require a LEED certified building. And what happened is because obviously, there's a great deal of expense that goes into a LEED certified building. We eventually landed on a law that essentially looked for it to be what I'm just going to call a look alike to a lead without actually the certification. And so we eventually had discussions with your professional staff about how we would achieve a sufficient number of lead points to satisfy the Board's desire and so on that specific point. It started to get to be a little bit of a tangled ball of yarn. And finally, our internal team. And Gary Hirsch at Elk Homes said, "You know what, let's make this easy for the village." And easy for us even though it goes beyond what the law requires. And what we're now offering is to provide a LEED certified building period full stop. So the suggested change took out sort of if then then then that this and just essentially change it to that we will provide a LEED certified building. The second area be a high level that we suggested some edits to, recognizes the fact is, the Board knows that we have continued to have productive meetings with your architectural design committee. And we're actually down at our last meeting and council woman, Bauer can certainly address it from the Board standpoint, but I think we really have made amazing progress. It's been a great. It's been it's been a great partnership with your advisory committee, and we're down to things like presenting them with actual hard material for things like what is the actual brick color? What does it look like, and things along those lines. So we understand that we all want to move the process forward so that we can get to a building permit and get the building out of the ground in working towards that effort, while as Jim Staudt pointed out a few minutes ago, you're retaining the architectural jurisdiction. All we said we did is we ask that you insert your standard language provided in Section 301 and 3016 of your Village Code, which sets forth the standards for architectural review, to make it clear what you know what we're reaching for. But that said, I think that we already are in a place where, with the committee, and Perkins Eastman, turning around some final design changes, based on conversations with them, I think we're in the right place is there.

The last piece had to do with the pile up, and our request to this Board to grant a 50% credit allowance, which is under your code section 388165. Ah, as in Harry, and as you know, we're providing the pedestrian easement, which will be a significant enhancement to the village and the public amenity fee, had, as discussed up till this point, already been based in part upon a perceived deficiency in parking. So we certainly wanted to flag that and didn't want to have to pay double on that. And so those were, if you want to scroll through the red line, obviously, we can, we can talk about any of the mechanical issues in our red line, which as I said, we're all about those three topics, the LEED certification pile up and the architectural review.

Public Hearing  
Con't.

Mayor Walsh said that we'll keep the public hearing open while we discuss these suggested edits, if anyone has any questions where the applicant the first one that comes up and scrolling through is the Edit which would reduce any payment in lieu of parking for deficiency by 50%. In exchange for the providing of a permanent pedestrian easement to the Village. Does anyone have any questions?

Trustee Bauer said I'm not sure I understand their rationale for reducing the deficit. I mean, we have an amenity which is separate from the deficient spaces. So I am not inclined to grant any sort of credit like the walkway is required by the law. Our amenity is required under the law, and the deficiency amount for any parking spaces is required. Under the law. There are three separate concepts.

Trustee Herman said Agreed. I think thought the pedestrian walkway stood on its own the way this was drafted. So I'm not quite sure why this is being connected to that.

Mr. Kraut replied it's specific to your statute on your pilop, which is payment in lieu of parking. And just if I could to read section eight developments that are potentially eligible to request payments in lieu of parking, and clearly we are one may receive a 50% payment reduction, where the Board of Trustees determines that the proposed development includes the offer of donated land or easement to the village that provides a significant enhancement to the village. So respectfully, our position is that what we're proposing falls squarely within the ambit of something that had been given consideration when that provision was enacted. And in fact, this would be a wonderful opportunity for the trustees to follow along with that law, because that would certainly encourage I would think, as the village over time continues to hopefully attract responsible development for people to be willing to provide grants of easements in order to enhance the downtown scape.

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

**RESOLVED**, to close the Public Hearing.

**RESOLUTION**  
Close P. H.

Discussions  
Negative Declaration &  
Special Permit  
Resolutions

Participants  
Negative Declaration  
Special Permit  
Discussions  
Board  
Attorney Staudt  
Cleary, P.  
Kraut, J.

Mayor Walsh said the Board will have to deliberate on both the neg dec and the special permit resolution. The negative declaration would come first in terms of our adoption. But if we're going to potentially make changes to the special permit, we need to discuss those first. And then we can before we make any vote, we can revert back to the negative declaration and see how those changes might have to be reflected in that document. The Mayor asked Attorney Staudt if that was fair?

