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Anthony B. Gioffre III
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June 19, 2020

VIA FEDERAL EXPRESS
AND E-MAIL

Mayor Vincent Rossillo
and Honorable Members of the Village Board of Trustees
Village of Dobbs Ferry
112 Main Street
Dobbs Ferry, New York 10522

Re: Cabrini of Westchester – Responses to Village Parking Consultant Comments
Premises: 115 Broadway, Dobbs Ferry, New York (003.120-104-1)

Dear Mayor Rossillo and Members of the Village Board of Trustees:

On behalf of Cabrini of Westchester (the “Applicant” or “Cabrini”), the owner of the above-referenced Premises, we respectfully submit this letter and the referenced enclosures in furtherance of the Applicant’s pending Application for Site Plan Approval for a proposed parking lot addition (the “Project”) in connection with the essential services that Cabrini provides in the community.

As this Board is aware, Cabrini has been diligently pursuing its Application before this Board and on referral to the Planning Board for Cabrini’s *de minimis* request to install 25 as-of-right parking spaces at the Premises.¹ Cabrini is a faith-based not-for-profit organization offering skilled nursing facilities at St. Cabrini Nursing Home, with a certified homecare program that also operates on the Premises. Cabrini is sponsored and governed by the Missionary Sisters of the Sacred Heart of Jesus,² and it has served the population of the Village of Dobbs Ferry and its surrounding communities for decades, providing holistic care including daily masses, spiritual programming, pastoral care and spiritual support to its residents. Cabrini’s facilities have been located at the Premises for decades, as well. The existing facilities, namely the existing parking areas, however, are inadequate and can no longer serve the religious organization’s mission of advancing St. Frances Xavier Cabrini’s mission and legacy of healing, teaching, and caring.³

¹ The Applicant’s submissions to the Village’s Planning Board on referral from this Board for recommendation dated March 28, May 23, July 3, September 18 and October 24, 2019, are incorporated herein by reference. Copies of these submissions are available upon request by the Village Board. As this Board is aware, following the Applicant’s initial appearance at the Planning Board on May 2, 2019, the Applicant subsequently appeared at that Planning Board’s June 6, July 11, August 8, September 5, October 3, November 7, 2019 meetings for a public hearing on the proposed parking area.

² See (<https://www.mothercabrini.org/what-we-do/eldercare/cabrini-eldercare-consortium-new-york/>).

³ See (<https://www.cabrini-eldercare.org/about-us/our-history>).



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The demands of meeting its mission in Dobbs Ferry and its ability to care for and serve its residents necessitate the requested parking expansion - especially in these trying times amidst the COVID-19 pandemic. Indeed, the Applicant's parking consultant, Provident Design Engineering, PLLC ("PDE"), and the Village's parking consultant, BFJ Planning ("BFJ"),⁴ both reached the same conclusion that the demand for parking at the site exceeds capacity and that the proposed 25 parking spaces would meet this demand and alleviate the conditions on the site. However, notwithstanding these shared conclusions, the Village continues to push the Applicant to pursue exceedingly expensive alternative parking areas, which impose a substantial burden on Cabrini's religious exercise, and are thus prohibited pursuant to the Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C.A. § 2000cc ("RLUIPA")).

CABRINI'S SITE PLAN APPLICATION SEEKS APPROVAL FOR AN AS-OF-RIGHT PARKING AREA FOR 25 PARKING SPACES BASED ON IDENTIFIED AND CONFIRMED DEMAND AND NEED

Focusing on the parking needs of Cabrini, the Applicant's parking consultant submitted a detailed parking study together with extensive supplemental submissions to this Board and the Planning Board, an index of which are enclosed at **Exhibit A** to this submission (collectively, the "Parking Studies"). The information contained in the Parking Studies includes, but is not limited to, the following details requested by the Village, which confirm that the Applicant's proposed parking area is the best and only feasible alternative:

- 1) The Applicant explored opportunities for shared parking with the adjoining institutional property, St. Christopher's, Inc., and in a letter dated October 21, 2019, St. Christopher's, Inc. confirmed that there are security concerns with shared parking and that St. Christopher's, Inc., has its own parking troubles with limited available parking for its users;⁵
- 2) As is more fully detailed in PDE's letter dated June 15, 2020 (the "PDE Response to Comments Letter") enclosed as **Exhibit C**, the Applicant prepared an alternative parking analysis that confirmed parking in four (4) alternate locations on the Premises is infeasible and would cause Cabrini to incur substantial and unnecessary costs and expenses;⁶
- 3) Investigated existing on-street parking located along Broadway south of the Premises, which confirmed on-street parking is already highly utilized;

⁴ In BFJ's Letter entitled "Review of Parking and Traffic Elements of Westchester Cabrini Application", dated May 19, 2020 (the "BFJ Letter").

⁵ Note: See **Exhibit B** – Letter from St. Christopher's, Inc.

⁶ Note: The Applicant has considered more than five (5) alternatives on the Premises, which locations either provided inadequate net parking spaces; significant clearing and grading/tree removal; or otherwise would have negative visual impacts.



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- 4) Considered additional parking and traffic management strategies (AKA a Traffic Demand Management Plan)⁷ for employees and visitors in addition to the existing Westchester County Ride Share program and the shared parking efforts already employed by Cabrini utilizing survey results about employees utilizing public transit;⁸
- 5) Marked out the proposed parking area for the Village Board and Planning Board members to conduct site visits at the Premises, and mitigated potential visual impacts in response to Board comments by relocating the parking area to preserve existing trees and developed a refined Landscape Plan in response to public comments; and
- 6) Prepared a visual analysis, including 3D modeling of the Premises, confirming that that the proposed parking location, set down several feet from any potential viewing platform along Broadway, will have no visual impact to site lines of the Hudson River and is consistent with the Village's Local Waterfront Revitalization Program ("LWRP").

