

# **MEETING NOTICE**

## Village of Scarsdale

A Work Session of the Scarsdale Village Board of Trustees is scheduled for 5:30 PM on Tuesday, May 14, 2024. The meeting will be held in 3<sup>rd</sup> Floor Meeting Room in Village Hall. Members of the public wishing to attend the meeting remotely can do so via online link at <https://zoom.us/j/93183703358>, or call into the meeting using 1-929-436-2866 and entering the Meeting ID 931 8370 3358.\*

### **AGENDA**

1. Presentation from BFJ on Potential Changes to Land Use Code

CS: 05-08-24

E-MAIL: Journal News (Lohud)  
Scarsdale 10583  
Scarsdale Hamlet Hub  
The Daily Scarsdale

cc: Lobby Bulletin Board

*\*For a brief Zoom tutorial or to troubleshoot a problem, see here: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>. For other user questions, please visit the Zoom Help Center: <https://support.zoom.us/hc/en-us>.*

**SCARSDALE**  
1701  
**NEW YORK**

**To:** Mayor Justin Arest and the Board of Trustees

**From:** Kellan Cantrell, AICP, Village Planner 

**Date:** Thursday, May 09, 2024

**RE:** Proposed Village Code Changes

**MEMORANDUM**  
**Planning Department**

In December of 2023 the Village enacted a limited moratorium and retained the services of the Planning Consulting Firm Buckhurst, Fish and Jacquemart (BFJ) to study and recommend zoning code changes. Over the last five months, BFJ has worked with my office, the Building Inspector, Village Engineer, Village Attorney, the Mayor and certain Trustees to propose amendments to the Village Code. Those recommendations are outlined in the two memorandums from BFJ as well as the draft local law, attached. In consideration of the State Environmental Quality Review Act (SEQRA) Part 1 of the Environmental Assessment Form is also attached. Once the draft local law is introduced it will be referred to the Westchester County Planning Board and Scarsdale Planning Board for review and a report and recommendation. If referred, the Scarsdale Planning Board will consider the draft Local Law at its next meeting on May 22<sup>nd</sup>. I also request the Village Board consider scheduling the public hearing on the Local Law for the Board's May 28<sup>th</sup> meeting.

Find the following documents for your consideration:

- Two-page memorandum from BFJ dated May 9, 2024
- Detailed summary memorandum from BFJ dated May 9, 2024
- The Draft Local Law
- Part 1 of the Environmental Assessment Form

ecc: Alexandra Marshall, Acting Village Manager

Nicholas Ward Willis, Esq., Keane & Beane P.C.

To: Mayor Justin Arest; Scarsdale Board of Trustees; Village Planner Kallen Cantrell

From: Frank Fish, Principal; Susan Favate, Principal; Suzanne Goldberg, Planner

Subject: Proposed Village of Scarsdale Zoning Text

Date: May 9, 2024

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**Introduction and Legislative Intent**

In recent years, the improvements and subdivisions occurring on single-family residential properties in Scarsdale have led to residents expressing concern about pervasive adverse impacts, including the loss of the defining architectural and historic quality and scale and negative environmental impacts such as increased flooding and the destruction of mature trees and natural habitats. These concerns arise from, among other things, the rapid pace of demolitions and replacement of older homes, additions to existing homes, the construction of new accessory structures, and the subdivision and redevelopment of residential lots. Such development activities create new impervious surfaces, diminishing the natural drainage and flood mitigation provided by mature trees and open space. Moreover, new single-family homes are increasingly being built at the limits of dimensional requirements, while maximizing and, at times seeking variances to exceed the limits of floor area ratios, lot coverages, and other bulk requirements. These trends place greater challenges on the Board of Architectural Review and Committee for Historic Preservation, which are responsible for protecting aesthetic and architectural resources.

In response to these concerns, the Board of Trustees determined that it was in the best interest of the Village to enact a temporary moratorium on certain development within the single-family residence districts, to allow adequate time to identify and implement zoning code amendments to mitigate or avoid the deleterious impacts of development activities. During the six-month moratorium, adopted January 9, 2024, BFJ has met with Village Staff, Mayor Justin Arest, and members of the Board of Trustees to develop specific zoning changes that effectively address the community's concerns, while balancing the ability of property owners to undertake reasonable improvements and development activities. This memorandum outlines the draft zoning recommendations under consideration. Each recommendation alone would not be drastic; however, when combined, they address the two main issues described in the moratorium: the appearance of bulk and stormwater impact.

The following memo identifies the specific proposed zoning text changes that incorporate recommendations previously discussed and summarized in a BFJ memo dated April 26, 2024. Like that memo, the zoning changes are identified by topic area.

## 1. Site Plan Review

- New §251-1(C) establishes site disturbance thresholds to require site plan review by the Planning Board, together with exempted activities. “Site Disturbance” is defined in §310-2.
- New §251-1(D) states that properties within in flood hazard areas, identified in the Flood Hazard Boundary Map (FHBM) and Flood Insurance Rate Map (FIRM), including the Special Flood Hazard Area (SFHA), are subject to site plan review by the Planning Board.
- New §251-1(E) states that corner lots within residential zoning districts are subject to site plan review by the Planning Board.
- Existing §251-1(C) is renumbered to §251-1(F).
- New §251-5 describes the required content of the Site Plan.
- New §251-6 describes the required content of the Construction Management Plan.
- New §251-7 describes Planning Board review standards for development applications.
- New §251-8 describes conditions attached to the approval of site plans.
- New §251-9 describes the expiration of site plan approval.
- New §251-10 describes conflicts with other provisions.
- “Site Disturbance” is defined in §310-2.
- New §132-60.1 states that for residential site plan approval, the Final Certificate of Occupancy shall not be issued until the Village Engineer and Building Inspector have reviewed and approved the As Built Survey.

## 2. Open Space Requirement

- New §310-23.1 establishes required open space percentages for each residential zoning district.
- “Required Open Space” is defined in §310-2.

## 3. Setbacks

### Side Yard Setbacks

- §310-51(A) is revised to reflect the proposed side yard setbacks for the A-4, A-3, A-2a, A-2, A-1, and AA-1 districts.

### Accessory Buildings

- §310-51(B) and §310-47 are revised to reflect the proposed side and rear yard setbacks for accessory buildings in the A Residence districts.

#### Change in Accessory Building Use

- §310-7(l) is revised to confirm that a change in the use of an accessory structure may require a building permit but will not require land use approvals, provided the new use is not inhabited or used for dwelling purposes and the footprint and height of the accessory structure is not increased.

#### **4. Floor Area Ratio (FAR)**

- Within §310-102, Table XVI-1 is revised to reflect new maximum FAR ratios for lots ranging from 5,000 sf to 88,000+ sf. §310-102(A) through §310-102(l) are deleted based on the new ratios.
- Within §310-102, Table XVI-1 is revised to reflect that the maximum FAR of 0.142 will apply to all lot sizes equal to or greater than 88,000 sf.
- §310-104 is revised to reduce the maximum side yard setback FAR incentive allowed in all A Residence districts except the AA-1 zone.

