

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

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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.

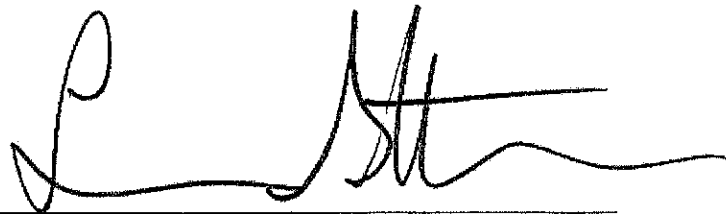
D. That the failure to observe and perform these conditions shall render this resolution invalid.

In Favor: Gutterman, Weprin, Sullivan

Opposed: Kramer

Absent: Neufeld

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

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Chairman

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Secretary