



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: AUGUST 11, 2020
AGENDA ITEM SECTION: PUBLIC HEARING
AGENDA ITEM NO. : 3
AGENDA ITEM: CONTINUATION OF PUBLIC HEARING FOR REVIEW OF THE APPLICATION OF 100 MAIN STREET
ITEM BACKUP DOCUMENTATION: <ol style="list-style-type: none">1. LETTER DATED AUGUST 5, 2020 FROM MR. PADDY STEINSCHNEIDER/GOTHAM DESIGN & COMMUNITY DEVELOPMENT LTD. TO MAYOR VINCENT ROSSILLO AND THE BOARD OF TRUSTEES

GOTHAM

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August 3, 2020

Dobbs Ferry Mayor and Board of Trustees
112 Main Street
Dobbs Ferry, New York 10522

Re: 100 Main Street Site Plan Review

Dear Mayor Rossillo and Trustees:



This letter is to request that the Public Hearing opened at the July 14, 2020 Board of Trustees meeting be continued at your August 11, 2020 meeting.

At the July 14 meeting, there was a request for us showing the 3D SketchUp model that we brought to the February 11, 2020 Board of Trustees meeting, but were told not to show. We will bring that to the August 11 meeting, if the Board would like to see it. We will also have samples of the colors approved by the Architectural and Historic Review Board.

At the July 14 meeting, we were also asked to provide the argument supporting why the fourth floor is justified as a result of the affordability that the proposed renovation will provide, in accordance with the change to the Village Code that was adopted by the Board of Trustees on August 22, 2017, identified as LL 6-2017. I suggested that this argument would be better made by the members of the Planning Board and Architectural and Historic Review Board who decided that retaining the existing garage structure is beneficial to public interests. The record clearly documents that, in the opinion of the applicant, the best benefit to the public would be the earlier design that was recommended for approval by the Planning Board, but not advanced by the Board of Trustees. The Village's consultant previously documented that the existing structure is of limited historic value. Our subsequent effort was to propose a three story structure that would provide four residential units in addition to the existing two for a total of six residential units. The argument that would be made for a fourth story that benefitted the public in terms of diversity and affordability would be based on a four story being added to the previous design that would result in an increase in the number of residential units to a total of eight with two of the units, or 25%, being in compliance with the Village's definition of affordable. However, the goal of preserving the garage results in a design that reduces the number of units and increases their size in square footage, but not in the number of bedrooms per units. In my opinion, this is difficult to justify on the basis of affordability.

However, Section 300-36.E.(1) does not limit the benefit to affordability. Following is that section of the Code:

The number of permitted stories in the DT, DG and DB Zones shall be three stories. The addition of a fourth story of any building and/or a building in excess of 40 feet in a DG and DB Zones or 35 feet in the DT Zone (up to 45 feet in the DB and DG zones or 40 feet in the DT Zone) may be permitted only at the discretion of the Board of Trustees as part of the site plan review application and only after a reasoned judgment setting forth the public benefits of the development which would warrant the Board of Trustees granting approval of a fourth story and an increase in height above 40 feet or 35 feet as the case may be. In determining the appropriateness of the fourth story and an increase in height above 40 feet in the DB or DG Zones or 35 feet in the DT Zone, the Board of Trustees shall take into consideration the recommendations of the Planning Board and the AHRB in considering impacts, including but not limited to viewsheds, solar access to the streetscape and surrounding buildings, use and enjoyment of the Old Croton Aqueduct (OCA) and consistency with the character of the individual building and surrounding buildings. Based on a review of potential impacts cited above, a fourth story and/or an increase in height above 35 feet or 40 feet, if approved, may be required to recede from the front facade, either within a sloping roof form or as a setback volume and the applicant must use available techniques to minimize the visual impact of any such fourth story or increased height. In addition, in the downtown districts, the liveable floor area of the fourth story, if permitted, shall not comprise more than 50% of the total floor area of the story below.

In December 2018, the Planning Board was confronted with yet another design that had been modified in adjustment to changes to the Code. While that design provided a total of six residential units and was economically viable, as well as compliant with the recent Code requirements that added a setback to the Aqueduct, the Planning Board explained to the applicant that it was likely that only a design that retained the existing garage would be acceptable to the Architectural and Historic Review Board and the Board of Trustees. The Planning Board asked the applicant to put the three story option on hold and consider a design that retained the existing garage. The applicant noted that, if the garage was to be retained as an accessory structure, there was not viable way to create the increased use between the garage and the existing building. The Planning Board suggested that retaining the garage could be considered of sufficient benefit to justify a fourth story, as is outlined in 300-36.E.(1).

