

June 20, 2018

VIA HAND DELIVERY

Chairman Barry Weprin and
Members of the Zoning Board of Appeals
Village of Mamaroneck
169 Mt Pleasant Avenue
Mamaroneck, New York 10543

Re: Application of East Coast North Properties, LLC
416 Waverly Avenue, Mamaroneck, NY

ERIC L. GORDON
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Also Admitted in CA

Dear Chairman Weprin and Members of the Zoning Board of Appeals:

A. Introduction

Keane & Beane, P.C., represents East Coast North Properties, LLC (the "Applicant" or "East Coast"), which owns the property located at 416 Waverly Avenue, Mamaroneck New York (the "Property")¹. Currently operating on the Property is Murphy Brothers Contracting, Inc. ("MBC"), Mamaroneck Self Storage ("MSS") and a number of other businesses which lease space from East Coast.

On May 10, 2018, East Coast filed an application for site plan approval seeking to expand MSS' existing 40,620 square foot self-storage facility by 56,328 square feet to improve the existing conditions on the Property and create additional self-storage opportunities for the Village of Mamaroneck and the surrounding communities. The site plan, along with the instant application for area variances being filed with the Zoning Board of Appeals ("ZBA"), presents a unique opportunity to redevelop the Property and enhance the existing self-storage use that will benefit both the Village of Mamaroneck community and the Applicant. As part of its overall redevelopment, East Coast intends to renovate one of the existing buildings located on the Property to house MBC's offices and to remove all the other existing unsightly general contractor office and storage uses on the Property. East Coast also plans to incorporate a retail component into the new structure which will sell packaging and moving supplies to MSS' customers and other persons, in synchrony with the proposed Village of Mamaroneck MAKER Zone.

¹ The address listed for the Property on the GIS Tax Mapper is 560 Fenimore Drive, Mamaroneck, New York. However, the address used for prior applications was 416 Waverly Avenue, which is also the mailing address and the Applicant's business address.

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East Coast appeared before the Planning Board on May 23, 2018, for review of the site plan application. At that time the Planning Board agreed to distribute a Notice of Intent to Act as Lead Agency under the State Environmental Quality Review Act ("SEQRA"). However, because East Coast's site plan requires a number of variances, the Planning Board stated that it wanted the ZBA to review the application for variances before proceeding with further review of the proposed site plan and conducting an analysis under SEQRA. Therefore, East Coast is filing the current application seeking the following variances as determined by the Village of Mamaroneck Building Inspector in a decision dated May 22, 2018:

1. Building coverage allowed (Article VI, Section 342-38) – 22,078 sq. ft.
Building coverage proposed – 25,834 sq. ft.
Variance Requested – 3,756 sq. ft.
2. Percent of lot coverage allowed (Article VI, Section 342-38) – 50%
Percent of lot coverage proposed – 59%
Variance Requested – 9%
3. Maximum FAR allowed (Article VI, Section 342-38) – 1.0
FAR proposed – 2.26
Variance Requested – 1.26
4. Maximum gross floor area allowed (Article VI, Section 342-38) – 44,156 sq. ft.
Proposed gross floor area -99,805 sq. ft.
Variance Requested – 55,649
5. Maximum number of stories allowed (Article VI, Section 342-38) – 3
Number of stories proposed – 4
Variance Requested – 1 story
6. Fenimore Road setback required (Article VI, Section 342-38) – 10 ft.
Front setback proposed – 7.8 ft.
Variance Requested – 0.4 ft.
7. Off street parking spaces required (Article VIII, Section 342-56) – 140
Off street spaces proposed – 25
Variance Requested – 115 off street parking spaces

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8. Off street loading spaces required (Article VIII, Section 342-57) – 8
Proposed off street loading spaces – 4
Variance Requested – 4

While several of the requested variances are substantial, based upon the distinctive nature of the self-storage business model, which has very minimal impacts but requires a significant amount of space, the benefits if the variances are granted far outweigh the non-existent detriments to the health, safety and welfare of the neighborhood or community that would be caused by such grant.

The many benefits that will be realized from the proposed expansion include, but are not limited to:

- Providing a valuable service for the Village of Mamaroneck and surrounding communities. The need for local self-storage facilities has increased significantly and is now viewed as a necessity for many homeowners and renters. As set forth in the Self-Storage Feasibility Addition Memorandum dated December 2017, prepared by Chiswell and Associates, LLC, the need for this type of facility in the Village of Mamaroneck and surrounding areas is expected to continue to grow. The Applicant seeks to serve this community need.
- The elimination of the existing contractor storage and office uses that create substantial traffic and noise and are unsightly;
- The elimination of a number of dilapidated old buildings and outdoor storage racks;
- The elimination of four toilets that are used by the current business on the property which will reduce water use;
- The installation of a new stormwater maintenance system that will significantly reduce stormwater impacts and flooding by separating and controlling the flow of stormwater;
- Reduced traffic flow to and from the Property based on the reduction of the number of business on the Property;

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- Improved traffic flow through the elimination of two curb cuts and redesign of the parking area;
- Reduction in the amount of impervious surface;
- Improved streetscape and landscaping;
- Installation of a solar panel system on the roof of the proposed new building that will provide discounted electricity to the community as part of the NYS Community Solar Initiative;
- Enhanced LED lighting and improved lighting design;
- Energy efficient building that will use significantly less energy than a much smaller building due to green energy design features and minimal use of energy as a result of the nature of the self-storage business; and
- Increased tax revenues to the Village and School District, with little or no impact on any Village resources, emergency services or the local School District.

As discussed in more detail below, on October 3, 2013, the ZBA granted East Coast several variances for East Coast's existing self-storage facility on the Property.² Following receipt of these variances, and after receiving site plan approval from the Planning Board, a consistency finding from the Village Harbor Coastal Zoning Management Commission ("HCZMC") and approval from the Architectural Review Board, the existing 40,620 square foot MSS facility was constructed. An examination of MSS' current operations, especially with respect to parking, traffic, flooding and drainage, demonstrates that granting the current proposed variances will have virtually no impacts on the surrounding neighborhood or the environment. At the same time granting the variances and allowing the expansion of the facility will result in the substantial benefits described above.

At this time, East Coast is seeking a Negative Declaration pursuant to SEQRA that the proposed expansion of the self-storage facility will not result in any significant adverse environmental impacts. As previously mentioned, the Planning Board, which

² A detailed background and history with respect to this application is set forth in Sections B and C below.

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acted as Lead Agency under SEQRA with respect to the prior application for the existing self-storage facility, has declared its intent to act as Lead Agency for the current application. Therefore, East Coast is now asking the ZBA to consent to the Planning Board's Lead Agency status.

B. Background

MBC is a family owned business operated by brothers and partners, Chris and Sean Murphy. Their headquarters for the past 17 years is the Property where the old East Coast Lumber yard was previously located and where Chris and Sean bought their first box of 16 penny nails to construct their childhood forts. Now celebrating their 39th year in the general contractor business, their home base continues to be in the Mamaroneck-Larchmont community. MBC is known throughout the greater Westchester, Hudson Valley, southern Fairfield region for building and renovating beautifully designed custom homes as well as private clubs and other light commercial-type projects, offering their clients the highest level of quality and professionalism in the industry.

MSS is also owned and operated by Chris and Sean Murphy. Completed at the end of 2015, MSS' current facility is a 40,620 square foot new construction building serving the self-storage needs in the Mamaroneck-Larchmont area as the community's "local storage solution". The original construction project benefited from the Westchester County IDA sales tax exemption program by re-directing the savings into environmentally responsible energy-efficient upgrades, making it the only green self-storage facility of its kind in the county.

