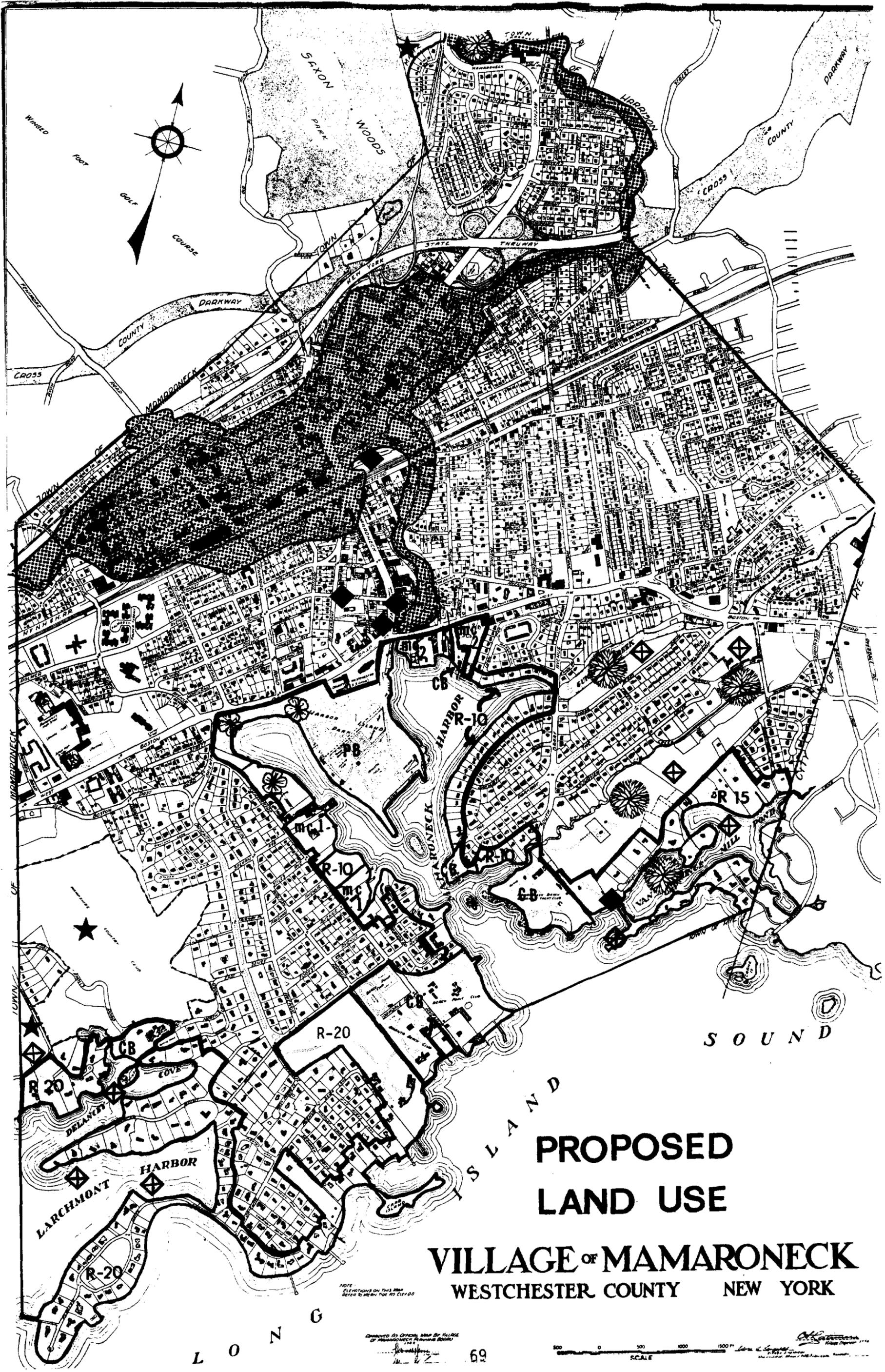


SECTION IV
PROPOSED LAND AND WATER USES
AND PROPOSED PROJECTS



**PROPOSED
LAND USE**

**VILLAGE OF MAMARONECK
WESTCHESTER COUNTY NEW YORK**

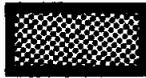
NOTE: ELEVATIONS ON THIS MAP REFER TO MEAN HIGH TIDE AS OF 1980

