

IV. A. – LAND USE, ZONING & COMMUNITY PLANS

INTRODUCTION

This section of the DEIS evaluates the potential impacts of the Proposed Action on existing patterns of land use in and around the Project Site. This section also compares the Proposed Action to the recommendations for the Site and surrounding area as set forth in the Village of Mamaroneck Comprehensive Plan, and other long-range comprehensive plans. The Proposed Action's consistency with the existing M-1 zoning regulations will also be evaluated.

1.) EXISTING CONDITIONS

(a.) Generalized Land Use

The Village of Mamaroneck supports a diverse pattern of land use. While residential uses occupy nearly 50% of the Village's land area, a vibrant downtown central business district located along Mamaroneck Avenue and a commercial corridor along the Boston Post Road provide land use diversity. The Village also contains a significant industrial area to the southwest corner in an area known as "The Flats." The Project Site lies within the Village's "Industrial Area" as defined in the 2012 Comprehensive Plan. As illustrated on Figure IV.A -1, the site and the majority of the parcels immediately surrounding the Site are classified as "Manufacturing, Industrial and Warehousing." Figure IV.A – 2 depicts the land use pattern within ¼ of the Site, which clearly demonstrates that the Project Site lies in the heart of the Industrial Area. The Metro North, New Haven Line serves to distinctly define the eastern edge of the Industrial Area from the residential neighborhoods to the east. The traditional industrial character of the Industrial Area has been evolving for many years, and today includes a fairly broad array of industrial, commercial and non-residential uses.

(b.) On-Site Land Uses:

The Project Site currently supports 5 buildings. The south side of the Site supports the 4-story, 40,492 square foot Mamaroneck Self Storage facility. The north side of the Site is characteristic of the balance of Waverly Avenue, and supports a group of one and two-story, ageing warehouse buildings. As illustrated on Figure II-5, Building C is a 2-story 2,985 square foot concrete block building located in the center of the site, which houses the Murphy Brothers Contracting office and warehouse space. Along the eastern edge of the central portion of the Site is the remnant of the former lumber yard's storage racks and a 2-story, 1,734 square foot concrete block building (Building D) which houses an auto glass business. Building A is located in the northeast corner of the Site, and is an 8,322 square foot, 2-story wood frame "barn" that supports a holiday storage facility, an electrician's office and storage and Murphy Brothers Contracting storage. In the northwest corner of the Site, adjacent to the Waverly Avenue/Fenimore Road intersection is Building B - a 1 ½ story to 2-story, 2,485 square foot stucco building that contains the Murphy Brothers Storefront and Murphy Brothers Contractors office and warehouse space.

(c.) Neighboring Land Uses:

The uses immediately adjacent to the Project Site are characteristic of the Industrial Area. As a corner lot, the Site is bounded by Waverly Avenue to the west, Fenimore Road to the north, and a CSX railroad spur to the east. Across the street to the north at 545 Fenimore Road, is a one-story, 4,500 square foot office building. Moving to the east at 525 Fenimore Road is a two-story, 7,138 office building. Located to the east, across the CXS railroad spur, is a one-story, 16,000 square foot warehouse building. To the west of the project Site, across Waverly Avenue is a one-story light industrial building. Moving south on Waverly the next building is a 2 ½ story, multi-family apartment building, containing 4 dwelling units. The next building to the south is a one-story, 6,050 square foot industrial building that supports the Hudson Valley Baking Company. The last building across from the southern end of the Site is 427 Waverly Avenue, a one-story, 980 square foot building that supports

C&S Foreign & Domestic Car Service. Finally, directly south of the Project Site is a one-story, 7,988 square foot building housing Wish Auto and National Photo Color Corp.

(d.) **Industrial Uses Within ¼ Mile of the Site:**

A variety of typical light industrial uses are located within ¼ mile of the Project Site. By far, the most predominate uses are auto body shops and auto dealer storage lots. Other uses in the area consist of contractor and building supply lots, lawn, landscape design (Blondies Treehouse located in the old Gutta-Percha Rubber factory) and tree care business, home remodeling businesses, printers and sign companies, athletic and fitness facilities including Westchester Squash, Westchester Judo Club and a UFC Gym, the Optimum facility, as well as the Village’s Recycling Center and Department of Public Works.

(e.) **Development Trends and Approval Activity:**

No significant recent development activity has taken place in the M-1 district. An application for a new office building has been submitted for 526 Fayette Avenue¹.

Development activity has occurred in proximity to the M-1 District, primarily within the C-1 District; including The Mason (270 Waverly), Decadent Ales (139 Hoyt), Grand Street Lofts (690 Mamaroneck Avenue), Aquatots Swim School (120 Madison) and Mamaroneck Center (805 Mamaroneck Avenue).

It is anticipated that once adopted, The **MAKERMaker Zone**² (see section (h.) below) will facilitate additional development in the Industrial Area.

(f.) **Existing M-1 Zoning:**

The M-1 – Manufacturing District is located in an area of the Village known as “The Flats” and extends from Rockland Avenue in the south, to Plaza Avenue in the north, and from then Metro North New Haven railroad line in the east to the New England Thruway in the west.