#### **5. Lot and Building Coverage**

- The definition of impervious surface in §310-21(B) is revised to include porous asphalt and gravel.
- §310-22 is revised to reflect new maximum percentages for both building and impervious coverage. Note that the percentages for impervious coverage are identical to those calculated by Village staff in background documents provided to BFJ. The revised table in §310-22 simply uses those percentages rather than the existing formulas. For building coverage, the revised table rounds the previously provided percentages, as discussed during this planning process.
- §310-23 includes simplified percentages for “Permitted coverages in freshwater wetlands and freshwater wetlands controlled areas.” The proposed percentages decrease gradually as lot size increases and are intended to be slightly more restrictive than those listed in the previous section.

#### **6. Building Height**

- A new §310-25(D) is added to provide for the use of the sky exposure plane in the AA-1 district. This addition includes a diagram to illustrate the concept. It could allow up to 36 feet in height in the AA-1 district.
- A definition of “Sky Exposure Plane” is added to §310-2.
- A new §310-25(E) is added to allow the Planning Board to consider, as part of site plan review, increased building height of up to 3 feet in flood hazard areas, identified in the Flood Hazard

Boundary Map (FHBM) and Flood Insurance Rate Map (FIRM), including the Special Flood Hazard Area (SFHA), to provide for constructing the building at a higher elevation, for mitigation of flooding impacts.

- §310-25(A) is revised to reflect the new subsections.

## **7. Escrow Fees**

- §310-98 is revised to allow the Planning Board to use technical staff in site plan applications, and Village staff to also use technical staff in determination of zoning compliance or other technical findings. The existing text in this section should provide for the use of escrow fees for this purpose.
- §310-98 is revised to include a section on applicability of the local law.

cc: Nicholas Ward-Willis, Keane & Beane, P.C., Village Attorney

# BFJ Planning

*Via email*

**To:** Mayor of Scarsdale, Justin Arest  
Village of Scarsdale Board of Trustees  
Village Planner, Kellan Cantrell

**Cc:** Nicholas Ward-Willis  
*Keane & Beane P.C.*

**Date:** May 9, 2024

**From:** Frank Fish FAICP, Principal  
Susan Favate AICP, PP, Principal  
Jonathan Martin, Ph.D., AICP, Associate Principal  
Suzanne Goldberg, Planner  
*BFJ Planning*

**Subject:** Village of Scarsdale Draft Zoning Recommendations

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## Introduction

This memorandum outlines draft zoning recommendations for the Village of Scarsdale based on meetings with Village Staff, Mayor Justin Arest, and members of the Board of Trustees. The Trustees enacted a temporary six-month moratorium to address concerns regarding recent adverse impacts associated with improvements, subdivisions, and redevelopments on single-family residential properties. This study is intended to assist the Village in identifying and implementing adjustments to the Zoning Code to address these issues. The Board of Trustees has noted that single-family developments are increasingly being built to maximize area and bulk requirements. This has led to concerns over environmental impacts, such as increased flooding and the destruction of natural habitats, as well as the loss of architectural and historic qualities of neighborhoods.

The following recommendations are intended to balance the need for zoning adjustments without placing undue burden on property owners. The memorandum identifies seven areas for potential changes:

1. Site Plan Review
2. Open Space Requirement
3. Setbacks
4. Floor Area Ratio (FAR)
5. Impervious Surfaces
6. Coverage
7. Height

Each recommendation alone would not be drastic; however, when combined, they address the two main issues described in the moratorium: the appearance of bulk and stormwater impact.

# BFJ Planning

## 1. Site Plan Review

### Site Disturbance

Site plan approval from the Planning Board is currently required for any land-disturbing activity within the adjoining property buffer area (defined in § 254-4). We recommend building upon this requirement by requiring site plan approval for disturbance of land that exceeds a certain percentage of the entire lot area. The following definition of disturbance could be added to the Zoning chapter:

*“Any change to land including, but not limited to, clearing, grading, excavating, transporting, and filling of land. This includes any change to land which may result in soil erosion from water or wind and the movement of soil into water or onto lands, alteration of a drainage system, or increased runoff of waters.”*

By increasing the threshold for site plan review by the Planning Board, aspects of stormwater management, coverage, area, and bulk can be examined and mitigated early in the development application process. The Town of Mamaroneck is an example of a comparable community that requires site plan review for all construction in which the area of site disturbance exceeds a certain percentage of the parcel area. Table 1 demonstrates a proposed threshold for site disturbance that would trigger site plan review. These thresholds are modified for the Village of Scarsdale based on Mamaroneck’s regulations. Figures 1 and 2 also demonstrate the concept by illustrating site disturbance thresholds by zoning district.

**Table 1: Proposed Site Disturbance Thresholds for Scarsdale**

| Zoning District      | Proposed Site Disturbance Thresholds |
|----------------------|--------------------------------------|
| A-5: 5,000 sf min.   | 50%                                  |
| A-4: 7,500 sf min.   | 45%                                  |
| A-3: 10,000 sf min.  | 40%                                  |
| A-2a: 15,000 sf min. | 40%                                  |
| A-2: 20,000 sf min.  | 35%                                  |
| A-1: 1 acre          | 30%                                  |
| AA-1: 2 acres        | 30%                                  |

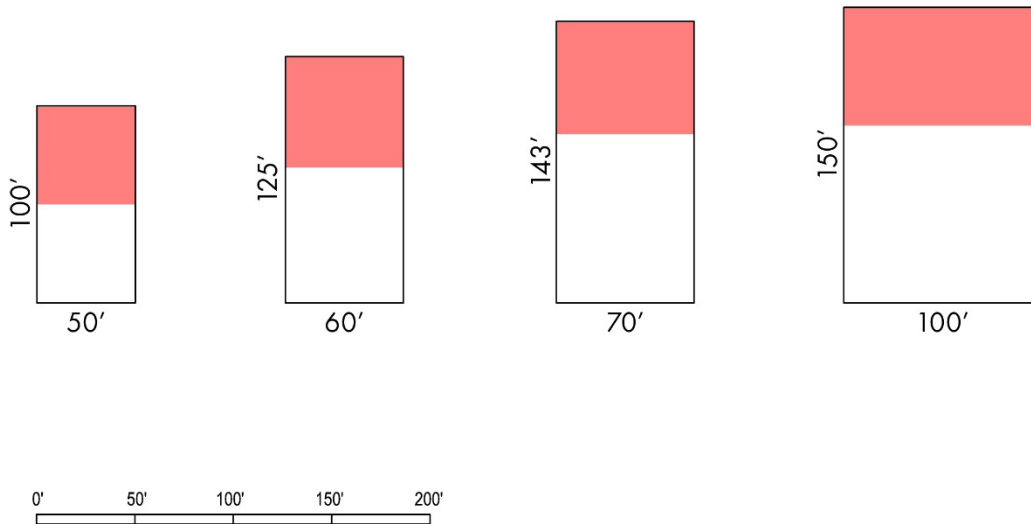
We recommend the following activities are exempt from site disturbance thresholds. These exemptions are based on the Town of Mamaroneck’s regulations and modified for Scarsdale:

1. Repairs to any stormwater management practice or facility deemed necessary by the Village Engineer.
2. Routine landscaping maintenance activity in areas that already have been cultivated.
3. Repair in-kind or repaving of existing walls, driveways, patios, walkways, tennis courts and swimming pools, provided the parcel is not regraded in the process.
4. Emergency activity necessary to protect life, property, or natural resources.

