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## CLIENT MEMORANDUM

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**TO:** Mayor Sullivan and Trustees  
**FROM:** Daniel Pozin **DP**  
**DATE:** October 19, 2018  
**RE:** Zoning Text Amendment - 600 Albany Post Road (the "Property")

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By letter dated September 14, 2018, Zarin & Steinmetz submitted on behalf of its client T5@New York, LLC ("Applicant") a Petition for Zoning Amendment relative to above referenced property. The Petition includes (i) proposed language for the subject Zoning Text Amendment, (ii) a Full Environmental Assessment Form ("EAF") Part 1, (iii) a Traffic Comparison Analysis prepared by Applicant's engineer JMC, (iv) a set of renderings relative to the proposed use of the property and (v) a copy of the Village of Briarcliff Manor Draft Comprehensive Plan Addendum adopted October 4, 2017. Notably, the EAF Part 1 was revised to correct errors several times with the most up to date version being submitted by hand on October 3, 2018.

An informal presentation of the Petition was made at a publicly noticed and televised work session of the Board of Trustees on October 3, 2018. Thereafter, Village Counsel and the Village's Planning Consultant review the submission for completeness.

Having reviewed the submitted documentation, we note the following:

1. The Petition seeks to add self-storage facilities as a use permitted under the Village's Zoning Code for the B/BT District subject to Special Permit to be issued by the Board of Trustees. Proposed limitations and conditions include the following.
  - a. Such use shall be limited to lots being less than 10 acres and having frontage on or principal access to State or County roadway.
  - b. The grounds and exterior of all buildings approved under such Special Permit are to be maintained in conformity with the prevailing standards of the surrounding neighborhood, particularly with regard to signage and lighting.

- c. The site plan required for such a use shall contain a notation which recites all of the conditions set forth in the zoning text amendment and any other conditions of the special permit which may be imposed by the Village Board;
- d. A traffic study, if required by the Village Board, shall be provided to analyze the potential traffic impacts of a self-storage facility use on the road system which services the site.

2. The first section of the Petition entitled "Summary of Petition" includes several conclusory statements as to the application of the proposed zoning text amendment to the Property relating to visual impacts (Paragraph 9), adverse environmental impacts (Paragraph 10), and traffic impacts (Paragraph 11), all of which must be proven.

3. As it relates to the Property, the Petition concludes that there would be minimal if any visual impact to neighboring properties and/or persons traveling along Route 9. An aerial plan/photo should be provided showing the location of buildings and structures on properties adjoining the Property with cross sections providing view sheds from the proposed building site on the Property.

4. The traffic analysis submitted should be reviewed by the Village's traffic consultant.

5. Paragraph 19 of the Petition indicates that all B-Zone properties are underperforming or vacant. Notably though, the Shaw Data Center property at 555 Pleasantville Road in the BT Zone is fully operational.

6. Paragraph 22 states that the Petitioner seeks to add 60,000sf located on two floors each with a 30,000sf floor plate. We suggest that the zoning include some limitation on the height of structures that may be approved with, perhaps, bonuses provided by Special Permit for additional floors at the discretion of the Board of Trustees.

7. The statement in Paragraph 23 that existing landscaping provides adequate screening for the existing building at the Property as well as the proposed addition is conclusory.

8. Paragraph 24 references the enhancement of the existing landscaping to buffer the surrounding neighborhoods. Additional information should be provided on this.

9. In Paragraph 25 there is a reference to the generation of additional tax revenue as a result of the addition of the proposed use. Estimated calculations should be provided.

10. In Paragraph 34 the proposal that the zoning amendments require that the grounds and exterior of the buildings be maintained in conformity with the prevailing standards of the surrounding neighborhood should be explained.

11. Paragraphs 43 and 44 should include site plan approval as among the approvals necessary for the development of the Property under such use.

12. The stormwater facilities referenced in Paragraph 45 should be explained.

13. Paragraph 46 indicates that there will be no noise in excess of ambient noise during either construction or operation. This should be explained.

14. Paragraph 57 states that the self-storage facility would still comply with all dimensional requirements for B-Zone properties as set forth in the code. This should be specifically discussed.

15. I defer to BFJ with regard to the EAF. However, I suggest that Item E.h.iii be explained.