The following uses are permitted in the M-1 District:

Principal Uses:

- Manufacturing, assembling, converting, altering, finishing, cleaning or other processing and incidental storage of products and materials, provided that only gas, oil or electricity is used as a fuel, except as permitted by the Building Inspector upon his finding that such other heating installation is expected to be free of nuisance characteristics and will have no adverse effect on neighboring uses.
- Wholesaling, storage and warehousing, but not the storage or housing of livestock or other animals, junk, scrap, paper, rags or any similar materials, gasoline, fuel oil, fuel gas and kerosene, except incident to and in amounts not exceeding those customarily required for a motor vehicle filling station.
- Printing and publishing
- Off-street parking lots or garages
- Business, professional or governmental offices and banks
- Research laboratories
- Any municipal uses of the Village of Mamaroneck
- Transformer stations and customary accessory uses
- Retail uses, including restaurants within 150 feet of the center line of Fenimore Road

Accessory Uses:

- Off-street parking and loading and signs as permitted by the Village Sign Ordinance
- Fences, walls or retaining walls

¹ According to Greg Cutler, Village Planner.

² Information concerning the **MAKER Zone** is can be found in the **MAKER Zone Vision Plan, 2016** and **Industrial Area Rezoning Project, 2019**, available on the Village of Mamaroneck Website.

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- Underground motor-fuel storage tanks, accessory to permitted principal uses
- Retail uses, including restaurants

Special Permit Uses:

- Home improvement design centers
- Indoor recreation facilities
- Art and film studios and dance and music instruction
- Adult uses
- Motor vehicle filling/service stations, public garages and motor vehicle repair/body shops

These uses are governed by the following dimensional, height and bulk regulations, as set forth in the Schedule of Minimum Requirements for Non-Residential Districts, §342, Attachment 3 of the Zoning Code.

Table IV.A-1 M-1 Manufacturing District – Dimensional Regulations							
Minimum Lot Area	Minimum Lot Width/ Frontage	Maximum Building Coverage	Maximum F.A.R.	Maximum Height	Front Yard	Side Yard	Rear Yard
10,000 sqft	50'	50%	1.0	3 stories 45'	None ⁽³⁾	None	None

(3) – Footnote 3 in §342, Attachment 3 reads: “In the case of corner lots, the Planning Board shall establish reasonable setbacks from the street under the provisions of §342-79. A minimum front yard of 10 feet shall be maintained along Fenimore Road.”

(g.) **Existing Variances Land Use Approvals:**

In October of 2012, the Applicant submitted an application to construct the existing Mamaroneck Self Storage facility. The Planning Board reviewed the application and held public hearings on October 10, 2012, November 14, 2012, December 12, 2012, January 9, 2013, January 8, 2014 and January 22, 2014. The Planning Board classified the project as an Unlisted Action under SEQRA and assumed Lead Agency status on November 14, 2012. On January 30, 2013, the Planning Board, serving as Lead Agency, adopted a Negative Declaration finding that the project would not result in any significant adverse impacts.

On October 3, 2013, after a number of public hearings, the Zoning Board of Appeals granted the following variances without special conditions, to allow for the construction of the existing Mamaroneck Self Storage facility:

- Article VI, Section 342-38 – Schedule of Minimum Requirements – Floor Area Ratio of 1.0 permitted, 1.34 proposed – **variance granted.**
- Article VI, Section 342-38 – Schedule of Minimum Requirements – Number of stories, 3 permitted, 4 proposed – **variance granted.**
- Article VIII, Section 342-57 – Schedule of Off-Street Loading Requirements – Loading spaces, 5 required, 0 proposed – **variance granted.**
- Article VIII, Section 342-56 – Schedule of Off-Street Parking Requirements – Parking spaces, 89 required, 52 proposed – **variance granted.**

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On November 20, 2013, the Village of Mamaroneck Harbor & Coastal Zone Management Commission adopted a finding that the proposed project was consistent with the policies of the Local waterfront Revitalization Plan. The Planning Board granted site plan approval on February 12, 2014.

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(h.) Existing Zoning Compliance:

The Project Site currently supports 5 buildings. The south side of the Site supports the 4-story, 40,620 square foot Mamaroneck Self Storage facility, along with an adjacent 25 space off-street parking area. This portion of the Project Site operates in conformance to the variances noted above issued in 2013.

The balance of the Project Site supports a group of aging one and two-story warehouse buildings. Table IV.A-2 documents current zoning compliance. All of the non-compliant conditions exist as pre-existing legal non-conformities.