The above-referenced details and other comments from the Village were extensively reviewed at the Planning Board for more than seven (7) months. Following the Planning Board's lengthy review, this Board subsequently retained its own parking consultant at the Applicant's cost, whose analysis merely reconfirmed the Applicant's findings that the demand at Cabrini is consistent the programs offered at its facilities, and further that this demand is "... in line with empirical statistics presented by the [Institute of Transportation Engineers' Parking Generation Manual (5th Edition, 2019)] for nursing homes."⁹ In addition to the Applicant's Parking Studies that analyzed parking data at Cabrini in real-time, BFJ also undertook a separate review of "... other aerial photos that are commercially available" and even Google Maps where the Village's consultant believe to be during peak periods providing that "[f]or the Google Earth photos [BFJ Planning] could not determine the exact times but the photos appear to be taken during high demand periods."¹⁰ Even though BFJ looked at the same question through more than one (1) different lens, the BFJ Letter finds the same result that:

"BFJ concludes that the parking demand of Cabrini of Westchester does exceed the capacity of the two parking lots, and that the 25-space addition is a reasonable target

⁷ See **Exhibit C** - PDE Response to Comments Letter, at page 2.

⁸ Note: The BFJ Report also confirms that the nature of Cabrini's essential services will not allow Cabrini employees to work remotely. Further, the BFJ Report confirms that in light of the COVID-19 pandemic, "[s]ome essential employees who normally would use public transportation may now commute by private car due to the social distance requirements and the possibility that a car may have become available in the household." See BFJ Letter, Page 7.

⁹ See BFJ Letter, Page 4.

¹⁰ See BFJ Letter, Page 2.



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to alleviate this condition. The parking shortage can be addressed by the addition of 25 spaces or by reducing the demand by 25 cars...."¹¹

Provided the above, the Applicant is merely proposing to install 25 additional parking spaces to meet the studied and confirmed demand and need. The data prepared by the Applicant's parking consultant, as was reiterated by employees of Cabrini that spoke at the Public Hearings on this matter, affirm this need and the hazards that the lack of additional parking presents to Cabrini's facilities. These studies considered the existing peak parking demand through parking accumulation surveys, and in part show that existing parking conditions lead vehicles to illegally park on the site, impacting traffic, pedestrian safety and emergency vehicle access.¹² Consistent with Cabrini's prior analysis detailed in Parking Studies detailed in **Exhibit A**, and the additional details contained in the PDE Response to Comments Letter (enclosed as **Exhibit C**), it is respectfully submitted that the only way to achieve the necessary off-street parking and to safely and effectively meet parking existing demands without have any impacts to any established viewing platforms, is to develop the Project as proposed.

THE VILLAGE'S CONTINUED REVIEW OF THIS APPLICATION IS CAUSING CABRINI TO INCUR SUBSTANTIAL AND UNNECESSARY COSTS AND EXPENSES, DESIGNED TO DELAY THE PROJECT AND CAUSE CABRINI TO ABANDON THE PROJECT

The Applicant respectfully submits that the Village's treatment of the pending Application for a parking lot poses a substantial burden on the religious exercise of Cabrini and the Missionary Sisters of the Sacred Heart of Jesus and its residents. Indeed, the proposed alternatives set forth by the Village, which the Applicant has addressed time and time again, are by no means the least restrictive means of furthering any compelling governmental interest herein. To the precise contrary, to the extent that there is any validity to Village's comments regarding the views of the limited green space from the street, these alternative locations are designed to cause Cabrini to incur substantial and unnecessary costs and expenses, to delay the Project and to cause Cabrini to abandon the Project.

Further, the parking demands for a religious institution should be evaluated based upon its particular circumstances, as it is well established in New York State that, as a matter of public policy, religious uses of land are presumed to be beneficial to the public. Religious uses are deemed to advance the public morals and general welfare and enhance the public health, safety and welfare of the

¹¹ See BFJ Letter, Page 2.

¹² Note: The BFJ Letter also notes that illegal parkers may arrive at times where there are no vacant spaces (because demand exceeds availability), and that parkers will chose an illegal parking space that is more convenient (which, given the nature of the services provided at Cabrini and the residents living there, proximity to the facility is key).



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community.¹³ Accordingly, the courts in New York maintain a policy that religious uses of land cannot be prohibited, excluded or heavily burdened by local land use regulations.

Notwithstanding the foregoing presumption, an application proposing the religious use of land is not exempt from land use regulations. However, a municipal agency reviewing an application involving the religious use of land is required to afford the applicant the presumption that the proposed religious use is beneficial and in furtherance of the public health, safety and welfare of the community. As a result, religious uses must be accommodated by local governments and municipal agencies must review a religious use application with more flexibility when compared with a traditional land use applicant.¹⁴

As applied to the Project, the Village's Parking Table merely provides that *the minimum parking required* for the Premises:

“... is to be determined by the Board of Trustees and/or the Planning Board during site plan review”.¹⁵

As articulated herein and in the Applicant's Parking Studies, the issue is that the Applicant requires more parking; the demand has been confirmed by the Village's consultant and the Applicant has the ability to provide it on-site without any impacts, however the Village continues to review the same information. Following its initial March 28, 2019 submission to this Board, on April 9, 2019 the Village Board referred the Application for Site Plan Approval to the Village Planning Board for review and comment. As noted above, after appearing at the Planning Board for seven (7) months,¹⁶ the Application returned to the Village Board for continued review on November 26, 2019.¹⁷ Following the November 26th meeting, the Applicant appeared at the January 14, January 28 and February 25,

¹³ See Community Synagogue v. Bates, 1 N.Y.2d 445, 458, 154 N.Y.S.2d 15, 26 (1956). Diocese of Rochester v. Planning Board of Town of Brighton, 1 N.Y.2d 508, 154 N.Y.S.2d 849 (1956). Cornell v. Bagnardi, 68 N.Y.2d 583, 510 N.Y.S.2d 861 (1986).

¹⁴ See Holy Spirit Ass'n v. Rosenfeld, 91 A.D.2d 190, 458 N.Y.S.2d 920 (2d Dept. 1983)(stating that “[w]ith respect to zoning restrictions ... religious institutions are beneficial to the public welfare by their very nature ... [and] a proposed religious use should be accommodated, even when it would be inconvenient for the community”).

