

MANDATING CLUSTER

Executive Summary:

Two primary goals identified in the Vision Plan for the Village are preserving open space and protecting environmentally sensitive site features on properties. Whenever a large tract of land is proposed for development, there need to be tools that the Village Boards can use to make sure that these goals are achieved. The Land Use Committee (LUC) has recommended that clustering be mandated on all large tracts.

The FGEIS prepared for the adoption of the proposed Land Use Regulations acknowledges clustering as a useful tool, but suggests that it should be an option, not mandated. The problem with making clustering an option is that this means the process will not be predictable. A potential purchaser or an applicant will not have a clear understanding of the Village's expectations until they have proceeded far enough into the approvals process for cluster methods to be implemented.

The Land Use Committee supports mandating clustering on large tracts to:

- Create compact projects that can reduce site coverage, adverse environmental impacts, and the loss of open space.
- Create more efficient development projects, reducing the length of roads, the area of paved surfaces, and the length of utility lines.
- Allow for large portions of development sites to be retained as connected open space.
- Allow for development to be moved away from steep slopes, stands of trees, and other significant site features.
- Make use of creative siting to create "places" and avoid sprawl.
- Control the number of homes being added to the community, without resulting in a change to the texture of the community.

Dobbs Ferry has an unusual number of relatively large properties owned by institutions and, while those institutions are valued as part of the community, there have been times in the past when it has been necessary for at least three of these institutions to sell a portion of their property for development. The impact of a large tract being developed affects both the texture of open space within the community and the character of the adjacent neighborhoods.

The Land Use Committee (LUC) has recommended that any development of large tracts be required to preserve a substantial amount of the open space and to protect environmentally sensitive features. It has also recommended that the development of large tracts be carefully considered in terms of how it will integrate with or juxtapose to the surrounding neighbors, as well as provide for the needs of the community.

Discussion:

The mandated cluster issue should perhaps be flipped on its head and called “mandated connected open space.” If there is significant open space and it’s connected and kept in a state that reinforces natural systems, then the building form will take care of itself in the remaining built area. The challenge with mandating open space, however, is that it can be misinterpreted as an approach to land use that discourages development.

By mandating cluster, the Village can attract development that accepts sustainability as a primary objective, while discouraging development that perpetuates sprawl. The most progressive developers recognize the importance of creating compact projects. This is important in part because the preferred density for the large institutional tracts is often lower than the existing density of the adjacent neighborhoods. For example, if the density of an institutional property was set at 20,000 square feet per residential unit (half acre zoning), that may make sense in terms of the number of homes being created in the community, but it may be inconsistent with the 10,000 square foot or even 5,000 square foot parcels in the neighborhoods adjoining the institutional property. Mandating cluster is a way to establish the desired density, without also creating a project that would be in contrast to its neighbors.

The value of clustering is that an analysis of the natural systems – of topography, of plant materials, of watercourses, of drainage patterns, of soils, of animal and bird habitat, of recreation potential and of significant natural (or man-made) landscape features, and of the most closely adjacent built environment – must precede the planning and siting of new housing and other buildings. The form of that new housing, whether it is detached single family houses, lot-line detached houses with small yards, sidewall duplexes, townhouses or some other arrangement, will be particular to each site and to the goals of each project.

Mandated Cluster, or Mandated Connected Open Space, is consistent with the approach that is being taken throughout the code and in the latest refinements of several provisions, including bulk controls. In other words, we initially set the bar for the applicant and the reviewing Boards at a conservative level. The boards then have some flexibility to make adjustments as the site planning process continues. This is in contrast to boards being under the gun to find a compromise that is slightly better than an as-of-right carving up of the entire parcel into single family lots with little or no recognition of the landscape and natural systems.

Open Space:

The Conservation Advisory Board (CAB) has done a lot of work over the years identifying the open space parcels within the community and maintains an Open Space Inventory, which is a predetermination of those properties that currently provide the amenity of open space. Currently, there is no designation of those parcels, other than being listed in the Open Space Inventory. The Land Use Committee has supported the CAB in its request that the proposed Land Use Regulations include overlay zoning designations for open space.

