

GOTHAM

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September 21, 2022

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

Re: 0 North Mountain Drive

Dear Mr. Roemer:

This letter is to request the continuation of the application pending before the Zoning Board of Appeals for 0 North Mountain Drive, also known as Tax Lot 3.10-1-3. The Public Hearing was opened at the September 14, 2022 meeting of the Zoning Board of Appeals (ZBA). The owner of the property is seeking permission to develop this property as a single family building lot.

The subject parcel has a site area of 23,337 square feet and is located in the OF-2 zoning district, which requires 20,000 square feet for a building lot. While the gross area of the subject parcel has more than the required building lot area, Dobbs Ferry requires a deduction for steep slopes and, with these deductions, the parcel does not provide the required net area of 20,000 square feet.

An analysis of the slopes on the site has been prepared including computations for the area of the site that does not exceed 15% slopes, the area of the site that exceeds 15% but is less than a 25% slope, and the area of the site that has a 25% slope or greater. The analysis indicates that 3,184 square feet of the site, or 13.65%, does not exceed 15%; 9,819 square feet of the site, or 42.1%, is greater than 15%, but less than 25%; and 10,333 square feet, or 44.3% at 25% or greater.

To determine the net lot area, Section 300-34.A.(2) in the Village Code stipulates that 25% of the area exceeding 15% but less than 25% be deducted from the gross site area, and that 50% of the area with a slope of 25% or greater be deducted from the gross site area. This results in 2,909.5 square feet being deducted for the area between 15% and 25% and 5,186.6 square feet being deducted for the area 25% or greater. Subtracting these two numbers from the gross site area of 23,337 square feet results in a net site area of 15,240.9 square feet.

While we understand that a Site Plan Review will be required for this project and that the mitigating measures that will eliminate adverse environmental impacts from the development of this property with steep slopes will be the purview of the Planning Board, we anticipate that the process for obtaining approvals for the construction of a home on this property will need to start with the ZBA.

We are appealing the decision made by the Building Inspector that this is not a building lot. We contend that the Planning Board knowingly and intentionally approved this parcel as a building lot by its decision on October 5, 1989. This property was the first subdivision approved by the Planning Board following the adoption of the Steep Slopes Ordinance by the Village Board, changing the Zoning Ordinance. The Planning Board was directly engaged with the Board of Trustees in the deliberations over the adoption of this ordinance and was well versed in its requirements.

The approval of this parcel as a building lot was intentionally postponed by the Planning Board one meeting specifically so that it would be approved following the adoption of the Steep Slopes Ordinance at the Public Hearing conducted by the Board of Trustees, which voted to adopt this change to the Code on September 19, 1989. The plat map filed with the County Records was signed by Ed Plotkin, Chair of the Planning Board. Mr. Plotkin was a world reknown engineer and certainly understood steep slopes.

There is no record of how the determination of compliance with Steep Slopes was done, only that the Planning Board minutes confirm that this was discussed and that it was agreed that the lot was considered compliant. Since the Dobbs Ferry Village Code specifically empowers the Planning Board to waive dimensional requirements, as well as procedures, it is difficult to confirm how compliance was determined. The record is clear that this parcel was approved as a building lot in a Public Hearing by the Dobbs Ferry Planning Board, the duly empowered Board with the authority to do so.

In the event that the ZBA decides that the Building Inspector was justified in his determination that this parcel is not a compliant building lot, whether due to an error made by the Village or a change over time in the practice for how steep slopes should be computed, **we request that the ZBA grant a dimensional variance to permit a parcel with a net area of 15,240 square feet to be developed with a single family home.**

It is our understanding that the Village Attorney has opined that it is proper to first request that the ZBA overturn the decision made by the Building Inspector and then, if that remedy is not successful, to grant a variance specifically to provide relief from the strict interpretation of the Code so that this property can be used for the purpose that the lot was created.

The following documents have been submitted in support of this application:

- A. The Application to the Zoning Board of Appeals fully executed and dated June 17, 2022.
- B. The Short Form Environmental Assessment Form Part 1 fully executed and dated June 17, 2022.
- C. The LWRP Consistency Review Coastal Assessment Form fully executed and dated June 17, 2022.
- D. A Memorandum prepared by Gotham Design Planning & Development dated September 21, 2022, which provides the details and history of the creation of the subject parcel and includes the copies of the Minutes from the pertinent meetings of the Planning Board, the Board of Trustees, and the Round Table.
- E. A copy of the Deed, dated September 29, 2017, confirming Tanya Giglio as the owner of the subject parcel.
- F. A copy of the Establishment of an Escrow Account dated August 22, 2022.

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- G. A copy of the Topographic Survey prepared for the subject property by the Munson Company, dated August 3, 2018, with a note affixed that it is from the "Subdivision Map Prepared for Philip & Colleen Hempleman," filed December 20, 1989 as County Clerk Map No.24033.
- H. A copy of the Subdivision Map prepared for Philip & Colleen Hempleman by Charles Riley, Land Surveyor, dated as completed July 21, 1989 and revised October 5, 1989, signed by the Chair of the Planning Board and by the Commissioner of Health with the stamp from the County Records affixed indicating that it was filed on December 20, 1989 and identified as No.24033.
- I. A copy of the Town of Greenburgh Property Card identifying the subject parcel as Parcel ID 3.10-1-3 designating it as "Residential Vacant Land" with an assessed value of \$549,800.
- J. A copy of 0 North Mountain Drive on a location map taken from the Town of Greenburgh GIS, dated September 14, 2022.
- K. A copy of the Town of Greenburgh Tax Map identifying the subject parcel as a separate property with frontage on North Mountain Drive, dated July 1, 2007.
- L. A copy of Sheet A-1.0 "Proposed Site Plan" prepared by Gotham Design Planning & Development for Tanya Giglio, dated August 5, 2022, signed and sealed by Laura Wakefield, R.A.
- M. Copies of Sheets A-1.1 and A-1.2 "Slopes Analysis" prepared by Gotham Design Planning & Development for Tanya Giglio, dated June 16, 2022, signed and sealed by Laura Wakefield, R.A.
- N. Copies of the same Sheets A-1.1 and A-1.2 "Slopes Analysis" but with the steep sloped areas designated in color, prepared by Gotham Design Planning & Development for Tanya Giglio, dated June 16, 2022, signed and sealed by Laura Wakefield, R.A.
- O. Six 11x17 sheets with four photographs each showing the subject property and its surrounding context.
- P. A copy of the "Final Map of North Mountain dated August 1, 1926 and revised February 14, 1930, showing the subject property imposed on the original parcel for context.

This application will be renoticed by certified mailing today. Please let me know if you have any questions or if any additional information is required.

Thank you for your time and attention.

Sincerely,


Paddy Steinschneider
Project Design Coordinator