Attorney Staudt said yes, and I think you don't have to, except to the extent that you want to make sure you've made clear to at and with my assistance, what changes you might want to the document you don't have, you're not going to have to scrivener the actual language here, you can simply give the substance and direct us to make the changes that can perform to the substance you give. You could do it as simply as to say make sure that we adopt the neg dec language with the substance of the changes we've discussed here.

Attorney Staudt continued, I took a look at that provision of the code beforehand and I think it is it does not Provide if you follow just that, for the type of detail in architecture that I think you've been discussing, because it provides that the standard for the Board of architectural review the predicate languages that build a building, not the excessively let me get my strikingly dissimilar to other buildings in the area.

Trustee Bauer said that was my concern. I felt like it didn't really cover the area.

Attorney Staudt added it's important to go up above and read the introductory language. So the predicate language is a building shouldn't be strikingly dissimilar to let me go back and get my language yet strikingly dissimilar to other buildings in the commercial area, where visually offensive and in making that determination, you can look at some of the following. I think the review that you've been doing today goes beyond that. I'm not telling you to agree or don't agree, but I think I just point it's important to look at the introductory language.

Trustee Bauer said that the level of discussions that we've been having, though extremely productive, are at a much more significant level of detail than the code provided. So that if you no tomorrow, not that they would the applicant decides that they don't want to make any further changes or engage in any more discussion by putting this language in there. It doesn't give us any, any ability to make them come back to the table and discuss the level of detail that, you know, we want to see in that building. And for something so significant for Larchmont, I just I'm not comfortable.

Mr. Kraut said now I understand Trustee Bauer's concern. And, you know, the Board's discussion on this point, I think it would be

Negative Declaration  
Special Permit  
Discussions  
Con't.

a very fair statement to say that we've acted in incredibly good faith in the most recent iterations, we have come forth with significant changes to please the aesthetic appetite of the Advisory Committee. And when that we are, in fact, it's being received that way, I think by the architectural committee with their comments, following along the same vein, I also think it's a true statement that we're down to really the smaller details, I think we've I think we've boxed out all the significant ones. So what I would say is, while on the one hand, I recognize that the Board may see your language and 3016 as providing more maneuvering room or whatever phrase you want to use. The flip side of it is I need to be in a position where my clients are not going to have at this 11th hour requests made, where I come back. And I say well wait a second that that that that is pretty expensive and extreme change, and we did not anticipate it. So if you could, if you're not comfortable with our proposal, the only thing I'd ask the Board is to have perhaps patent Jim, put some language in, that gives us some margins or contours or boundaries, so that we can be just as comfortable. I think it's sort of like, we really are at the point where we both need to trust each other to work in good faith. But if we're not comfortable putting through one sixth language in there, which is your architectural language for every other property in the village, we're just asking, let's put something in there that shows that at this stage when you're approving this project, that we are really down to these final small details.

Mayor Walsh said the first item up here is the request for a reduction of the standard B. I completely agree with what has already been said. This is a special zoning code. That requirement was built into this code. I think it stands completely separate from the base requirements of parking, the payment in lieu and the pedestrian walkway all stand separate from each other. The fact that in order to meet the requirement of the code by providing the pedestrian walkway changes to the design of the building or the lot had to be made, is just part of providing the amenity that was required by the law. So I'm not in favor of making a reduction here. And at this point, I think we're only talking about maximum three spaces minimum one space. So this is not a large deficit that we're discussing.

Trustee Herman said she not inclined to incorporate that language.

Mayor Walsh said that if Attorney Staudt and Mr. Cleary can make certain changes to this wording so that it's clear that what we've discussed, is reflected here in that the LEED certification is the true process as discussed and described with the US Green Building Council. And I think I would be inclined, I think this is a better product and it certainly is a clear process. So this change, I would be inclined to encourage incorporate.

Negative  
Declaration  
Special Permit  
Discussions  
Con't.

Trustee Herman added the formal process could be done. Or it can be certified by a consultant retained by the Village. But if we're going through the formal process, are we comfortable with the consultant being retained by the applicant.