Zoning Provision	Required	Existing
Minimum Lot Area	10,000 sqft	44,156 sqft
Minimum Lot Width & Frontage	50'	134'
Building Coverage	22,078 sqft 50%	20,891 sqft 45%
Maximum F.A.R.	1.0	1.2
Maximum Gross Floor Area	44,146 sqft	41,653 sqft
Impervious Surface Coverage	N/A (Area) N/A (%)	41,653 sqft 94.3%
Maximum Building Height	3 Stories 45'	4 Stories 45'
Minimum Front Yard (Waverly)	Estab. By Planning Bd.	0'
Minimum Front Yard (Fenimore)	10'	0'
Minimum Side Yard	None	2'
Minimum Rear Yard	None	3'
Off-Street Parking	137	25
Off-Street Loading	8	0

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A cursory review of adjacent properties indicates that zoning non-conformities are not uncommon in the vicinity of the Project Site, most notably relating to off-street parking and loading.

(h)(1.) Proposed MAKERaker Zone Overlay District:

The purpose of the proposed MAKERaker Zone Overlay District (MZOD) (Figure IV.A-3) is to create incentives to grow the "maker" economy in Mamaroneck while enhancing the industrial uses that currently exist within the area. The maker economy is characterized by creation, learning, collaboration, and a vibrant public life. The new uses and related provisions in the proposed MZOD will serve as an economic engine for jobs, diversify the existing business environment, increase tax revenue, and promote environmentally-sensitive development. The MZOD is based upon recommendations from nearly five years of research conducted by Village staff, the Industrial Area Land Use Subcommittee (IAC), and two teams of consultants, with full participation and guidance from the public.

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The MAKERaker Zone is proposed as an overlay district, meaning all of the existing uses permitted in the M-1 district remain intact, and an array of new uses are also allowed; including the following:

Principal Uses:

- Maker space and small-scale production
 - [1] Maker spaces
 - [2] Fabrication labs

- [3] Micro-alcohol establishments
- [4] Kitchen incubators
- Innovative office environments
 - [1] Co-working spaces
 - [2] Business incubators
 - [3] Innovation offices
- Education uses
 - [1] STEM education programs
 - [2] Workforce development programs
 - [3] Satellite campuses
- Arts uses
 - [1] Work-only artist studio
 - [2] Work/live artist studio
 - [3] Art galleries
 - [4] Music and dance studios and schools
 - [5] Theaters and performance spaces
- Retail uses (<10,000 sqft)
- Food service establishments (<5,000 sqft)
- Outdoor dining (<500 sqft)
- Indoor recreation facilities (<40,000 sqft)
- Flex space

Accessory Uses:

- Tasting room
- Public art

Special Permit Uses:

- Art uses
- Public life
- Indoor recreation facilities (>40,000 sqft)
- Pet day care facilities
- Retail use (>10,000 sqft)
- Food service establishment (>5,000 sqft)
- Outdoor dining (>500 sqft)

The following dimensional regulations have been established for the proposed **MAKER** Zone:

Table IV.A-2 MAKERmaker Zone – Dimensional Regulations							
Minimum Lot Area	Minimum Lot Width/ Frontage	Maximum Building Coverage	Maximum F.A.R.	Maximum Height	Front Yard	Side Yard	Rear Yard
10,000 sqft	50'	50% ⁽¹³⁾	1.0 ⁽¹⁴⁾	45' above base flood elevation	None ⁽¹⁵⁾	None	None

The following footnotes to §342, Attachment 3 as associated with the **MAKERmaker** Zone:

13 – May be increased to a maximum of 75%, if required criteria is met and the Planning Board grants the bonus.

14 - May be increased to a maximum of 1.5, if required criteria is met and the Planning Board grants the bonus.

15 – 10' minimum front yard for Fenimore Road. 10' maximum front yard for Waverly Avenue, may be waived, if required criteria is met and the Planning Board grants the bonus.

The **MAKER** Zone also includes new off-street parking requirements for the uses described above.

(i.)(j.) Land Use Plans & Policies:

1. Village of Mamaroneck Comprehensive Plan (2012)

In 2012, the Village of Mamaroneck Comprehensive Plan was adopted, replacing the previous Master Plan adopted in 1985. Section 1.4 of the Comprehensive Plan sets forth a series of overall Goals and Objectives, one of which reads:

“Make better use of industrial areas but exercise care in relation to adjacent residential areas.”

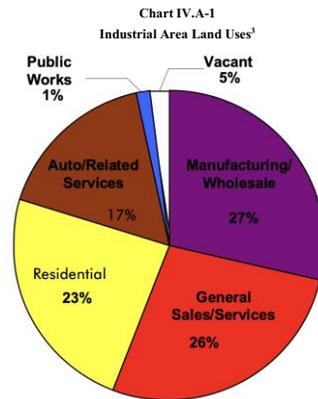
The Committee charged with overseeing the preparation of the Comprehensive Plan indicated that:

“... the industrial area warrants further study with an emphasis on understanding whether it remains a viable manufacturing district and what economic benefits are conferred to the Village.”

The Comprehensive Plan addressed the Industrial Area in significant detail, in part due to the finding in Section 5.4 that:

“Industry, including manufacturing and transportation and warehousing , has been declining in the Northeast and the U.S. as a whole since the end of World War II, and this trend is expected to continue for the foreseeable future.”