APPROVED AS OFFICIAL MAP BY VILLAGE OF MAMARONECK BOARD OF ZONING

SCALE 0 500 1000 1500 FT

L O N G

KEY for PROPOSED LAND USE MAP:



RIVERINE FLOOD HAZARD AREA



MAJOR HISTORIC SITES



SCENIC VISTAS (PROPOSED)



LANDS ALREADY DESIGNATED UNDER LOCAL LAW AS
"CRITICAL ENVIRONMENTAL AREAS"



SIGNIFICANT FISH & WILDLIFE HABITATS



PROPOSED CRITICAL ENVIRONMENTAL AREAS

MARINE ZONE/PROPOSED WATERFRONT LAND USE:

PB	--	PUBLIC
CB	--	CLUB
MC-1	--	MARINE COMMERCIAL-1
MC-2	--	MARINE COMMERCIAL-2
R-10	--	RESIDENTIAL @ 10,000 sq ft/lot
R-15	--	RESIDENTIAL @ 15,000 sq ft/lot
R-20	--	RESIDENTIAL @ 20,000 sq ft/lot

Except as provided by the following plans, the land and water uses are as provided for by existing zoning. (See Zoning Map at end of this section.)

Public Access Plan:

A public access plan has been developed to implement state and local policies, especially Policies #1, 2, 4, 6, 9, 10, 19, 20, 21, and 22. As an integral part of the Public Access Plan, a marine zone is proposed for the waterfront area of the Village for the principal purposes of facilitating water-dependent uses, strengthening the economic base of the Village by encouraging the water-related recreation for which our harbor is justly famous and the marine business activities generated by such recreational use, and ensuring public access to coastal resources.

The existing balance of land uses on the Village's coast is desirable because of the level of water-dependent uses and public access. The Village's waterfront is a precious asset which is not indestructable--indeed it is fragile. The public access plan, and the marine zone, are necessary to enhance the character of the Village and preserve the harmonious use of the Village's coastal land.

It is recommended that the Village Board amend the Zoning Ordinance in order to achieve these above-stated purposes. While it is essential to the preservation of the Village's coastal assets that the above-identified goals be achieved through appropriate amendment to the zoning ordinance, the precise wording which appears in the Implementation Section is intended to serve as a guideline. In addition, it should be noted that the zoning changes proposed are intended to be the minimum necessary to achieve the purpose. In conjunction with the amendment of the zoning ordinance as herein described, the Ordinance should also be reviewed by the Village Board to identify any potential inconsistencies.

1. Amend the Zoning Ordinance of the Village of Mamaroneck to create a Marine Zone. In order to identify and preserve a desirable balance of coastal land uses, this Marine Zone would include the entire coastline of the Village and would extend from the Village waterside limits (mean high tide mark), but also including any underwater land grants, to the back of the first lot or lots currently owned by the same owner and put to the same use, with the single exception that in the area of the East Boston Post Road commercial waterfront for the purpose of allowing for potential marine business expansion, the Marine Zone shall extend all the way to the East Boston Post Road and

prior-existing non-marine uses shall be "grandfathered"--per attached map and description. Included in this Zone would be five types of zoning districts: residential, public, maine-commercial one, marine-commercial two, and club. Amendments to accomplish this task would include the following elements:

a. Residential District --This district (divided into three sub-groups of R-10, R-15, and R-20 as identified on accompanying map) would include the waterfront property deemed to be most appropriate for residential use with the varying densities as identified. Ninety-eight percent of the Village's waterfront is presently zoned for residential use. This new district would include only 76% of the waterfront, a reduction of 22%. This reduction is deemed to be suitable and desirable for the purpose of achieving the goals identified above. It should be stressed that no existing residential uses would be made non-conforming under this proposal. No changes are proposed for the residential sub-groups because they are considered appropriate (and the present levels of density are deemed desirable) for the purpose of achieving a desirable balance of uses and densities on the coast. The other districts presently zoned residential which are to be included in the proposed Marine Zone are as follows:

b. Public District --It is proposed that the residential district on Harbor Island be re-zoned to a Public District. The district would include all publicly-owned land on Harbor Island (entranceway, park, and treatment plant).

The bulk of this property is zoned for residential use. This is clearly inappropriate. The park cannot be put to residential use except by an act of the State legislature; and the Village, by its action of dedicating the land as park, demonstrated its finding that residential use was not desirable. In addition, the entranceway property is unsuited for residential use by the nature of its size and location.

No specific regulations are proposed for this district since public property may be put to whatever public purpose the municipality deems appropriate with the exception that dedicated parkland may be put only to public recreational purposes. Therefore no additional regulations could legally apply nor would any be necessary to safeguard the general public interest.

Because of the very important contribution which Harbor Island makes to the character of the Village, because the land in question cannot be put to residential use, and because one purpose of the Marine Zone is to recognize existing suitable uses, it is deemed highly appropriate that this property be designated as Public.

c. Club District --It is proposed that the residential districts which are presently put to club uses, as well as the commercial district presently put to club use, should be rezoned. There is currently no zoning classification in the Ordinance which is designed specifically for club use. Clubs are presently a permitted use in both residential and commercial districts. However, they are a use which is subject to sometimes prohibitive additional standards and requirements beyond those required for other uses permitted in those districts.

Clubs are presently considered to possess "such unique and distinct form that each specific use shall be considered an individual case." They are identified as "special exceptions" which must comply with more stringent procedures than other permitted uses. It is proposed that these additional standards and requirements are an undesirable constraint which should be lifted. The lifting of those constraints follows from a recognition that clubs are an important asset to the community not only because of their open space and aesthetic values, but are also desirable for the level of quasi-public access which they provide to the waterfront as well as the significant economic function they fulfill by providing year-round employment and bringing people into the community for water and social recreation who may then also contribute to the local business economy.

d. Marine-Commercial I and Marine-Commercial II --It is proposed that the residential districts and commercial districts presently put to commercial marine uses be re-zoned to reflect current use. There are currently no zoning classifications in the Ordinance which permit boatyard use. All six of the existing boatyards operate as non-conforming uses. Non-conforming uses are severely restricted in the use of their property. Non-conforming uses may not be expanded or even moved from one portion of the lot to another portion of the same lot, nor may buildings be altered in any way.

These boatyards have been found to make an extremely important contribution to the desirable character of the Village as well as to the strength of the local business economy; and they provide a high level of public access to waterfront recreation, including essential support services. The ^{boatyards} years have prospered in Mamaroneck for a long period of time; and one property has been devoted to continuous boatyard use for more than 120 years. The fact that the six boatyards are all non-conforming uses is a striking example of inappropriate zoning.

The commercial marine uses are identified as non-cumulative and are divided into two districts on the basis of their differing topography, character of the area, and street-side access. One district is situated on a steep hillside on the Boston Post Road (Route 1), a busy

(four-lane) commercial artery contiguous to the Village's Central Business District. The other district is situated on flat terrain along Rushmore Avenue (a two-lane) street which passes through a mixture of boatyard, club, and residential uses.

Many large cities have required that when new development occurs on the waterfront, a strip of property should be set aside to allow the public passive enjoyment of waterfront scenic vistas. Given the abundant opportunity for passive enjoyment afforded by Harbor Island Park, there appears to be no need for this type of overlay zoning in Mamaroneck. Active enjoyment of water-related recreation is the issue to be addressed in Mamaroneck since harbor activities, and the upland uses which make them possible, are central to the character of the community.