¹⁵ VILLAGE OF DOBBS FERRY ZONING CODE Section 300 Attachment 3:1 (Appendix C, Parking Table – Table C-1 Minimum Parking Required).

¹⁶ Note: The Planning Board adopted Resolution 22-2019 dated November 7, 2020, with a split vote of 3-2, with the nay votes highlighting why the Applicant should be able to pursue the proposed parking area. The Applicant also requested the meeting video for the November 7, 2020 meeting that contained these comments from the Planning Board Members through a Freedom of Information Law Request, but the Village advised by e-mail dated March 24, 2020 that “the recording of that meeting did not work.”

¹⁷ Note: On November 26, 2019 the Village Board scheduled the Public Hearing for December 2, 2019, which meeting was canceled due to inclement weather.



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2020 meetings. The Village Board subsequently adjourned the matter from its March 24, 2020 meeting Agenda to its May 12, 2020 meeting Agenda where the matter was adjourned again by the Village because the Village had not yet received its consultant's comments regarding the Applicant's Parking Studies. After several months, the BFJ Letter was provided to the Applicant only a few days before the May 26, 2020 meeting, at which time the Applicant had to request an adjournment to the Village Board's June 23, 2020 meeting date in order to have sufficient time to review and respond to the comments in the BFJ Letter as more fully detailed in **Exhibit C** herein. For more than a year the Applicant has appeared before the Village's reviewing agencies – for an as-of-right parking lot.

Further, as this Board is aware, the Zoning Code's supplemental parking regulations detailed in Zoning Code Section 300-48 "... shall apply to new development, expansions and increases in building size or density, and changes of uses". Here, the Applicant isn't proposing new development; the existing facilities are not being expanded and the Applicant is certainly not proposing a change of use.

Notwithstanding the limited scope of review of this as-of-right parking area, the nature of the services provided by Cabrini also highlights the importance of accessible parking for its employees, visitors and visitors – location and access to parking go hand-in-hand. Accordingly, the Applicant designed the proposed parking area to reflect the important balancing of the needs of its employees and visitors, while reducing the potential visual prominence of the parking area by setting it down at a lower elevation from Broadway and maintaining existing trees on the Premises. Additionally, in accordance with the Village's Parking Regulations, the proposed parking area emphasizes the primary building and its employee entrance located on the southerly side of the building.¹⁸

Though the Applicant's extensive Parking Studies and detailed supplemental submissions responding to all the Board's comments have not ripened into an outright denial of Cabrini's Application, it is well-settled that such a denial is not a necessary precursor before a Court finds that a substantial burden has been imposed on religious exercise.¹⁹ Cabrini is a permanent citizen of the Village of Dobbs Ferry and is governed by RLUIPA. All provisions of the Zoning Ordinance of the Village of Dobbs Ferry and all branches of its local government must comply with RLUIPA. As a religious institution protected by RLUIPA, its religious operations cannot be substantially burdened in the manner complained of herein.

¹⁸ See ZONING CODE Section 300-48(A) (providing in relevant part that "parking area design should... emphasize[e] the primary buildings and orienting pedestrians toward the principal entranceways and walkways."

¹⁹ See e.g. *Westchester Day School v. Village of Mamaroneck*, 379 F. Supp.2d 550, 554-55 (S.D.N.Y. 2005) (rejecting the assertion that to satisfy the "substantial burden" prong under RLUIPA, it must be necessary to show that there was a "complete denial" of the application at issue); *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895, 901 (7th Cir. 2005) (noting that just because the plaintiff could re-submit its application with a different "planned unit development" did not mean that defendant's denial of its original application was not a substantial burden).



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CONCLUSION

It is respectfully submitted that the proposed Project is fully zoning-compliant and is consistent with the existing character of the Educational/Institutional Zoning District. The Applicant has made significant design changes in response to comments from the Planning Board and from the public, which will preserve trees on the Premises and further limit any potential visual impacts. Additionally, the PDE Response to Comments Letter (enclosed as **Exhibit C**) reaffirms that the only way to achieve the necessary off-street parking and to safely and effectively meet parking existing demands without having any impacts to any established viewing platforms, is to develop the Project as proposed.

The Applicant therefore requests that this Board close the Public Hearing and that the Board also adopt a Negative Declaration at its June 23, 2020 meeting. Based upon the information provided by Cabrini and its parking consultant and the case law set forth herein, we respectfully request that this Board grant approval for the requested Site Plan Application to permit the construction of the parking facilities for this essential business.

We look forward to appearing before the Village Board of Trustees again on June 23, 2020 for the continued public hearing on Cabrini's pending Application for Site Plan Approval. We appreciate the Board's continued consideration of this matter.

Very truly yours,

Anthony B. Gioffre III

Anthony B. Gioffre III

Enclosures

cc: Lori Lee Dickson, Esq.
Daniel Pozin, Esq.
BFJ Planning
Cabrini of Westchester
Provident Design Engineering, PLLC
Taylor M. Palmer, Esq.

