

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MAMARONECK HELD ON MONDAY, APRIL 28, 2008 AT 7:30 P.M. IN THE COURTROOM AT  
VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet Insardi
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held By the Board of Trustees of the Village of Mamaroneck on the 28th day of April, 2008 at 7:30 p.m., or as soon thereafter as all parties can be heard, at Village Hall located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider PROPOSED LOCAL LAW NO. 5-2008, a local law amending Chapter 342 (Zoning) Sections 342-3, 342-11, 342-50, 342-103, 342-107 and the Schedule of Requirements of the Code of the Village of Mamaroneck pertaining to Maximum Floor Area Ratio provisions.

TAKE FURTHER NOTICE that a copy of Proposed Local Law No.5-2008 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco  
Clerk-Treasurer

April 16, 2008

On motion of Trustee Ryan, seconded by Trustee Murphy:

RESOLVED that the Public Hearing on Proposed Local Law 5-2008 (Floor Area Ratio) be and is hereby opened.

Ayes:	Murphy, Robinowitz, Hofstetter, Ryan, Savolt
Nays:	None

Tom Yardley, Planning Consultant with BFJ Planning presented the Proposed Local Law to the Board. He stated that are two basic sections of this law, the first being the amendment and clarification to building floor area ratios and their calculation in accordance with the Comprehensive Plan Update and the second is the changes and clarification of definitions in the Code. He explained that Floor Area Ratio is the amount of gross floor area as defined in this Code within a building or buildings on a lot divided by the area of the lot. The background to the law goes back a few years when there was a sense of overdevelopment of the Village and concern over the size of homes being built in the Village. In response, a committee was formed by the previous Mayor, the 2025 Committee that made recommendations to reduce the FAR and recommended ranges of FARs as part of Phase I of a Master Plan. With the input of the Village Attorney and Building Department there has been a recommended reduction of FAR. The midpoint of the range of FARs was tested in many areas of the Village in different zones to get an idea of how this would affect existing homes. The aim was to create a minimal amount of non-conformity among existing homes; to prevent homeowners from going to the Zoning Board of Appeals for any new addition/work done to the home. There is generally a .05 reduction in all single family zones. Text amendments are also included in the law. One is that areas over 6'8" in height would count toward FAR, regardless if they are habitable space. Trustee Murphy stated that it could be habitable and therefore is included. The definition will also include any garage area over 400 square feet, whether detached or attached. Another amendment is to count 50 percent of any interior space with a floor to ceiling height in excess of 12 feet, with exemption of the M -1 zone. An additional amendment is including any basement or cellar where the exposed exterior wall or walls are more than three feet above grade after construction will be included in the calculation of FAR. This, as well as high ceiling heights, contribute to the visual impact of neighborhoods.

The definition of height was also changed. It will simply read: "The vertical distance to the highest level of the roof measured from the average level of the finished grade adjacent to the exterior walls of the building." This is a standard definition used by other communities. Another amendment to the calculation of FAR is any land lying below the high water mark of Long Island Sound and/or any pond, stream or waterway adjacent thereto shall be excluded.

Mr. Yardley stated that in terms of SEQRA, this would be an unlisted action. The Board of Trustees will be the lead agency and a long form EAF has been prepared and circulated including to the County. The next step is for part two to be filled out assessing any impact.

Trustee Murphy asked Mr. Yardley to confirm that when the study was done in various neighborhoods, most existing homes were in compliance with the proposed FAR reduction. Mr. Yardley confirmed that approximately 85% of existing homes are under the recommended Floor Area Ratio.

Mr. Ed Chmelecki of Anita Lane appeared to ask if this will significantly decrease density. Mayor Savolt clarified that the decrease is between 17 and 20 percent. He also asked that the study done by the Planning Consultants be made available. It will be put on the Village's website.

Ms. Suzanne McCrory of The Crescent appeared with technical and global comments. She feels that the definition of height is lacking as a person could build a 70 foot A-frame house and as the definition states that the height is an average between the highest peak and the eaves, this would conform in a zone limited to a

35 foot height limit. She believes that this is not what the Village intends with this definition. Another issue is clarification of which roof would be measured for house height when a home has many gables. She is also concerned that a flat roof area is now included in calculating FAR and is not sure that this is the Village's intent. She believes that excluding basement or cellar areas that are below grade may create incentives for people to fill their lots, burying their basements. Ms. McCrory is also concerned about the exclusion of land below mean high water as many years ago residents had parts of their lots filled in and these areas are now part of their lots, but before they were filled in were below mean high water. She believes that this will present a new issue and would be happy to draft alternate language to address this.

Mr. Greg DeAngelis of Stoneybrook Avenue appeared. He is also an architect in the Village and volunteered his services to the 2025 Committee. He has mixed reaction to the proposed law. He understands the need and desire to restrict some of the FARs in the Village. He does not believe that reductions in the commercial districts are necessary. He has concerns with the definition of attic space. He believes ours should conform more closely to the state's definition. He believes that 6'8" is too restrictive. He also has concern with the definition of basement area being counted. With hill side homes, believes this could be problematic. He believes that limiting the excluded garage space to 400 feet may be too restrictive. He is not sure how this applies to commercial properties. The calculating of 50% of the area over 12 feet in height, he feels is also too restrictive. He recommends looking at how the state code handles this and trying to get closer to that code, as was done in the City of Rye.

Mr. Brian Furlong of Delancey Avenue appeared. He feels that #4 in Section 2 is not clear and should read "50 percent of any floor space situated below a 12 foot ceiling" as people tend to play games if the code is not very specific. Also regarding building height, he believes that builders are piling dirt against sides of buildings and measuring the height of the building from the top of that pile. He asked about below-market housing. Mr. Bob Galvin, Chair of the Planning Board stated that this is well defined in the Code.

Trustee Murphy stated that the Village does not have the lowest FAR number among neighboring communities. He also stated that in addition to Floor Area Ratio the issue of bulk has been addressed.

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that the Public Hearing on Proposed Local Law 5-2008 be and is hereby adjourned to May 12, 2008.

Ayes: Murphy, Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER