

TOWN OF MAMARONECK  
COUNTY OF WESTCHESTER; STATE OF NEW YORK

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In the Matter of the Petition of

2399 BOSTON POST ROAD REALTY CORP.

Petitioners,

For Amendments to the Town of Mamaroneck Zoning Map, to rezone 6 Deane Place, Larchmont, New York (S/B/L 5-5-409), 10 Deane Place, Larchmont, New York (S/B/L 5-5-405), 2417 Boston Post Road, Larchmont, New York (S/B/L 5-5-446), and 2385/2399 Boston Post Road, Larchmont, New York (S/B/L 5-5-433) to a Business-Mixed Use Business (“B-MUB”) District

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**TO THE SUPERVISOR AND MEMBERS OF THE TOWN BOARD OF THE TOWN OF MAMARONECK:**

PETITIONER, 2399 BOSTON POST ROAD REALTY CORP. (“Petitioner”), with its principal place of business at 2399 Boston Post Road, Larchmont, New York 10538, hereby petitions the Town Board of the Town of Mamaroneck (the “Town”) for amendments to the Town Zoning Map as Follows:

**EXISTING ZONING MAP USES**

1. Petitioner, 2399 Boston Post Road Realty Corp. (the “Petitioner”), is the record owner of the subject real properties located at the mailing addresses of 2417 Boston Post Road, Larchmont, New York (S/B/L 5-5-446), 2385/2399 Boston Post Road, Larchmont, New York (S/B/L 5-5-433), 6 Deane Place, Larchmont, New York (S/B/L 5-5-409), and 10 Deane Place, Larchmont, New York (S/B/L 5-5-405) (collectively “the Properties”), all are located in the Town of Mamaroneck.

2. The Properties are divided between two different zones. 2385/2399 Boston Post Road is located within the Service Business-Residential (“SB-R”) District, while both 6 & 10 Deane Place are located within the One-Family Residence (“R-6”) District. *See Town Code § 240-5.* 2417 Boston Post Road itself is split between the two zones, with the western portion within the S-BR District and the eastern portion within the R-6 District. *See Town of Mamaroneck Zoning Maps included in the Petitioner’s Accompanying Support Materials on pages 3-4.*<sup>1</sup>

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<sup>1</sup> Petitioner submits a printed packet showing project renderings, zoning maps and zoning analysis; all references shall be referred to as **Support Materials** and corresponding page number.

## PROPOSED AMENDMENTS TO ZONING MAP

3. Petitioner respectfully requested that the Properties are rezoned to a Business-Mixed Use Business (“B-MUB”) District. The Properties, as they exist, would constitute conforming lots in the B-MUB District under the Town’s Zoning Code and present minimal change to the character of the neighborhood. Importantly, the requested amendments to the Town’s Zoning Map would only rezone the Properties, of which the Petitioner is the record owner of each. No properties would be transformed to a non-conforming use; and no properties would be negatively impacted. The Petitioner is the sole owner that would be impacted by the relief sought herein.

4. The purpose of this rezoning is to allow for the Properties to be in a single, uniform district that will permit significant development of the Properties to the benefit of the community. As further detailed below, Petitioner proposes to build a multi-family residential building with a mixed-use component (the “Project”), which will directly serve the needs of the neighborhood and provide numerous positive stimuli to the community at large. For example, the Project will remove a large portion of existing impervious surface and replace it with green space and natural storm water remediation measures; those measures are planned to exceed the required minimum standards and provide an immense benefit to the health of the adjacent marsh and the Long Island Sound. Also, the project will provide a fresh and modern aesthetic to a part of the Town that is in need of revitalization.

### THE ZONING DISTRICTS

5. The proposed rezoning of the properties to a B-MUB District is similar to the existing conditions and regulations covering the Properties and therefore do not present a significant change from the public purposes behind the existing uses. It is not as if the Project is proposing to change from residential to heavy industrial. Rather, it is staying within the residential/mixed-use conditions, but seeking to add bulk and density. The stated purpose of the B-MUB District is to “permit a mixture of business and residential uses on large parcels”. *See Town Code § 240-25*. It has a mixed classification, listing its “Bulk and Dimensional Requirements” alongside business and industrial districts (*See Town Code, Article VII*) while listing the permitted uses alongside residential districts (*See Town Code Article IV*). The B-MUB District is effectually a hybrid of both residential and business districts. The Petitioner requests for the Properties, which are currently split between residential and business districts, to be rezoned into the B-MUB District – a district specifically created to “permit a mixture” of the two. The Properties are perfect candidates for this requested zone change.

6. Half of the Properties, 2385/2399 Boston Post Road and the western portion of 2417 Boston Post Road, are currently within the S-BR District. The S-BR District is classified as

a “Business and Industrial District”. *See Town Code, Article V.* The Town Code provides that all principal uses in the B-MUB District “shall be the same as the principal uses in the Business (B) District”. *See Town Code, § 240-25(C).* The Town Code similarly references the Business (B) District in listing the bulk and dimensional requirements for the B-MUB District. *See Town Code § 240-47.* Notably, the Business (B) District no longer exists in the Town Code and instead alludes to the Business-Residential (B-R) District, which closely resembles the S-BR District’s permitted uses (*See Town Code Article V*) and bulk and dimensional requirements (*See Town Code Article VII*). Thus, the S-BR District and the requested B-MUB District allow similar uses and impose identical bulk and dimensional requirements, and thus correspond under the Town Code.

7. The other properties, 6 Deane Place, 10 Deane Place, and the eastern portion of 2417 Boston Post Road, are located within the R-6 District, a one-family residential district. The R-6 District is governed by § 240-22, which provides that the principal uses, special uses, and accessory uses permitted therein are governed by the same regulations applicable to the other one-family residence districts. *See Town Code § 240-22, § 240-21.* Similarly, the B-MUB District’s permitted uses is grouped alongside other “Residence Districts”. *See Town Code, Article IV.* The Project would keep the Properties residential, constructing a mixed-use development with a strong residential component. Furthermore, the bulk and dimensional requirements for the R-6 District (*Town Code § 240-39*) are comparable to those of the B-MUB District (*Town Code § 240-25*), imposing similar minimum lot area and minimum yard requirements. While further similarities could be drawn, it is vital to emphasize that the Petition will accomplish the purpose of the B-MUB District – to permit a mixture of business and residential uses – by rezoning the Properties, which are currently split between Business and Residential Districts.

## **THE PROJECT**

8. As detailed in the renderings provided by Richard Hein R.A. and the Supporting Materials, the Project proposes a multifamily building on a collective two-acre parcel. Specifically, the Project would encompass a mixed-use component – a residential building with commercial/retail activity on the ground level. The Project proposes a “mixture of business and residential uses on a large parcel”, directly achieving the purpose of the B-MUB District. *See Town Code § 240-25.*

9. In addition to furthering the purpose of the B-MUB District, the Project abides with applicable zoning and building regulations.<sup>2</sup> The Plans support that the Project will satisfy pertinent “area and bulk requirements” for the B-MUB District. *See Town Code § 240-25(E).* All parking requirements would be satisfied as well, providing 165 parking spaces for the 98

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<sup>2</sup> As set forth on page 5 of the Supporting Materials: the Plans support that the Project, as proposed, abides with all applicable zoning and building regulations, as follows: (1) the minimum lot area per § 240-45(A)(2); maximum lot building coverage per § 240-45(A)(3); (3) minimum front yard per § 240-45(B)(2)(a); (4) minimum side yards per § 240-45(B)(2)(b); minimum usable open space per § 240-45(B)(2)(d); maximum floor area per § 240-45(C)(2);

residential units and four small retail spaces.<sup>3</sup> *See Town Code § 240-45(E)* The Properties constitute conforming lots in the B-MUB District. As proposed, the Project and the Properties are ideal for the B-MUB District.