Exhibit A



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Cabrini of Westchester

115 Broadway
Village of Dobbs Ferry, NY

List of Submitted Documents and Reports

1. Building Permit Application dated 2/25/2019
2. Letter to Village of Dobbs Ferry Board of Trustees dated 3-28-19
 - a. Site Plan Application
 - b. Short Environmental Assessment Form
 - c. Coastal Assessment Form
 - d. Zoning Worksheet
 - e. Photo Inventory of the project site area
 - f. Aerial Photograph
 - g. Storm Water Management Report
 - h. Site Plan Approval Drawings prepared by Provident Design Engineering, PLLC
3. Letter to Village of Dobbs Ferry Planning Board dated 3-28-19
 - a. Site Plan Application
 - b. Short Environmental Assessment Form
 - c. Coastal Assessment Form
 - d. Zoning Worksheet
 - e. Photo Inventory of the project site area
 - f. Aerial Photograph
 - g. Storm Water Management Report
 - h. Site Plan Approval Drawings prepared by Provident Design Engineering, PLLC
4. Letter to Village of Dobbs Ferry Planning Board dated 5-23-19
 - a. Submitted revised site plan approval drawings

Dwg. No.	Title (Revision Description)	Sheet	Rev. No.	Date
C-10	Overall Site Plan	1		2/5/2019
C-101	Site Plan (Removed proposed trees and tree legend)	2	1	5/22/2019
C-201	Grading & Drainage Plan	3		2/5/2019
C-301	Erosion & Sediment Control Plan	4		2/5/2019
C-401	Details	5		2/5/2019
C-402	Details	6		2/5/2019
C-403	Infiltration Bed Details	7		2/5/2019
LP-101	Lighting Plan	8		2/5/2019

Drawing prepared by IQ Landscape Architects, P.C.				
L-1	Landscape Plan and Details <i>(Landscape Plan is being provided as requested at the 5/2/2019 Planning Board meeting)</i>			5/22/2019

5. Letter to Village of Dobbs Ferry Planning Board dated 7-3-19
 - a. Site Plan Approval Drawings prepared by Provident Design Engineering, PLLC

Dwg. No.	Title	Sheet	Rev.#	Date
C-10	Overall Site Plan	1	2	7/3/2019
C-101	Site Plan	2	2	7/3/2019
C-201	Grading & Drainage Plan	3	1	7/3/2019
C-301	Erosion & Sediment Control Plan	4	1	7/3/2019
C-401	Details	5	1	7/3/2019
C-402	Details	6	1	7/3/2019
C-403	Infiltration Bed Details	7	1	7/3/2019
LP-101	Lighting Plan	8		2/5/2019

- b. Landscape Plan prepared by IQ Landscape Architects, P.C.

Dwg. No.	Title	Sheet	Rev.#	Date
L-1	Landscape Plan and Details			6/27/2019

- c. Storm Water Management Report revised 7/2/2019
 - d. Parking Alternate Exhibits
 - ALT-1; Parking Alternate # 1 dated 7/3/2019.
 - ALT-2; Parking Alternate # 2 dated 7/3/2019.
 - ALT-3; Parking Alternate # 3 dated 7/3/2019.
 - ALT-4; Parking Alternate # 3 dated 7/3/2019.
 - e. Parking Study dated 7/3/19
6. Letter to Village of Dobbs Ferry Board of Trustees dated 11-18-19
7. Current Drawings and Reports
 - a. Site Plan Approval Drawings prepared by Provident Design Engineering, PLLC

Dwg. No.	Title	Sheet	Rev #	Date
C-10	Overall Site Plan	1	3	10/23/2019
C-101	Site Plan	2	3	10/23/2019
C-201	Grading & Drainage Plan	3	2	10/23/2019
C-301	Erosion & Sediment Control Plan	4	3	10/23/2019
C-401	Details	5	2	10/23/2019
C-402	Details	6	2	10/23/2019
C-403	Infiltration Bed Details	7	2	10/23/2019

LP-101	Lighting Plan	8	1	10/23/2019
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- b. Landscape Plan prepared by IQ Landscape Architects, P.C.

Dwg. No.	Title	Sheet	Rev #	Date
L1	Landscape Plan and Details	1	2	10/23/2019

- c. Storm Water Management Report dated October 2019
- d. Cabrini Parking Study dated 07-02-19
8. 3D Models/Images and shift data presented at Public Hearing held on 2/25/2020
- a. 3D Model_Video_Walking Views
 - b. 3D Model_Video_Overall View
 - c. 3D Model_Video_Driving Views
 - d. 3D Model_Snapshot_Looking West
 - e. 3D Model_Snapshot_Looking South
 - f. 3D Model_Snapshot_Looking North
 - g. 3D Model_Snapshot_Looking East
 - h. Cabrini of Westchester Staffing shifts by Hour Monday thru Friday
9. June 2020 Review Letter in Response to Comments in the Village Parking Consultant's Review Letter Dated May 19, 2020

Q:\PROJECTS-18\18-022 Cabrini Westchester\SPA Submissions\6-2020\VODF List of Submission Documents Rev 1.docx

Exhibit B



ST. CHRISTOPHER'S, INC.

Larry Carbone
Chairman of the Board
Lee Allen
President
Dr. Donald Antonicchia
Chief Executive Officer

October 21, 2019

Patricia Krasnausky
President/CEO
Cabrini Eldercare
115 Broadway
Dobbs Ferry, NY 10522

Dear Pat,

It was a pleasure to meet with you and your leadership team earlier this month to discuss the urgency of formalizing an emergency protocol between Cabrini Eldercare and St. Christopher's that will enhance the safety and well-being of those in our respective care. We appreciate your agreement with us that such a protocol is vital, especially its focal point: an unobstructed, emergency ingress and egress gate between our campuses—underwritten by St. Christopher's—that, should there be an emergency, will ensure: first responders and emergency vehicles reach the impact point in time; and building occupants exit to safety, in a quick and orderly manner to one or both campuses.

In a follow-up conversation to our meeting, you mentioned that during a recent Dobbs Ferry Planning Board meeting on your current proposal for additional parking on-site at Cabrini Eldercare—during which your team referenced the aforementioned ingress/egress gate—there was some discussion about our campuses sharing parking. Frankly, it's simply impossible for us to share parking for several reasons, two of which I'll capture here.

- First, from a practical standpoint, we have very, very limited parking on our campus—a circumstance your campus also faces, especially during peak hours. In fact, at St. Christopher's, during to our parking shortage, we cannot even accommodate the majority of the Greenburgh-North Castle School District staff, who must therefore park on Broadway. So there are simply no spaces to share.
- Second, I know for a fact that the NYS Office of Children and Family Services, the agency governing St. Christopher's, would find it disconcerting if we proposed increasing daily access to our campus by non-staff members and vehicles, as well—nor would they approve it.

Circling back to the ingress/egress gate, as I referenced, we have previously mentioned this concept to Don Marra, former Mayor and our Village Liaison—as just one part—albeit a major one—of a comprehensive safety and security strategy we are currently implementing. These initiatives include: a security booth approved by the Planning Board that is nearing completion; an enhanced surveillance system; and additional safety policies and procedures.

In sum, I would be happy to meet with the Planning Board to present the case for this ingress-egress gate as a vital, standalone safety measure and thus, why its approval is of utmost importance. I also look forward to continuing our conversation and collaboration. Thanks, Pat.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald Antonecchia", with a stylized flourish at the end.

Donald Antonecchia, EdD
CEO

ADMINISTRATIVE OFFICE
71 S. Broadway, Dobbs Ferry, NY 10522 Tel. (914) 693-3030 Fax (914) 693-8325

**Helping Families
Help Themselves**

Exhibit C



7 Skyline Drive, Hawthorne, NY 10532
Tel: (914) 592-4040 www.pderesults.com

June 15, 2020

Mayor Vincent Rossillo
and Members of the Village Board of Trustees
Village of Dobbs Ferry
112 Main Street
Dobbs Ferry, NY 10522

RE: Cabrini of Westchester – Application for Site Plan Approval – Parking Lot (25 Spaces)
Responses to BFJ Planning Letter Dated May 19, 2020
Section 003.120, Block 104, Lot 1
115 Broadway, Dobbs Ferry, NY

Mayor Vincent Rossillo and Members of the Village Board of Trustees:

We are in receipt of the letter prepared by BFJ Planning entitled “Review of Parking and Traffic Elements of Westchester Cabrini Application”, dated May 19, 2020 (the “BFJ Letter”). We have reviewed the contents of the BFJ Letter and their analysis of the peak parking shortage. The BFJ Letter reaffirmed the details in our Parking Study and in our supplemental reports that there is a parking shortage at the Cabrini site, and further that the proposed 25-parking spaces sought in this Application is reasonable to alleviate this condition. However, the BFJ Letter also makes several other recommendations, many of which the Applicant has already addressed in its prior submissions to this Board and the Planning Board. Notwithstanding, this letter provides additional responses to the comments in the BFJ Letter in a Comment/Response format.

Responses to Comments in BFJ Letter:

- 1) **BFJ Comment:** We recommend that Cabrini should geocode the home addresses of their employees on the main and evening shifts to determine the number of employees that could reasonably use public transportation and to check whether there are geographical concentrations of employees that could carpool.

PDE/Applicant Response: We recognize that geocoding the home addresses of Cabrini employees would provide employees with a list of coworkers that live in close proximity to each another. However, it only represents the potential for carpooling and does not represent a guarantee that employees will opt to carpool on a regular basis or on any given day.

- 2) *BFJ Comment:* If TDM actions are not deemed feasible and the Village allows an increase in parking supply on the Cabrini site, we recommend that alternate locations be chosen that do not destroy the aesthetic quality of the frontage of the southeast corner. We believe that perpendicular parking spaces can be provided safely at the locations indicated in Exhibit 2 that are cost effective, need significantly less pavement per added parking space and have minimal aesthetic impact.

PDE/Applicant Response: The applicant has addressed a TDM on several occasions with the Village and provided a detailed response in our letter to the Board of Trustees on November 18, 2019 (the “November 2019 Letter”). To summarize the response set forth in our November 2019 Letter, a Transportation Demand Management Plan (TDMP) would ultimately prove ineffective in significantly reducing the number of parking spaces. In the November 2019 Letter, we also submitted the results of a survey conducted by Cabrini to help identify the willingness of employees to carpool. The results of the survey indicated that no additional employees would be willing to use mass transit and a limited number would be willing to carpool for several reason including employees commuting to and from second jobs, childcare issues, etc.

We have also reviewed the alternative parking locations recommend by BFJ Planning as depicted on Exhibit 2 to the BFJ Letter. BFJ Planning has commented that their proposed alternatives are “cost effective, need significantly less pavement per added parking space and have minimal aesthetic impact”. However, Exhibit 2 to the BFJ Letter would only be considered a *conceptual plan*. Further, Exhibit 2 to the BFJ Letter only analyzed these potential locations from an aesthetic viewpoint and does not take into consideration existing topographic conditions, grading impacts, total disturbed area, net increase in impervious surface area, existing utility infrastructure, stormwater management, etc., all of which add significantly to the cost and unnecessary environmental impacts.

For reference by this Board, enclosed as **Exhibit A** (consisting of 2 Sheets) to this response to comments letter, please find a schematic level review of the alternatives that are set forth in Exhibit 2 of the BFJ Letter. Schematic level designs take into consideration and assess many variables without going into detailed engineering plans, including but not limited to aesthetic impacts. We have numbered the BFJ alternative locations in our **Exhibit A** in order to cross reference these locations for further discussion below.

We have also attached to this letter a chart entitled, “Preliminary Impacts Assessment of BFJ Planning Recommended Alternative Parking Locations” (the “Impacts Chart”). The discussions below only indicate those items that could not be clearly summarized in the attached Impacts Chart.

PDE/Applicant Comments Regarding BFJ Alternate #1:

- The existing road grade is an average of 8.5%. It is neither desirable nor good practice to construct parking on slopes in excess of 5%. §300-48.C(4) of the Village Code requires a maximum grade of 5% in parking areas.

- §300-48.D(3) of the Village Code requires a two way aisles width of 24 feet. The existing driveway width is 20-21 feet wide. Widening of the driveway would result in a net increase in impervious surface area of approximately 600 s.f.
- The construction of this alternative would result in impacts to the existing root zone of the 54" tree to be preserved.
- This BFJ Planning proposed parking alternative would sit at an elevation of approximately 106' and would present the potential to obstruct horizon line views to the west from Broadway.