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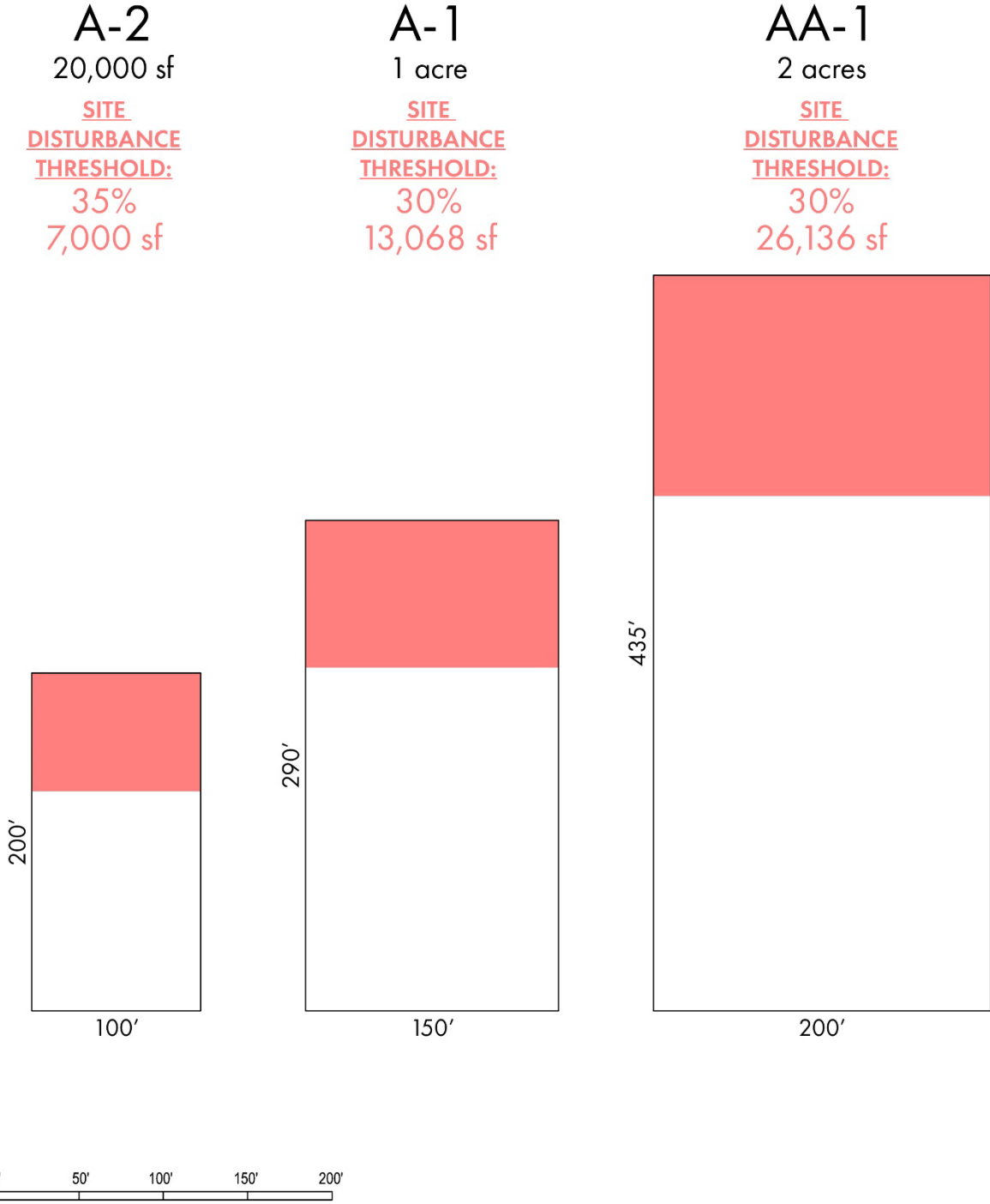
Figure 1: Site Disturbance Threshold Concept Diagram (A-5, A-4, A-3, A-2a Districts)

|   |   |  |   |
|---|---|--|---|
| <b>A-5</b><br>5,000 sf<br><u>SITE</u><br><u>DISTURBANCE</u><br><u>THRESHOLD:</u><br>50%<br>2,500 sf | <b>A-4</b><br>7,500 sf<br><u>SITE</u><br><u>DISTURBANCE</u><br><u>THRESHOLD:</u><br>45%<br>3,375 sf | <b>A-3</b><br>10,000 sf<br><u>SITE</u><br><u>DISTURBANCE</u><br><u>THRESHOLD:</u><br>40%<br>4,000 sf | <b>A-2a</b><br>15,000 sf<br><u>SITE</u><br><u>DISTURBANCE</u><br><u>THRESHOLD:</u><br>40%<br>6,000 sf |
|---|---|--|---|



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Figure 2: Site Disturbance Threshold Concept Diagram (A-2, A-1, AA-1 Districts)



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## FEMA 100-Year Floodplain

FEMA identifies flood hazard areas in the Flood Hazard Boundary Map (FHBM) and Flood Insurance Rate Map (FIRM), including the Special Flood Hazard Area (SFHA). Properties located within the SFHA, also referred to as the 100-year floodplain, have a 1% chance of the area being inundated each year. The map in Appendix A shows the SFHA in Scarsdale, identifying which areas are at a higher risk of flooding. Due to recent flooding events and stormwater management issues in Scarsdale, we recommend that all lots identified as flood hazard areas within the FHBM or SFHA undergo site plan review. The Planning Board should review each application to determine its impact on flood risks and stormwater management. We also recommend that, as part of the Planning Board's site plan review, they can determine if any additional height will be granted to only those building at a higher elevation to reduce the risk of flooding. The Planning Board would have discretion to determine an appropriate height for homes that build at an increased elevation but would only be able to grant a maximum height increase of 3 feet. The Town of Harrison, for example, is a comparable community in which the building height can be increased from 30 feet to 33 feet in the 100-year floodplain as part of their flood plain development permitting process.

## Corner Lots

Lastly, we recommend that site plan review is required for all newly constructed homes on corner lots due to their unique sight lines and high visibility.

## Trees

In addition to the site plan approval requirements described above, we also recommend that site plans must describe the location and characteristics of the different areas of vegetation, including the identification of all individual trees 6 inches or more in diameter at breast height ("DBH"), protected trees of any size, as well as stands of trees and wooded areas, within areas of proposed disturbance. This should also include extensive landscaping and planting along the property line or within the Adjacent Property Buffer. This is critical for understanding the effects of regrading and surface water runoff diversion. To supplement environmental features into adjacent properties, we also recommend requiring mature trees in such areas to be identified on the plan.