The original MSS construction project was recognized with a regional NAHB award for Best Green Commercial Building, Best of BOMA Westchester County's Signature Award and a Westchester County 2017 Earth Day Award for the development of energy-efficient features built into the facility design and energy savings well exceed \$30,000 annually. MSS currently spends less than 4-cents per square foot each month on energy costs, about the same as a 5,000 square foot single family home. The expanded building will be designed with the same energy saving technology and features.

The MSS facility is the only one of its kind from the north end of New Rochelle to the south end of Port Chester, and from Tuckahoe to the Long Island Sound. Upon opening its doors several years ago, community reaction was and continues to be overwhelmingly positive with "thumbs up" from local elected officials as well as both

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the Mamaroneck and Larchmont Chambers of Commerce. Once skeptical neighbors now recognize that MSS has improved the industrial area and are excited for East Coast to “break-ground” on the addition. The many apartment and co-op dwellers in the community, both down-sizers and newcomers, are taking advantage of the storage MSS offers. To a much more limited extent, small retail businesses in the Village that need affordable storage for their stock and supplies also use the MSS facility. However these commercial customers historically make up only approximately five (5%) of MSS’ customers base.

During construction of the existing MSS facility, East Coast applied for and was awarded a “NY State Prize” grant to research incorporating a “community micro-” system within the new building that would service the immediate neighborhood as an alternative power source when needed. East Coast is now planning the integration of an “Emergency Distribution Center” into the new addition to be available to local first responders and officials in the event of future natural or man-made disaster, providing an alternative for the storage and distribution of vital supplies.

Construction of the expanded MSS facility and redesign of the Property will involve at least 200 local tradespeople. East Coast is also currently in discussions with the Westchester County IDA to host a “Westchester County IDA Day” at the MSS facility to meet with prospective minority-owned and women-owned businesses with a view toward hiring them for the additional construction. East Coast is excited to see this event happen and to continue to support and give back to the local community.

C. History

In or about 2009, East Coast filed an application with the Planning Board seeking to construct an approximately 88,000 square foot, 578-unit self-storage facility, along with a 6,400 foot cabinet-making shop, with 29 on-site parking spaces on the 1.014-acre Property. The proposed action required several variances, site plan approval and a floodplain development permit from the Planning Board, consistency review by the HCZMC and review by the Village Board of Architectural Review.

It is our understanding that the Planning Board initially declared Lead Agency status under SEQRA. The ZBA, however, ultimately assumed Lead Agency status and on March 4, 2010, determined that due to certain speculative concerns relating primarily to traffic, flooding and the size of the proposed building, that the project merited a Positive Declaration under SEQRA. While East Coast disagreed with the ZBA’s conclusion, including the designation of the project as a Type I action, due to the

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significant costs associated with either challenging the ZBA's environmental determination, or preparing an Environmental Impact Statement, East Coast chose to withdraw its application.

On or about October 10, 2012, East Coast submitted a new application for site plan approval seeking to redevelop the Property and construct the current MSS facility. The primary change from the prior application was the reduction of the size of the storage facility from 88,000 square feet to 40,620 square feet. This application kept many of the other existing uses on the Property in place and included additional landscaping to enhance the aesthetics of the Property. The new application also addressed the ZBA's concerns regarding the overall size of the building by reducing the scope of the operations. A Long Form Environmental Assessment Form ("EAF") and Coastal Assessment Form ("CAF") were submitted in support of this application.

The Planning Board carefully reviewed this application and considered comments from the Village Planner, the Village Engineer and Village Landscape Consultant. Public hearings were held on October 10, 2012, November 14, 2012, December 12, 2012, January 9, 2013, January 8, 2014 and January 22, 2014 and public comment was offered by all interested parties. On October 17, 2012, the New York State Department of Environmental Conservation ("NYSDEC") issued findings with respect to certain environmental issues.³

The Planning Board determined that the proposed project was an Unlisted Action under SEQRA and directed a Notice of Intent to be Lead Agency on October 10, 2012 and assumed Lead Agency status on November 14, 2012. On January 30, 2013, the Planning Board issued a Negative Declaration finding that the proposed project would not have any adverse environmental impacts.⁴

A number of variances were also required with respect to the revised application including the following:

- Article VI, Section 342-38 of the Scheduled of Minimum Requirements where East Coast proposed a Floor Area Ratio of 1.34 where no more than 1.0 is allowed and a new building of four stories where no more than three stories are allowed.

³ A copy of the NYSDEC's October 17, 2012 findings is attached as Exhibit "A".

⁴ A copy of the January 30, 2013 Negative Declaration is attached hereto as Exhibit "B".

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- Article VIII, Section 342-57 of the Schedule of Off-Street Loading Requirements where East Coast proposed zero loading spaces where five loading spaces are required.
- Article VIII, Section 342-56 of the Schedule of Off-Street Parking Requirements where East Coast proposed 52 parking spaces where 89 parking spaces were required.

On October 3, 2013, after holding a number of public hearings regarding the application for variances, the ZBA adopted a Resolution granting the variances.⁵

On November 20, 2013, the Village of Mamaroneck Harbor & Coastal Zone Management Commission (“HCZMC”) adopted a Resolution finding that the proposed project was consistent, to the maximum extent practicable, with the policies set forth in the Village’s Local Waterfront Revitalization Program (“LWRP”) and would not substantially hinder any of the LWRP’s policies.⁶ On February 12, 2014, the Planning Board adopted a Resolution granting final site plan approval.⁷ After obtaining other required approvals, construction on the existing self-storage facility was completed in 2015.

D. The Current Application

East Coast is now submitting the enclosed application for variances pursuant to Village Code §342-92(B)(2). Enclosed in support of the application are the following:

1. Board of Appeals Application Form;
2. Certification Required by New York State Municipal Law;
3. Copy of Building Inspector’s Determination dated May 22, 2018;
4. Full Environmental Assessment Form, Part 1;⁸
5. Drawings prepared by KTM Architects dated June 19, 2018, as follows:

⁵ A copy of the ZBA’s October 3, 2013 Resolution is attached hereto as Exhibit “C”.

⁶ A copy of the HCZMC’s November 20, 2013 Resolution is attached hereto as Exhibit “D”.

⁷ A copy of the February 12, 2014 Planning Board Resolution is attached hereto as Exhibit “E”.

⁸ The same EAF was submitted to the Planning Board in support of the application for site plan approval.

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- SY-101, Site Plan & Zoning;
 - SY-102, Traffic Management Plan & Site Details;
 - A-101, First Floor Plan;
 - A-102, 2nd-4th Floor Plan;
 - A-201, Exterior Elevations;
 - A-202, Site Context Elevations;
 - A-203, Site & Neighborhood Photo documentation; and
 - A-204, Specifications
6. Stormwater Pollution Prevention Plan prepared by Hudson Engineering & Consulting dated February 8, 2018;
7. Drawings & Documents Prepared by Hudson Engineering & Consulting dated February 8, 2018, as follows:
- C-1, Existing Conditions Map;
 - C-2, Stormwater Management Plan;
 - C-3, Erosion & Sediment Control Plan;
 - C-4, Site Details;
 - C-5, Site Details; and
 - C-6, Site Details.
8. Traffic Analysis dated February 8, 2018 prepared by Provident Design Engineering;
9. Self-Storage Feasibility Addition Memorandum dated December 2017, prepared by Chiswell and Associates, LLC;
10. Certified Survey⁹;
11. Copies of all Certificates of Occupancy for the Property;
12. Variance Application Fee of \$425.00; and

⁹ The Applicant certifies that the submitted survey is accurate and shows the correct location of all existing structures. The Applicant will submit an updated survey prepared prior to the July 12, 2018 ZBA meeting.