PDE/Applicant Comments Regarding BFJ Alternate #2

- The existing road grade is an average of 8.5%. It is neither desirable nor good practice to construct parking with slopes in excess of 5%. §300-48.C(4) of the Village Code requires a maximum grade of 5% in parking areas.
- §300-48.D(3) of the Village Code requires a two way aisles width of 24 feet. The existing driveway width is 20-21 feet wide. Widening of the driveway would result in a net increase in impervious surface area of approximately 600 s.f.
- As noted previously to this Board and the Planning Board, the existing electrical transformer vault is the primary service to the existing building is located in this area. The Consolidated Edison publication entitled "Transformer Vault Placement and Space Requirements", dated April 2006 indicates that transformer vaults are to be placed in sidewalk areas and further states that if vaults are located in a driveway area, then the customer must pay incremental Con Edison costs which would include special grating designs, increased maintenance, etc. Relocation and/or modification of the existing transformer vault would cost an estimated \$100,000 to \$150,000.

PDE/Applicant Comments Regarding BFJ Alternate #3

- The objective of the proposed parking area is to provide additional staff parking in the south parking lot within a safe and reasonable walking distance to the employee entrance. We understand that this existing need is only amplified in light of the current COVID-19 pandemic. By providing additional staff parking in the south lot, the north lot would be freed up for guest and visitors.
- The proposed parking area would have direct visual and aesthetic impacts from the perspective of the garden area along the front of the existing building. The existing green space that residents and visitors currently experience would be removed.
- The driveway along the frontage of the existing building would be considered the fire apparatus access road and should not be obstructed in any manner, including the parking of vehicles, unless authorized by the Fire Code Official. (Ref: Fire Code of NYS §503.4)
- The existing drainage system would require reconstruction.

PDE/Applicant Comments Regarding BFJ Alternate #4

- The objective of the proposed parking area is to provide additional staff parking in the south parking lot within a reasonable walking distance to the employee entrance. By

providing additional staff parking in the south lot, the north lot would be freed up for guest and visitors.

- The proposed parking area would have direct visual and aesthetic impacts from the perspective of the entrance and lobby area. The existing green space that residents and visitors currently experience would be removed.
- The driveway along the frontage of the existing building would be considered the fire apparatus access road and should not be obstructed in any manner, including the parking of vehicles, unless authorized by the Fire Code Official. (Ref: Fire Code of NYS §503.4)
- There is an existing religious shrine (constructed in 1924) located approximately 30 feet from the proposed parking area. In order to minimize impacts to the existing religious shrine, it would be necessary to construct a retaining wall at additional cost and impacts to the site.

PDE/Applicant Comments Regarding BFJ Alternate #5

- There is an existing specimen tree located approximately 30 feet from the proposed parking area. In order to minimize impacts to its root zone, it would be necessary to construct a retaining wall at additional cost and impacts to the site.
- The proposed parking area would have direct visual and aesthetic impacts on the entrance and lobby area. The existing green space that residents and visitors currently experience would be removed.

PDE/Applicant Comments Regarding BFJ Alternate #6

- The existing road grade is an average of 8.5%. It is neither desirable nor good practice to construct parking with slopes in excess of 5%. §300-48.C(4) of the Village Code requires a maximum grade of 5% in parking areas.
- The driveway along the frontage of the existing building would be considered the fire apparatus access road and should not be obstructed in any manner, including the parking of vehicles, unless authorized by the Fire Code Official. (Ref: Fire Code of §NYS 503.4)
- The proposed parking area would require a retaining wall due to the grade change and to minimize impacts to the existing building foundation wall and emergency egress door located along the north wall of the existing building.

PDE/Applicant Comments Regarding BFJ Alternate #7

- The existing religious monument/statue in the landscaped island would be impacted and would need to be relocated accordingly at additional cost and impacts to the site.
- The driveway along the frontage of the existing building would be considered the fire apparatus access road and should not be obstructed in any manner, including the parking of vehicles, unless authorized by the Fire Code Official. (Ref: Fire Code of NYS §503.4)
- The parking area would have direct visual and aesthetic impact on the entrance and lobby area. The existing green space that residents and visitors currently experience would be removed.

Conclusion

We recognize and would like to thank BFJ Planning for concurring with the ongoing assessment made by the Applicant and their design professionals that the parking demand does exceed the capacity of the existing parking areas on the Cabrini site. BFJ Planning has further indicated that the perpendicular parking spaces set forth in Exhibit 2 to the BFJ Letter are “cost effective, need significantly less pavement per added parking space and have minimal aesthetic impact”.

However, when these areas are analyzed in more detail and existing topographic conditions, grading impacts, total disturbed area, net increase in impervious surface area, existing utility infrastructure, stormwater management, etc. are taken into consideration, the cost effectiveness and aesthetic impacts of these areas becomes somewhat less apparent. To elaborate on these points, we provide the following comments:

- A stormwater management system is required to offset the net increase in runoff that would be attributed to the change in cover type. From a stormwater management perspective, the development of multiple parking areas would result in the need to construct multiple stormwater management systems (i.e., one system for each location developed) and will result in increased design, construction and maintenance costs which the recommendations set forth by BFJ Planning fails to recognize. Multiple system stormwater management systems will be more expensive and the cost effectiveness of developing multiple parking areas is thereby diminished.
- When analyzing the BFJ alternative development locations, it is important to recognize and weigh the potential impacts against the potential aesthetic benefits which any location may be perceived to provide. Aesthetics cannot and should not be the only consideration in the development process and should be not be considered from only one perspective. Indeed, the Applicant has prepared visual analysis and modeling to show that there will not be an impact to pedestrian or vehicular traffic passing the site. And while several of the BFJ Planning recommended alternative parking areas may provide for minimal aesthetic impacts from the perspective of the main thoroughfare, they will have a significant aesthetic impact from the perspective of the residents and visitors at the Cabrini site. We have identified these BFJ Planning recommended alternative parking areas on Exhibit A as BFJ Alternates 3, 4, 5, and 7.
- The BFJ Planning recommended alternative parking areas that we have identified on Exhibit A as BFJ Planning Alternates 1, 2 and 6 do not conform to the applicable provision of §300-48.C(4) of the Village Code which requires a maximum grade of 5% in parking areas. From this perspective, BFJ Planning Alternates 1, 2 and 6 are not a viable alternative to the parking area as currently proposed.
- The BFJ Letter states that “the 25-space parking lot proposed in the southeast corner of the Cabrini property at 115 Broadway would not impede views of the Hudson River for pedestrians walking along Broadway or for property owners directly across the street on the east side of Broadway”. It goes on to further note that “forfeiting the lawn for parking may represent an overall aesthetic loss for this section of Broadway”. As we noted above, aesthetics cannot and should not be the only consideration in the development process and should be not be considered from only one perspective. As required by the Village Code a view analysis of the

