



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law Amending the Chapter 223, Section 41.18E(7) concerning Building Height Special Permits

DATE: December 12, 2019

As requested, the Planning Board reviewed the Local Law Amending the Chapter 223, Section 41.18E(7) concerning Building Height Special Permits at their December 10th meeting. The City Planner reviewed proposed the changes, and explained a special permit can be granted for the addition of a fourth story, but the fourth story must include a fifteen-foot setback. It was discussed that the local law proposes that there will be no opportunity to seek a variance from the Zoning Board of Appeals for the fifteen-foot setback requirement. Members understood the law does not allow an applicant to seek a variance to reduce or eliminate the setback. Although they agreed with the setback requirement, they had concern that there is no mechanism for the smallest exception in the case of a unique circumstance. After a lengthy discussion, members supported the proposed amendment and suggested the City Council consider adding a provision that would reserve unto the Council the authority to grant a waiver from the setback requirement, in whole or in part, under certain proscribed circumstances.

If you have any questions, please feel free to contact me.