## **2. Open Space Requirement**

Trends in the increasing redevelopment of single-family residential properties have expanded the quantity of impervious surfaces. The addition of an Open Space Requirement is a useful tool for ensuring that lots have sufficient landscaped or vegetated areas that can help absorb stormwater runoff and reduce flooding. The following is a proposed definition of Open Space:

*"The percentage of the surface area of a lot that is unoccupied by any structure, building, parking, paving, or other surface deemed to be impervious, and which is vegetated and open to the sky, either in its natural unimproved state or landscaped with lawn, trees, other plants, natural rock outcroppings, natural water features, or wetlands. Artificial turf, driveways, parking areas, patios, and walkways, regardless of surface composition, are deemed not to be open space."*

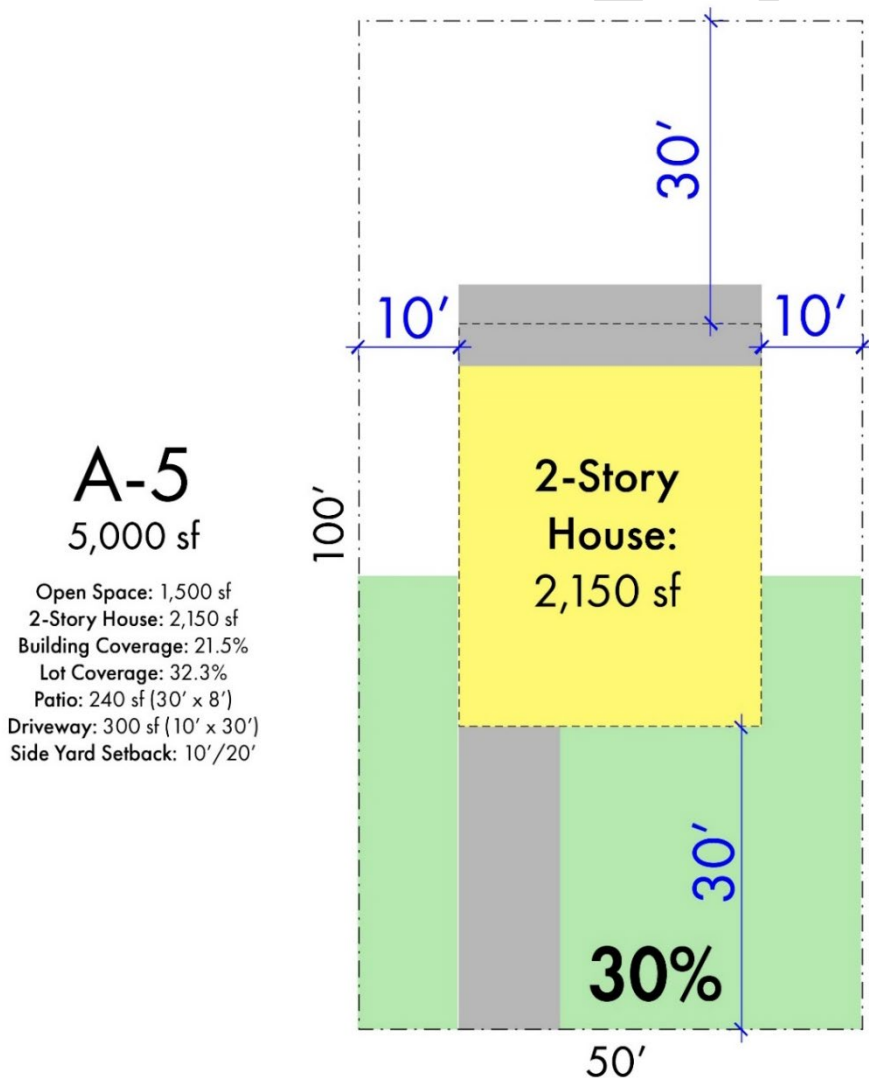
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Table 2 shows proposed percentages required as open space by zoning district. Figures 3-9 demonstrate examples of how developed lots in each of the zoning districts could meet the Open Space Requirement while meeting FAR, coverage, and setback requirements.

**Table 2: Proposed Open Space Requirement**

| Zoning District      | Proposed Open Space Requirement |
|----------------------|---------------------------------|
| A-5: 5,000 sf min.   | 30%                             |
| A-4: 7,500 sf min.   | 35%                             |
| A-3: 10,000 sf min.  | 40%                             |
| A-2a: 15,000 sf min. | 45%                             |
| A-2: 20,000 sf min.  | 50%                             |
| A-1: 1 acre          | 55%                             |
| AA-1: 2 acres        | 65%                             |

**Figure 3: Open Space Requirement Diagram (A-5 District)**

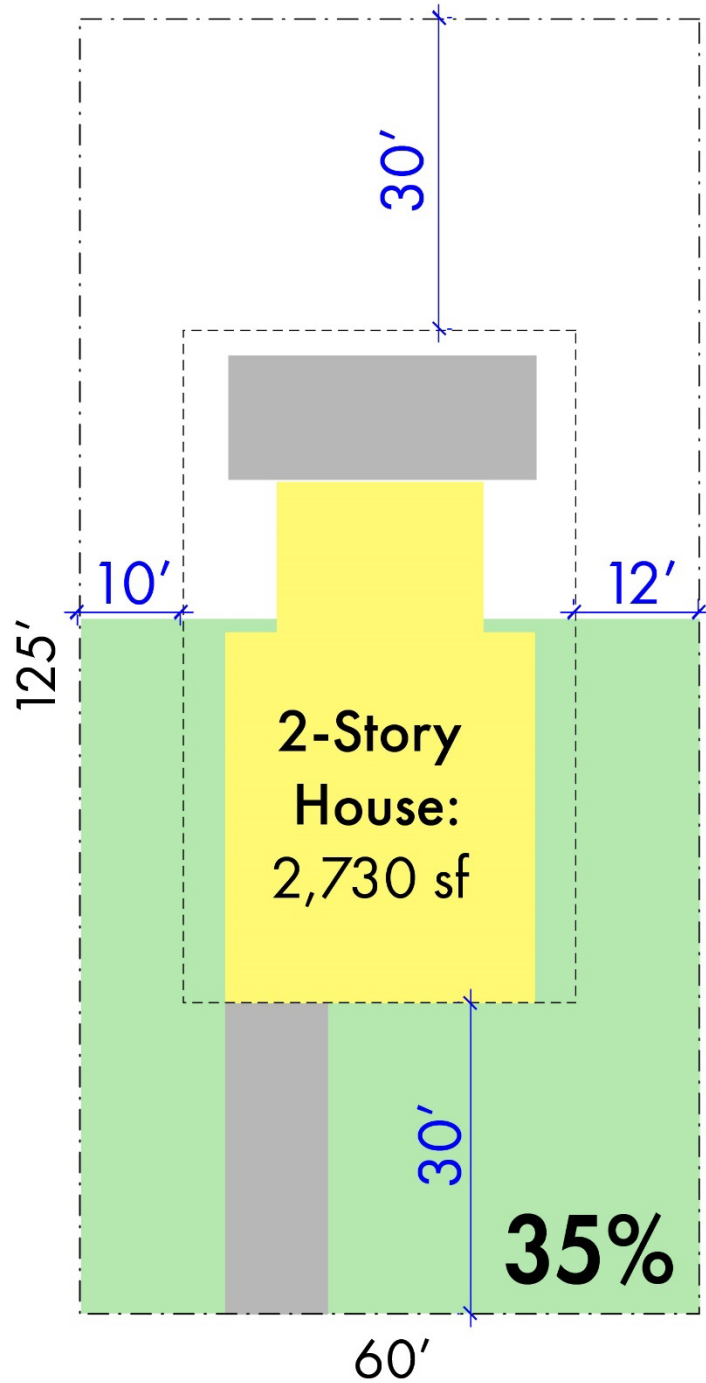


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Figure 4: Open Space Requirement Diagram (A-4 District)