The Comprehensive Plan studied manufacturing trends, the labor force, streetscape and building conditions, flooding issues, and land use. Chart IV.A-1 presents the Industrial Area’s Land Use as recorded in the Comprehensive Plan.



The following specific Goals and Objectives were established for the Industrial Area:

Goals:

- Encourage industrial and office uses within the appropriate established zones and where negative environmental and community design impacts can be minimized.
- Encourage those commercial and industrial establishments which are compatible with existing Village uses and with Village development goals.

Objectives:

- Examine market demand for the Industrial Area.
- Review studies of M-1 district, integrating relevant elements into the Plan, and consider potential rezoning of portions of the district, including along Hoyt Avenue.
- Identify optimum uses for this district and improvements needed to provide for such uses.

The following recommendations for the Industrial Area established in the Comprehensive Plan:

Parking:

- Improve parking enforcement to eliminate double parking and storage of vehicles in the public right-of-way. This will aid the free flow of traffic including pedestrian and vehicular traffic through the district.
- Encourage private property owners to upgrade open parking lots and auto-related uses.
- Analyze industrial area for potential public parking sites for acquisition that would address parking shortages.
- Encourage private property owners to provide appropriate screening for all parking areas.

Auto-Related Uses:

³ Village of Mamaroneck Comprehensive Plan, 2012.

- Encourage the screening and buffering of unsightly auto-related uses.

Hi-Tech Business:

- Promote the industrial area for continued growth in new hi-tech businesses. This includes working with service providers to upgrade utilities such as power supply and cable services necessary for hi-tech businesses to flourish.

Waverly Avenue:

- Implement the streetscape improvements recommended in the 2004 study to Waverly Avenue. This includes sidewalk widening, elimination of multiple curb cuts, the addition of street trees and street lighting.

Truck Traffic:

- Review the industrial area in terms of physical constraints to truck access. Opportunities to improve street configurations and alter parking controls may provide better access for commercial truck traffic, especially on Waverly Avenue.

Residential Zoning:

- Review the suitability of rezoning a portion of Hoyt Avenue to residential use. This includes a number of commercial lots that were vacated after the spring 2007 floods. Hoyt Avenue has close proximity to the train station and the Village's downtown, similar to other recent high-density residential developments, including the Sweetwater apartment building on Bishop Avenue.

Economic Development:

- Create a salaried downtown coordinator position for the Village's retail and industrial area that would be funded by public and private money. Focus on retaining and attracting new businesses to these areas.

Flood Mitigation and Open Space:

- Develop strategies to acquire private lands adjacent to the Sheldrake River as part of the Village's open space network and for flood mitigation. See Chapter 6 for more detail on current plans to address flooding.

Utilities:

- Work with Con Ed and Verizon to improve utilities and power services to the entire Industrial Area.

2. Comprehensive Plan Update, First Draft October, 2019

This update fulfills the recommendation set forth in the 2012 Comprehensive Plan, to review the plan after 5 years to keep it dynamic and to reflect the evolving needs and values of the community. This effort also provides more focused attention on resiliency and environmental sustainability and residential neighborhood character.

The Plan consists of the following sections:

- A Framework for a Sustainable Village;
- Residential Neighborhood Character;
- Land Use & Development;
- Historic Preservation;
- Transportation Systems;

- Environmental Protection, Open Space & Resilience; and
- Municipal, Parks & Recreation and Cultural Facilities.

The draft Plan provides clearer and broader overall Village-wide goals and objectives, and addresses issues not fully covered in the 2012 Plan, such as sustainability and resiliency.

In evaluating the progress of implementing the 2012 Plan, the current draft Plan addresses the Industrial Area by recognizing the development of the Maker-Zone Vision Plan (2016) and the Industrial Area Rezoning Project (2019), and indicates that these initiatives would address the goals and objective for the Industrial Area. The draft Plan makes no other recommendations for the Industrial Area. The future land use plan for the Village as reflected on the Land Use Map (Figure IV.A-4) includes the Project Site within the “Manufacturing, Industrial, Warehouse” land use category.

3. Village of Mamaroneck Local Waterfront Revitalization Plan (Adopted)

The Village’s Local Waterfront Revitalization Plan (LWRP) adopted in 1984, provided a framework for the projection of the Village “Coastal Zone” – which was defined as the entire Village. As a result of this designation, properties far removed from the waterfront are regulated by the provisions of the LWRP.

Of the plans and policies set forth in the LWRP, none specifically apply to the Project Site or vicinity. Four policies have some degree of applicability to the Project Site, summarized as follows:

Policy 11 – Buildings sited in the Coastal Zone shall be sited to avoid flooding.

Policy 18 – Major actions shall be undertaken in the Coastal Zone only if they conform to State and national water quality standards.

Policy 23 – Best Management Practices shall be used to control runoff into coastal waters.

Policy 38 – Groundwater shall be protected.

The LWRP also designated the Site as a parcel in the Riverine Flood Hazard Area.

4. Village of Mamaroneck Local Waterfront Revitalization Plan (Draft)

The current draft LWRP is an update of the 1984 plan, and provides a more in-depth inventory of conditions within the Coastal Zone – which was re-confirmed to correspond to the entire Village - particularly regarding flooding conditions.

The draft LWRP also revisited the Policies section, which is summarized as follows:

Policy 1 – This policy was expanded to ensure that all development in the Coastal Zone will enhance existing uses, is compatible with the character of the area, will not overburden existing infrastructure and will enhance the economic base of the community.

Policy 5 – Establishes that redevelopment should occur only when public services and facilities are adequate.

Policy 11 – Requires that flood hazards be minimized, and now include standards to achieve this.

Policy 18 – Broadened the criteria to determine if the Coastal Zone is being protected to include land use, environmental and economic interests.

Policy 33 – Stormwater Best Management Practices have been clarified.

Policy 38 – The groundwater protection policy remains unchanged.

In this version of the LWRP, the Industrial Area is specifically identified, and its characteristics noted. The Proposed Projects, section d. “Continue to Implement Flood Mitigation Measures” references the 2016 USACOE “General Reevaluation Report” which addressed the 2007 flooding, and proposed various mitigation measures, not only along the Sound, but along the Mamaroneck and Sheldrake Rivers.

5. Waverly Avenue Design Study

The Waverly Avenue Design Study, prepared by Buckhurst Fish & Jacquemart and adopted in 2004, evaluated the streetscape conditions along Waverly Avenue from Concord Road on the south to Plaza Avenue in the north. The Study addressed land use, street edge conditions, signage, utilities, parking and urban design concerns. The Study included 5 goals for improving the streetscape; including:

- Eliminating privately stored cars along the public right-of-way and on individual property “front yards” unless they are part of a planned or approved parking lot.
- Providing clearly marked parallel parking spaces on both sides of the Avenue.
- Improving pedestrian access through the creation of sidewalks and curbing.
- Limiting the number of driveways onto Waverly Avenue. Where possible, each business should have a maximum of one driveway that opens directly onto Waverly Avenue. Supplemental driveways can be provided off of side streets where access is available.
- Improving the appearance of the street through tree planting, new lighting and other landscape treatment, ensuring coordination with the streetscape proposals for Fenimore Road.

6. Patterns for Westchester

In 1996, Westchester County adopted “*Patterns for Westchester: The Land and the People*” (Patterns). Patterns serves as a policy document designed to guide sustainable development that “balances economic and environmental concerns and serves the needs of a changing population.” Patterns offers a broader vision and context for local-level planning initiatives.

Mamaroneck is identified by Patterns as a “Local Center”, within a “Principal Corridor” (Figure IV.A-5).

7. Westchester 2025

In 2006, the Westchester County Planning Board began a review of the County’s planning policies in the context of the challenges currently facing the region. While the board found that Patterns continues to provide a solid foundation for the county’s development, new critical issues require specific acknowledgement and action. As a result, the County has created Westchester 2025, an Internet-based, interactive framework for a planning partnership between Westchester and its 45 municipalities. Westchester 2025 is intended to help create a single regional vision, and to assist the Westchester County Planning Board carry out its principal responsibilities of long-range planning, advising the County Executive and Legislature on capital spending and bringing the County’s perspective to bear on planning and zoning referrals from municipal governments.

While Westchester 2025 has not developed specific recommendations for the Village of Mamaroneck, its policies reflect the Village’s land use and development goals.

2.) FUTURE CONDITIONS WITHOUT THE PROPOSED ACTION

If the Proposed Acton is not developed, the Project Site would continue to operate as it operates today. The existing warehouse buildings would remain in place, accommodating various tenants. Murphy Brothers Contracting would continue to operate their businesses from

the Site and the self-storage building would continue to function as it does today. No improvements to the existing buildings would be undertaken, the site and streetscape would remain unchanged, and it is unlikely that the Community Solar project would be undertaken.

3.) ANTICIPATED IMPACTS

A. Zoning:

The Proposed Action involves of the development of an addition to the existing 4-story, 40,492 square foot self-storage building consisting of a 4-story, 56,328 square foot structure containing 321 additional storage units and 700 square feet of ancillary retail space.

Table IV.A-3 documents the Proposed Action’s zoning compliance.

Table IV.A-3 Zoning Compliance				
Zoning Provision	Required	Existing	Proposed	Variance
Minimum Lot Area	10,000 sqft	44,156 sqft	44,156 sqft	-
Minimum Lot Width & Frontage	50'	134'	134'	-
Building Coverage	22,078 sqft	20,891 sqft	25,834 sqft	3,756 sqft
	50%	45%	59%	9%
Maximum F.A.R.	1.0	1.34	2.43	1.43
Maximum Gross Floor Area	44,146 sqft	59,081 sqft	107,087 sqft	62,932 sqft
Impervious Surface Coverage	N/A (Area)	41,653 sqft	40,383 sqft	-
	N/A (%)	94.3%	91.5%	-
Maximum Building Height ^(Note 1)	3 Stories	4 Stories	4 Stories	1-Story
	45'	45'	45'	-
Minimum Front Yard (Waverly)	Note 2	0'	N/A	-
Minimum Front Yard (Fenimore) ^(Note 3)	10'	0.4'	0.4'	7' 8"
Minimum Side Yard	None	2'	2'	-
Minimum Rear Yard	None	3'	3'	-
Off-Street Parking	137	25	25	112
Off-Street Loading ^(Notes 4 & 5)	8	0	4	4

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Note 1 – HEIGHT BUILDING – The vertical distance to the highest level of the highest point of the roof if the roof is flat or mansard, or to the median level between the eaves and the highest point of the roof if the roof is of any other type, measured from the average level of the existing grade prior to construction adjacent to the exterior walls of the building.

Note 2 – In the case of corner lots, the Planning Board shall establish reasonable setbacks from the street under the provisions of §342-79.

Note 3 – Front yard setback from Fenimore Road is an existing non-conforming condition: the addition at Fenimore is proposed within the 10' setback.

Note 4 – Existing off-street parking associated with site buildings to remain shall not be reduced in accordance with §342-55, existing uses shall not be required to comply with current off-street parking requirements.

The building addition has been designed to match the physical characteristics of the existing self-storage building. However, the Proposed Action will require area variances for building coverage, F.A.R., impervious surface coverage, building height, front yard setback, off-street parking and off-street loading. As set forth in the 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.”

The Zoning Board must apply a five-part test when evaluating the variance request. An analysis of the five-part test demonstrates that the proposed expansion will not have an undesirable effect on the character of the neighborhood or an adverse impact on the physical and environmental conditions or otherwise result in an adverse impact to the health, safety and welfare of the community. Impacts related to the five-part test are addressed as follows:

1. 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:

In the Applicant’s opinion, the Proposed Action will not result in an undesirable change to the character of the neighborhood. The Site is located in the heart of the Village’s Industrial Area, within the M-1 Manufacturing Zone, which is the least restrictive zone in the Village. In large measure, the character of the neighborhood was notably improved when the existing self-storage building was constructed. It represents a well-designed, architecturally appropriate building that anchors the haphazardly situated, older industrial buildings in the area, some of which are in disrepair, including buildings on the Project Site. By eliminating the majority of the remaining industrial buildings on the Site, and accommodating the building expansion, which has been designed to seamlessly blend in with the existing self-storage building, the character of the area will be further improved. Furthermore, eliminating the existing businesses that currently occupy the balance of the Site, and constructing the expansion of the self-storage facility, is projected to reduce vehicle trip generation from the Site. In the Applicant’s opinion, the building addition will in no way result in any detriment to nearby properties, which support industrial operations. Once completed, the Proposed Action will serve to anchor the Waverly Avenue, Fenimore Road intersection, further enhancing the character of the surrounding area.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than the area variance.

The Applicant cannot achieve the benefits sought without the requested variances. A self-storage business must be of a sufficient size to ensure a viable business. While the existing facility is successful, adequately accommodating the market demand of the surrounding community in a well-planned and organized fashion, requires that the facility be physically expanded (rather than more intensively utilizing the existing building). Additionally, eliminating the warehouse and contractor businesses located on the balance of the Site and expanding the self-storage facility will assure the economic viability of the Site while simultaneously reducing detrimental impacts associated with current operations. In the Applicant’s opinion the parking and loading space code deficiencies are a simple reflection of the Zoning Codes failure to properly recognize that actual operational characteristics of a self-storage facility – where use and parking demands are extremely low. Constructing the required number of parking spaces would result in the creation of spaces that will never be used.

3. Whether the requested area variance is substantial.

It is the Applicant’s opinion that the majority of the dimensional variances relating to the proposed building extension, such as the additional floor, building and lot coverage and setback variances, are not substantial as they

do not significantly exceed what would otherwise be permitted. For example, the ZBA granted the floor variance for the existing building because the building does not exceed the overall permitted height.

While the requested F.A.R. and gross floor area variances might 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 were granted. While the requested F.A.R. and gross floor area variances may be considered numerically substantial, in the Applicant's opinion, their practical impact is not. Indeed, the spatial extent of the requested variances is ameliorated by the absence of any tangible, detrimental effect that would be caused by the proposed expansion of the building. Therefore, the Applicant believes that given the totality of circumstances neither deviation should be considered substantial, absent any corresponding impacts on the neighborhood. Moreover, case law reveals that even if the 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 the variance is not a basis for denying the application.

The Applicant has carefully considered and evaluated the required number of units that are necessary for a self-storage facility to remain as a viable long-term business. In fact, most self-storage facilities are much larger than what is being currently proposed. [Refer to Chapter IV.I – Economic & Fiscal Analysis for additional information concerning the regional demand for self-storage facilities.](#)

Furthermore, the Applicant does not believe that the current contractor office and storage uses on the Site are viable long-term uses. The Murphy Brothers Contracting have found that the contracting business has changed significantly since the Site was purchased, and on-site storage, and accommodating in-house subcontractors are no longer necessary.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

As documented more fully throughout this DEIS, the Proposed Action will not result in any significant adverse environmental impacts to the Site, neighborhood or district. In fact, the Proposed Action will actually reduce impacts, including a reduction in traffic, removal of older, aged, unsightly industrial buildings, stormwater management improvements and flooding mitigation measures, as well as the creation of a net-zero development that include a Community Solar facility that will return electricity to the grid, thereby benefitting the surrounding community.

