

June 21, 2023

Dan Roemer, Building Inspector  
Dobbs Ferry Planning Board  
112 Main Street  
Dobbs Ferry, New York 10522

Re: Proposed Giglio Residence  
0 North Mountain Drive (Subdivided from 79 North Mountain Drive)

Dear Mr. Roemer and Members of the Dobbs Ferry Planning Board:

At its March meeting, the Planning Board called for a Public Hearing for the Site Plan Review of 0 North Mountain Drive. That Hearing was opened at the Planning Board's April 6, 2023 meeting and continued at its May 4, 2023, and June 1, 2023 meetings. This letter is to request that the Planning Board continue the Public Hearing its July 6, 2023 meeting.

The Zoning Board has already decided two applications for this property. The first was the granting of a variance to permit the development of a property with a Gross Lot Area of 23,337 square foot property and a Net Lot Area of 15,716, due to a deduction of 7,621 for Steep Slopes, in the OF-2 zoning district that requires a Net Lot Area of 20,000 square feet. Although the subject property was approved as a building lot by the Planning Board in October 1989 with the Steep Slopes Ordinance already adopted by the Village, applied to the application, and the Plat Map signed by the Planning Board Chair and filed with County Records, the Building Inspector denied it as a building lot. The Zoning Board adopted Resolution 6-2023 granting the variance at its April 12, 2023 meeting.

The second application completed by the Zoning Board was the adoption of Resolution 7-2023 at its May 10, 2023 overturning the decision made by the Building Inspector that the Net Lot Area had to be used in the calculations to determine the maximum Building Coverage permitted on a building lot. The Zoning Board's decision confirmed that the Gross Lot Area could be used to determine the maximum Building Coverage.

The single-family home proposed to be built on the 0 North Mountain Drive parcel has been designed in compliance with all applicable zoning requirements, including the following:

1. The front yard setback has been reduced in accordance with Section 300-34.B.(5) which permits this reduction on parcels that have a topography exceeding a slope of 25%, provided that the rear yard is increased by at least the same amount. The front yard setback is proposed to be 24 feet, which is 6 feet less than the 30 foot requirement.
2. The rear yard setback is proposed to be 49 feet, where the required minimum of 25 feet has been increased to 31 feet in accordance with Section 300-34.B.(5).

3. The total front and rear yard setbacks total 73 feet, where the requirement is 55 feet.
4. The minimum side yard setback is 43 feet, where the requirement is 20 feet.
- E. The minimum total side yard setbacks is 86.5 feet, where the requirement is 50 feet.
5. The proposed Building Coverage is 4,040 square feet (17.3%), where 4,200 square feet (18%) is permitted.
6. The proposed Impervious Coverage is 7,910 square feet (33.9%), where 9,335 square feet (40%) is permitted.
7. The height of the house is 33.5 feet with 2 stories, where 35 feet with 2.5 stories is permitted.
8. The Sky Exposure Plane diagrams have been prepared and every part of the house is well inside of the Sky Exposure Plane.

How the proposed house compares with the other houses in the Context-Based Limits, as defined in the Village Code, has been evaluated. Two Memoranda have been prepared and previously submitted to the Planning Board addressing the size of the house. The first is "Memorandum - Context Limit Area" prepared by Gotham Design Planning & Development Ltd., dated February 14, 2023. The second is "Memorandum - Analysis of Slopes Within the Context Limits" prepared by Gotham Design Planning & Development Ltd., dated April 22, 2023. Both confirm that the existing building lot is not an anomaly in the neighborhood, with the slopes to lot size of the subject parcel being in the mix of the other properties in the Context-Based Limits. The April 22, 2023 Memorandum provides a Table in its Summary that shows, of the seven properties in the Context-Based Limits, the proposed house is smaller than three and larger than three, placing it in the middle.

Extensive evaluation of the engineering submitted for the proposed development of the subject parcel was performed. The applicant retained a well-known, well-qualified, and respected civil engineer in good standing to prepare an Erosion and Sediment Control Plan, including appropriate mitigation measures, and a Stormwater Management Plan & Drainage Analysis. The applicant also retained a well-known, well-qualified, and respected civil engineer in good standing to review the proposed rock removal and stability of the site. These documents were reviewed by the Village's Consulting Engineer and by another civil engineer retained by the neighbors of the subject property too protect their interests. The findings of all three engineers are that the engineering proposed will not only protect the neighbors and community from adverse impacts that could otherwise result from the development of the Subject Parcel, but will actually improve conditions over the existing, further protecting the neighboring properties in storm events from flooding. All of these reviews specifically considered the size of the house and the resulting impervious surface areas that could contribute to stormwater runoff from the Subject Parcel.

The applicant contends that by evaluating the proposed house using objective measures has confirmed that the house fits properly with the site and is not “too big.”