Mr. Cleary stated in order for the USG bc in order for an application to be made? A LEED accredited professional, a LEED AP must be involved in the project. The USG bc certifies the LEED APS, I happen to be one. So anyone doing the certification process, it almost doesn't matter. If you work for the applicant for the municipality, you're effectively working for the USG BC. So as long as it's a LEED accredited professional, that's fine. And again, that this certification comes from the US GVC. So they will confirm with the LEED accredited professional submits.

Trustee Herman said having been involved with LEED projects, so I wanted everyone to understand what we were doing here. She thanked Mr. Cleary for the explanation.

Mayor Walsh said we would want that language included in the edit that it's a lead approved with the formal process.

Mayor Walsh said we have what we just discussed in terms of setting final approval of the building materials subject to the standards set forth in 301-6. I don't think that the Village is, is showing ourselves to be asking for gold plated fixtures and anything beyond what one would expect the representatives of a special village like Larchmont to expect, I don't like that wording. And I have to say Thanks for pointing out what is probably a deficiency in our code will need to be altered. We just haven't had that many building projects in our commercial districts so it hasn't come up too much in recent times.

Trustee Bauer said having been involved in the process. I have no idea how what we would even craft, I think we've shown ourselves to be acting in good faith. And we've moved this process forward consistently. I just, I don't think it's necessary. And again, I don't even know what it would say.

Trustee Herman said if you remember how we teed this up, the Village Board is retaining a fair amount of authority over projects in this zone. And to put bells and whistles on the special permit. We'd have to be very careful not to undermine the authority that was laid out when we originally did the zoning law. So I think it stands the way it stands where the Village Board has that that approval authority.

Trustee Fanelli said I just wanted one quick thing going back just a little bit the CBC. Do we want to interview that candidate?

Mr. Cleary said I don't think you need to do that, again, to become a LEED accredited professional. It's a very rigorous process. So

Negative  
Declaration  
Special Permit  
Discussions  
Con't.



that that's there are very few folks that have that qualification. And once the green building councils sort of in give someone that certification, they're qualified, I don't think you have to worry about whether you've got the best guy in order to meet that standard. It's rigorous.

Mayor Walsh said we will make sure that the language lays out that it is a LEED, AP, and what was 24 in the marked up version, here is 21, 3rd party construction monitor. Always required. Certainly, for this special permit. We've mentioned it a couple of times. And it's very important to this Board, that there be a construction monitor, representing the interests of the village, in overseeing the project. This project is much larger than the usual Village project. And I don't think that we can leave this sort of oversight to our regular small staff. So we'll want to keep that in, of course, the lead monitor comes out.

Attorney Staudt said I think where you are, is that fear, you're at a resolution as was drafted on your behalf with the with one change, and this would be both for the neg deck and the special permit if the language is needed to be changed in the neg dec the one change being the change to the lead language that you directed and discussed here. This evening, everything else stays the same. I think that's where you are at this

The Mayor asked Attorney Staudt for the Planning Board direction, do we need to also make sure that what we had said about the Planning Board just make it following the process of LEED certification or I would assume it's wired by the special permit. So though, the certification and that whole process, the paperwork etc., needs to be presented to the Board before there would be any C of O's or anything else granted for the project. So we don't know don't need to include anything in here.

Attorney Staudt replied normally that it would be if this were a condition of your approval. I would not say normally that it would be something that would come back to your Board. It would be presented to your, you know, to Pat, probably and in his advice to the building department whether compliance with the condition had been had in order to allow the building permit to be issued, at least on this point, it wouldn't come back to your Board, normally would not. No, more than any of the other compliance with any of the other conditions would come back.

The Mayor asked somebody along the way, is making sure that that happens. Yes?

Attorney Staudt said yes, for sure.

Trustee Herman said there's no downside to include this provision says without limiting general authority, the Village Board directs the Planning Board to include in its review the following, and we call out specific things. So there's no reason to not call out lead there.

Negative  
Declaration  
Special Permit  
Discussions  
Con't.

Mr. Cleary said I think Jim's point is but it doesn't have to come back to your Board decide.

Trustee Herman said I would agree.

Mayor Walsh said there was a chat, statement/question from Jonathan Kraut.

The Mayor read: "But he is exploitations, the building permit fee covers inspections and monitoring. Not sure what the difference intended is here. The building permit fee certainly covers inspections."