The DGEIS addressed this request and the FGEIS noted the comment at the Hearing. The request is for existing designated open space, such as parks and dedicated parcels, including the Juhring Estate, be assigned the zoning designation of OS-1, which is dedicated open space. The request then suggests that the properties in the Open Space Inventory, that are not designated as OS-1, be designated OS-2, which is reserved open space. The OS-2 designation would apply to many of the institutional properties. As an overlay, it becomes an additional cue to the current and future owners of those properties that they have been identified as important open space. As long as the institutions operate and use the property, there is little change resulting from the designation. However, if a portion of an institutional property is being considered for sale, the OS-2 designation assures predictability: a purchaser would not be surprised to find out that the property is valued as open space by the Village.

The third part of this request was that the zoning overlay of OS-3 also be created, which relates directly to the discussion of clustered development. With the development of a portion or all of an institutional property using clustering techniques to make the development more compact, portions of the site will be able to be set aside as restricted open space. These areas within the project would have a metes and bounds description and be designated as OS-3, which is restricted open space. In the Site Plan process, the permitted uses and maintenance obligations of the restricted open space would be identified and recorded as conditions in the resolution granting approval. The Site Plan map filed with the County would show the restricted area and would list the conditions in the resolution pertinent to the open space designation.

Sustainability:

There was a time, not too long ago, when the assumed preference for any development, from an environmental perspective, was single-family homes on relatively large parcels. A goal at that time in the Site Plan approval process was often reducing density. Unfortunately, we have now come to understand that significant problems were created by this approach to development. Subdivisions consisting of larger lots often result in forest fragmentation and consume valuable open space. This is somewhat concealed by the fact that the yards have nice lawns and can be nicely landscaped. The appearance is of trees and green. The fact, though, is that this form of development results in increased paving, less walkable streets, the loss of useful open space, and land management methods relying upon pesticides, herbicides, and fertilizers, as well as irrigation, that are not friendly to the environment. The surprise is that this form of development has also proven to be more difficult for the community to support financially, since it tends to put more children in the schools, while also reducing the tax income as a result of the reduced density of units.

The Mayor's Task Force on Energy and the Environment has conducted a number of events in Dobbs Ferry that have directly addressed sustainability and the need to reduce vehicle miles traveled (VMTs) and green house gases (ghgs), while promoting a more walkable community, as well as better husbandry of the environment. Mandating cluster is a way of supporting this effort. Compact development retains more open space, allows for the protection of environmentally sensitive features, reduces the amount of impervious surface and can accommodate larger densities of units with less demand on limited resources.

Forms of Cluster:

There is a common misconception that mandating cluster is the same as mandating attached housing. The fact is cluster has many forms, with attached housing and multi-family buildings being only two. Clustering can be accomplished by simply reducing the size of the building lots and creating a more compact development of single family homes. The goal of mandating cluster is to be able to use the tool to preserve open space and protect environmentally sensitive site features for both large tracts at relatively low densities, and for smaller tracts at relatively higher densities.

Example One: A neighborhood of 5,000 square foot building lots can accommodate approximately 8 residential units per acre. A neighborhood of 20,000 square foot building lots accommodates approximately 2 residential units per acre. Assuming a 10 acre property proposed for development at a density of 20,000 square foot lots would result in approximately 20 homes, consuming the entire 10 acres. A cluster subdivision, using the same 10 acres and 20 homes, but with 5,000 square foot lots, locates the development on 2.5 acres, leaving 7.5 acres as open space.

It is easy to see how the example above has worked in Irvington in several clustered subdivisions already built and then to project the advantage of this approach for the campuses of many of the larger institutional properties in Dobbs Ferry.

There is another example that has already proven to be effective in Dobbs Ferry, which is where the underlying density is already at a higher number of residential units.