We developed a project concept that includes the existing garage as a four car garage providing the parking for four residential units, which includes the existing two residential units plus two new residential units, with an addition on the back of the existing building plus a fourth floor addition to provide the floor area for the two additional units. While the applicant is concerned that the cost of renovating the existing garage and modifying the existing two residential unit challenges the viability of the project, we agreed to move forward with that design concept. The applicant was sufficiently concerned with whether or not the Planning Board was accurately interpreting the opinion of the Trustees that it requested that the Planning Board refer the application back to the Board of Trustees to ask specific questions. The applicant's representative appeared before the Board of Trustees at its meeting on April 11, 2019 and the project was discussed. A site walk was scheduled and conducted. The matter was then discussed again at the April 25, 2019 meeting of the Board of Trustees at which the Board took a straw pole vote and confirmed that it supported both the alternative parking provisions in the Code being used, if necessary, and the fourth floor addition in order to preserve the garage. The issue of setbacks from the front and also on the side were discussed, as was the size of the fourth floor. The support for the parking and fourth floor was confirmed in a Memorandum, dated April 30, 2019, prepared by the Village Attorney, which was forwarded to the Planning Board and the Architectural and Historic Review Board.

The Planning Board adopted a Resolution at its meeting on June 6, 2019 recommending approval of the "preferred alternate plan," which is the design that reduces the number of units in total to four, reduces the number of parking spaces on site to four, preserves the existing garage, and adds a fourth story to the existing building. Since there seems to be a concern with members of the Board of Trustees about the accuracy of the representations made on this project, the following is the wording in the Resolution:

WHEREAS, the revised plan – herein "preferred alternate plan" proposes the preservation of the garage building, noting that, while the building has been determined to be ineligible for historic preservation listing, it adds to the "character and sense of place" along the Old Croton Aqueduct, and is therefore deemed worthy of protection and preservation in accord with the Secretary of Interior standards; and

WHEREAS, the Planning Board members at their May 2, 2019 meeting indicated a preference for recommending the utilization of certain waivers from the strict application of the zoning ordinance regarding the provision of a certain number of onsite parking spaces, setback from the OCA to permit the garage to remain in its current non-compliant location, and flexibility regarding the interpretation of permitted height for the main building as it fronts on Main Street; and

NOW THEREFORE BE IT RESOLVED, that the Village of Dobbs Ferry Planning Board notes that the proposed changes in the "preferred alternate plan" addresses its prior concern that the existing garage building was to be demolished and its objection to the massing and overall height of the subject project and recommends that the Board of Trustees grant the necessary waivers from the strict application of the zoning code as noted above;

The application was then referred to the Architectural and Historic Review Board (AHRB), which had questions about the setbacks, which the applicant represented as required by the Code and the Resolution. The AHRB requested a work session with the Board of Trustees.

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The Board of Trustees conducted a work session with the AHRB on July 16, 2019. This was also attended by members of the Planning Board. Since the applicant was not invited to that work session and it was not recorded, the applicants understanding of what was discussed is limited to what was reported by members of the AHRB. The applicant was told that the AHRB discussed the fourth story with the Board of Trustees and suggested that there should be flexibility with the setback from the street to the fourth floor. A suggestion was made that the best design would likely be a complete four story building without setbacks to the top floor. It is our understanding that the Board of Trustees did not agree with this and the design review with the AHRB continued with the setbacks on the fourth floor to Main Street, to Elm Street, and to the neighbor to the south.

The AHRB approved the design of the 100 Main project in accordance with the Site Plan recommended for approval by the Planning Board at its January 13, 2020 meeting. The applicant then requested that Site Plan approval be granted by the Board of Trustees. The Board of Trustees called for a Public Hearing at its February 11, 2020 meeting and the Public Hearing was opened at the July 14, 2020 meeting.

An issue has been raised with the square footage of the third floor, relative to the requirement in Section 300-36.E.(1) that limits the livable fourth floor area to 50% of the third floor area. As a result of the intent of preserving the existing garage, the size of an addition that can be added to the existing building is significantly restricted. The existing building is being expanded from a footprint of 1,950 square feet to 2,706 square feet, including 314 square feet of porch area on the east side of the building. The proposed fourth floor has an area of 1,722 square feet, whereas the size of the third floor is only 2,382 square feet. By applying the 50% rule, the fourth floor would be limited to 1,191 square feet, which would make the project not viable. However, it should be noted that, in a zoning district that permits 80% site coverage by buildings, the proposed building including the addition and the porch has a site coverage of only 51.1%. Adding in the existing garage increases the building coverage to 72.91%. For the fourth floor to not exceed 50% of the third floor area, the third floor would need to be increased in floor area by 1,062 square feet, to be 3,444 square feet. There are several problems with this. The courtyard has been designed specifically to accommodate the use of the garage as the on-site parking. If the building were to expand into the courtyard to increase the size of the third floor, it would no longer be possible to get cars into the garage. Unless the number of residential units was permitted to increase, making the proposed four residential units larger is not supported by the market, unless they were to become four bedroom units making them more attractive to college students. This, however, would increase the required parking for the project, although creating housing for college students could satisfy the diversity factor that was mentioned at the July 14 meeting.

We look forward to continue the Public Hearing at the August 11, 2020 meeting of the Board of Trustees.

Thank you for your time and attention.

Sincerely,



GOTHAM DESIGN & COMMUNITY DEVELOPMENT LTD.
Paddy Steinschneider, Land Use Planner, President
As Agent for L.M. Sutton Management Company