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13. Escrow Fee \$750.00.

**E. Compliance With The State Environmental
Quality Review Act (SEQRA)**

As previously determined with respect to the prior environmental review conducted for the existing storage facility, the proposed action is an Unlisted Action pursuant to SEQRA.¹⁰ East Coast asserts that the Planning Board, having acted as Lead Agency with respect to the previously approved application, is the appropriate board to act as Lead Agency with respect to the instant application.

East Coast recognizes that the ZBA originally assumed Lead Agency status when a larger project was first proposed in 2010, and that the ZBA issued a Positive Declaration at that time.¹¹ However, the potential significant adverse impacts that were relied on in support of that finding have been demonstrated to be either non-existent or insignificant. Because there is already an existing self-storage facility on the Property, the potential impacts resulting from the larger facility now being proposed can be readily evaluated. Based on an extrapolation of the current minimal environmental impacts from the existing 40,000+ square foot self-storage facility, it is clear that the proposed expanded facility will not result in any substantial adverse environmental impacts. In fact, the opposite is true because the proposed action will reduce or eliminate many of the existing undesirable environmental impacts on the Property.¹²

1. Description of Proposed Action

The proposed action involves the expansion of the existing 40,620 square foot MSS facility by constructing a 56,328 square foot addition with 321 storage units to provide needed additional storage space for customers located in and around the

¹⁰ Even if the entire approximately 96,948 square foot self-storage facility is considered as the proposed action under SEQRA, it would not fall within the parameters of any of the Type I actions delineated under SEQRA. It is unknown why or on what basis the ZBA designated the development of the original facility, which was 88,000 square feet, as a Type I action in 2010.

¹¹ A copy of the ZBA's prior Positive Declaration dated March 4, 2010 is attached as Exhibit "F".

¹² There is also no improper segmentation with respect to the current application because at the time East Coast proposed the smaller facility in October 2012, there was no intent to construct a larger facility. Rather, East Coast agreed to reduce the size of the project at that time because it did not have sufficient resources to prepare an Environmental Impact Statement or litigate the validity of the ZBA's Positive Declaration. Any claim of segmentation is further rebutted by the fact that the Lead Agency can review the potential environmental impacts based on the full size of the self-storage facility, rather than just the proposed expansion.

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Village of Mamaroneck. The proposed action will include removal of all other existing uses on the Property, excluding MBC's office operations, which shall be relocated to the existing 2-story building located on the corner of Fenimore Road and Waverly Avenue, which shall be renovated. A retail store that will sell packing and moving materials will also be located within the proposed expanded building.

Site improvements shall include reconfiguration of the existing on-grade parking lot, enhanced traffic flow, the elimination of a curb cut and improved landscaping. The proposed action will require Site Plan approval and a Floodplain Development Permit from the Planning Board, Consistency Review by the Village Harbor and Coastal Zone Management Commission, review by the Village Board of Architectural Review and a curb cut alteration permit for closure of two existing curb cuts from the Village Department of Public Works. The project is in an M-1 Manufacturing Zone and is a permitted use. The Applicant will also require the variances that are the subject of the instant application.

A long EAF was submitted to the Planning Board and is being submitted with this application. The EAF addresses each of the environmental issues associated with the proposed action. As discussed in more detail below, it is East Coast's contention that the proposed action will not result in any potential significant adverse environmental impacts and that a Negative Declaration should be issued.

2. The Proposed Action Will Not Result In Any Substantial Adverse Environmental Impacts

a) Flooding/Stormwater Controls

The Property is located within a 100 year floodplain in an area with a history of flooding, which has been the subject of local, regional and national concern. In addition, the Property is within 400 feet of the Sheldrake River and 800 feet from the Mamaroneck River. The Property is already 94.3% impervious surface. The proposed site plan will result in a decrease in impervious surface to 91.5% due to the removal of existing buildings and enhanced landscaping. East Coast has also already taken significant steps to address potential drainage and stormwater control issues as part of the previous application and will continue to address those concerns as part of the proposed action.

Specifically, East Coast has prepared a Storm Water Management Plan that complies with all relevant local and state stormwater regulations that will further improve the drainage on the Property. The stormwater management plan prepared for this application exceeds the requirements of the New York State Environmental

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Conservation's stormwater regulations as proscribed under Chapter 9, "Redevelopment." Under the cited chapter, a hydrodynamic separator is considered a standalone, valid water quality practice for the treatment of stormwater. In this application, hydrodynamic separators are included as part of the design. However, stormwater planters have also been incorporated as an additional practice to treat roof runoff. This was done in an effort to utilize green practices and enhance the overall quality of the stormwater system design. As a result, there will be no adverse environmental impacts with respect to flooding or stormwater.

b) Traffic and Parking

As demonstrated by the traffic and parking conditions for the existing facility, and confirmed in the Traffic Analysis prepared by Provident Design Engineering submitted with this application, there will not be any adverse traffic or parking impacts from the proposed addition. The updated study includes an analysis by a professional traffic consultant as to the short term and long term traffic impacts on the site as well as addressing short term construction related traffic impacts and confirms that the self-storage use will have less impact on traffic and require substantially less parking than the current uses. Furthermore the ZBA's prior concern that the facility may be used by a large number of "commercial" customers who will need frequent access to the facility has proven to be unfounded. In fact, only nine of the current self-storage customers are considered "commercial" in nature. On average these commercial customers access the facility three to four times a week. As a result, these "commercial" customers do not have a significant impact on traffic, parking or the operations at the site.

Based on the current impacts to traffic and parking from the MSS facility and the study done by Provident Design Engineering, it is clear that the proposed action will not have an adverse impact on traffic and parking. To the contrary, it is expected that the traffic impacts to the neighborhood and the need for parking will be reduced based on the elimination of the current uses on the Property.

c) Consistency with the Waverly Avenue Zoning

The expanded self-storage use is consistent with the Village of Mamaroneck Comprehensive Plan, Waverly Avenue Design Study and Village of Mamaroneck MAKER Zone which support a mix of uses within the M-1 Manufacturing Zone beyond its traditional uses. It is also consistent through the inclusion of a retail use within the proposed facility. While the proposed action does somewhat increase the density of land uses on the project site, the negligible impacts from the proposed self-

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storage use minimizes the proposed environmental impacts. It has also been demonstrated that there is a need for the expansion of the self-storage facility as demonstrated by the Self-Storage Feasibility Addition Memorandum dated February 8, 2018, prepared by Chiswell and Associates, LLC, submitted herewith.

d) The Size of the Proposed Expansion Will Not Adversely Impact the Surrounding Neighborhood

While the proposed building is larger in size than is otherwise permitted under the applicable zoning, the increased size is driven by the unique nature of the proposed use which, once again, has only a negligible impact on the environment. The current building, which is over 40,000 square feet, has virtually no impact on the local community. The proposed addition will not have a significant visual impact on the community and is designed to fit seamlessly with the existing structure. In addition, there are other buildings within the Village of Mamaroneck that are of a similar size to what is being proposed that do not have an adverse visual impact the environment. The Applicant intends to present a comparison with other large buildings in the Village of Mamaroneck at the meeting on July 12, 2018, to demonstrate that what is being proposed is not significantly different from or out of character with other existing buildings in the community. Therefore, the size of the proposed expanded facility will not result in a significant adverse environmental impact.

e) The Proposed Action Will Not Act As
A Precedent For Future Actions

In the March 4, 2010 Positive Declaration (Exhibit "F" attached), the ZBA concluded that one of the potential negative impacts that would result from the project was the setting of a precedent for future action. First, whether a project will set a "precedent" is not an adverse environmental impact that is properly evaluated under SEQRA. Second, even if "precedent" were an environmental impact that could be considered, the unique nature of the self-storage use makes it extremely unlikely that another property owner could rely upon the development of the proposed MSS facility as precedent for why they should be able to develop another property in a similar manner. Finally, the elimination of the more impactful existing uses on the Property further negates any argument that the proposed action will establish a negative precedent and supports the finding that the proposed expanded self-storage facility will not have any significant adverse impacts on the environment.