Example Two: Assuming a 2 acre property with an existing zoning permitting single family homes on 5,000 square foot parcels, the yield would result in approximately 16 homes, again consuming the entire site. In this example, attaching the homes or even creating multi-family buildings becomes a way of clustering the units to protect environmentally sensitive features. By designing a more compact development with perhaps 2,500 square feet allocated for each residential unit, all of the homes can be located on half of the site with the other half of the site being open space and protected environmentally sensitive features, such as steep slopes.

Both of the examples above demonstrate how clustering can be used in Dobbs Ferry to achieve the goals in the Vision Plan. The issue that remains to be resolved pertains to the impact that clustering has on the economics of land value and development. While both examples have demonstrated how the same number of units can be accommodated on a smaller piece of the property, they ignore the fact that the size of the homes and the value of the homes is also likely to be reduced. This can be a issue for institutional property owners, who are concerned with mandated cluster reducing the potential value of their property, as well as for developers who need to relate the sales values for homes to the cost of land acquisition.

Density Bonuses:

Since several of the reasons for mandating cluster are the advantages that doing so can have on the community, a tool that is often used to support a cluster mandate is density bonuses. The Dobbs Ferry Zoning Ordinance already makes use of this tool in the WFB zoning district, in which density bonuses are offered for achieving specifically defined goals, such as making the waterfront more accessible to the public, protecting steep slopes, and providing affordable residential units. This same approach of density bonuses should be applied to all of the special zoning districts proposed in the Village including WFB, EI (Educational and Institutional), and CP (Chauncey Park).

The Vision Plan has additional goals, which include protecting the diversity and the affordability of the Village. Density bonuses granted for achieving specifically defined goals can be combined with mandated cluster as a way to encourage these goals to be accomplished, as well as a way to balance the economics of a development project affected by the mandate.

The development industry has done an overly good job for the past 50 years accommodating the needs of the traditional nuclear family with four bedroom single family homes, but a poor job accommodating the needs of others. The fact is that less than 27% of households are the traditional nuclear family with mom, dad, and a couple of kids. More than 73% of households are singles, couples without children, extended families, and people sharing living quarters. There are many advantages of accommodating these other households, including the fact that many of the residential units can be smaller and that this is a growing segment of the population that are looking to the development industry to accommodate their needs now.

A concern with increasing density is the perception that it will then increase traffic and the impact on resources. To address this concern, there needs to be a way of comparing the impacts of the different development types. One way that has proven effective is controlling the number of bedrooms. Assigning perhaps 3.5 bedrooms as the calibration for the typical single family home, the number of bedrooms can be calculated for a development project. Using the second example above, the 16 units would compute to a total of 56 bedrooms. A density bonus of 25% could be granted for achieving goals set for the district, resulting in a permitted increase in units to 20. However, the number of bedrooms would not be permitted to increase, resulting in a limit restricting the number of bedrooms per unit to an average of 2.8. If one of the factors in granting a density bonus is the percentage of two bedroom units included, as a way of accommodating the needs of these other households, the number of bedrooms may even decrease. Issues like traffic and parking impacts can be assessed with the relative impacts compared and mitigating measures implemented to assure that there would not be any increase in adverse impacts.

The combination of mandating cluster and providing density bonuses is a way of helping Dobbs Ferry achieve a number of the goals in the Vision Plan, while protecting the economic rights of the property owners. The important step is to have clearly articulated goals for which the bonuses can be granted.

Summary:

The Land Use Committee continues to support its recommendation that cluster should be mandated in all of the special zoning districts, as well as recommended in general as an effective way to encourage compact development throughout the Village.

The open space zoning overlays should be added to the Land Use Regulations.

The formula for density bonuses that currently exists in the WFB zoning district should be used as the basis for density bonuses applicable to the other special zoning districts. In addition to the goals of creating open space and protecting environmentally sensitive site features, the goals of affordability and diversity should be included in the bonus structure.