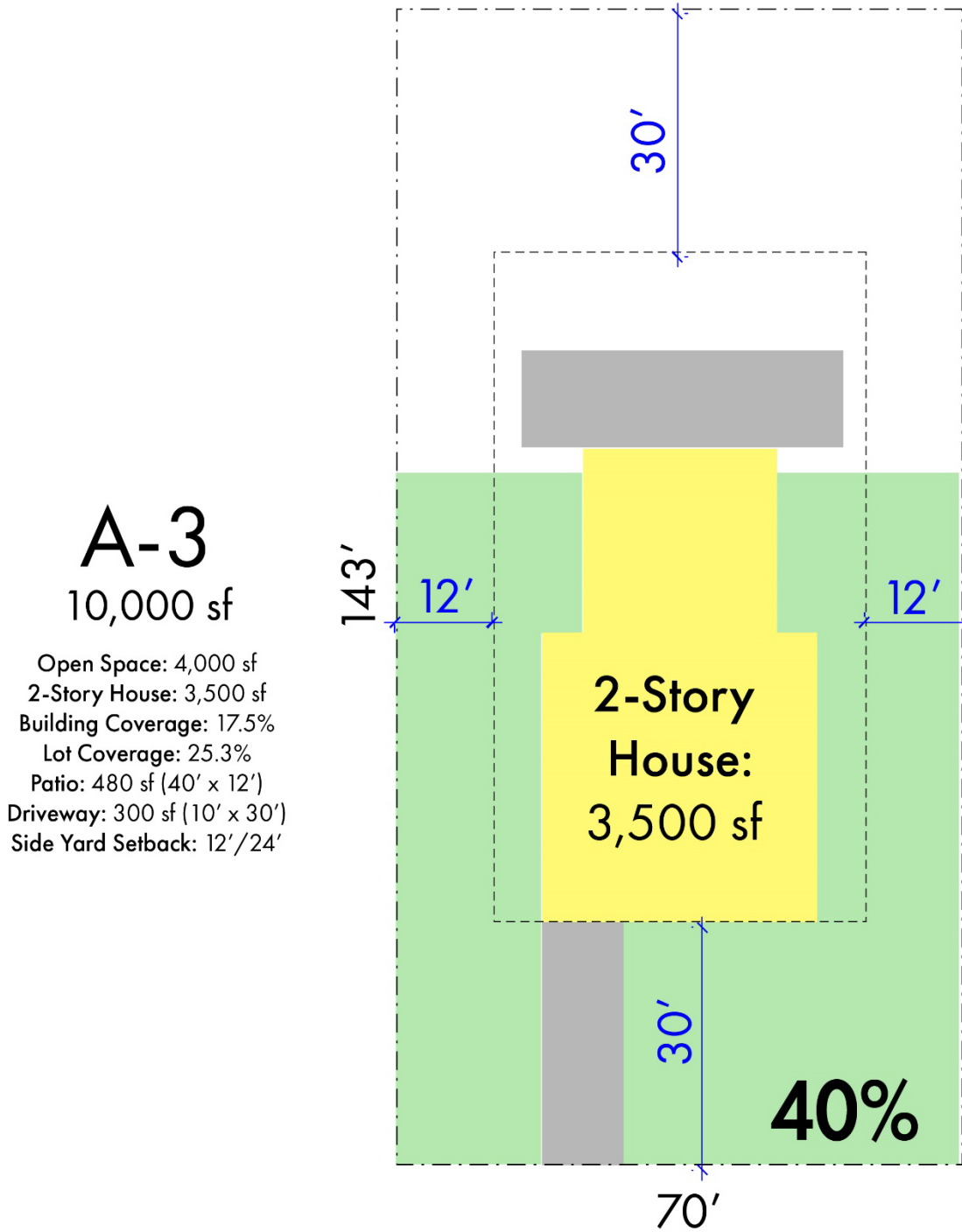
**A-4**  
7,500 sf

- Open Space: 2,625 sf
- 2-Story House: 2,730 sf
- Building Coverage: 18.2%
- Lot Coverage: 27%
- Patio: 360 sf (30' x 12')
- Driveway: 300 sf (10' x 30')
- Side Yard Setback: 10'/22'



