

### **III. PURPOSE AND NEED FOR THE PROPOSED ACTION**

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#### **A. Project Background and History**

In July 2003, the Club informally presented a plan to the Village Planning Board, which would allow a limited number of seasonal housing units on the property as well as certain alterations of the Clubhouse, cabanas and locker rooms and the construction of a replacement dock house.

In January 2004, the Building Inspector, the Planning Consultant and the Village Attorney all indicated that the Club's application was in compliance with the MR Zoning. The matter was scheduled to be on the Planning Board agenda for its March 25, 2004 meeting. The Shore Acres Property Owners Association (SAPOA) filed an application with the Zoning Board of Appeals in regard to its claim that seasonal housing did not constitute an accessory use under the MR Zone.

At the March 25, 2004 meeting, the Planning Board did not consider Club's application because of SAPOA's appeal to the Zoning Board of March 12, 2004. SAPOA also wrote to the Planning Board on March 22, 2004 requesting that it not take any action. Several days earlier, the Village Manager, on March 10, 2004 notified the Planning Board that the Board of Trustees was considering the adoption of a moratorium with regard to reviewing permitted principal and accessory uses in the MR Zone and suggested that the Board consider this in their deliberations.

On April 15, 2004, the Club sued for a writ of mandamus, which would require the Planning Board to process and eventually decide the Club's application. On April 21, 2004, in the Mamaroneck Beach and Yacht Club v. Larry Fraioli et al. (West. Cty. Sup. Ct. Index No. 5565-2004) case, Justice Jonathan Lippmann of the Westchester County Supreme Court upheld the Club's Article 78 Petition and issued a writ of mandamus which directed the Planning Board to continue processing the Club's application. The Village filed a Notice of Appeal to the Second Department, thus, invoking the automatic stay provisions of CPLR 5519.

Within five (5) days of Justice Lippmann's decision and order, on April 26, 2004, the Board of Trustees held a public hearing with regard to proposed Local Law No. 4-2004, a new moratorium law within the MR District. On April 26, 2004, the Village unanimously enacted Local Law No.4-2004.

The Club applied for a waiver from the zoning moratorium and, at a Board of Trustees hearing of June 28, 2004, was denied the waiver.

The Board of Trustees directed the Village Planning Consultant, Buckhurst, Fish & Jacquemart to make recommendations to the Board with regard to possible modifications to the Marine Recreation Zone relative to the issue of seasonal residential housing for club members and guests. In January 2005, Buckhurst, Fish & Jacquemart submitted a comprehensive report to the Board of Trustees in which the firm recommended that seasonal residential housing continue to be a part of the Marine Recreation Zone. It offered some

alternative methodologies to evaluate how many units would be appropriate in the MR Zone and suggested that seasonal housing was an appropriate use in the MR zone.

The Village of Mamaroneck Planning Board held a hearing on January 27, 2005 to discuss and accept public comments on the Buckhurst Fish report.

After the public hearing, SAPOA expressed its opinion that the Board of Trustees should reject the recommendations contained in the Fish report and retain a new consultant to undertake a new review of the Marine Recreation Zoning district. Subsequently, the Board of Trustees appointed a committee recommended by SAPOA to select a Planning Consultant to prepare a new report to the Mayor and Board of Trustees on the MR Zone.

On February 19, 2005, the committee met in a non-public setting, drafted a scope of work, and determined to recommend that the Village Board retain the New York State Department of State, Director of Coastal Resources, to serve as a consultant to evaluate and review the Marine Recreation Zone.

On December 19, 2005, the Appellate Division, Second Department, affirmed Judge Lippman's decision that the Village Planning Board must process the club's application.

On April 20, 2006, Judge Lippman ruled that the Planning Board was required to hear the Club's application as soon as reasonably practicable, but in no event later than 30 days, or be held in Contempt of Court. Additionally, the Board was required to review the plan and make its determination based upon the Zoning Law that was in effect on April 2004.

This DEIS is, therefore, submitted in furtherance of the requirements of the April 20, 2006 court order.

## **B. Need for the Project**

The overall need for the project is to aid in the strengthening of the club by increasing membership and to generally ensure that the club will be capable of achieving the purposes of clubs within the Village of Mamaroneck as stated in the Local Waterfront Revitalization Program (LWRP) and in the Marine Recreation MR Zoning District.

The proposed seasonal residences will provide an opportunity for club members who are area residents or snowbirds (persons who spend half the year, typically winter, in warmer climates) to reside at the club during the six-month season from April 1<sup>st</sup> to October 31<sup>st</sup>, provide an alternative for some Yacht Club members to sleeping on their boats, and provide other members who may live a little further away to utilize the Club as secondary residences during the six month season (typically members who live in Manhattan, Connecticut or Long Island).

The seasonal residences are intended to aid the club to attract new members, even though it is anticipated that some of the residences will be utilized by existing members. It will act to provide for a wider range of families allowing membership to grow and to ensure long-term survival of the club in keeping with the goals of the LWRP. The residences will help to

distinguish this club from other area clubs, thereby helping its competitive position and enhancing its financial and economic viability.

### **C. Objectives of the Project Sponsor**

The objectives of the club are the following:

- enhance the club
- expand membership
- stabilize and strengthen the club's financial position to ensure its continued utilization as a club
- update its facilities and cabanas
- improve facilities for its yacht club members
- improve on-site parking configuration and treatment
- enhance on-site landscaping and restore some historical landscape elements

### **D. Public Benefits of the Proposed Action**

A major public benefit of the proposed action is the enhancement of the club that will allow it to fulfill the long term objective of the LWRP to sustain waterfront clubs in the Village of Mamaroneck. In furtherance of this public benefit, the original architectural characteristics of the club will be restored particularly with regard to the main clubhouse, to reflect the original Osborn estate mansion, built in 1885.

New stormwater pollution control measures will be installed as part of the site redevelopment, improving the quality of stormwater runoff from the property. Water quality measures for the proposed project will be governed by the NYSDEC Interim Strategy. The proposed project will result in the reduction of approximately 0.6 acres of impervious area and, therefore, is regulated under the Interim Strategy. The Dry Swales standard practice of treating the water-quality volume from at least 25% of disturbed site area would also be adopted.

The new fixtures to be installed in the renovated clubhouse will include new HVAC units, upgrading of gas utilities and addition of energy saving water devices for a combined energy savings and efficiency over that existing.

There will be positive public economic benefits including the creation of new jobs and the generation of new taxes due to the additional assessed value of the property due to construction of the proposed action.

There will be restoration of the plant communities along Otter Creek to native species, thereby eliminating invasive plants and enhancing the original area eco-system.

Since not all of the seasonal residents will be current members and new members will be attracted to the club, and, due to the seasonal residence season being longer than the high season club uses (such as the pool and cabanas), there is a potential for benefits of increased use and patronage of businesses in the Village of Mamaroneck downtown.

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The upgrading of on-site facilities will result in making the clubhouse compliant with the regulations of the American's with Disability Act (ADA).

Updating of the club facilities will enhance the overall value of surrounding Shore Acres properties.