

MEETING NOTICE

Village of Scarsdale

A meeting of the Law Committee of the Board of Trustees of the Village of Scarsdale has been scheduled for Tuesday, April 10, 2018 at 6:30 P.M. The meeting will be held in the Trustees Room, which is located on the 2nd floor in Village Hall.

Agenda

1. 2-4 Weaver Street – Proposed Amendment to December 19, 2014 Declaration of Covenants and Restrictions

(It is anticipated that a motion will be offered to move into Executive Session to discuss a legal matter)

CS: 3-30-18

FAX: Scarsdale Inquirer

E-MAIL: Journal News (Lohud)
Scarsdale 10583
Scarsdale Hamlet Hub
The Daily Scarsdale

cc: Lobby Bulletin Board



ZARIN &
STEINMETZ

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• Also admitted in D.C.
• Also admitted in CT
• Also admitted in NJ

March 22, 2018

By Facsimile (914) 722-1103 and First-Class Mail

Hon. Dan Hochvert and
the Board of Trustees of the
Village of Scarsdale
Village Hall
1001 Post Road
Scarsdale, NY 10583

Re: 2-4 Weaver Street, Scarsdale, New York


Dear Mayor Hochvert:

We represent Frederick S. Fish Investment Co. No. 32-Scarsdale, LLC and Stephen Oder Scarsdale, LLC the owners of the above referenced property (the "Property") in connection with the Village's approval of the development of the Property in accordance with the approved Site Plan. In connection with the Village's resolution dated September 29, 2016, attached hereto, approving an amendment to the Site Plan, the Owners hereby submit the following proposed Amended Declaration of Covenants and Restrictions, which merely updates the Declaration to include that 14 residential units, including one affordable unit, may be constructed on the entire Property.

If you have any questions, please don't hesitate to contact me.

Respectfully submitted,

ZARIN & STEINMETZ

By: 
Lisa F. Smith

LS:me

cc: Wayne Esannason, Esq.
Elizabeth Marrinan, AICP, Village Planner
Stephen Oder (w/encl)

CASE #8 OF 2016

2. F.S. Fish #32/ S. Oder TIC
2-4 Weaver Street
Sec. 18, Blk. 2, Lot 88A
Site Plan Amendment

The Board considered the request from F.S. Fish #32/ S. Oder TIC, Case #8 of 2016, and, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: the Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

RESOLVED: the Planning Board, on May 23, 2012, acting as Lead Agency, adopted a Negative Declaration which found the proposed construction of the new 11 unit building and the terms of the then non-binding term sheet including up to 4 residential units in the tavern building would not have a significant adverse impact on the environment and therefore no further environmental review is required at this time; and

WHEREAS: the property is located in the Business A zoning district and totals .9 acres; and;

WHEREAS: the project, currently under construction, involves the construction of a new 11 unit multi-family residential building, the conversion of the existing former tavern building into 3 units as well as associated drainage and landscaping improvements; and

WHEREAS: one of the 14 units will be a "Fair and Affordable unit" as required by the Village Code; and

WHEREAS: the Planning Board approved the Site Plan, a parking waiver and a lot merger for the project on September 17, 2014 after several public hearings and referral to the Board of Architectural Review; and

WHEREAS: a "Non-binding Term Sheet," developed over several years for the sale of Village-owned property adjacent to the site provided parameters for the project and included restrictions on both the Village and privately owned land; and

WHEREAS: the applicant and the Village closed on the sale of the Village owned property, the covenants and restrictions were filed as required and building and SWEC permit applications were approved for construction on both buildings; and

WHEREAS: the Village retained an independent architect and design consultant to monitor construction activity for conformance with the approved plans; and

WHEREAS: the Planning Board, on May 27, 2015 approved an amendment to the Site Plan for the conversion of the tavern building into the three residential units and the construction of a stair egress addition; and

WHEREAS: Chapter 77-1 of the Village Code authorizes the Planning Board to consider Site Plan approval for the construction or alteration of non-residential structures; and

WHEREAS: Chapter 251 of the Village Code requires Site plan review for the alteration of non-residential and multifamily buildings and gives the Planning Board the authority to consider all aspects of building and site development; and

WHEREAS: the correspondence submitted with the application indicates that as construction proceeded, the applicant identified certain changes which would enhance the building's design and function; and