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f) Compliance With CSX Transportation Regulations

Although it is not necessarily an “environmental impact”, the neighboring property owners, Marty and Andy Spatz, have raised concerns regarding the location of the proposed new building adjacent to train tracks operated by CSX Transportation. The train tracks are located adjacent to the rear of the Applicant’s Property on property owned by the Spatz family. East Coast is in the process of evaluating the CSX Transportation construction requirements and has been in contact with a consultant that is familiar with the CSX regulations and has preliminarily determined that the proposed building is located a sufficient distance from the centerline of the train tracks. It is anticipated that by the July 12, 2018 ZBA meeting, we will have further confirmation regarding this issue. East Coast has also placed lighting at the rear of the proposed building that will illuminate the train tracks during evening hours and has agreed to work with the Spatz family to ensure that access over the train tracks remains unimpeded at all times.

In conclusion, East Coast contends that the proposed action will not result in any significant adverse environmental impacts and is asking that the ZBA permit the Planning Board to proceed with its Lead Agency review under SEQRA as it did previously.

**F. The Variances Should Be Granted Because They
Will Provide Significant Benefits for the Applicant
and the Community and Do Not Result In Any
Detrimental Impacts To The Neighborhood**

The proposed expansion requires a number of area variances due to the limited size of the Property and unique need for space resulting from the self-storage facility use. As set forth in Village Code §342-92(B)(2) and (3), in making its determination whether to grant these area variances:

The Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

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(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(b) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(c) Whether the requested area variance is substantial;

(d) Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district; and

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

(3) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Where there the evidence demonstrates that granting a variance will not produce an undesirable change in the character of the neighborhood, adversely impact the physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community, the variance should be granted, even if it is considered substantial and is self-created. *Quintana v. Bd. of Zoning Appeals of Inc. Vill. of Muttontown*, 120 A.D.3d 1248, 1249, 992 N.Y.S.2d 332, 334 (2d Dep't 2014); *Easy Home Program v. Trotta*, 276 A.D.2d 553, 553, 714 N.Y.S.2d 509, 510 (2d Dep't 2000)(court annulled zoning board's denial of variance that was substantial and self-created on the grounds that there was no evidence that granting the variance would have an undesirable effect on the character of the neighborhood, adversely

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impact on physical and environmental conditions, or otherwise result in a detriment to the health, safety and welfare of the neighborhood or community).

Although several of the eight requested area variances are arguably substantial and self-created, an analysis of the applicable five part test demonstrates that the proposed expansion will not have an undesirable effect on the character of neighborhood or an adverse impact on the physical and environmental conditions or otherwise result in a detriment to the health, safety and welfare of the neighborhood or community. To the contrary, granting the variances and allowing the expansion to proceed will result in substantial benefits to the neighborhood and community. Therefore, the requested area variances should be granted.

1. The Variances Relating to the Proposed Building¹³

The first six variances listed in the Building Inspector's May 22, 2018 determination relate primarily to the size of the proposed expanded building and the need for a larger building than would otherwise be permitted. In this case, there is a significant need for a larger building than would otherwise be permitted under zoning due to the unique nature of MSS business. Without sufficient space for storage, the self-storage business model is not viable. In this case, East Coast is seeking to remove most of the contractor businesses from the Property, which are not seen as a business model that can be sustained in the long term, and replace them with a self-storage business that will be operate and remain viable for years to come. Each of the five factors that must be considered pursuant to Village Code §342-92(B)(2) with respect to the variances is discussed below.

- a) The Requested Area Variances For Parking And Loading Will Not Result in an Undesirable Change to the Character of the Neighborhood

The proposed area variances will not result in an undesirable change to the character of the neighborhood. The Property is located in the M-1 Manufacturing Zone, which is the least restrictive zoning district. The proposed expansion which will be permitted by the proposed variances will result in the elimination of many of the detrimental business operations currently on the Property, thereby benefiting the

¹³ The first six variances in the Building Inspector's May 22, 2018 determination generally relate to the size of the building. These six variances will be addressed collectively. The remaining two variances address parking and loading and will be addressed separately below.

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community. In addition, the expanded self-storage use will actually result in a many benefits to the community as discussed in Section A above.

The existing 40,000+ square foot building is neither too large nor imposing. Similarly, the expanded self-storage facility will not have a detrimental impact as demonstrated by the fact that while larger than the existing self-storage building, it has been designed to fit seamlessly with the existing building. Moreover, the character of the neighborhood is actually being improved given that the elimination of the older and dilapidated buildings on the Property that are unsightly.

b) The Benefits Sought Cannot Be Achieved By Other Feasible Methods
Other Than Through Area Variances

The Applicant cannot achieve the benefits sought without the requested variances. A self-storage building must of sufficient size to endure as a viable business. In this case, East Coast has determined that long term economic viability is best achieved by eliminating the majority of contractor and office uses on the Property that have detrimental impacts to the community and expanding the self-storage use. Without granting the proposed variances, it will not be possible to establish a viable self-storage business on the Property.

c) Even Though Some of the Requested Area Variances Are Substantial,
This Does Not Require Denial of the Application

The majority of the dimensional variances relating to the proposed building, such as the additional floor, building coverage, lot coverage and setback variances, are not substantial as they do not significantly exceed what would otherwise be permitted by zoning. For example, the ZBA previously granted a variance allowing a fourth floor due to the fact the existing building did not exceed the height requirements. (*See* Exhibit "C" attached).

While the requested FAR and gross floor area variances would be considered substantial from a dimensional perspective, substantiality is not measured by mathematical means alone. Instead, it must be assessed by consideration of the facts and circumstances surrounding the impact if the variances are granted. *Soho Alliance v. New York City Bd. of Standards and Appeals*, 264 A.D.2d 59, 703 N.Y.S.2d 150 (1st Dep't 2000). While the proposed FAR and gross floor area variances are certainly numerically substantial, their practical impact is not. Indeed, the spatial extent of the requested variances is ameliorated by the absence of any tangible, detrimental effect

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Members of the Zoning Board of Appeals
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that will be caused by the proposed expansion of the building. Therefore, neither deviation should be considered substantial absent corresponding impacts to the neighborhood.

Moreover, even if the proposed variances are considered substantial, as long as the grant of the application has a rational basis and is not arbitrary and capricious, the substantial nature of a variance is not a basis for denying the application. *Goodman v. City of Long Beach*, 128 A.D.3d 1064, 1065, 10 N.Y.S.3d 302, 304 (2d Dep't 2015). In this case, the substantiality of the variances should not be relied on as a basis for denying the proposed variances.

- d) The Requested Area Variances Will Not Adversely Impact the Physical or Environmental Conditions of the Neighborhood.