In order to determine what uses should be permitted in the proposed districts, a study was conducted of waterfront zoning regulations. This study included evaluation of zoning ordinances from other municipalities, a planning report from Malcolm Pirnie, Inc., and reports from three different groups of affected property owners.

Property-owner proposals:

a. Beach Point Club --Lift "Special Exception" restrictions on all clubs, list permitted accessory uses, specify what level of construction activity should require site plan review, amend parking requirements to permit overflow parking on grassed areas of a club property, permit seasonal residences for members.

b. Mamaroneck Beach, Cabana & Yacht Club --Rezone their property from R-20 to R-10. Grandfather club uses as conforming uses, permit expansion, condominiumization of boat slips, etc. under site plan approval. Permit as "Special Permit" uses condominiums at 4 to 5.5 per acre * in association with continued club use; and permit restaurants as a "Special Permit" use. (* Drawings accompanying this proposal show 25 condos on 2 acres or 11 single family homes on 3.7 acres.) Plans described as hypothetical.

c. East Post Road Yachtyards (McMichael Yacht Sales; Robert Derektor, Inc.; Post Road Boatyard; R.G. Brewer Marine Hardware; Orienta Yacht Club) --Describes the East Post Road district as unique on the entire waterfront due to its topography. From road level, the land drops off sharply to the water with a difference in elevation between the road and sea level ranging from approximately 23.45' to 53.23'. Proposes a concept of tiering based on different uses being permitted in accordance with a schedule of percentages which relate certain permitted uses to certain percentages of lot coverage. Proposal would encourage

expansion of both marine and non-marine uses in a carefully defined ratio.

d. Nichols Yacht Yard --Rezone their property from R-15 to R-10. Grandfather boatyard uses as conforming uses, permit expansion, condominiumization of boat slips, etc. under site plan approval. Permit as "special Permit" uses condominiums at 4 per acre * and restaurants. (* Drawings accompanying this proposal show 31 condos on 4.3+ acres or 23 condos with restaurant on 4.57+ acres or 14 single family homes on 4.3+ acres.) Plans described as hypothetical.

Eleven zoning ordinances and the Malcolm Pirnie Report were reviewed to determine the range of uses considered potentially desirable for waterfront locations in other communities, as well as the degree to which recreation is promoted through zoning. The Town of Greenwich ordinance, if applied to Mamaroneck, would permit on the waterfront almost as many uses as are presently distributed throughout the entire village.

The study results demonstrated that each community has a different idea of what promotes the general welfare. Stonington, for example, permits boat repair in a Marine Commercial District but makes marinas a "Special Permit" use in that same district. Some communities encourage restaurants on their waterfronts; other expressly prohibit them. In Norwalk, waterfront clubs are all "Special Permit" uses. Each community designed its ordinance to fit its own special conditions and concept of desirable waterfront uses.

In order to address the New York State Coastal Management Policies, evaluation of the reports and ordinances was based on the following criteria:

a. the degree to which they were consistent with the planning recommendations in the Phase One Report;

b. the degree to which they promoted the traditional uses of our harbor and the economic health of the local business economy;

c. the degree to which they were consistent with the goals of:

(i) achieving a stable, desirable balance of land uses on the coast;

(ii) ensuring public access to Long Island Sound for the purpose of active water-dependent recreation;

(iii) facilitating the siting of water-dependent uses on the coastline; and

d. the degree to which they would promote the general public health, safety, and welfare.

An issue of some concern has been the question of conforming versus non-conforming uses. At present, many water-related recreation uses are either non-conforming or restricted by "Special Exception" provisions. Action to remedy this should be taken so that desirable uses are recognized in the Zoning Ordinance.

