

**Lee S. Gayer
Dawn A. Gayer
247 Judson Avenue
Dobbs Ferry NY 10522**

September 7, 2021

Stephen Hunter, Chair
Village of Dobbs Ferry Planning Board
112 Main Street
Dobbs Ferry, NY 10522

Re: 253 Judson Avenue

Dear Mr. Hunter and Board Members:

We reside at 247 Judson Avenue. Our property adjoins 253 Judson Avenue (the Subject Parcel") to the south. We are writing with regard to the plans by Evans Architects, AIA and Hudson Engineering, P.C., among others (jointly, the "Plan"), submitted to the Village of Dobbs Ferry Planning Board (the "Board"). We do not oppose the redevelopment of the property, but we have a number of concerns which we ask the Board to consider in connection with this application.

Summary of Issues

Pursuant to the Plan, the homeowners are proposing to demolish the existing 1.5 story residence on the Subject Property (approximately 1,900 sq. ft.) and replace it with a 2.5 story residence (the "Proposed Structure") of over 4,000 sq. ft., and install patios, a swimming pool and other structures that, in conjunction with the footprint of the home, will cover approximately 56% of the .43-acre property. The Plan proposes cutting down numerous mature trees on the Subject Parcel and many other smaller trees and ground cover.

Based on the information available it appears that the Plan does not include computations required by the Dobbs Ferry Zoning and Land Use Law that require that the structure must be contextual in scale and character. Moreover, the modifications to the Subject Parcel raise environmental concerns with respect to the removal of trees and riparian issues relating to the stream that runs along the east side of Judson Avenue, which will be affected by the Plan and the Proposed Structure. There also are significant issues with respect to site safety and construction logistics.

In addition to these issues, which affect the neighborhood, as a whole, as adjacent landowners, the Proposed Structure and other aspects of the Plan will have a direct impact on our rights.

As noted above, we are not opposing redevelopment of the site. Instead, we are asking that the Board take these issues into account in reviewing the proposed Plan, and take appropriate measures to ensure that they are adequately addressed.

The Neighborhood

The portion of Judson Avenue most affected by the Plan begins at the intersection of Judson Avenue and Beechdale Road, and runs south, where it ends at the edge of Hillside Woods. As the Board Members are aware the neighborhood is comprised of relatively small homes. There are none of the large homes that exist on the section of Judson between Clinton Avenue and Beechdale, and especially on a lot of under .5 acres. The neighborhood is extremely quiet due, in part, to the dead end and lack of through traffic. The neighborhood has a “woody” feel that is in keeping with its proximity to Hillside Woods and the Children’s Village property.

Adding to the charm of the neighborhood, there is a stream that runs along the east side of Judson – in some places above ground and in others below. The stream surfaces at the Subject Parcel, which has a small pond, and then flows onto our property where there also is a small pond. It then runs underground into Hillside Woods. However, during flash flooding rain events, the flow from upstream overwhelms the normal flow and causes the stream to run above ground, across our front yard and onto Judson Avenue.

Concerns With the The Plan

We believe that the Plan raises several issues which we discuss below. We note that we have not engaged architects or engineers and that the issues raised are based on our non-expert review. Accordingly, there likely are other issues, including those addressed in the July 30, 2021 memorandum of Ms. Monastra, which will need to be addressed.

The Plan Involves Significant Alteration of the Landscape

The Plan envisions a significant alteration of the landscape that will dramatically impact the character of the lot and the neighborhood as a whole.

1. Removal of trees and ground cover.

Although difficult to discern from the Plan, it appears that, in order to make room for the installation of significant patios, a swimming pool and a widened and relocated driveway, the homeowners are seeking to remove numerous mature trees, including a 30” hickory (misidentified as an ash), a 30” pine (a remarkably beautiful tree - actually not a pine – possibly spruce), a 40” oak, and a 36” pine. In addition, a multitude of smaller trees, shrubs and other plantings would have to be removed to accommodate the walkways, the new driveway and, possibly, the fencing along the south property line. This will irreversibly alter the landscape and eliminate the natural screening that currently exists.