proposed the 25-space parking lot was prepared using 3D models and renderings. The purpose of the view analysis is to demonstrate that the project will not have the potential to impact the visibility of the Hudson River or with the potential for visibility from the established viewing platform(s). The 3D models and renderings clearly demonstrate that the proposed the 25-space parking lot has been sited at a significantly lower elevation than the elevation right-of-way of Broadway and will not obstruct views of the Hudson River from either Broadway or the existing private residences located on the easterly side of Broadway. In addition, the proposed the 25-space parking lot has been situated in such a manner as to preserve the existing trees along the southerly property line and the 54" tree located along the site driveway.

Provided the above, and as is confirmed in our analysis, the proposed parking area on the Site Plan Approval drawings, as amended, represents the best possible alternative to address the confirmed need for additional parking at the Cabrini site. The Applicant has expended significant resources to review and assess the multitude of alternatives that the Village and their consultants have suggested that the Applicant evaluate. The Applicant and their consultants have provided an assessment and responses to each of the many substantially burdensome alternatives that the Village has suggested, and our analysis reaffirms that the Applicant's proposed location is the best location to meet the demand without causing other unnecessary impacts to the site or the area.

We respectfully request that the Village Board of Trustees vote to approve the Site Plan Application as is currently before them. If you have any questions or need additional information, please do not hesitate to contact us.

Very truly yours,

Provident Design Engineering, PLLC



Ralph P. Peragine, P.E.
Senior Project Manager

Attachments

- Exhibit A
- Preliminary Impacts Assessment of BFJ Planning Recommended Alternative Parking Locations Chart

Cc: P. Krauskasky – CEO/President Cabrini of Westchester
T. Palmer – Cuddy + Feder LLP



