



ZARIN &  
STEINMETZ

October 12, 2018

**Via Hand Delivery**

Hon. Lori Sullivan, Mayor, and Members  
of the Village of Briarcliff Manor Board of Trustees  
1111 Pleasantville Road  
Village Hall  
Briarcliff Manor, NY 10510

***Re: Canoe Brook Development, LLC  
320 Old Briarcliff Road, Briarcliff Manor  
Zoning Petition to Amend the Briarcliff Manor Zoning Code***

Dear Mayor Sullivan and Members of the Board of Trustees:

As you know, our Firm represents Canoe Brook Development, LLC ("Canoe Brook"), the contract vendee of 320 Old Briarcliff Road, Briarcliff Manor (the "Property"). The Property is located in the Village of Briarcliff Manor's (the "Village") B-zone. Canoe Brook would like to re-develop the Property as a multifamily residence building, a use which is not currently permitted in the B-zone.

The enclosed Zoning Petition requests that the Village's Board of Trustees ("BOT") consider a proposed text amendment to the Village's Zoning Code (the "Code") that would allow multifamily residences as a special permit use in the B-zone (the "Multifamily Amendment"). The Zoning Petition includes the proposed text amendment as an exhibit thereto. Enclosed is also an Expanded Environmental Assessment, which contains the following appendices:

- A Long Environmental Assessment Form, prepared by JMC;
- A Traffic Memorandum for site-specific impacts, prepared by JMC;
- A Preliminary Stormwater Analysis, prepared by JMC;
- A School Children and Tax Analysis, prepared by JMC; and
- A Wetland Investigation and Regulatory Assessment, prepared by EcolSciences, Inc.

The enclosed Petition also requests that the BOT declare itself Lead Agency and commence the necessary review under the State Environmental Quality Review Act ("SEQRA").

Matthew J. Acocella  
Michael H. Bauscher  
Katelyn E. Ciolino ◊  
David J. Cooper  
Jody T. Cross ◊  
Marsha Rubin Goldstein  
Helen Collier Mauch ◊  
Zachary R. Mintz ◊  
Erik P. Pramschufer ◊  
Daniel M. Richmond  
Kate Roberts  
Brad K. Schwartz  
Lisa F. Smith ◊  
David S. Steinmetz ◊  
Edward P. Teyber ◊  
Michael D. Zarin

◊ Also admitted in DC  
◊ Also admitted in CT  
◊ Also admitted in NJ  
◊ Also admitted in MD

### **The Proposed Multifamily Amendment**

The Multifamily Amendment proposes to allow multifamily residences on sites in the B-zone that are adjacent to the R-30M zoning district by special use permit. Pursuant to the proposed Amendment, multifamily residences would need to comport with the dimensional requirements of the existing B-zone, except that the parking setbacks of the R-30M zoning district may apply. Furthermore, the Multifamily Amendment proposes to allow for density of multifamily residences in the B-Zone to be calculated based upon the highest residential density in any zoning district adjacent to the site.

The only site located in the B-zone that could meet the criteria<sup>1</sup> is the Property owned by Canoe Brook. In order for Canoe Brook to use the Property as a multifamily residence it would need to receive approvals from the BOT for a text amendment and special permit approval for its specific project. Draft plans for Canoe Brook's specific project are included as exhibits to the Zoning Petition. These approvals would require compliance with SEQRA, and during this process the BOT could require Canoe Brook to study any site-specific environmental impacts not already studied.

### **CONCLUSION**


For the reasons set forth herein, Canoe Brook respectfully requests that upon review of this letter, the Zoning Petition and exhibits thereto, and the Expanded Environmental Assessment, the BOT place this matter on its next regularly scheduled meeting and declare itself Lead Agency pursuant to SEQRA to begin review of the proposed Multifamily Amendment.

If you have any questions with respect to the information or analysis contained herein, please do not hesitate to contact us. Thank you.

Respectfully submitted,

ZARIN & STEINMETZ

By:

  
\_\_\_\_\_  
David S. Steinmetz  
Kate Roberts

Encls.

via Electronic Mail

cc: Christine Dennett, Village Clerk  
Phil Zegarelli, Village Manager  
Daniel Pozin, Esq., Village Attorney  
Canoe Brook

---

<sup>1</sup> Canoe Brook will be able to meet the above listed criteria, provided that it subdivide/merge the two (2) tax lots that comprise its Property. Currently, the vacant tax lot (which is proposed to remain vacant) is adjacent to the R-30M zoning district, but the larger developed tax lot is not.