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

The Applicant is seeking area variances in order to improve conditions on the Site and provide a viable, long-term, successful commercial operation, that will benefit the Applicant and community, while at the same time causing minimal impacts. The Applicant is seeking the minimum area variances required in order to accomplish this goal, given the limitations of the Site, 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 a denial of the variances. The Applicant believes that because the previous four factors overwhelmingly weigh in favor of granting the variances, and a true balance of neighborhood detriment against the applicants benefit tip decidedly in favor of the latter, whether or not the hardship was self-created is not determinate.

For these reasons, it is the Applicant's opinion that the requested variances will not result in a significant adverse zoning impact.

B. Land Use:

The Project Site is located within the heart of the Village’s Industrial Area. Numerous land use plans and initiatives have addressed this area, all of which have acknowledged the changing characteristics of the area, while maintaining the “Manufacturing, Industrial, Warehouse” use as the fundamental underlying land use category. The proposed self-storage facility is wholly consistent with the existing and anticipated land use of this area.

The Proposed Action involves the expansion of a low-impact warehouse use which has significantly lower impacts than a traditional industrial or commercial use.

- MAKER Zone – In the Applicant’s opinion, the Proposed Action is generally consistent with the goals and objectives of the MAKER zone. The Proposed Action will support economic activity by providing much needed storage space for local businesses, which will in turn support job stability and growth. The Proposed Action will result in additional tax revenue, with no impact on municipal service costs. Importantly, the Proposed Action represents an exemplar of environmentally-sensitive development.

The MAKER Zone sets forth proposed zoning regulations. The Proposed Action complies with most of these regulations. The Planning Board is authorized to grant waivers of two zoning provisions which the Proposed Action exceeds. Maximum building coverage is set at 50%. The building coverage of the Proposed Action is 59%, however, the Planning Board may extend the coverage to 75%. The front yard setback is established as 10’. The front yard setback of the Proposed Action is 7.8’, however, the Planning Board may waive the setback in its entirety. The maximum F.A.R. is set at 1.0, which the Planning Board may extend to 1.5. The F.A.R. of the proposed Action is 2.43, which would exceed the maximum allowed to be waived by the Planning Board, thereby requiring a variance from the Zoning Board of Appeals.

- 2012 Comprehensive Plan – In the opinion of the Applicant, the Proposed Action is fully consistent with the goals of the 2012 Comprehensive Plan. No specific recommendations are set forth in the Comprehensive Plan regarding the Project Site, however, the Proposed Action is consistent with the two primary goals for the area:

Goals:

- ✓ Encourage industrial and office uses within the appropriate established zones and where negative environmental and community design impacts can be minimized.
- ✓ Encourage those commercial and industrial establishments which are compatible with existing Village uses and with Village development goals.

The Comprehensive Plan recognizes that the majority of uses in the vicinity of the Project Site are auto service related, manufacturing/warehouse or general services/ sales, which have far greater neighborhood impacts than a self-storage operation. As demonstrated by the continued operation of the existing self-storage facility, and as more fully documented throughout this DEIS, a self-storage operation generates minimal traffic, generates no detectable odors or fumes, does not produce pollution, and in this instance will consume no energy, as a net zero project. Therefore, the low-impact self-storage use is entirely compatible with the existing surrounding uses. Additionally, the Proposed Action is fully consistent with the Village’s low-environmental impact development goals for the Industrial Area.

Additionally, the Proposed Action is fully consistent with the Village’s low-environmental impact development goals for the Industrial Area.

- 2019 Comprehensive Plan – 1st Draft - This update fulfills the recommendation set forth in the 2012 Comprehensive Plan, to review the plan after 5 years to keep it dynamic and to reflect the evolving needs and values

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of the community. The draft Plan provides clearer and broader overall Village-wide goals and objectives, and addresses issues not fully covered in the 2012 Plan, such as sustainability and resiliency.

In evaluating the progress of implementing the 2012 Plan, the current draft Plan addresses the Industrial Area by recognizing the development of the Maker-Zone Vision Plan (2016) and the Industrial Area Rezoning Project (2019), and indicates that these initiatives would address the goals and objective for the Industrial Area. The draft Plan makes no other recommendations for the Industrial Area. The future land use plan for the Village as reflected on the Land Use Map includes the Project Site within the “Manufacturing, Industrial, Warehouse” land use category. The Proposed Action, as a self-storage warehouse, would be fully consistent with this designation.