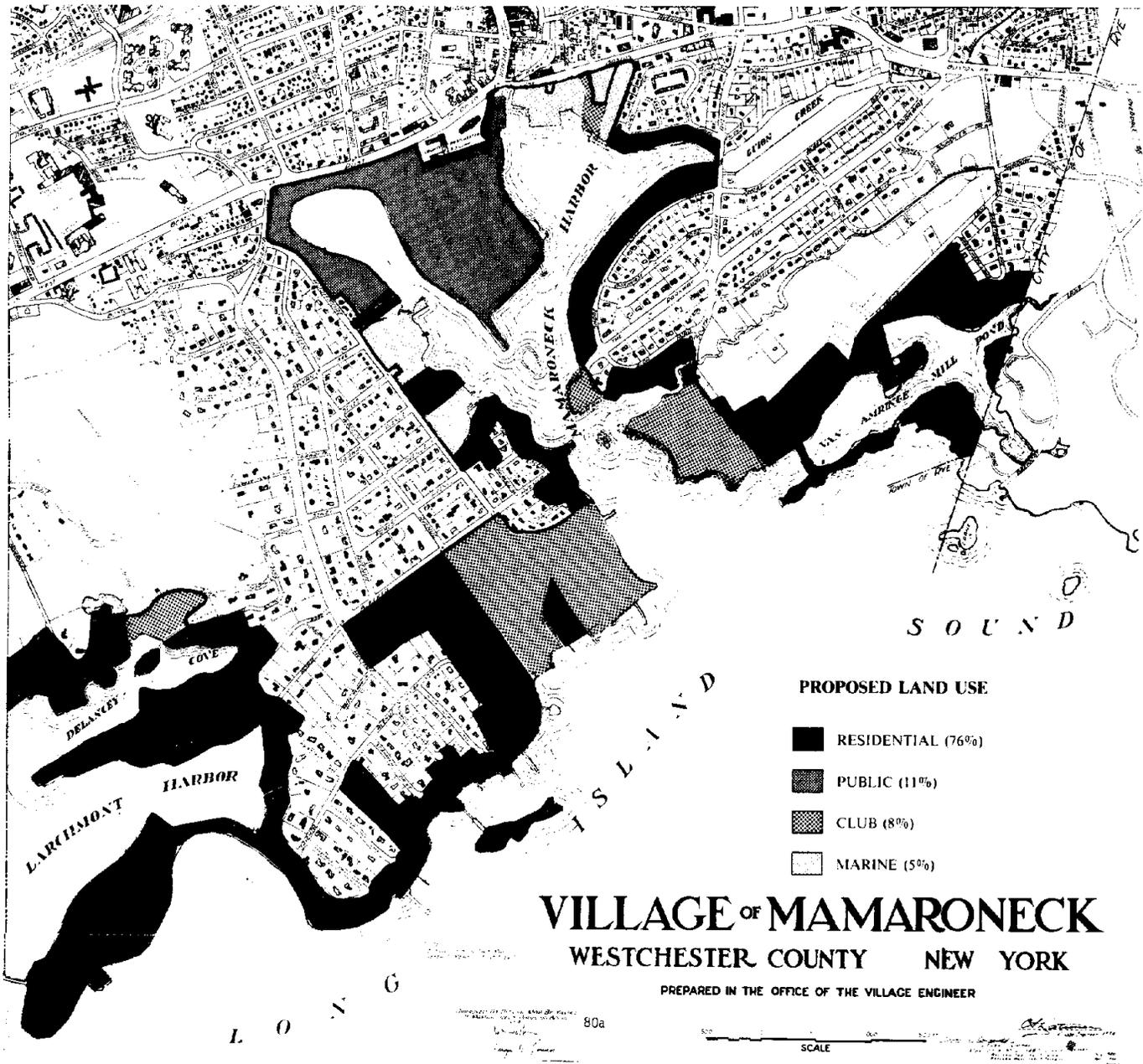
A related issue concerns the treatment of existing non-marine uses in the proposed Marine Zone. The issue is a difficult one, particularly in the area of the East Boston Post Road, where four non-marine uses exist (two restaurants, a gas station, and the Elks Club). Various ways were considered which would allow for expansion of marine uses while not making the present non-marine uses become non-conforming uses. These included simply excluding them from the marine zone (but this would make difficult any future expansion of marine uses), placing them under "Special Exception" restrictions (this was rejected as being inconsistent with overall goals), making them non-conforming uses (this was rejected as inconsistent with procedural goals), or grandfathering them. Grandfathering is recommended as the most acceptable method.