WHEREAS: the correspondence and plans submitted with the application describe the proposed changes summarized as follows:

1) modifying the terrace between the two buildings to allow for more direct secondary egress from 2 Weaver St. and the addition of an interior stair between the upper and lower levels of the parking garage to provide additional access from the lower parking level to 2 Weaver St.; and

2) relocating the fitness center from the basement level of 2 Weaver St. to the space under the terrace; and

3) enlarging and increasing the number of the arched window openings to the garage to classify it as an "open air" facility, eliminating the need for a supplemental mechanical exhaust system; and

4) changing the exterior treatment of the garage on the western (Heathcote By-pass), northern and southern sides to stucco and timber, consistent with the rest of the building, from the approved stone veneer; and

5) two changes to windows/doors including adding French doors on the penthouse level on the eastern (front) side and eliminating a window on the northern side; and

WHEREAS: the proposed changes are consistent with the filed covenants and restrictions based on the "Non-binding Term Sheet"; and

WHEREAS: The Board members have visited the site, understand the neighborhood context and are familiar with the materials in the application; now therefore be it

RESOLVED: that the application of F.S. Fish #32/ S. Oder TIC for an amendment to the Site Plan, pursuant to Chapter 251 of the Village Code, for 2-4 Weaver St. as shown on Plans A-SP, A-100, A-101, A-300, A-301, A-302 and A-429, all dated 9/1/2016 be approved based on the following findings:

1. The elimination of the noise of the mechanical exhaust system will benefit the future residents and the surrounding neighborhood.
2. The proposed change to stucco and wood timber from the stone veneer on the exterior of the garage, along with the additional and larger arched openings, serve to "lighten" the appearance and, given the limited visibility from adjacent properties and roadways, is not a significant change.
3. The Site plan amendment is limited to those changes specified in the plans noted above.

* * * * *

AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS

DECLARATION, made this ___ day of March, 2018 by **FREDERICK S. FISH INVESTMENT CO. NO. 32-SCARSDALE, LLC**, and **STEPHEN ODER SCARSDALE, LLC**, each having an address at 10 East Palisade Avenue, Englewood, NJ 07631 (hereinafter collectively referred to as “Declarant”).

WHEREAS, Declarant is the owner of that certain parcel of land located at 2-4 Weaver Street in the Village/Town of Scarsdale and designated on the Village of Scarsdale Tax Assessment Map as Section 18, Block 2, Lot 88 which parcel includes the existing tavern building in which a restaurant is currently located (the “Restaurant Building”) and which parcel is more particularly described on Schedule A-i attached hereto (“Parcel 1”);

WHEREAS, the Village of Scarsdale conveyed by Quitclaim Deed to the Declarant that certain parcel of land located on Weaver Street in the Village/Town of Scarsdale and designated on the Village of Scarsdale Tax Assessment Map as Section 18, Block 2, Lots 89 and 90 (and certain other property adjacent thereto) which parcel is more particularly described on Schedule A-2 attached hereto (“Parcel 2”); and

WHEREAS, as a condition of the conveyance of Parcel 2 to Declarant, the Village of Scarsdale has required certain restrictions on Parcel 1 and Parcel 2 (collectively, the “Property”); and

WHEREAS, the Grantor executed and recorded a Declaration of Covenants and Restrictions dated December 19, 2104, recorded in the Westchester County Land Records on January 22, 2015, in Control No. 543433453; and

WHEREAS, the Village of Scarsdale Planning Board passed a Resolution on September 28, 2016 detailing among other things its approval for an amendment to the Site Plan for the conversion of the tavern building into three residential units and certain other changes.

NOW THEREFORE, in consideration of the sum of \$1.00 and other good and valuable consideration, Declarant hereby declares that the Property shall be held, sold, conveyed, transferred and occupied subject to the following covenants and restrictions:

1. Number of Residential Units: No more than fourteen (14) new residential units, including one “fair and Affordable Unit”, may be constructed on the Property.

2. These covenants and restrictions shall inure to the benefit of the Village of Scarsdale and may be enforced by the Village of Scarsdale.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the date first appearing above, intending the same to be recorded in the Office of the Westchester County Clerk, Division of Land Records.

FREDERICK S. FISH INVESTMENT CO. NO.
32-SCARSDALE, LLC

By: _____

STEPHEN ODER SCARSDALE, LLC

By: _____
Stephen Oder, Managing Member