— **Local Waterfront Revitalization Plan** – The Project Site is not located near the Village’s waterfront, so the majority of the LWRP’s policies do not apply to the Proposed Action. However,

- The LWRP recognizes that the majority of the Industrial Area is located within the floodplain and identifies flood mitigation as a critically important. The Proposed Action’s reduction in onsite impervious surface, as well as improved stormwater management methods will improve the flooding conditions and increase the storage of flood water on site. Additionally, the Proposed Action will exceed the 100-year floodplain development requirements set forth in the Village Flood Damage Prevention Code⁴ and the FEMA regulations⁵ for non-residential floodplain development. In accordance with FEMA requirements, the first floor of the building will be at El. 28, or 2-feet above the base flood elevation. The Proposed Action will also increase the volumetric storage onsite by 2,422 cubic feet, thereby exceeding the Village floodplain development requirements. It is the opinion of the Applicant that the Proposed Action is fully consistent with the policies of the current and draft LWRP.

- **Waverly Avenue Design Guidelines** - This Study addressed land use, street edge conditions, signage, utilities, parking and urban design concerns. The Study included 5 goals for improving the streetscape. The existing self-storage facility complied with the streetscape design guidelines, and the Proposed Action would extend full compliance around the entire perimeter of the Site.

- **Westchester County Patterns** - Patterns offers a broad vision and context for local-level planning initiatives. The Village of Mamaroneck is identified by Patterns as a “Local Center” within a “Principal Corridor.” It is the opinion of the Applicant that the Proposed Action would be consistent with the goals of Patterns.

- **Westchester 2025** - While Westchester 2025 has not developed specific recommendations for the Village of Mamaroneck, its policies reflect the Village’s land use and development goals. As noted above, in the Applicant’s opinion, the Proposed Action is consistent with the Village’s land use and development goals.

As a result, it is the Applicant’s opinion that the proposed Action will not result in any significant adverse land use impacts.

4.) MITIGATION MEASURES

The following measures have been incorporated into the Proposed Action to ensure that no significant adverse zoning or land use environmental impacts will result.

- The Proposed Action creates an architecturally distinctive structure, which employs varied materials, colors, and structural elements to effectively disguise the self-storage use within the building. The building presents itself as a well-maintained

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⁴Village Code Chapter 186;

⁵44 CFR 59.60, 65 & 70;

commercial or office building, rather than a self-storage facility, and is the distinguishing architectural feature along Waverly Avenue.

- The Proposed Action involves demolition of the Barn (Building A) which will remove an aged and unsightly structure from the area. Additionally, two other concrete block buildings onsite (“Buildings C & D”), which have open storage areas for construction vehicles, as well as one large storage area will be demolished. The Applicant is not simply proposing to remove several unsightly buildings, it is proposing to construct a new state-of-the-art green self-storage building to the industrial area while preserving a low-impact industrial use and adding ratables for the Village.
- To further improve conditions within the area, the Applicant is proposing to install lighting at the rear of the proposed building to illuminate Railroad Way during evening hours.
- The Proposed Action will incorporate the same energy-efficient measures as the existing building. It is the goal of the Applicant to develop and operate a net-zero facility.
- The Applicant is proposing a Community Solar System, pursuant to NYSERDA’s Community Solar Program, consisting of the installation of roof-mounted photovoltaic solar arrays. This system will provide clean energy to local residents. This effort addresses the recommendation in the Comprehensive Plan which calls for “improving utilities and power services to the entire Industrial Area.”
- Various land use initiatives identify flood mitigation as a critical role the Industrial Area, also known as “The Flats” for obvious reasons, plays for the Village, since most of this area is within the 100-year floodplain. The reduction in onsite impervious surface, as well as improved stormwater management methods will improve the flooding conditions and increase the storage of flood water on site. Additionally, the Proposed Action will exceed the 100-year floodplain development requirements set forth in the Village Flood Damage Prevention Code and the FEMA regulations for non-residential floodplain development. In accordance with FEMA requirements, the first floor of the building will be at El. 28, 2-feet above the base flood elevation. The Proposed Action will also increase the volumetric storage onsite by 2,422 cubic feet, thereby exceeding the Village floodplain development requirements.
- Various land use initiatives, and specifically the Waverly Avenue Design Study, identifies streetscape improvements as important to improve pedestrian safety and streetscape access. The Proposed Action involves eliminating two curb cuts, one along Fenimore Road and one on Waverly Avenue, thereby improving pedestrian safety and traffic circulation.
- To further improve the Fenimore Road streetscape, the Applicant is also proposing landscaping enhancements along Fenimore Road and Waverly Avenue. Specifically, the existing beds along Waverly Avenue will be expanded to accommodate additional plantings and 2 new planting beds will be added along Fenimore Road. The landscaping improvements will also include a deep rain garden along the Fenimore Road facade and shallower planting beds and a new street tree along the Waverly Avenue street front adorned with contemporary bench seating. The rain garden and planting beds will include plants to attract pollinators, such as Evergreen Azalea’s (Blaauw’s Pink), Daylilies, Green Gem Boxwoods and Lily Turf.