Consideration was given to grandfathering the Orienta Yacht Club in the proposed MC-2 District. This would have the advantage of allowing future growth for commercial marine businesses and increasing public access to the waterfront. Such action would capitalize on a potential for increasing public access in accordance with Policy 19 and would represent a rare opportunity for doing so in a manner entirely consistent with the surrounding commercial enterprises. However, this might constitute unequal treatment of uses within a club district since in the marine zone districts are defined on a generic basis according to present usage.

In conclusion, local conditions were inventoried, alternatives were considered, the relevant coastal management policies were addressed, and the conclusion has been reached that the vitality of water-dependent uses rests upon the use made of upland areas. Appropriate use of upland areas is essential to the achievement of the policy goals identified in this Program. Public access and water-dependent use of the coast will be diminished if uplands currently developed for water-dependent and recreational uses are redeveloped for non-waterdependent uses.

Associated Projects:

1. In conjunction with enactment of proposed zoning amendments, it is recommended that tax incentives be provided to marine businesses heretofore zoned non-conforming. The purpose of these incentives would be to encourage the kind of expansion and/or renovation which has



heretofore been discouraged for non-conforming uses. While such tax incentives are consistent with, and suggested in, the State Coastal Management Program, State legislation may be needed in order to enable villages to implement ~~of~~ such incentives.

2. "Chandlery Row:" In order to intensify the maritime identity of the East Boston Post Road marine commercial area, a public relations campaign is recommended, to center around a concept of the area as a kind of "Chandlery Row." The Village should encourage a coordinated effort between the Chamber of Commerce, a representative group from the marine community and interested businesses to develop a program which encourages marine-related retail business to locate in this area.

3. The unique maritime identity of the Village is more widely recognized outside the community than by Mamaroneck itself. This results in an unfortunate loss of opportunity. Exhibitions, seminars, lectures, and waterfront festivals, etc. designed to increase public awareness of our maritime identity should be supported.

4. Per Policy 1, the Village-owned property and dock at the entranceway to Harbor Island Park should be restored, revitalized, and redeveloped to a water-dependent use which is compatible with surrounding uses and which utilizes the potential of the existing dock. Future study of this area should be accomplished in order to implement this policy.

Watershed Management Plan:

The purpose of the Watershed Management Plan is to address the combined problem of riverine flooding, sewage overflows, and harbor sedimentation, and to implement the flooding and erosion policies as well as the appropriate water & air resources policies in Section III. In order that land use along the tributaries in the Village not aggravate our flooding, siltation, and sewage problems, specific amendments are proposed for local flood regulations which adopted County policies and guidelines. These amendments are set forth in Section V.

Associated Project:

As discussed in the Inventory & Analysis Section, the major cause of these combined problems is cumulative runoff from upstream development which is accomplished without attention to an overall watershed management plan. Federal floodplain management criteria call for overall drainage basin planning. Effective flood control measures must be based on study not of the particular neighborhood, village or town, but on the geographical watershed since the watershed is the inflexible natural basis of surface water flow and flooding problems within a watershed are interrelated. However, in Westchester, where the County's role is limited

by State law and where drainage basins cross a multitude of municipal boundaries, overall coordinated planning has not yet been achieved.

Until such time as an enforceable watershed plan has been developed for the drainage basins which drain through Mamaroneck, this Watershed Management Plan endorses the Westchester County policy that when land is developed, postdevelopment peak rates of stormwater discharge should not exceed predevelopment levels.