Mayor Walsh said I don't think that it covers the sort of in depth construction monitoring that a large project requires for the houses on Vandenberg. Construction of an intersection, we've had several project projects, recently, large projects were independent construction managers were hired to follow that on a somewhat regular basis, construction is progressing as per the approvals. And that materials that were identified, were in fact being used. We have a building inspector and a secretary and a busy department, and they don't have the amount of time it would take to give the proper monitoring and oversight to a construction project of this size. And I think have I fairly represented that requirement.

Mr. Cleary said they don't want to pay twice, so they pay a building permit fee and then pay another fee that duplicates the same activities. So what you're saying is it wouldn't be a duplication that are separate.

Mayor Walsh replied they're separate, right and it's quite, quite common.

The Mayor said let's roll back to the neg dec and if there's anything that the Board wants to ask about question that's specific to the neg dec that's not just verbatim from the special permit.

I know that there was some minor feedback on Friday that has been incorporated.

Trustee Fanelli said before we get into the neg dec, I just want to ask a quick question on the access if in fact that access doesn't work. What's the plan in case between the garbage trucks, the maintenance relies and going in there? What was it that if that doesn't work for the people getting out of the parking lot? Is there any other backup plan that the Planning Board might not want to know about?

Mr. Cleary said the Planning Board has asked the applicant to address alternatives. The Planning Board has come around to the fact that the easement is the most appropriate method of dealing with this subject to addressing the safety issues and so forth that are being discussed at the moment. But the right of access across the easement was established as the applicants, right, they have a right to use the easement. And whether or not it's safe is an ongoing discussion with the Planning Board. So that's still being worked on, and how the garbage is addressed. And all those issues, are Planning Board issues in their wheelhouse at the moment.

**N**egative  
**D**eclaration  
**S**pecial **P**ermit  
**D**iscussions  
Con't.

Trustee Herman asked will the answer to those issues be articulated in the in the building permit?

Mr. Cleary replied the site plan approval and will get transferred to the building permit as well? Yes.

Trustee Herman said she listened to some of the preliminary discussions on what would happen in case of an emergency in case there were utility lines that needed to be dug up or the easement compromised in any way. And I would expect that those concerns would be answered at the building at the Planning Board level.

Mr. Cleary replied that's right, Carol. Absolutely.

The Mayor asked if there are any other questions or suggested edits to the negative declaration.

Mr. Cleary said there was one minor edit that's been recommended by the applicant on the issue of naming the impact on municipal services on page the top of page 14 and that paragraph speaks to the fact that the building's not designed to accommodate a large number of school aged children. And then it speaks to the fact that there aren't certain amenities. And the applicant has asked that reference to the amenities be deleted. And it's my understanding and Jim may know this better than I that that language in particular was challenged in another municipality and that caused some problems with it. So it was it was would simply eliminate yards, open areas or recreational amenities geared toward young children. It still says that the project has been designed that way but it's just eliminated that language so I don't think it's a substantive change. So it's just that one sentence and everything else remains in place.

Attorney Staudt said it was okay with him, I think that's fine. I understand the reasoning and I think that's fine. Yeah.

Negative Declaration  
Special Permit  
Discussions  
Con't.

The Mayor said I had a note to myself in my special permit which I forgot to read to the group so if you'll forgive me jump back to the special permit for a second. This was in Section 10 which is the section on the whether or not the requirement for pedestrian access has been met. The last sentence the applicant shall grant to the Village an easement to this walkway satisfactory to village council. She asked Village Council to add into their language, that it makes it clear that included in that easement, would be that the maintenance of the walkway would be by the owner and not by the Village.

Attorney Staudt said he would.

Mayor the negative declaration so that sentence yards open areas or recreational amenities are not proposed would be removed. Do we have any other edits or questions on the neg dec at this time? Okay, so then I would seek a motion to adopt the negative declaration with changes reflected in it that have been made both directly to the neck deck and to the special permit.