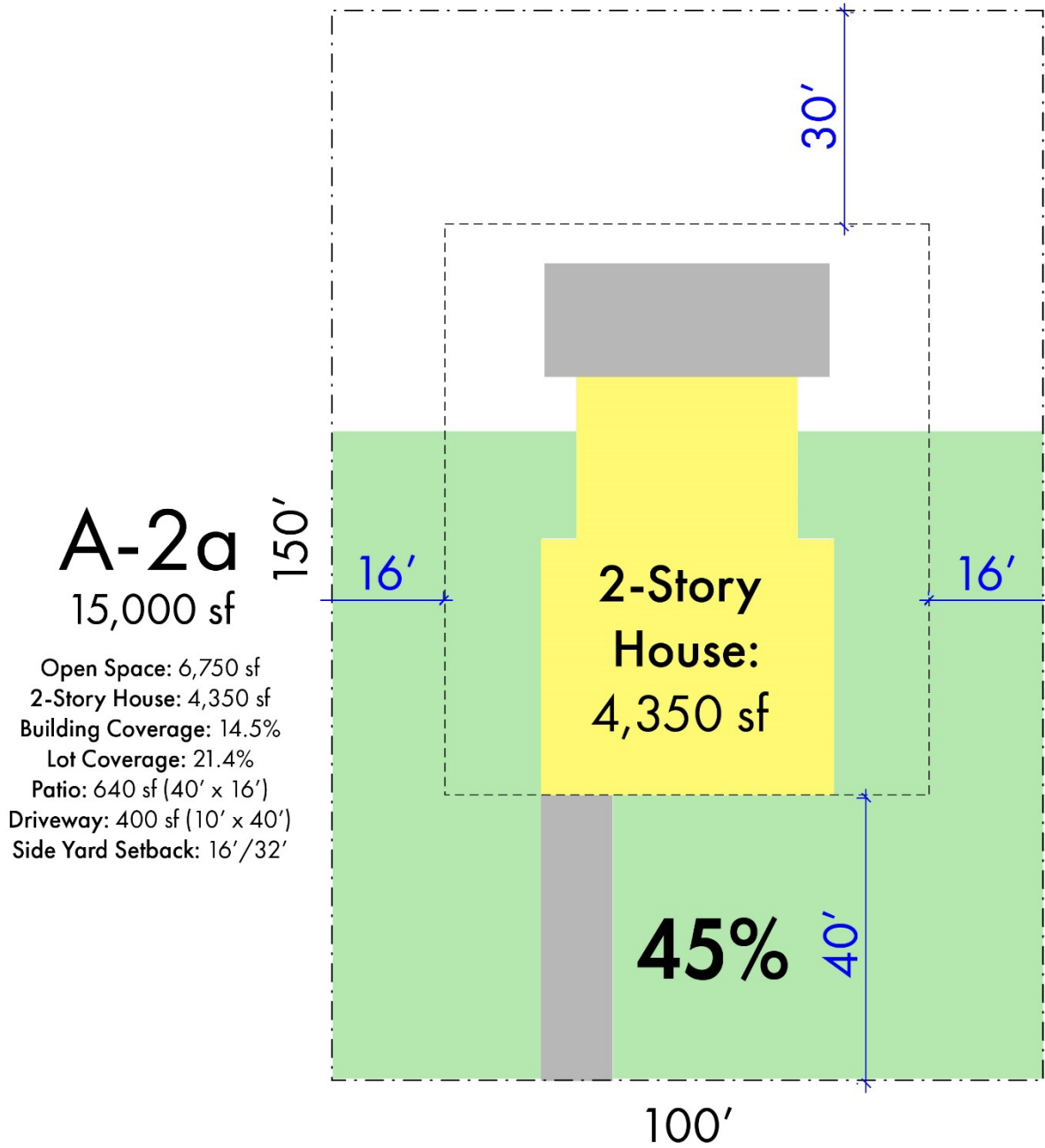
# BFJ Planning

Figure 5: Open Space Requirement Diagram (A-3 District)



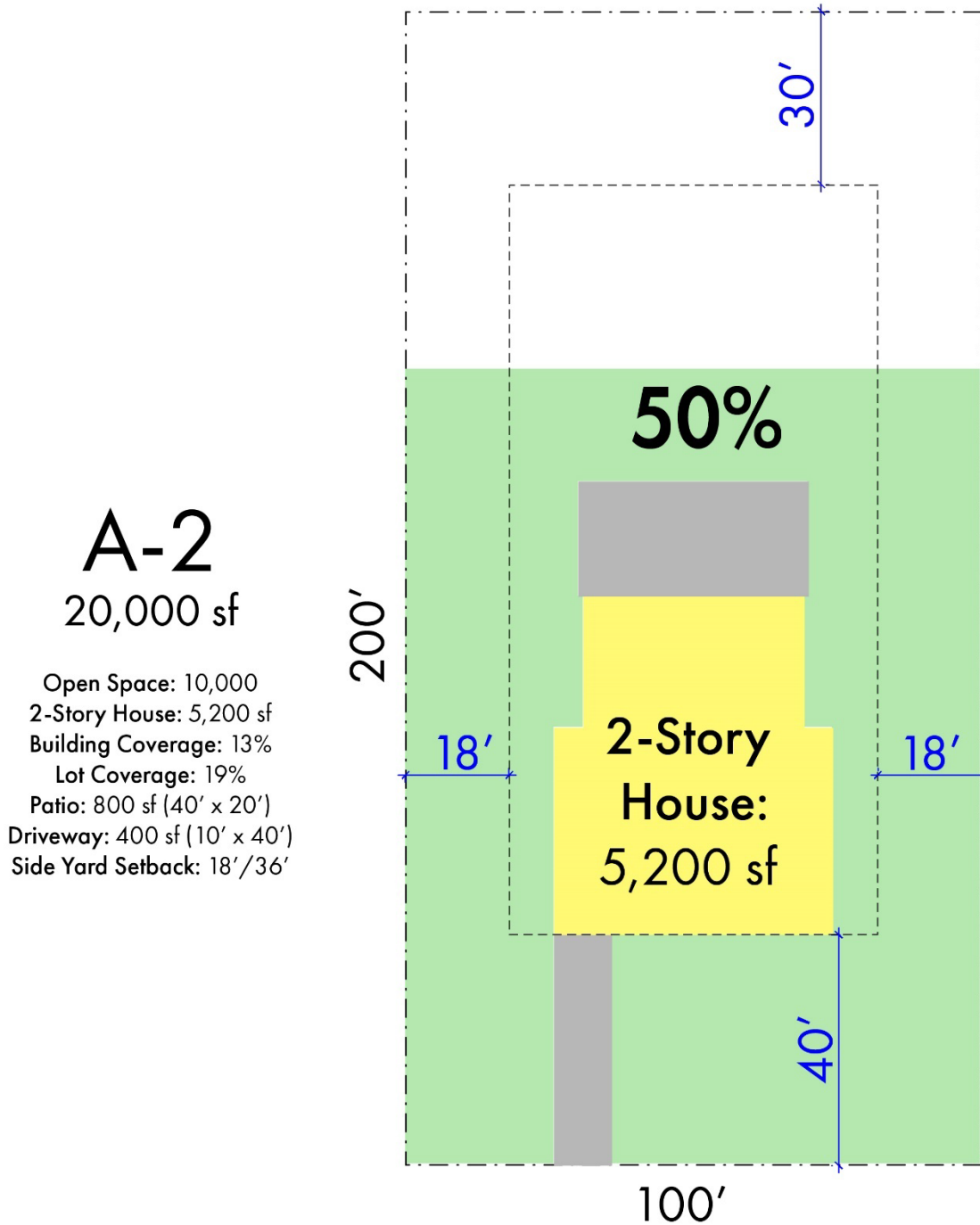
# BFJ Planning

Figure 6: Open Space Requirement Diagram (A-2a District)