It is proposed that the Village promote intermunicipal cooperation with neighboring Sound Shore communities, as well as with upstream communities in seeking a mechanism whereby drainage basin plans can be prepared and implemented. Floodprone communities should be encouraged to seek legislative action from the State to provide partial funding for the development of drainage basin plans, permit a larger role for County government, and amend existing law to permit the equitable establishment of drainage districts.

Natural Resource Protection Plan:

This plan recommends amendments to several local laws to formally recognize a number of environmentally significant areas, to ensure that impacts on environmentally significant areas are adequately addressed as part of the SEQR process prior to undertaking potential actions, and to minimize, for wetland areas, some of the adverse environmental impacts which may potentially result from adjacent high density (planned residential) development.

Associated Project:

Review of the Village's program for mosquito control is warranted both by continuing resident dissatisfaction and by concern for protecting wetlands and significant fish and wildlife habitats from toxic residues. Recent experience with the use of biological controls applied to mosquitos in the larval stage indicates that this may be both more effective and less environmentally harmful than aerial spraying of pesticides. A pilot program to test the use of B.T.I. should be established. This program should be coordinated with the Westchester County Dept. of Health and the New York State Dept. of Environmental Conservation. Both funding and technical assistance would be required for this project.

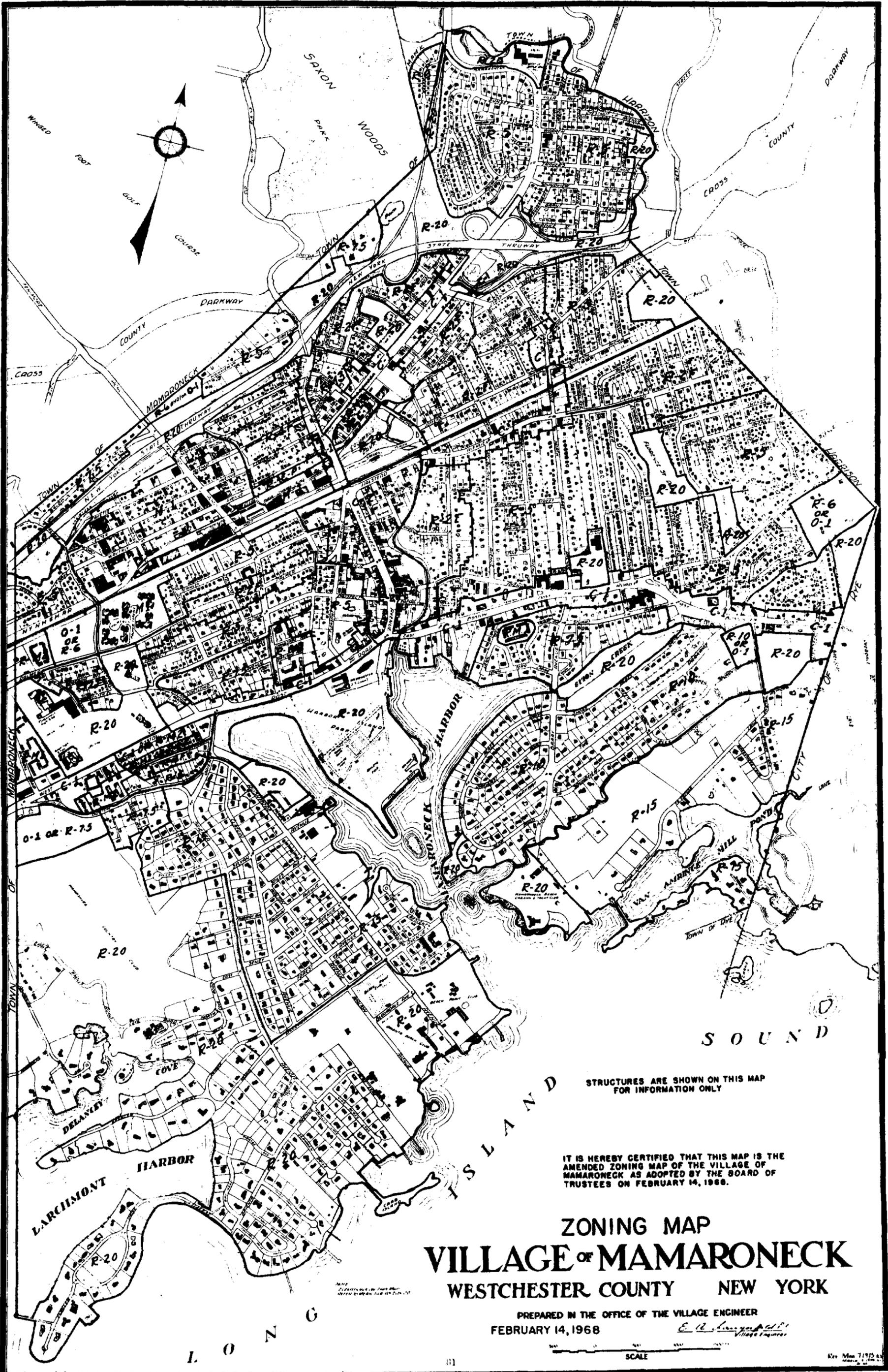
Harbor Management Plan:

In order to promote boating recreation and ensure safe vessel usage, the Village promulgates regulations concerning marine structures, moorings, use of municipal facilities,

and safe operation of watercraft through the harbor. Attention is given to the need to provide for continued harbor maintenance--including dredge maintenance, harbor upkeep, and planning to meet present and future boating demand, as well as appropriate location of fairways, channels, and anchorages, and the development of standards for marine structures. Specific areas of the harbor are designated for particular uses in order to improve harbor safety; drysail vessels are to be registered and encouraged; a capital fund is to be established for harbor maintenance; and the Harbor Commission mandate should be updated. Specific proposals are found in Section V.

Associated Project:

A formal Harbor Management Plan should be prepared which meets present and future needs of Mamaroneck Harbor and is consistent with Army Corps of Engineers guidelines. As part of this plan, a feasibility study should be done to evaluate the potential for expanding municipal boating facilities. Both Technical assistance and funding would be required for this project.



STRUCTURES ARE SHOWN ON THIS MAP FOR INFORMATION ONLY

IT IS HEREBY CERTIFIED THAT THIS MAP IS THE AMENDED ZONING MAP OF THE VILLAGE OF MAMARONECK AS ADOPTED BY THE BOARD OF TRUSTEES ON FEBRUARY 14, 1968.

ZONING MAP VILLAGE OF MAMARONECK WESTCHESTER COUNTY NEW YORK

PREPARED IN THE OFFICE OF THE VILLAGE ENGINEER
FEBRUARY 14, 1968
E. R. ...
Village Engineer

SCALE

Map No. 7175

ZONING DISTRICTS AND LOT SIZE REQUIREMENTS
VILLAGE OF MAMARONECK

<u>District</u>	<u>Minimum Lot Size (sq. ft)</u>
A-20: One Family	20,000
R-15: One Family	15,000
R-10: One Family	10,000
R-7.5: One Family	7,500
R-6: One Family	6,000
R-5: One Family	5,000
R-2F: One and Two Family	3,750 per dwelling unit*
R-4F: One to Four Family	2,500 per dwelling unit*
RM-1: Multiple Residence	40,000 but not less than 2,500 per dwelling unit
RM-2: Multiple Residence	20,000 but not less than 1,800 per dwelling unit
RM-3: Multiple Residence	20,000 but not less than 1,000 per dwelling unit
O-1: Office Business	3 acres
C-1: General Commercial	-
C-2: Central Commercial	-
M-1: Manufacturing	10,000

Source: Village of Mamaroneck Zoning Ordinance, 1982 as amended.

Notes: Planned residential developments are permitted on parcels of at least 10 acres in One Family Residential Districts.

* Where a lot of at least 40,000 sq. ft. is assembled in single ownership, the Planning Board may approve a development plan which increases the total number of permissible dwelling units by 20%.