10. In addition to compliance with the Town Code, the Project proposes additional aspects that will revitalize the Properties and benefit the community. Such benefits may be considered in evaluating this Petition. *See Town Code, § 240-92.*<sup>4</sup> As indicated in the Plans, the Project entails a large “green roof” component. The installation of a green roof can reduce the negative impact of development while providing numerous environmental, economic, and social benefits, such as improving stormwater management by reducing runoff, improving water quality, conserving energy, mitigating the urban heat island, increasing longevity of roofing membranes, reducing noise and air pollution, sequestering carbon, and increasing urban biodiversity by providing habitat for wildlife. Importantly, a green roof will also provide a more aesthetically pleasing and healthy alternative to a traditional roof.

11. The mitigation of stormwater runoff is an important benefit to note. Rapid runoff from roof surfaces can exacerbate flooding and increase erosion. A major benefit of a green roof is its ability to absorb stormwater and release it slowly over a period of several hours – an important consideration in light of the Project’s location and proximity to Premium River. Stormwater runoff will be further mitigated through the significant reduction of impervious surfaces. As proposed, the Project will actually reduce the number of impervious surfaces on the Properties, providing an additional benefit to the area.

12. The Project also proposes to double the existing wetlands. As indicated in the Plans, the designated wetlands will be expanded, bringing a further benefit to the community. The creation (and extension) of wetlands brings many benefits to the community, such as flood control. Due to the Project’s proximity to small waterways, the new wetlands will serve important protective function to the Properties and community at large.

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<sup>3</sup> The Project seeks to propose forty-eight (48) one-bedroom residences, fifty (50) two-bedroom residences (including penthouse units), and four (4) small retail spaces that total 5,748 Sq Ft. Under the Town Code, this would require 135 spaces for the residential component and 29 spaces for the retail component, totaling 164 parking spaces. The Project shows a total of 165 parking spaces (comprising 142 regular parking spaces and 23 tandem parking spaces).

<sup>4</sup> Town Code § 240-92 states that “every such proposed amendment or change...shall be referred to the Planning Board...” and that “In recommending the adoption of any such proposed amendment, the Planning Board shall state its reasons for such recommendation... specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of land use for the Town and would be in furtherance of the purposes set forth in § 240-2 of this chapter.” Town Code §240-2 therein establishes a Comprehensive Zoning Plan for the Town of Mamaroneck with criteria for the “protection and promotion of the public health, safety and welfare”. *Town Code § 240-2.*

13. The Project is also proposing to exceed the Town's minimum set-aside for affordable housing. This is an added benefit to an already beneficial influx of density and foot-traffic that will certainly have a positive impact on the local economy.

14. The Project also proposes public access, by way of dedicated land and easements, to the marsh area directly adjacent to the parcel. This public access is an additional benefit to the already positive environmental aspects of the Project.

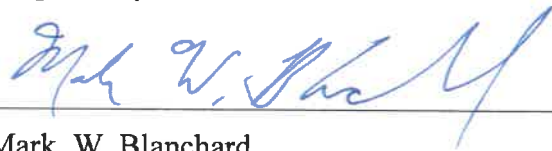
### CONCLUSION

15. For all of the foregoing reasons, it is respectfully submitted to the Town Board that the proposed amendment to the Zoning Map should be granted. As abovementioned, the Project will revitalize the Properties and afford services and residences to an area in need. Rezoning the Properties would have little impact on the enumerated uses permitted in the area, would incentivize reinvestment and redevelopment, and would help to achieve the underlying legislative purpose of the B-MUB District.

WHEREFORE, Petitioner respectfully requests that the Town Board amend the Town Zoning Map in accordance with the proposed amendments as explained above.

Dated: Mamaroneck, New York  
February 3, 2020

Respectfully Submitted,



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