The proposed variances will not have any adverse impact on the physical or environmental conditions of the neighborhood. As discussed above with respect to the SEQRA analysis, the proposed expansion will actually result in numerous substantial environmental and physical benefits, which include the removal of existing uses that negatively impact traffic and the appearance of the neighborhood. The neighborhood currently made up of a variety of different uses and buildings of varying sizes and a number of other buildings in the Village are as big are larger than the proposed expanded facility.

The Applicant also intends to install drainage, stormwater and other improvements to reduce flooding and better control the flow of stormwater from the Property. The expansion will also allow the installation of a communal solar system that will provide energy at a discount to the community. Finally, the proposed enhanced landscaping and lighting will further improve the physical conditions on the Property. Thus, none of the proposed variances will create an adverse physical or environmental impact to the neighborhood. Comparatively, maintaining the existing uses on the Property will have a greater physical impact on the environment and will result in a greater disturbance to the surrounding neighborhood.

- e) Whether the Hardship is Self-Created

East Coast is seeking the area variances in order to improve conditions on the Property and provide a long term viable and successful commercial use that will benefit the community and the Applicant while at the same time causing minimal impacts in the neighborhood. East Coast is seeking the minimum area variances

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required in order to accomplish this goal given the limitations of the Property and the unique nature of the self-storage use. Therefore, even if the need for the variances is found to be self-created, this factor in and of itself should not result in the denial of the variances. *See Byron Associates v. Zoning Board of Appeals of the Town of Mamaroneck*, 142 A.D.2d 643 (2d Dept. 1988) (a self-created hardship cannot solely be the reason for the denial of a variance). *See also Springer v. Zoning Board of Appeals of the Town of Somers*, 109 A.D.2d 888 (2d Dept. 1985). Because the previous four factors overwhelmingly weigh in favor of granting the variances, and a true balance of neighborhood detriment against applicant's benefit tips decidedly in favor of the latter, whether or not the hardship was self-created is not determinative.

2. The Parking and Loading Variances Should Be Granted

The remaining two variances listed in the Building Inspector's May 22, 2018 determination relate to the parking and loading requirements for nonresidential uses under Article VIII of the Zoning Code. As part of the prior application, the ZBA granted the following variances with respect to parking and loading:

- Article VIII, Section 342-57 of the Schedule of Off-Street Loading Requirements where East Coast proposed zero loading spaces where five loading spaces are required.
- Article VIII, Section 342-56 of the Schedule of Off-Street Parking Requirements where East Coast proposed 52 parking spaces where 89 parking spaces were required.

(*See* Exhibit "C" attached). In this case, as demonstrated by the existing traffic conditions on the Property, and as confirmed in the Provident Design Engineering Traffic Analysis, there will not be any adverse traffic or parking impacts from the proposed expansion. The updated traffic study includes an analysis by a professional traffic consultant as to the short term and long term traffic impact on the site as well as addressing short term construction related traffic impacts and confirms that the expanded self-storage use will have less impacts on traffic and require far less parking than the current uses. Furthermore, East Coast is now providing several loading spaces which did not exist previously even though very few large trucks actually require access to the Property, as most of the self-storage customers do not store all the items from a home. To contrary, the self-storage business is generally used as supplemental storage for most customers and is accessed by car or a small truck.

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- a) The Requested Area Variances For Parking And Loading Spaces Will Not Result in an Undesirable Change to the Character of the Neighborhood

As the ZBA previously recognized when it granted the prior variances for parking and loading with respect to the 40,000+ square foot building, self-storage uses require many fewer parking spaces than typical retail or other commercial uses. In fact, many other communities have granted variances with respect to larger self-storage facilities. The chart below, which has been excerpted from the Provident Design Engineering Traffic Analysis, shows some of the variances that have been granted with respect to parking at a self-storage facility:

TABLE NO. 3 PARKING FOR OTHER SELF STORAGE FACILITIES				
Facility	Location	No. of Units	Parking Spaces Initially Required by Zoning	Variance Granted (Parking Spaces to be installed)
Westy's Self Storage	Port Chester	900	83	22
Safeguard Storage	Elmsford	550	68	12
Safeguard Storage	New Rochelle	653	48	14
Westy's Self Storage	Tuckahoe	1,500	N/A	24

The soundness of the variances the ZBA granted have been confirmed by the current self-storage use which has been operating for more than three (3) years without any parking issues. As confirmed in the Provident Design Engineering Traffic Analysis, the 40,000+ square foot building requires only a minimum number of parking spaces. The bulk of the existing parking spaces currently on the Property are actually used to serve the other contractor and office uses on the Property. Furthermore, the other improvements to the parking lot, including the elimination of two curb cuts, will improve the traffic conditions in the immediate neighborhood. Therefore, granting the variances will actually result in a reduced amount of traffic coming to and from the Property and will result in an overall improvement in the character of the neighborhood.

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b) The Benefits Sought Cannot Be Achieved By Other Feasible Methods
Other Than Through Area Variances

East Coast cannot achieve the benefit of expanding the self-storage facility and eliminating the existing contractor and office uses without the requested variances relating to parking and loading spaces. Due to the size of the existing Property, it is not possible to have the number of storage units required to provide a viable self-storage business without variances relating to parking and loading spaces.

c) Even Though the Requested Area Variances Are Substantial, This
Does Not Require Denial of the Application

While the variances relating to parking and loading are substantial measured by mathematical means alone, the facts and circumstances surrounding the lack of impacts if the variances are granted demonstrate the substantial nature of the variances does not merit the denial of the application. *Soho Alliance v. New York City Bd. of Standards and Appeals*, 264 A.D.2d 59, 703 N.Y.S.2d 150 (1st Dep't 2000). Once again, even where proposed variances are considered substantial, as long as the grant of the application has a rational basis and was not arbitrary and capricious, this is not a basis for denying the application. *Goodman v. City of Long Beach*, 128 A.D.3d 1064, 1065, 10 N.Y.S.3d 302, 304 (2d Dep't 2015).

d) The Requested Area Variances Will Not Adversely Impact the
Physical or Environmental Conditions of the Neighborhood.

The proposed variances relating to parking and loading will not have any adverse impact on the physical or environmental conditions of the neighborhood. As discussed in Section (E)(2)(b) above, the proposed expansion of the self-storage facility will result in numerous substantial environmental and physical benefits with respect to traffic and parking in the immediate neighborhood. Comparatively, keeping the existing uses on the Property will have greater physical impacts with respect to traffic and requires more parking and loading spaces than without the variances.

e) Whether the Hardship is Self-Created is Not Determinative

See the response to (F)(1)(e) above.

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Members of the Zoning Board of Appeals
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3. The Requested Variances Are The Minimum Variances Necessary To Achieve
The Required Benefit

The proposed variances are the minimum necessary to achieve the benefit of allowing the expansion of the MSS facility. The Applicant has considered and evaluated the required number of self-storage units that are necessary for the self-storage facility use to remain an enduring, viable use long into the future. In fact, most self-storage facilities are significantly larger than what is being proposed in the instant application and MSS is currently turning away customers. The proposed expansion will also be the perfect size compliment to the existing building.

East Coast does not view the current contractor and office uses on the Property to be viable long-term uses given the dilapidated nature of the existing buildings and lack of consistent clientele for these uses. Moreover, in the 18 years that MBC has been in business, the model for general contracting has changed. There is no need for storing heavy equipment and job trailers which can be rented as needed. There is also no need to employ in-house plumbers, electricians, roofers, painters, etc..., when all these trades are subcontracted as needed. Instead, East Coast has determined that most beneficial use of the Property that will have the fewest impacts on the neighborhood, is the proposed expanded self-storage facility use. The variances that have been requested are the minimum necessary to achieve the goal of creating a self-storage facility that can operate as a viable business, while at the same time minimizing the impacts on the neighborhood.