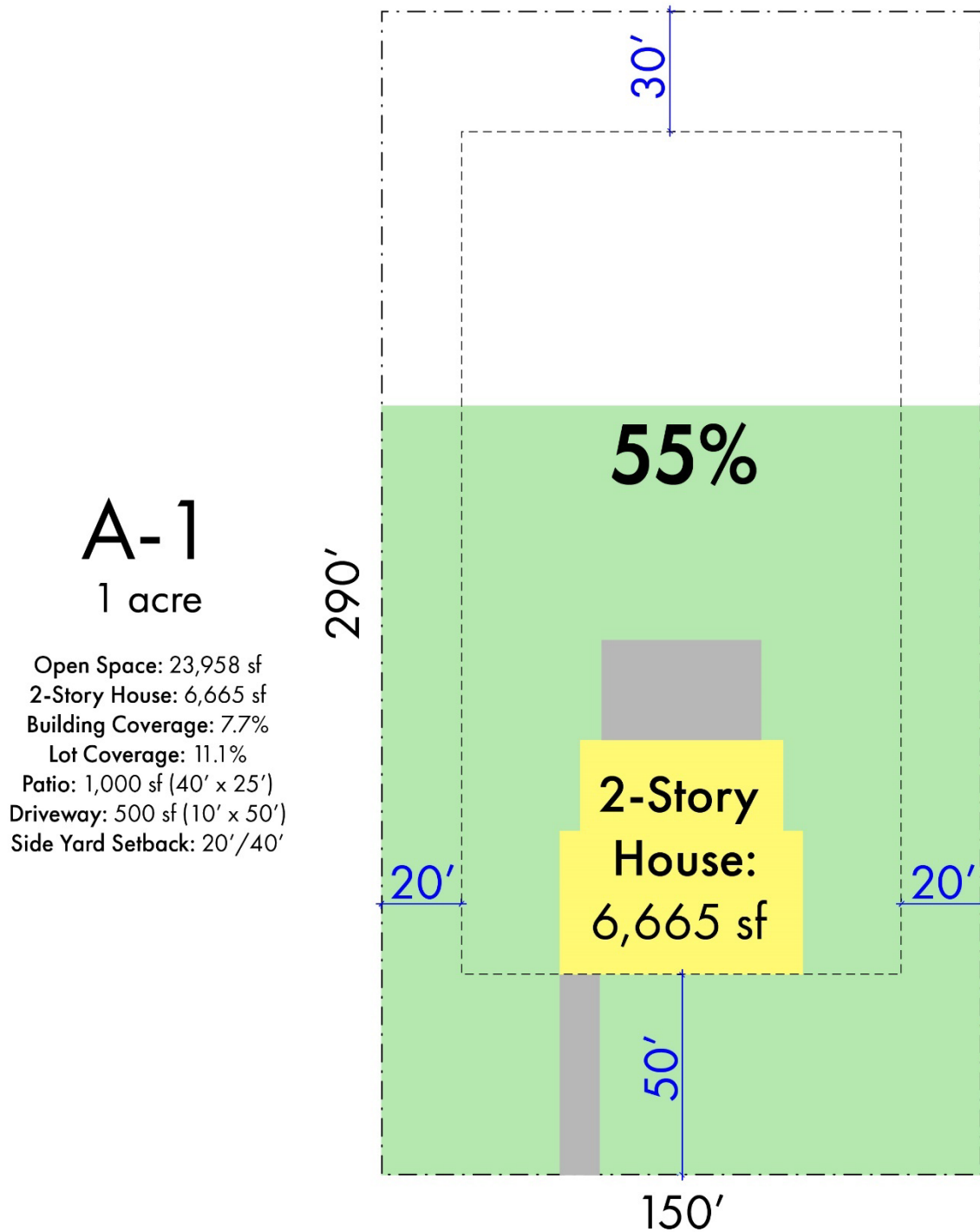
# BFJ Planning

Figure 7: Open Space Requirement Diagram (A-2 District)



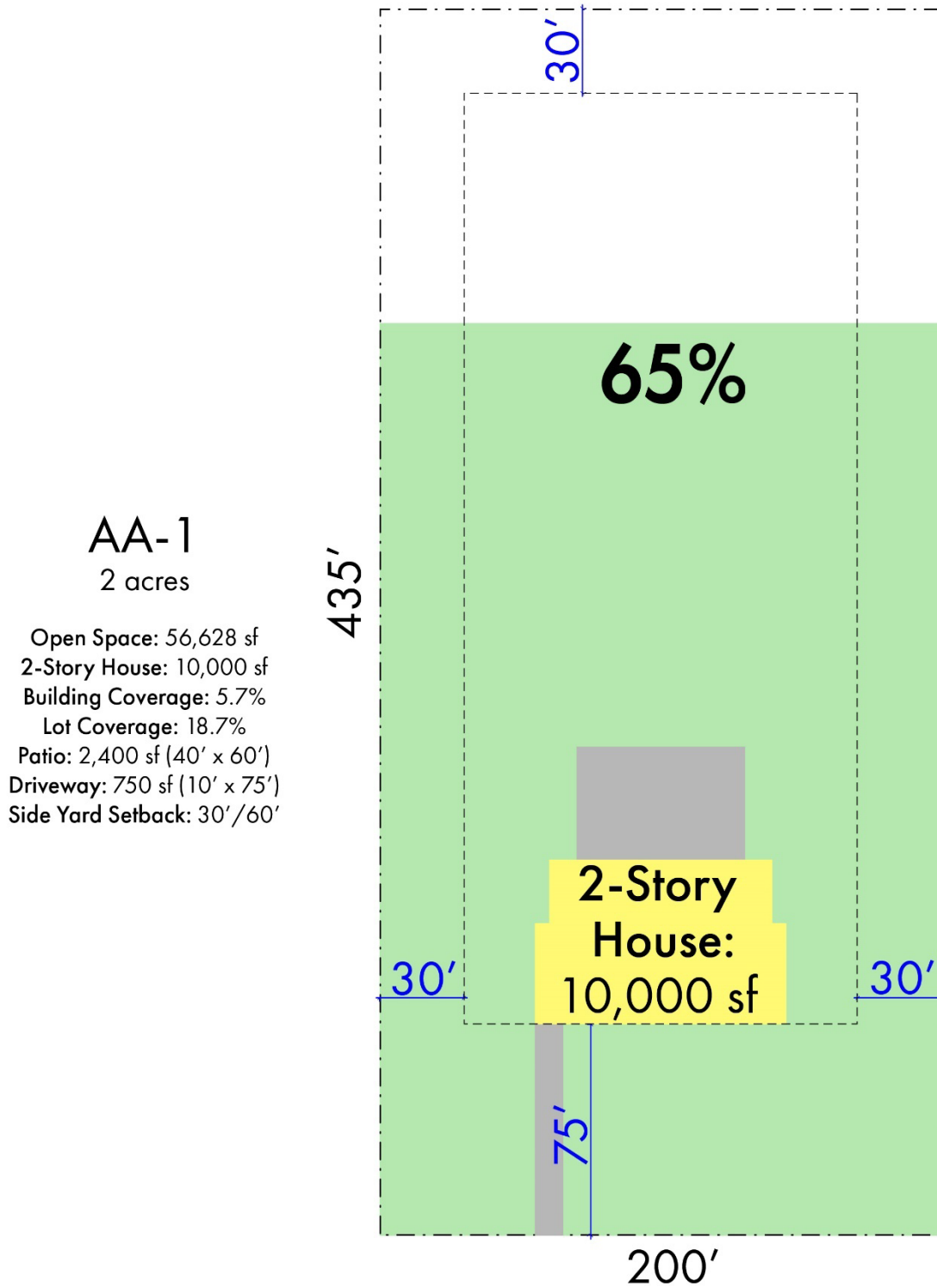
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Figure 8: Open Space Requirement Diagram (A-1 District)



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Figure 9: Open Space Requirement Diagram (AA-1 District)



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## 3. Setbacks

### Side Yard Setbacks

Increasing side yard setbacks is a key mechanism for both increasing open space and decreasing the appearance of area and bulk. Therefore, we recommend increasing the minimum side yard setback for homes within the A-2, A-2a, A-3, and A-4 districts. The required setback would remain the same for the A-5 district due to the limited availability of space on these lots, while the setbacks in the A-1 and AA-1 districts would also remain the same due to the already restrictive distances in place.