In a discussion at the June 1, 2023 Planning Board meeting, there was a request that the applicant make a “concession” to the subjective concerns voiced by a couple of Planning Board members that the house is “too big.” When asked by the applicant whether the house was too long, too wide, or too tall for the site, the response from members of the Planning Board was that it was simply “too big.” In response to questions from the applicant as to why this concern with the size of the house did not surface until the fifth appearance by the applicant before the Planning Board at its February meeting, which was the next meeting after a Memorandum was prepared by the Village’s Consulting Planner at the end of January claiming that the applicant had incorrectly used the Gross Lot Area to determine the Building and Impervious Coverage percentages, members of the Planning Board explained that they did not understand that the house that had been included in all of the submissions for the Site Plan Review over the previous seven months was intended as “the” house proposed for the Project.

The house that has been designed for this application is not a “spec” house or a “place holder” for some future house to be designed. It is the house that has been designed for the family that intends to build the house and live in it. It is a large house with generous amenities, but it is of a size with amenities that are consistent with the character of the other homes in this specific neighborhood. The volume of public comment on this application has been light, in comparison with previous projects in this neighborhood which are a concern of neighbors. In fact, a review of the five letters that have been received from neighbors, the two “negative” letters have focused two concerns: an assumption that this property would never be developed and a concern with whether the stormwater runoff from the property and its potential adverse impact on properties down slope would be considered and addressed. Two other “positive” letters were received supporting the proposed project. A fifth letter was received following a meeting at which members of the Planning Board suggested that the size of the house be reduced in size. The fifth letter confirmed that the neighbor had not had concerns with the house that was proposed on the basis that it would be a house designed to be of a size and quality that respected the character of the neighborhood. This fifth letter requested that the house to be approved not be reduced in size and value, expressing the concern that there are a couple of other homes that were built in this neighborhood that are smaller and of lesser quality, adversely affecting the value of his home.

While the Sky Exposure Plane had been included in the sets of drawings submitted for this application beginning in January, a question was asked at the June Planning Board meeting as to whether the Sky Exposure Plane analysis had been reviewed by the Building Department and Village’s Consultants. A representative from the Building Department answered that it had not. Recognizing the challenge that seems to surround this application for interpretations of the Code and its application to the review of submissions, additional information has been included in the submission made for the July Planning Board meeting to assist anyone reviewing the Sky Exposure Plane.

A new Sheet SP-3.1 has been added to the set. This Sheet provides the diagram showing the precise locations that were used to calculate the Planes. The definition of the Sky Exposure Plane and the diagrams that are in the Village Code were also copied to this Sheet to assist anyone reviewing the document. Similar to other issues with this application, there is a potential vagueness in the Sky Exposure Plane definition. It refers to the "base point of the measurement established as the average grade between the grade at the base of a building and the grade at the point on the lot line closest to the building." The concern is with whether the "grade at the base of a building" means the existing grade prior to construction or the proposed grade after construction. When this question was posed to a member of the Building Department, he countered with another question, "Which did you use?" To avoid the loss of another month that could result in either answer to that question being determined to be the wrong one, we have prepared two separate Sheets of drawings showing the Sky Exposure Planes in all six positions defined in the Code. Sheet SP-3.2 shows the Planes based on the average grade being calculated using the proposed grade at the base of the building. Sheet SP-3.3 shows the Planes based on the average grade being calculated using the existing grade at the base of the building. On both Sheets, it is clear from the position of the Plane relative to the building that the proposed design is fully compliant with the Sky Exposure Plane. In fact, this demonstrates that the house will have no adverse impacts on neighboring properties. The proposed house will not cast shadows on any neighbor's house, block any neighbor's views, or otherwise reduce the sense of openness around their home.

Returning to the request for a "concession," given the fact that the house has no adverse impacts on anyone and is contextually appropriate to the character of the neighborhood, it is difficult to figure out what would actually make a positive difference. It seems that the only possible issue is with the fact that the Zoning Board of Appeals found in favor of the applicant's use of the Gross Lot Area, which allows the house to be the size that has been proposed. There are no issues with the design of the house that provide a basis for its reduction. The intensity of use created by the house, with three bedrooms, four bathrooms, and one powder room, does not suggest a need to reduce the number of people who will be living there.

With the exception of the "great room," which is a combined family room, kitchen, and breakfast room which is generous both in dimension and height, with a portion of the space being two stories, and the master bedroom suite, which has a generous bathroom and closets, none of the rooms are larger than can be found in a typical home in Dobbs Ferry. The "Great Room" includes a family room with 496 square feet, a kitchen with 345 square feet, and a breakfast nook with 73 square feet. The library is 15' by 16.5'. The dining room is 15' x 18'. The two bedrooms are 15' x 16.5'. The house does have two laundry rooms, with the main one on the second floor and a small laundry room on the first floor for linens and pool towels, but this does not make a significant impact on the size of the house. There is also a prep kitchen, which is in addition to the main kitchen. The prep kitchen is for use when they are doing barbecuing for get-togethers at the house, and has access directly to both the main kitchen and the back terrace. This adds 105 square feet to the footprint.