East Coast welcomes the ZBA to tour the existing facility to see for yourself that the existing buildings and uses have far outlived their initial purpose and value and are not worth renovating in their current configuration and that the proposed expansion of the self-storage facility is an appropriate and beneficial use of the Property.

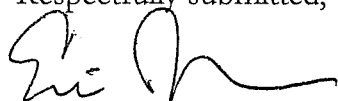
G. Conclusion

At the present time, the Applicant is requesting that the ZBA consent to the Planning Board acting as Lead Agency so that it can move forward with the SEQRA process. We look forward to discussing this issue and the enclosed application with the ZBA at its meeting on July 12, 2018.

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Thank you for your consideration.

Respectfully submitted,



Eric L. Gordon

ELG/
Encls.

cc: Anna L. Georgiou, Esq. (via email)
Lester Steinman, Esq. (via email)
Kim Martelli, Principal KTM Architect, NCARB (via email)
Michael F. Stein, P.E., Hudson Engineering & Consulting, P.C. (via email)
LLC (via email)
Chris Murphy (via email)
Sean Murphy (via email)
Michael Murphy (via email)

EXHIBIT A



October 17, 2012

Agostino Fusco, Clerk/Treasurer
Village Hall at the Regatta
123 Mamaroneck Ave, PO Box 369
Mamaroneck NY 10543

RE: SEQR Review for Murphy Bros-Redevelopment, 4 Story Self Storage
Village of Mamaroneck, Westchester County

CH # 4282

Dear Mr. Fusco:

Based upon our review of your inquiry received October 15, we offer the following comments:

In the future, please submit a location map with your request.

PROTECTION OF WATERS

☒ There are no waterbodies that appear on our regulatory maps at the location/project site you identified

FRESHWATER WETLANDS

☒ Your project/site is not within a New York State protected Freshwater Wetland.

STATE-LISTED SPECIES

☒ No records of sensitive resources were identified by this review.

CULTURAL RESOURCES

We have reviewed the state wide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://nysparks.state.ny.us/>.

OTHER

Please note that this letter only addresses the requirements for the following permits from the Department:

☒ Protection of Waters **☒** Master Habitat Databank **☒** Freshwater Wetlands

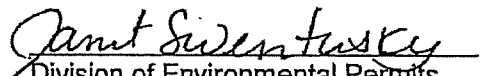
Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

-OVER PLEASE -

RE: _____ Date: _____

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,


Division of Environmental Permits
Region 3, Telephone No. 845-256-3162

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a SPDES Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed.

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>. If this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. For Stormwater Questions, call Natalie Browne at 914-428-2505 x 354.

EXHIBIT B

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number Murphy Brothers - 416 Waverly Avenue

Date: January 30, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Mamaroneck Planning Board as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

416 Waverly Avenue - Murphy Brothers Self-Storage Facility

SEQR Status:

Type 1

☐

Unlisted

☒**Conditioned Negative Declaration:**☐

Yes

☒

No

Description of Action:

The proposed action is for a 4-story, 40,620 square foot self-storage facility on a 44,156 square foot site at the northeast corner of Fenimore Road and Waverly Avenue in the industrial section of the Village of Mamaroneck.

The applicant's proposal maintains four buildings on site: the Barn and Front Building situated on Fenimore Road, the Side Building along the southern boundary and the 2 story MBC Office in the middle of the property. The remaining building along Waverly Avenue will be taken down and a new 4-story, 45 foot self storage facility will be constructed on 1/3 of the property at its western end. This new construction with a footprint of 9,660 square feet will front on Waverly Avenue. The two existing curb cuts on Fenimore Road will remain. The existing curb cut on Waverly will also remain in addition to a new curb cut to service the self storage facility. The existing Waverly Avenue curb cut will be reconfigured to align with the existing parking driveway aisle. On-site circulation has been reconfigured to provide a smoother transition between the new building and the remainder of the site. The project includes rain gardens and significant landscaping and streetscape along Waverly Avenue. The project also provides a change in parking along Waverly Avenue from head in to parallel parking. The new self-storage facility will be constructed 2 feet above the base flood elevation. A stormwater management plan, which has been reviewed by the Village consulting Engineer, has been developed to accommodate the new construction.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

416 Waverly Avenue, Village of Mamaroneck, Westchester County, New York

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number Murphy Brothers - 416 Waverly Avenue

Date: January 30, 2013

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The Village of Mamaroneck Planning Board as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

416 Waverly Avenue - Murphy Brothers Self-Storage Facility

SEQR Status:

Type 1

☐

Unlisted

☒

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action:

The proposed action is for a 4-story, 40,620 square foot self-storage facility on a 44,156 square foot site at the northeast corner of Fenimore Road and Waverly Avenue in the industrial section of the Village of Mamaroneck.

The applicant's proposal maintains four buildings on site: the Barn and Front Building situated on Fenimore Road, the Side Building along the southern boundary and the 2 story MBC Office in the middle of the property. The remaining building along Waverly Avenue will be taken down and a new 4-story, 45 foot self storage facility will be constructed on 1/3 of the property at its western end. This new construction with a footprint of 9,660 square feet will front on Waverly Avenue. The two existing curb cuts on Fenimore Road will remain. The existing curb cut on Waverly will also remain in addition to a new curb cut to service the self storage facility. The existing Waverly Avenue curb cut will be reconfigured to align with the existing parking driveway aisle. On-site circulation has been reconfigured to provide a smoother transition between the new building and the remainder of the site. The project includes rain gardens and significant landscaping and streetscape along Waverly Avenue. The project also provides a change in parking along Waverly Avenue from head in to parallel parking. The new self-storage facility will be constructed 2 feet above the base flood elevation. A stormwater management plan, which has been reviewed by the Village consulting Engineer, has been developed to accommodate the new construction.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

416 Waverly Avenue, Village of Mamaroneck, Westchester County, New York

EXHIBIT C

AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MAMARONECK, HELD ON OCTOBER 3, 2013, THE FOLLOWING RESOLUTION WAS ADOPTED

APPLICATION NO. 9A-2013

Name: East Coast North Properties, LLC.
Premises: 416 Waverly Avenue a/k/a 560 Fenimore Road
District: M-1

Section 8, Block 111, Lots 29-42

RECEIVED
CLINTON'S OFFICE
2013 OCT -7 AM 9:24
VILLAGE OF MAMARONECK
NEW YORK

WHEREAS, East Coast North Properties, LLC. ("Applicant") has appealed to this Board for variances for redevelopment of their property situated at 416 Waverly Avenue ("Premises") from a determination dated March 18, 2013 made by the Building Inspector, and

WHEREAS, said determination dated March 18, 2013 denied the Applicant's request for a building permit to construct a new four-story, 40,620 square foot self-storage facility at the Premises which includes existing and other proposed site improvements, where the proposed site plan violates:

- Article VI, Section 342-38 of the Schedule of Minimum Requirements where the Applicant proposes a Floor Area Ratio of 1.34 where no more than 1.0 is allowed and a new building of four stories where no more than three stories are allowed.
- Article VIII, Section 342-57 of the Schedule of Off-Street Loading Requirements where the applicant proposes zero loading spaces and five loading spaces are required.
- Article VIII, Section 342-56 of the Schedule of Off-Street Parking Requirements where the Applicant proposes 52 parking spaces and 89 parking spaces are required; and

