

## **INTRODUCTION OF CHANGES TO LOCAL ZONING AND ARB LAWS-NOV 2010**

### **Purpose:**

1. Modify Zoning to address massing and bulk issues in an objective manner, rather than a subjective manner through architectural review. Intent is to soften impact of new construction over the streetscape and the neighbors
2. Modify ARB procedure to allow for more predictable outcome for homeowner and less investment early in the process
3. Ultimately to continue to support the creation and building of significant period style homes in the best Kensington tradition
4. Overall objective to maintain property values in Kensington

### **What Has Not Changed?**

1. No change to current Floor Area Ratio (FAR) of 40%
2. No change to current lot coverage ratio of 35%
3. No change to current homeowner who wants to put on a modest addition that involves less than 40% of current house square footage
4. No change to corner lot building requirements

### **Why Changes are Needed?**

1. Zoning code has not been modified in over 20 years, we have not kept up with changes in best practices followed by other Villages in this time frame. These proposals address massing and bulk issues that we have been addressing through the ARB process and also modify ARB processes to make them less burdensome on applicant.
2. Current wave of home “tear downs” will continue, as our housing stock ages. Many of the “non period” homes, built in the 50s and 60s are most susceptible to being demolished and replaced with newer and bigger homes. A zoning code which does not provide objective standards to address massing and bulk will burden the ARB process and is not in the best interest of the village.
3. Changes are only applicable to new home construction, and additions of over 40% to current house square footage. Existing homes are grandfathered under current zoning and can continue to have minor additions and changes made as desired by owner.
4. Proposed changes are less restrictive than the changes that have been adopted in the other villages in Great Neck over the last 20 years.

### **What Process was Followed?**

1. Task force convened in October 2009 to study this matter
2. Members of task force are Bill Graham, Zoning Board Chair; Gail Strongwater, building commissioner; Darren Kaplan, ARB procedural chair; Nancy Sweder, ARB design chair; Susan Lopatkin, Mayor; Andrew Bloom,

Acting village justice; Michael Russo, consulting architect; James Gilhooley, building inspector; Kathy Eiseman, planning and zoning consultant; and Village attorneys.

3. Extensive research was performed including; surveys of other village codes; tour of Kensington homes to note building proximity; streetscape; downslope; survey of existing homes, setbacks and designs; reviews of Kensington home photographs; and style issues.
4. Vetting process extended outward from the task force to include the ARB members and the Zoning board current members for feedback purposes as well as members of the Village Board of Trustees.
5. Additional input obtained from local architects

### **In General, What Kinds of ARB Changes are Being Proposed?**

1. Improved procedures: Applicants will first come to ARB with proposed plans, and perhaps additional sketches of proposed house design, rather than investing a significant sum into scale models and color renderings. This is a much less costly investment until ARB consensus is reached.
2. Summary review, a new concept to allow for quick disposition of the more basic ARB matters such as window and door replacements as examples.
3. More clearly defined timeframes for applicants and corresponding notice requirements
4. Inclusion of landscape bond for new construction projects, to ensure full completion of work
5. Inclusion of construction administration which allows the owner's architect or engineer to certify that the house being built is in accordance with the

approved plans in all the details

### **In General, What Kinds of Zoning Changes are Being Proposed?**

1. New and clarified definitions in the code.
2. An overall requirement to build somewhat further from the property line in terms of increased side yard setbacks depending on lot width.
  - a. Current minimum of 10 ft on each side (20 ft combined) is proposed to increase to anywhere from 24 ft combined for very narrow lots, to 28 ft for standard lots and 32 ft for oversized lots.
  - b. Zoning encouragement to build the second story of a home with architectural devices such as sloped roofs; second story setbacks front and/or back etc. that will mitigate massing impacts on streetscape and on neighbors
  - c. Full vertical second story designs will need to be further from the property line than designs which include second story setbacks
  - d. Designs were test fitted with different property sizes to conclude that full FAR yield can be obtained with proposed changes.
  - e. Inclusion of landscape buffers between 2 and 3 feet depending on lot width; to allow for plantings between properties
3. Inclusion of permitted encroachments into the front, side and rear yards, which currently would require a zoning variance; including a/c units; porches, bay windows; front portico; fireplace chimneys; stoops and steps into yard; and cornices, eaves and gutters

4. Façade articulation of both the side and front façade of a home, to encourage more interesting designs and less “box like” homes
5. Maximum sq foot of house proposed at 8,000. Currently the largest home in the village is 7,200 sq ft
6. Building height limitation proposed at 35 ft to ridgeline
7. FAR inclusion of partial garage sq footage; excess ceiling height on first and second floors; and percentage of cellar which exits to grade.

**Other Important Considerations:**

1. All the proposals continue to have Kensington as one of the least restrictive of all the local Great Neck villages which were studied. For example, most villages include the entire garage in the sq ft calculation towards FAR, we are proposing to include just 200 sq ft of the 400 total. There is not one village we examined which has a zoning requirement of a combined 10 ft side yard.
2. These proposals were tested on many existing homes and it was determined that the vast majority would be in compliance with the proposed zoning changes if built today, particularly as related to new side-yard and façade requirements.
3. Modern luxury homes can continue to be built under these proposals.