

Betty-Ann Sherer

From: Suzanne McCrory <smccrory@mac.com>
Sent: Tuesday, July 10, 2018 4:04 PM
To: Betty-Ann Sherer
Subject: Application for variances at 416 Waverly

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Board of Appeals
Village of Mamaroneck

Dear Honorable Chairman and Members:

Please accept these comments on the application for multiple variances by East Coast Properties made as part of an apparent second phase of development for their storage business. I am opposed to the variances because of their number and magnitude, because the property owner previously was granted a significant variance, because this is a self-created hardship, and because I am concerned about flood zone compliance of the existing buildings and the proposed new one.

First, my understanding is that a variance is intended as a site-specific exception to zoning law typically because of something related to the land that makes the present zoning an undue hardship on the property owner. To the best of my knowledge, the owners bought the property with knowledgeable of the existing zoning and are also aware that a multi-year study has been underway to consider updating the zoning for the industrial area. This application is clearly a self-created hardship.

Second, the requested variance is substantial both in number of variances and the magnitude of each. The FAR is more than double the maximum, an extra floor is proposed, setbacks from the street are substantially less than the minimum and even the parking is drastically reduced. In effect, this owner wants you to create site-specific zoning rather than minor relief from the existing law. There is nothing about the lot that prevents the zoning law from being applied. I assume the benefit sought is more profit for the business but that can be accomplished in other ways (i.e. the owner could purchase more property). So, the substantial magnitude of the variance strongly weighs against the variance.

Third, I think the flooding issues within the neighborhood need to be considered. Unfortunately none of the drawings give the elevation datum with respect to the base flood elevation and the site survey does not show the flood zone applicable to the lot. It's possible that the first floor is above the base flood elevation. But the area below this first floor will be subject to flooding. There seems to be no plan —and no floodplain development application nor engineering certification —to make this building flood-safe. The proposed materials for the exterior walls are not flood proof materials. I see no plans to have flood vents to allow water to pass underneath the building or to waterproof the walls to keep floodwaters out. Has the newly constructed storage building been built to flood standards because it seems to use the same materials? I suggest that a thorough analysis of flood zone compliance be undertaken before any variances are granted. It may be that the existing building needs a notice of violation for failure to comply with flood zone rules. Personally, I believe a brand new building that is not flood safe is an “adverse impact on the physical and environmental conditions in the neighborhood” and should also weigh strongly against granting a variance.

Fourth, the Village has had a multi-year study underway in preparation for re-zoning the industrial area. Should a variance be granted now, this property's use and size may become a detriment to the *planned* character of this community. With zoning changes actively being considered for the industrial area, this is a particularly bad time for the Board of Appeals to grant major variances in the industrial area and I strongly discourage you from doing so when so many other variance factors argue against it.

Fifth, uses of buildings change over time. Our zoning minimums work for a variety of permitted uses in each zone. However, these variances will convey to future owners when the relief might prove a far greater detriment to the neighborhood. Variances granted to suit a particular business may be ill-suited for another business later occupying the same building.

Finally, this project has been improperly segmented under SEQR. It looks like the owner intended a second phase of building for the business but has proposed each phase separately. SEQR requires that the whole action be considered. Should you proceed with this variance, then I think the whole impact of the project must be evaluated, not simply the newly proposed building.

I have read Norm Rosenblum's letter in support of the project and would note that variances are not granted based on either generalized popularity or generalized opposition. The character and residency of the owners should be given no weight in a variance application. Nor is it proper to avoid flood-zone compliance in the hope that the Army Corps of Engineers project is funded and undertaken. I strongly urge the Board of Appeals to restrict its analysis to this variance to the statutory factors.

Thanks for considering these comments.

Sincerely,

Sue McCrory