WHEREAS, the Applicant has applied to the Planning Board for approval of a site plan for the Premises that includes existing buildings and improvements and a new four-story building with a footprint of approximately 9,600 square feet and with a total floor area of 40,620 square feet ("Project"); and

WHEREAS, after circulating its intent to be Lead Agency to involved agencies and having received no objection within thirty days, the Planning Board declared Lead Agency pursuant to SEQRA and thereafter issued a Negative Declaration on January 23, 2013 finding no significant adverse environmental impacts for the action; and

WHEREAS, after due notice this Board held a public hearing on such application on May 2, 2013 and thereafter upon request of the Applicant adjourned the public hearing until July 23, 2013; and

WHEREAS, the Applicant was represented by attorney Paul Noto, architect Kimberly Martelli and engineers Michael Stein and Brian Dempsey at the public hearing who offered testimony and written submissions; and

WHEREAS, a neighboring property owner appeared at the hearing and offered testimony opposing the Project; and

WHEREAS, at the July 23, 2013 meeting, the Applicant and its representatives presented an amended site plan for the Project reflecting revised parking calculations and an increased setback from two feet to four feet for the proposed new construction on Waverly Avenue; and

WHEREAS, the public hearing was closed on July 23, 2013 and at its next regularly scheduled meeting on September 12, 2013 this Board deliberated but did not issue a determination and adjourned the matter until October 3, 2013; and

WHEREAS, since the next regularly scheduled meeting would not take place within 62 days after close of the public hearing, the Applicant consented to extend the time period for the Board to render its decision to avoid a default denial under Village Law §7-712a(8) and (13); and

WHEREAS, after duly considering all the proofs and evidence before it, this Board finds as follows:

1. This Board has engaged in a balancing test of several factors, which are set forth herein below, and upon weighing and balancing the competing interests, has made a determination to grant the variances requested.
2. On a balancing of all the credible evidence, the Board finds:
 - (a) There will not be an undesirable change produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the variances;
 - (b) The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant;
 - (c) The requested parking and FAR variances are substantial. However, the Applicant demonstrated that the proposed parking is satisfactory for the use. The Board notes that although a variance is required for number of stories, the proposed building does not exceed height requirements;
 - (d) The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Applicant demonstrated the proposed self-storage facility and proposed site improvements will result in fewer traffic impacts as compared with the current use(s) of the Premises and that the proposed parking is sufficient. The Applicant also

demonstrated the Project will incorporate design elements that will improve site aesthetics including new landscaping, numerous plantings and the use of rain gardens;

- (e) The alleged difficulty is self-created, but is not of such a nature as to require denial; and it was determined that the benefit to the Applicant outweighs any detriment, as outlined above, including any detriment to the health, safety or welfare of the community or the neighborhood.

3. The variances to be granted are the minimum variances necessary and adequate to provide the relief requested for the Applicant, and, at the same time, to preserve and protect the character of the neighborhood.

4. The Applicant is entitled to the variances requested.

NOW THEREFORE, on motion of Mr. Weprin, seconded by Mr. Sullivan:

BE IT RESOLVED, in accordance with the vote of this Board taken on October 3, 2013, that the request for variances is hereby granted, subject to the following conditions:

A. That any work done hereunder shall be in strict compliance with the plans as filed with this application, except as may be expressly modified by the conditions herein or as approved by the Building Inspector.

B. That the granting of this application shall not be deemed to relieve the Applicant of the need to obtain approval of any other board or agency or officer prescribed by law or ordinance with regard to the plans or construction or any other phase of the project.

C. That the Applicant shall procure a building permit from the Building Department within one (1) year where necessary to comply with federal, state, or local codes, laws, regulations or requirements and all work shall be completed within one (1) year from the date of the building permit, otherwise this application is denied; and any request for extending the time within which to obtain said building permit shall be filed no less than sixty (60) days prior to the expiration of the one (1) year period.

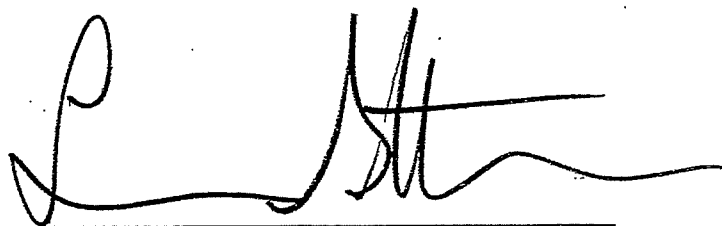
D. That the failure to observe and perform these conditions shall render this resolution invalid.

In Favor: Gutterman, Weprin, Sullivan

Opposed: Kramer

Absent: Neufeld

Dated: October 3, 2013
Mamaroneck, N.Y.

A large, stylized handwritten signature in black ink, featuring a prominent loop on the left and a series of vertical strokes on the right.

Chairman

A handwritten signature in black ink, appearing to read 'Robt. O. Kim' with a stylized flourish at the end.

Secretary

EXHIBIT D

EXTRACT OF MINUTES OF A REGULAR MEETING OF THE HARBOR AND COASTAL ZONE
MANAGEMENT COMMISSION OF THE VILLAGE OF MAMARONECK HELD ON NOVEMBER 20, 2013
AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

**HARBOR & COASTAL ZONE MANAGEMENT COMMISSION
CONSISTENCY RESOLUTION**

East Coast North Properties, LLC, 416 Waverly Avenue

WHEREAS, the East Coast North Properties, LLC ("Applicant") applied to the Planning Board for approval of a site plan for 416 Waverly Avenue that includes existing buildings and improvements and a new four-story building with a footprint of approximately 9,600 square feet and with a total floor area of approximately 40,620 square feet ("Project"); and

WHEREAS, after circulating its intent to be Lead Agency to involved agencies and having received no objection within thirty days, the Planning Board declared Lead Agency pursuant to SEQRA and thereafter issued a Negative Declaration on January 23, 2013 finding no significant adverse environmental impacts for the action; and

WHEREAS, on October 3, 2013, the Zoning Board of Appeals approved certain area variances associated with the Project; and

WHEREAS, the Commission has reviewed the Project for the purpose of determining consistency with the Village of Mamaroneck's Local Waterfront Revitalization Program ("LWRP").

On motion of Mr. Bilotta, seconded by Mr. Glattstein:

NOW, THEREFORE BE IT RESOLVED that the Commission has completed its review and evaluation of said Project, including the Coastal Assessment Form submitted, and after conferring with its consultants has determined that the Project is consistent, to the maximum extent practicable, with policies of the LWRP and the Project will not substantially hinder the achievement of any of the policies set forth in the LWRP.