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Exhibit A

CABRINI OF WESTCHESTER

BROADWAY

DOBBS FERRY, NY

EXHIBIT A

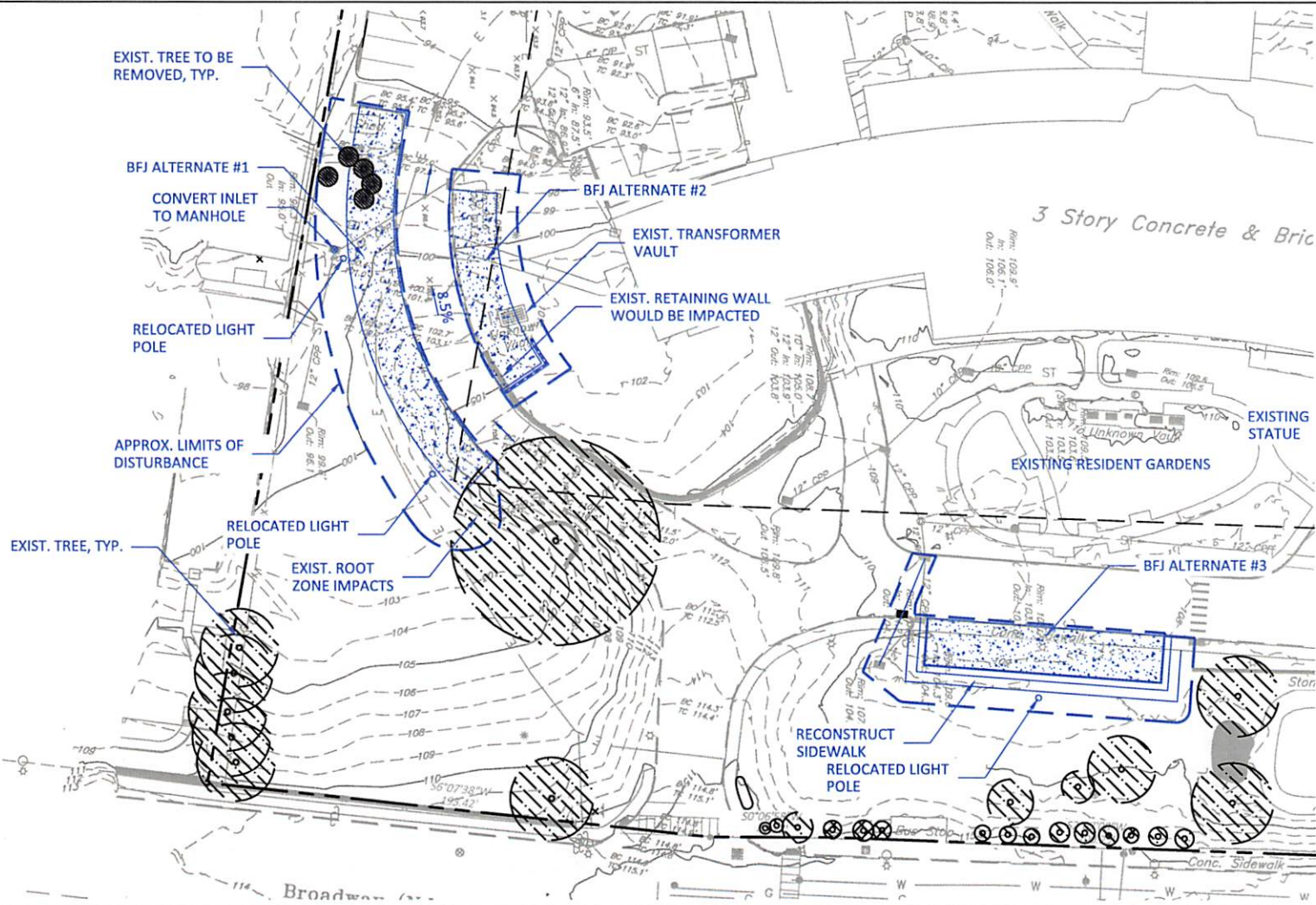
PROJECT NO.: 18-022

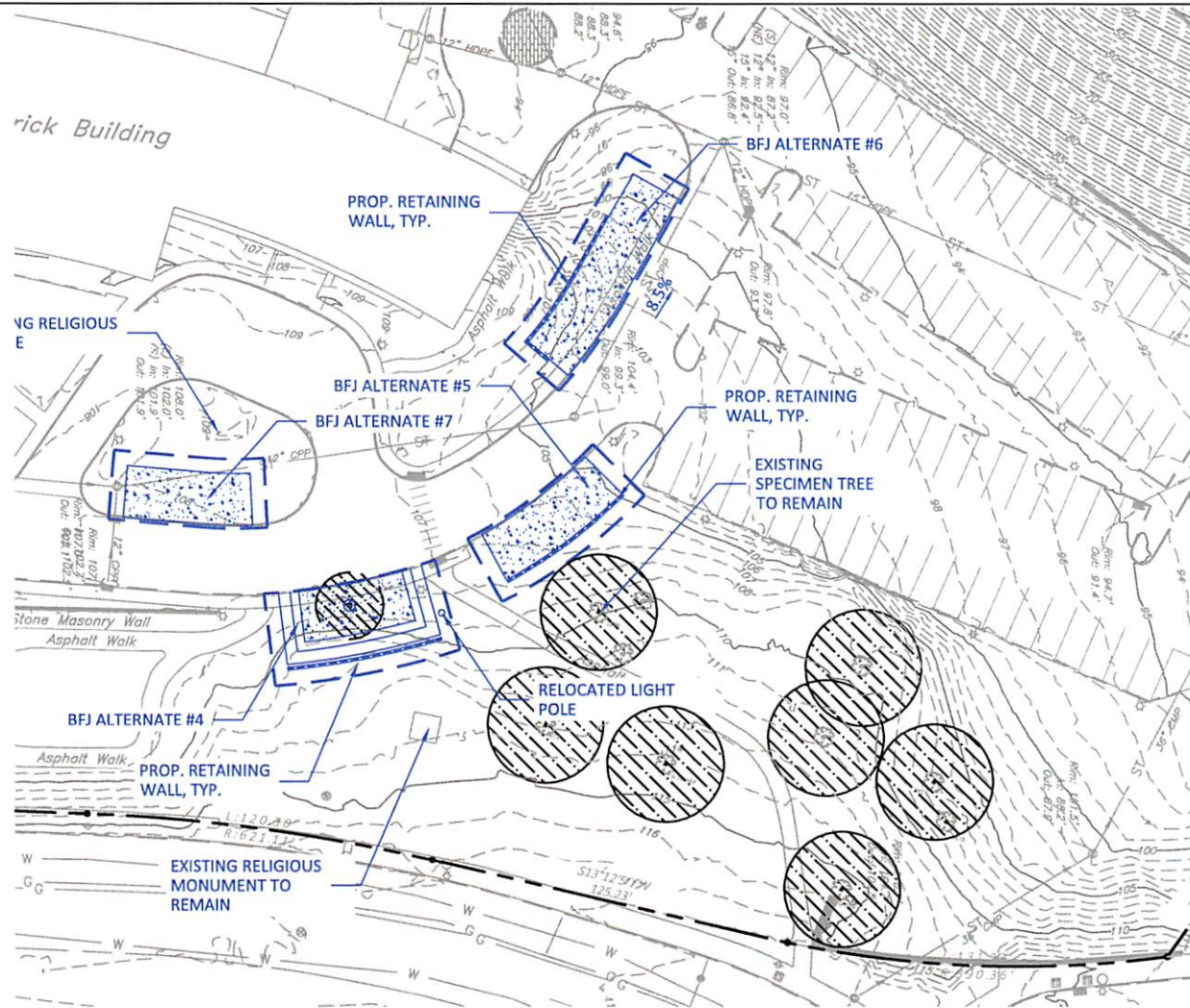
SHEET NO.: 1 of 2

DATE: 6/15/2020

SCALE: 1"=40'

BY: RPP







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**Preliminary Impacts Assessment of BFJ Planning
Recommended Alternative Parking Locations Chart**

Cabrini of Westchester

Dobbs Ferry, NY

Preliminary Impact Assessment of BFJ Planning Recommended Alternative Parking Locations

	#1	#2	#3	#4	#5	#6	#7	Current Proposal
New Impervious surface area, s.f.	2,755	1,350	1,620	1,250	860	1,275	800	8,820
Approximate Disturbed Area, s.f.	5,950	2,350	5,000	2,000	1,500	2,025	1,300	18,121
No. of Parking Spaces Recommended	16	9	12	4	5	8	5	25
No. of Trees to be removed	5	0	0	1	0	0	0	2
Retaining Wall Required	No	Yes	No	Yes	Yes	Yes	No	Yes
Height, Ft.		± 5		± 5	± 3	± 4		3
Length, Ft.		± 30		± 55	± 60	± 60		40
Relocated Light Poles	2	1	0	0	0	0	0	0
Slope of Parking Area	8.5%	8.5%	± 2%	± 2%	5%	8.5%	± 2%	4.7% Max.
Separate Stormwater Management System	1	1	1	1	1	1	1	1
Proximity to Staff Entrance,Ft.	± 400	± 400	± 700	± 900	± 1000	± 1100	± 875	± 450

Notes

1. New Impervious surface area includes parking areas and sidewalks, where applicable.
2. The number of parking spaces recommended by BFJ Planning may/may not represent the actual number of parking spaces that could be developed based on an engineered design.