



Village of Mamaroneck Planning Department

Memo

To: Harbor and Coastal Zone Management Commission

From: Greg Cutler, AICP- Village Planner

CC: Mayor and Board of Trustees, Jerry Barberio- Village Manager, Dan Sarnoff- Assistant Village Manager, Robert Spolzino-Village Attorney

Date: 4/15/19

Re: Response to HCZMC Comments on PLL-T and PLL-V

This memo will outline responses to the HCZMC memorandum regarding PLL-T and PLL-V dated April 3, 2019.

PROPOSED LOCAL LAW T, 2018

The changes proposed for PLL T 2018, as we understand them, are the allowed uses, single or multiple, on residential and non-residential properties. Our concerns re the changes in the law are the potential impacts on the people and our resources re the policies in the LWRP.

To provide clarification on the HCZMC's understanding of the PLL-T, the changes do not affect the allowed uses. They only affect whether or not multiple uses are allowed on a single lot. There are no changes to the allowable uses in any district as a result of the proposed local law.

Request to provide "Approx. number and location of properties, families, businesses who may be effected"

Every property in the Village of Mamaroneck will be subject to this law. While every property is subject to the law, most will not be affected in any way.

Request to provide Approximate number of non-conforming uses this will create and the locations of such non-conforming uses

To be clear, the law will create any non-conforming uses. However, in the residential districts there may be circumstances where more than one use currently exists on a property, in which case a non-conforming condition will be created. The exact number of locations that have multiple uses on one lot in residential zones is presently unknown. However, approximately 77% of residentially zoned lots contain a residential use. It is safe to assume that the vast majority of residentially zoned lots that have a residential use will conform to this new law.

In the nonresidential zones this law will not create any non-conforming conditions.

What actions by the Village, the applicant, owner, operator or other, will trigger the impacts of the proposed changes in this law, e.g.:

- *New construction – size, types*
- *Renovations – size, type, dollar value*
- *Maintenance type projects*

- *No actions*
- *Other*

All new construction must conform with the new law.

No additional principal uses will be permitted on existing properties or in existing structures located in residential zones. Renovations will not be affected by the proposed local law unless the renovated area is intended to host a second principal use on a residentially zoned property.

Existing non-residentially zoned properties will be permitted to have multiple uses (existing structures and new structures).

Overall, how do these proposed changes advance the Policies of the LWRP

In general, the proposed local law does not advance nor hinder the advancement of the policies of the LWRP. However, the proposed local law advances policy 22, as stated in the CAF narrative “The proposed local law advances this policy by expressly allowing multiple uses on a single property. The proposed local law will ensure that a water-related recreational uses may be allowed, whether accessory or primary, in conjunction with a non-recreational use on a single property.” The MR zone is a nonresidential zone and therefore the proposed local law advances the LWRP goal of providing for water-related recreation as a multiple use- since having multiple uses will be expressly permitted.

19 Public Access

- *Will these changes cause the loss or potential loss of public access to water bodies – e.g. LIS, Mamaroneck, Sheldrake, Beaver Swamp Rivers, other water bodies?*

No. The proposed local law will have no impact that would cause the loss or potential loss of public access to water bodies.

23 Protect, Enhance, Restore ...significance history, architecture, archeology, cultures of the VoM

- *Will these changes cause the loss or potential loss of historic properties or those properties eligible for designation by SHPO and or the Nat'l Register due to:*
 - *Direct impacts of the changes by the law*
 - *Indirect impacts such as the loss of economic value, capital or operating which will negatively affect the viability of the use of the property as a historic or potentially eligible property, e.g.:*
 - *will the loss of multiple uses in residential cause the loss of rental income for say a professional office in a residential property?*
 - *will the increase in uses in non-residential drive development which will threaten the existing use?*

No, the proposed local law will not cause the loss or potential loss of historic properties.

The proposed local law only limits the number of principal uses on a residentially-zoned lot. Professional offices in residential districts are listed as accessory uses and will not be impacted by the proposed local law.