The rooms, the size of the rooms, and the support facilities are all the result of a Program created by the family that will live in this house. If this were a situation in which we were asking for a variance to provide something that is greater than the zoning permits, the necessity of justifying those components that increase the house to be larger than permitted by the Code could possibly be understood. As is noted above, the house as proposed is compliant with all measures that could otherwise support a sentiment that the house is "too big."

There are two changes to the house that would reduce is Building Coverage, but both would eliminate something that the family would like to have. Eliminating either or both would change the number of the Building Coverage, but have no other impact that would beneficially affect the community or neighbors. There is a covered porch on the back of the house. If that roof were eliminated, the porch would become a terrace, which is not included in Building Coverage. This would reduce the Building Coverage from 4,040 square feet to 3,738 square feet. Similarly, the garage could be reduced from three cars to two, which would reduce the Building Coverage from 4,040 square feet to 3,644 square feet. If both were subtracted from the Program, the Building Coverage would be 3,342 square feet. Again, while this would reduce the Building Coverage number, it would do nothing to reduce any impacts on the neighbors or community. No one would have an improved view. No one would have a greater sense of space in their yard. There would be no reductions in anything other than the coverage number, the ability of the house to meet the preferences of the people building it, and the tax revenue.

Sometimes, it seems that people are looking at things like this as a kind of zero sum game: if the proposed house has two garage spaces instead of three, there is no garage space that is being put back on the shelf for someone else to get. The fact is, in this scenario, it is only a loss to the family living in the house. No one else benefits and nothing has been improved by the reduction.

So that it is clear, these are two examples of how those cuts would not result in any benefits to the community. They are not being proposed. The Owner has not agreed to make these cuts. The intent is to show that making a significant change in the Building Coverage number like this, reducing it from 17.31% to 14.32%, would not benefit anyone. As one of the members of the Planning Board said at the February Planning Board meeting, the fact that someone has questioned how the math is done to determine coverages did not change the fact that, before this became an issue, he thought that the house was well designed and fit the site well.

A number of small tweaks have been made to the design in an effort to reduce the apparent massing of the house as it is seen from the street and to fit better with the site:

- a. The house got slightly smaller, going from the original 17.95% to the proposed 17.31%.
- b. The house has been rotated so that, instead of the north side of the house being parallel to the north property line, the south side of the house is now parallel to the south property line. This helps conceal the garage end of the building and pushes the front wall of the house back further from the street.

- c. Although the front porch is approximately the same setback from the front property line, the southwest corner of the garage is now setback 41'-8" from the front property line, instead of the previous 35'-2" feet.
- d. This rotation increases the space for the Cultec array, which moves the Cultec out from being under the driveway and gives more space to work in the area of the site with a depth of soil greater than 8 feet.
- e. The front entry has been increased in width by one foot, opening up the view of the front door from the street.
- f. The two gables facing the street are each a foot narrower which slightly reduces the height of their ridges.

The following new and revised documents have been submitted to the Planning Board to continue Site Plan Review of the application. These are subject to review by the Village's Consulting Engineer and the Consulting Planner:

- A. A letter to the Board of Trustees prepared by Gotham Design Planning and Development Ltd., dated June 14, 2023, with Neighborhood and Project Chart attachments, pertaining to the proposed change to the Zoning Ordinance.
- B. A set of 22 sheets of drawings noted as Submitted for the July 6, 2023 Planning Board Public Hearing, prepared by Gotham Design Planning & Development, Ltd. under the supervision of Sirus Miandoabi, P.E., President of Integral Engineering Services, including the following revised in response to comments:

CS	"List of Drawings, Location Maps, and Design Criteria"	06-15-2023
GN-1	"General Notes, Project Description, Construction Sequence"	03-23-2023
GH-2	"Door and Window Schedules, Finish Schedules"	06-15-2023
SP-1.0	"Proposed Site Plan"	06-15-2023
SP-1.1	"Slopes Analysis"	03-23-2023
SP-1.2	"Slopes Analysis"	06-15-2023
SP-1.3	"Proposed Tree Removal Plan"	06-15-2023
SP-1.4	"Proposed Permeable Paving Plan and Details"	06-15-2023
SP-1.5	"Proposed Grading Plan and Retaining Wall Details"	06-15-2023
SP-3.1	"Site Plan - Sky Exposure Plane Base Point Measurement Locations"	06-15-2023
SP-3.2	"Proposed Elevations and Sky Exposure Plane Existing to Proposed"	06-15-2023
SP-3.3	"Proposed Elevations and Sky Exposure Plane Existing to Existing"	06-15-2023
SP-4	"Proposed Site Cross Sections"	06-15-2023
A-2.0	"Basement Floor Plan"	06-15-2023
A-2.1	"First Floor Plan"	06-15-2023
A-2.2	"Second Floor Plan"	06-15-2023
A-3.1	"South and West Elevations"	06-15-2023
A-3.2	"North and East Elevations"	06-15-2023
A-3.3	"Exterior Details"	03-23-2023
A-3.4	"Exterior Details"	03-23-2023
A-3.5	"Materials, Colors, and Finishes"	03-23-2023
A-3.6	"Renderings"	03-23-2023