**RESOLUTION**  
Adopt SEQRA  
Negative Declaration  
Centro  
108-114 Chatsworth Ave

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

**RESOLUTION OF THE  
OF THE VILLAGE OF LARCHMONT  
BOARD OF TRUSTEES**

Section 6 Block 6, Lot 409

**“CENTRO” LARCHMONT  
108-114 CHATSWORTH AVENUE  
SEQRA NEGATIVE DECLARATION**

**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**, pursuant to 6 NYCRR Part 617.2 (al) the Proposed Action is classified as an Unlisted Action; and

**WHEREAS**, in accordance with the provisions of 6 NYCRR Part 617.6, the Village of Larchmont Board of Trustees is serving as Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity, will determine if the proposed action will have a significant effect on the environment; and

**WHEREAS**, pursuant to the requirements of 6 NYCRR Part 617.6 (b) (1) a Coordinated Review of this action will be conducted.

**NOW THEREFORE BE IT RESOLVED**, that pursuant 6NYCRR Part 617.6 (b) (1), the Village of Larchmont Board of Trustees hereby confirms its designation as Lead Agency for the SEQRA Review of this Unlisted Action.

**BE IT FURTHER RESOLVED**, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the Proposed Action will not have a significant adverse effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

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

On a motion of Trustee Fanelli, Seconded by Trustee Bauer,  
this resolution was approved by the following vote:

Ayes: Mayor Lorraine Walsh, Trustee Carol Casazza  
Herman, Trustee Peter Fanelli, Trustee Sarah Bauer

Nayes: None

Abstained: None

Absent: Trustee Malcolm Frouman



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Lorraine Walsh  
Mayor

September 21, 2020  
Date

*This Resolution Was Thereupon Duly Adopted*

Mayor Walsh said the Boards will move on to the special permit. I seek a motion to adopt a special permit. With the changes made here tonight. I'm specifically referencing the Edit for LEED certification and the inclusion of maintenance of the walkway in the easement language and any other recommendations that we made during this long conversation? But I think they all stem basically from that one change to the LEED certification.

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

**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**

**RESOLUTION**  
Approve  
Special Permit  
Centro  
108-114  
Chatsworth Ave.

**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 23, 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.
- 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 [redacted], a pre-submission conference was held pursuant to §381-49 A. (1); and

**WHEREAS**, on September 21, 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. The owner of the Site shall maintain and repair the easement as required.

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.

To achieve the goal of developing a green, sustainable, energy and resource efficient building, the project shall achieve Leadership in Energy and Environmental Design (LEED) Certification, through the United States Green Building Council (USGBC). The Applicant shall select the Building Construction and Design (BD+C) category to obtain LEED Certification, which is currently defined as achieving a minimum of 40 awarded points. The Applicant shall obtain confirmation of the LEED Certification award from the USGBC within 9 months after issuance of the Certificate of Occupancy for the project. Once obtained, the Applicant and/or owner of the project shall maintain the Certification level for the full lifecycle of the project. This condition does not restrict the Applicant from achieving a higher level of LEED certification.

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 be engaged on behalf of the Village to monitor construction and 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 the Special Permit is approved for a development in accordance with the plans and specifications referred to herein and the other provisions hereof. This resolution shall have an effective date of September 21, 2020.

On a motion of Trustee Herman, Seconded by Trustee Bauer, this resolution was approved by the following vote:

Ayes: Mayor Lorraine Walsh, Trustee Carol Casazza Herman, Trustee Peter Fanelli  
Trustee Sarah Bauer

Nays: None

Abstained: None

Absent: Trustee Malcolm Frouman

 September 21,  
2020 Date  
Lorraine Walsh  
Mayor

*This Resolution Was Thereupon Duly Adopted*

Mayor Walsh thank everyone who participated and commented during this process.

Cleary, P.  
Bialo, K.

Ms. Bialo said I was actually just going back to a comment that Mr. Cleary made. He said that there was a question about the egress. And he said that the Planning Board seems to have come around now to the idea that that form of egress is appropriate and response to trustee finales question. And I'm not clear when that actually happened. I'm looking at the Planning Board memo that they sent to you after their July 16 meeting. And they referred it back and said, Board recommends that the Planning Board recommends that the Village Board follow up on the discussion with the applicant. So was there some other piece in there that that's missing in terms of their having around to the idea that it's appropriate

Mr. Cleary said to clarify Kate, they haven't rendered that decision yet. They have said they continue the review of the plan that's pending before them which is the rear access.

Ms. Bialo replied so that's what that's okay. So to continue the review can the cycling process. Okay, thank you for the clarification.

On motion of Trustee Fanelli, seconded by Trustee Herman, and unanimously carried, the meeting adjourned at 6:10PM.