Protection of our plantings on or close to the property line near the proposed pool has not been addressed. This is an issue since it appears that the proposed fencing would be placed on the property line.

Moreover, removal of these large, mature trees may have an effect on the flow of the stream and could impact downstream homeowners. The extent to which the Plan considers these issues is unclear.

It should be noted that care must be taken to ensure that the hickory tree in the back yard identified for removal (and misidentified as an Ash) is not a Shellbark Hickory, a tree that is rare and listed as threatened in New York State.

2. *Paving Issues*

The Plan proposes installation of multiple bluestone patios, a swimming pool with an adjacent patio, and a widened driveway that shifts the existing driveway southward. We believe that the retaining wall and removal of plantings may create runoff issues that could exacerbate the already-existing run-off issues affecting down-stream property owners.

3. *Lack of Detail Regarding Retaining Wall and Fencing*

No details are given regarding the proposed retaining wall to accommodate the relocated driveway or at what point it would be constructed. As noted above, there is a concern that this can exacerbate water run-off issues.

In addition, insufficient details are given regarding the style and color of the proposed horizontal steel slat fencing to be erected on the south and north sides of the Subject Parcel, which also (being metal) would not be in keeping with the current “woody” nature of the neighborhood.

4. *Location of Swimming Pool*

The swimming pool and its equipment is situated too close to our property which will significantly impact the quiet enjoyment of the property. There is inadequate screening to minimize the noise from use of the pool and from its equipment.

The Plan Does Not Appear to Address Context Based Limit Requirements Set Forth in the Local Zoning Laws

Based on our review of the Dobbs Ferry Code, it appears that the Code and various supporting documents reflect an intent for any new building to fit into its existing context. *See, e.g., Dobbs Ferry Residential Design Guidelines.* Moreover, Chapter 300 of the Dobbs Ferry Zoning Laws defines Context-Based Limits as follows:

“Height and bulk limits on proposed buildings established by the prevailing standards of the existing or proposed buildings on lots within 200 feet of the subject parcel.”

As shown in Attachment 2 to Section 300 (Appendix B, Table B-7) the Proposed Structure must be shown to comply with the context-based limits on heights and massing, including maximum ridge height and maximum eave height. It does not appear that the Plan or the Zoning Worksheet provided demonstrate calculations of these context-based limits.

At 4,000+ sq. ft., the Proposed Structure would dwarf the surrounding homes. Accordingly, we believe that the Plan should address the context based requirements.

Excavation Issues

As we all know, construction estimates are always insufficient. We are unable to determine where the soil test samples were taken from, and whether consideration has been given to the possibility of rock ledge being encountered during the excavation process. The geology of the area is such that rock ledge could be encountered in the construction process (as it extrudes in the backyard of 257 Judson Avenue and is also present in the wall of our basement). It is our concern that additional extensive delays in construction and a request for rock blasting or rock chipping are possible. This has been an issue with the house at the corner of Beechdale Road and Judson Avenue which has caused that project, begun at least 10 years ago (a conservative estimate), to be delayed and seemingly abandoned.

Construction Vehicle Issues

Due to the fact that the Subject Parcel is on a dead-end street that is not very wide, we are concerned that, over the course of the 1-2 years during which construction would be taking place, construction vehicles might obstruct passage of emergency vehicles and nearby residents' vehicles – an extremely dangerous condition which has happened during house construction in the past. The developer should submit a site safety and logistics plan to explain how construction vehicles and delivery vehicles will access the site and turn around without blocking access for other residents and/or impeding emergency vehicle access. In addition, the plan should address where workers' cars will park so as not to interfere with residents' ability to enter and exit their hilly and angled driveways and to minimize, as much as possible, the effect of the construction on the neighboring homeowners. We assume hours of operation are already described in the Village's local law.

Conclusion

We thank the Board for its attention to this matter, and ask that the issues raised above be taken into consideration in its review of the Plan.

Sincerely,



Dawn and Lee Gayer

Copies to: Ed Manley, Building Inspector
 Anthony Oliveri, PE., Village engineer
 Dan Pozin, Village Attorney
 Architectural & Historical Review Board