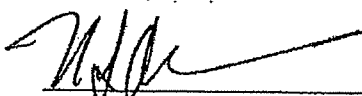
The motion passes:

Ayes: Mr. Bilotta, Mr. Allison, Ms. Pernick, Mr. Glattstein, Ms. Goldstein, Mr. Neuringer,
Mr. LaFollette

Nays: None

Abstain: None

Absent: None



Nicholas Allison, HCZM Chair

EXHIBIT E

VILLAGE OF MAMARONECK PLANNING BOARD
(Adopted February 12, 2014)

RE: Murphy Brothers Self Storage Facility
416 Waverly Avenue
Resolution of Site Plan Approval

After due discussion and deliberation, on motion by Mr. Sterk, seconded by Mr. Sjunnemark and carried, the following resolution was adopted:

WHEREAS, on October 10, 2012, East Coast North Properties, LLC, the Applicant, (all references to which shall include and be binding upon the Applicants' successors and/or assigns) submitted to the Village of Mamaroneck Planning Board ("Planning Board") an Application with accompanying documentation seeking a site plan to redevelop a portion of their property to construct a four-story self-storage facility ("Application"); and

WHEREAS, the Applicants' property is located at 416 Waverly Avenue ("Property"), situated within the M-1 Manufacturing District; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the site plan will conform to the requirements of the Village Code; and

WHEREAS, the Planning Board has carefully reviewed the application and considered comments from the Village Planner in memorandums dated October 9, 2012, December 11, 2012, and January 22, 2013 as well as an update memorandum to the ZBA dated August 8, 2013, from the Village Consulting Engineer in memorandums dated October 4, 2012, November 12, 2012 and January 18, 2013 and from the Village Landscape Consultant in memorandums dated October 10, 2012, December 7, 2012, January 18, 2013, January 8, 2014 and January 10, 2014, as well as from the public. The Village Engineer has evaluated and approved the Applicant's SWPPP and verbally provided information to the Planning Board at its public meetings on the Application; and

WHEREAS, the Planning Board has requested and reviewed additional submissions from the Applicant regarding traffic circulation on-site, alternate designs, reduction in curb cut widths, and increased setback from Waverly Avenue. The Planning Board also reviewed Applicants' Comparative Environmental Analysis between former and current proposals (dated December 12, 2012) and has reviewed the following set of plans dated September 25, 2012 and revised January 22, 2014, a Long-Form Environmental Assessment Form ("EAF") and a Coastal Assessment Form ("CAF") dated August 24, 2012 prepared by KTM Architects and SWPPP (dated January, 2013) prepared by HEC, Hudson Engineering and Consulting, prepared July 25, 2012 and revised January 14, 2014 as submitted by the Applicant which form a part of the Application:

1. Drawing T-1- "Site Occupancy and Traffic Plan."
2. Drawing A-101 - " Site Data and Schematic Design. "
3. Drawing A-201 - "Exterior Elevations. "
4. Drawing A-202 - "Streetscape Elevations."
5. Drawing C-1- "Stormwater Management Plan."
6. Drawing C-2 - "Details."

WHEREAS, duly advertised public meetings on the application were held on October 10, 2012,

November 14, 2012, December 12, 2012, January 9, 2013, January 23, 2013, January 8, 2014 and January 22, 2014 at which the opportunity for public comment was offered to all interested parties; and

WHEREAS, the Planning Board determined that the Project was an unlisted action under SEQRA on and directed issuance of a Notice of Intent to be Lead Agency on October 10, 2012, assumed Lead Agency status at its meeting on November 14, 2012, received a referral letter from Westchester County Planning Department with a positive recommendation on November 27, 2012 and issued a Negative Declaration for the proposed unlisted action on January 23, 2013; and

WHEREAS, the Zoning Board of Appeals heard Applicants' request on May 2, 2013 and July 23, 2013 for variances for FAR and number of stories (under 342-38), loading spaces (under 342-57), and off-street parking (under 342-56) related to the Project and after hearing testimony, and reviewing additional Applicants' studies, approved said variances on October 3, 2013; and

WHEREAS, the Harbor and Coastal Zone Commission (HCZM) determined on November 20, 2013, that the Project is consistent with the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 240 of the Village Code; and

Whereas, the Planning Board has completed its review and evaluation of the site plan application and has fully considered the factors set forth in Village Code and determined that such standards and criteria have been satisfied:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:


1. The Planning Board hereby grants site plan approval for the construction of the new four-story self-storage facility for property located at 416 Waverly Avenue, subject to the following conditions:

(a) The Applicants shall pay all outstanding consultant review fees in connection with the Planning Board review of this Application.

2. When the above conditions have been satisfied, three (3) sets of the above-referenced plans illustrating the approved conditions shall be submitted for the endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicants, and one (1) set each will be provided to the Village Building Inspector and to the Planning Board Secretary. Prior to issuance of a certificate of occupancy, the Building Department will verify that the "as built" conditions conform to the final approved site plan.

VOTE: Ayes: Wexler, Sjunnemark, and Sterk
Nays: None
Abstain: Ianniello
Absent: Mendes

PLANNING BOARD
Village of Mamaroneck


Michael Ianniello, Chairman

Date: February 12, 2014

EXHIBIT F

State Environmental Quality Review
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS
Determination of Significance

Project Number**Date** March 4, 2010

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Mamaroneck Zoning Board of Appeals as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action:

Waverly Avenue Self-Storage Facility

SEQR Status: Type 1 ☒
Unlisted ☐

Scoping: No ☐ Yes ☒ If yes, indicate how scoping will be conducted:

The applicant is requested to submit a draft scope, pursuant to Part 617.8 (d) of the State Environmental Quality Review Act, within 30 days. The lead agency will circulate copies to the Village Planning Board and other involved and interested agencies, as appropriate, and public input will be received by mail and at a public hearing to be scheduled within 30 days of the receipt of the draft scope.

Description of Action:

The proposed action is the construction of an 88,400-square-foot, four-story building containing a approximately 82,000-square-foot, 578-unit self-storage facility and a 6,400-square-foot cabinet-making shop, with 29 on-site parking spaces on a 1.014-acre site. The proposed self-storage/cabinet-making facility would be constructed on a site currently housing several industrial buildings. The proposed building would have a footprint of about 22,100 square feet, and would be located along the southern side of the property. A total of 29 surface parking spaces are proposed, primarily along the Waverly Avenue portion of the site, and two loading areas are proposed. The action would require several variances from the Village Zoning Board of Appeals, site plan approval and a floodplain development permit from the Village Planning Board, consistency review by the Village Harbor and Coastal Zone Management Commission, review by the Village Board of Architectural Review and a curb cut permit from the Village Department of Public Works.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

416 Waverly Avenue, Village of Mamaroneck, Westchester County

Reasons Supporting This Determination:

The proposed action, a Type I action, would result in one of the largest buildings in the Village of Mamaroneck, and materials provided by the applicant describe the proposed building as "an imposing structure" that could "be easily marketed to area residents, businesses, and professionals." The location is on a major road providing access to neighboring communities, an interstate highway and parkway, Boston Post Road and intersecting streets providing access to the village center. The property is in a floodplain, and flooding of the site has directly impacted at least one of the buildings on the property, which is cited by the applicant as a primary reason for the proposed action.

The project has the potential to result in significant impacts to drainage/flooding at the site and others in the vicinity, due to its location within a floodplain and history of flooding events. Significant impacts to traffic and circulation are also possible, due to the alteration in the patterns of movement of people and goods, particularly if a large portion of the self-storage users are commercial enterprises with need to access the facility on a regular and ongoing basis. Other potential significant impacts involve the potential change to the land use and character of the surrounding area stemming from the introduction of a large building at a major village intersection and the necessity of granting variances which could set precedent for future actions in the area; short-term construction-related impacts; and potential growth-inducing impacts.

For Further Information:

Contact Person: David S.J. Neufeld, Chairman, Village of Mamaroneck Zoning Board of Appeals

Address: Neufeld & O'Leary, 230 Park Avenue, New York, NY 10169

Telephone Number: 212-986-0999

A copy of this notice must be sent to:

Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-1750

Chief Executive Officer, Town/City/Village of

Any person requesting a copy

All Involved agencies

Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, NY 12233-1750