There is no proposed increase in allowed uses in non-residential areas. At present non-residential properties often contain multiple uses on a single lot, this law expressly allows this condition to continue. Areas where this is common include the downtown (e.g. Dunkin Donuts, Bagel Café, and House of Flowers are on the same lot), parts of the C-1 zone (former A&P property will contain multiple uses; so do several shopping centers on Boston Post Road), and the M-1 zone (current Murphy Brothers property hosted multiple contractors, an interior design office and warehouse, and the self-storage facility). The existing dimensional standards are proposed to remain the same. If enacted, this law would allow multiple

uses on a single lot but a property may choose to only have one use. For example, there may be a 10,000 square foot building that is occupied entirely by a supermarket or that same building could have a pharmacy, a gym, and a hair salon (all of which are different principal uses). Alternatively, the building could be occupied solely by the gym. In either a mixed-use condition or a single use condition the intensity of the use will vary depending on the use or uses. Therefore, no net impact will threaten existing uses as a result of this law.

Policies 7, 7A, 8, 9 – Fish and Wildlife Policies

- *Will the changes in PLL T 2018 cause an increase in development and or renovations pressure, with a resulting negative impact on?*
 - *the environment and the fish and wildlife and their habitat*
 - *the loads on our existing infrastructure, due to direct actions such as construction and renovations on water, stormwater and sanitary and or*
 - *indirect impacts for the need for add'l facilities such as increase in the need for support services such as schools, police, fire, roads and their adverse negative enviro impacts.*

There is no net increase in development and/or renovation pressures anticipated as a result of this local law and therefore no net impacts on the environment, fish and wildlife habitat, existing infrastructure loads, or the need for additional facilities or support services.

PROPOSED LOCAL LAW V, 2018

The changes proposed for PLL V 2018, as we understand them, are the height allowed. Our concerns re the changes in the law are the potential impacts on the people and our resources re the policies in the LWRP.

To provide clarification on the HCZMC's understanding of the PLL-V, the changes do not affect the height allowed- rather, they affect the definition of a half-story.

Request to provide "Approx. number and location of properties, families, businesses who may be effected"

The proposed local law affects only those districts which allow half stories to be built. These include: R-20, R-15, R-10, R-7.5, R-6, R-5, R-2F, R-4F, RM-1 (properties on wide streets), RM-2 (wide streets), and RM-3 (wide streets).

Request to provide Approximate number of non-conforming uses this will create and the locations of such non-conforming uses

No non-conforming uses will be created as a result of the proposed local law. Dimensional non-conformities may be created as a result of the proposed local law. Nonconformity other than use is regulated by chapter 342-65 of the Zoning Code which states "A variance from the Zoning Board of Appeals shall not be required for an addition to, enlargement or expansion of any such building unless the proposed alteration increases or expands the existing nonconformity of the building or creates new nonconformities."

Therefore, only those applications that involve 1) new construction and 2) increase or expand the nonconforming half-story status would be subject to the new law.

What actions by the Village, the applicant, owner, operator or other, will trigger the impacts of the proposed changes in this law, e.g.:

- *New construction – size, types*
- *Renovations – size, type, dollar value*

- *Maintenance type projects*
- *No actions*
- *Other*

See response above.

Overall, how do these proposed changes advance the Policies of the LWRP

Overall the proposed changes do not advance nor hinder the policies of the LWRP.

23 Protect, Enhance, Restore ...significance history, architecture, archeology, cultures of the VoM

- *Will these changes cause the loss or potential loss of historic properties or those properties eligible for designation by SHPO and or the Nat'l Register due to:*
 - *Direct impacts of the changes by the law*
 - *Indirect impacts such as the loss of economic value, capital or operating which will negatively affect the viability of the use of the property as a historic or potentially eligible property, e.g.:*
 - *will the loss of multiple uses in residential cause the loss of rental income for say a professional office in a residential property?*
 - *will the increase in uses in non-residential drive development which will threaten the existing use?*

The proposed changes will have no impact on historic properties.

Policies 7, 7A, 8, 9 – Fish and Wildlife Policies

- *Will the changes in PLL T(V?) 2018 cause an increase in development and or renovations pressure, with a resulting negative impact on?*
 - *the environment and the fish and wildlife and their habitat*
 - *the loads on our existing infrastructure, due to direct actions such as construction and renovations on water, stormwater and sanitary and or*
 - *indirect impacts for the need for add'l facilities such as increase in the need for support services such as schools, police, fire, roads and their adverse negative enviro impacts.*

The proposed changes will have no impact related to policies 7, 7A, 8, and 9. There is no net increase in development, loss of fish and wildlife habitat, increased loads on infrastructure, or the need to provide additional facilities or support services, as a result of the proposed local law.