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- C. "Stormwater Management Plan & Drainage Analysis - Revised June 21, 2023", prepared by Hudson Engineering & Consulting, P.C. 06-21-2023
- D. A set of 5 sheets of drawing, prepared and revised by Hudson Engineering & Consulting, P.C., Michael Stein, P.E., President, including the following:
  - C-1 "Steep Slopes Plan" 06-21-2023
  - C-2 "Erosion and Sediment Control Plan" 06-21-2023
  - C-3 "Stormwater Management Plan" 06-21-2023
  - C-4 "Details" 02-16-2023
  - C-5 "Details" 02-16-2023
- E. Sheet L-1 "Landscape Plan - Revised", prepared by Susan Jainchill, L.A., Aspect 120 Landscape Architecture, P.C. 06-21-2023
- F. Monastra Memorandum dated April 29, 2023. 04-29-2023
- G. Copy of the ZBA Resolution 6-2023. 06-01-2023
- H. Copy of the ZBA Resolution 7-2023. 06-01-2023

The following revised documents have previously been submitted to the Planning Board for the Site Plan Review of the subject property, were previously reviewed by the Village's Consulting Engineer and the Village's Consulting Planner, and remain part of the submission:

- I. A copy of a letter from Gotham Design to the Dobbs Ferry Fire Chiefs and Ambulance Corp Captains 03-23-2023
- J. An Affidavit of Notice including the List of Neighbors and Notice 03-23-2023
- K. A copy of the letter from Gotham Design to the Building Inspector and Zoning Board of Appeals amending the Zoning Board Application 03-23-2023
- L. A Response to the Village's Consulting Planner's Memorandum. 03-23-2023
- M. A Response to the Village's consulting engineer's 02-1-2023 Memorandum, prepared by Gotham Design Planning & Development Ltd. 02-15-2023
- N. A Memorandum prepared by Gotham Design Planning & Development Ltd., dated April 14, 2023, addressing Gross and Net Coverage Calculations/Building Lots, together with eight 11x17 inch sheets showing the calculations for coverages of seven properties using both gross and net lot area.
- O. A Memorandum prepared by Gotham Design Planning & Development Ltd., dated 03-15-2023, addressing the matter of the Code requirements for the calculation of Building Coverage and Impervious Coverage.

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- P. A Memorandum prepared by Gotham Design Planning & Development Ltd., dated 02-14-2023, providing an analysis that compares the proposed single-family house and the subject parcel with other properties within the Context Area.
- Q. The Excavation and Mechanical Rock Removal - Mitigation Plan prepared by Gotham Design, dated 12-15-2022.
- R. The Traffic, Parking, and Driveway Analysis prepared by Gotham dated 12-15-2022.
- S. A Memorandum prepared by Sirius Miandoabi, P.E., certifying both the Excavation and Mechanical Rock Removal - Mitigation Plan prepared by Gotham dated 12-15-2022, and the Traffic, Parking, and Driveway Analysis prepared by Gotham dated 12-15-2022.
- T. A sealed and signed copy of the Topographic Survey of the subject property prepared by The Munson Company, dated 08-03-2018.
- U. A sealed and signed copy of the Property Survey of the subject property prepared by Summit Land Surveying, P.C., dated 07-22-2017.
- V. A Fully Executed Revised Short Environmental Assessment Form, Part 1, dated 11-22-2023.
- W. A Fully Executed Coastal Assessment Form, dated 06-17-2022.
- X. A fully executed Site Plan Application, dated 10-13-2022.
- Y. An Affidavit of Notice of Mailing and Attachments, dated 09-22-2022.
- Z. A Copy of a Letter from Hudson Engineering & Consulting, P.C., dated 01-18-2023, to Anthony Oliveri, P.E. responding to his December 27, 2022 Memo.

We look forward to reviewing this with you at your July 6, 2023 meeting, at which time we request you consider closing the Public Hearing on the Site Plan Review and approving the application.

Thank you for your time and attention,

Paddy Steinschneider  
Project Design Coordinator