**Table 3: Proposed Side Yard Setbacks for Homes**

| Zoning District      | Existing Side Yard Setbacks<br>(min. / total) | Proposed Side Yard Setbacks<br>(min. / total) |
|----------------------|---|---|
| A-5: 5,000 sf min.   | 10 feet / 20 feet                             | (no change)                                   |
| A-4: 7,500 sf min.   | 10 feet / 20 feet                             | 10 feet / 22 feet                             |
| A-3: 10,000 sf min.  | 10 feet / 20 feet                             | 12 feet / 24 feet                             |
| A-2a: 15,000 sf min. | 15 feet / 30 feet                             | 16 feet / 32 feet                             |
| A-2: 20,000 sf min.  | 15 feet / 30 feet                             | 18 feet / 36 feet                             |
| A-1: 1 acre          | 20 feet / 40 feet                             | (no change)                                   |
| AA-1: 2 acres        | 30 feet / 60 feet                             | (no change)                                   |

### Accessory Buildings

We recommend increasing the rear yard setback for accessory buildings within the A-5 and A-4 districts to 4 feet, and creating a gradual increase in side yard setbacks for accessory buildings within the A-5, A-4, A-3, A-2a, A-2, and A-1 districts. We also recommend removing the clause “other than a private garage” from § 310-47, and replacing it with the line: “Any accessory building, except as set forth in § 310-48, shall be set back from the rear lot line at least...” This change would mean that private garages would be treated the same as other accessory buildings and require side and rear setbacks. The existing and proposed side and rear yard setbacks for accessory buildings in the Residence A Districts are shown in Table 4 (§ 310-47 and § 310-51).

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**Table 4: Proposed Rear and Side Yard Setbacks for Accessory Buildings**

| Zoning District      | Existing Rear Setbacks for Accessory Buildings                             | Existing Side Yard Setbacks for Accessory Buildings                        | Proposed Rear Yard Setbacks for Accessory Buildings | Proposed Side Yard Setbacks for Accessory Buildings |
|----------------------|--|--|---|---|
| A-5: 5,000 sf min.   | 3 feet (but not less than 4 feet if the walls have a combustibile surface) | 3 feet (but not less than 4 feet if the walls have a combustibile surface) | 4 feet  | 4 feet  |
| A-4: 7,500 sf min.   | 3 feet (but not less than 4 feet if the walls have a combustibile surface) | 3 feet (but not less than 4 feet if the walls have a combustibile surface) | 4 feet  | 6 feet  |
| A-3: 10,000 sf min.  | 5 feet   | 5 feet   | (no change)   | 8 feet  |
| A-2a: 15,000 sf min. | 5 feet   | 10 feet  | (no change)   | 10 feet   |
| A-2: 20,000 sf min.  | 5 feet   | 10 feet  | (no change)   | 12 feet   |
| A-1: 1 acre          | 10 feet  | 10 feet  | (no change)   | 14 feet   |
| AA-1: 2 acres        | 15 feet  | 20 feet  | (no change)   | (no change)   |

### Change in Accessory Building Use

In recent years, some property owners have changed existing accessory structures into a more intensive use, i.e., from a garage to a pool house, which does not require additional approvals. The Village has received some complaints on this issue. We recommend adding a clarifying line to the Zoning Ordinance: “A change in the use of an Accessory Structure may require a Building Permit but shall not require approvals or permits from land use boards provided the new use is not inhabited or used for dwelling purposes and the footprint and height of the accessory structure is not increased.”

### **4. Floor Area Ratio (FAR)**

We recommend slightly decreasing the maximum FAR for lots with decimal points in the ten thousandths place. This would both simplify the FAR calculations, as well as slightly lower the maximum residential gross floor area permitted. The study has previously discussed alternative approaches to reducing FAR, such as including all basements as residential floor area. However, we are not recommending any definitional changes to FAR, as it could have unintended consequences, such as expanding building footprints and creating significant numbers of nonconforming structures. We also recommend continuing the FAR table through lot sizes of 88,000 SF to capture 2-acre lots in the AA-1 Zoning District. Based on these calculations, we recommend applying the FAR of 0.142 for all lots equal to or greater than 88,000 SF. Table 5 shows a comparison between existing maximum FAR and proposed maximum FAR across lot sizes.

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**Table 5: Proposed Table of Maximum Floor Area Ratio (FAR)**

| Lot Size (SF) | Maximum FAR | Resulting Gross Residential Floor Area (SF) | Proposed Maximum FAR | Proposed New Gross Residential Floor Area (SF) |
|---------------|-------------|---|----------------------|--|
| 3,000         | 0.4300      | 1,290                                       | 0.430                | 1,290  |
| 4,000         | 0.4300      | 1,720                                       | 0.430                | 1,720  |
| 5,000         | 0.4300      | 2,150                                       | 0.430                | 2,150  |
| 6,000         | 0.4140      | 2,484                                       | 0.410                | 2,460  |
| 7,000         | 0.3980      | 2,786                                       | 0.390                | 2,730  |
| 8,000         | 0.3820      | 3,056                                       | 0.380                | 3,040  |
| 9,000         | 0.3660      | 3,294                                       | 0.360                | 3,240  |
| 10,000        | 0.3500      | 3,500                                       | 0.350                | 3,500  |
| 11,000        | 0.3380      | 3,718                                       | 0.330                | 3,630  |
| 12,000        | 0.3260      | 3,912                                       | 0.320                | 3,840  |
| 13,000        | 0.3140      | 4,082                                       | 0.310                | 4,030  |
| 14,000        | 0.3020      | 4,228                                       | 0.300                | 4,200  |
| 15,000        | 0.2900      | 4,350                                       | 0.290                | 4,350  |
| 16,000        | 0.2840      | 4,544                                       | 0.280                | 4,480  |
| 17,000        | 0.2780      | 4,726                                       | 0.270                | 4,590  |
| 18,000        | 0.2720      | 4,896                                       | 0.270                | 4,860  |
| 19,000        | 0.2660      | 5,054                                       | 0.260                | 4,940  |
| 20,000        | 0.2600      | 5,200                                       | 0.260                | 5,200  |
| 21,000        | 0.2540      | 5,334                                       | 0.250                | 5,250  |
| 22,000        | 0.2480      | 5,456                                       | 0.240                | 5,280  |
| 23,000        | 0.2420      | 5,566                                       | 0.240                | 5,520  |
| 24,000        | 0.2360      | 5,664                                       | 0.230                | 5,520  |
| 25,000        | 0.2300      | 5,750                                       | 0.225                | 5,625  |
| 26,000        | 0.2240      | 5,824                                       | 0.220                | 5,720  |
| 27,000        | 0.2180      | 5,886                                       | 0.215                | 5,805  |
| 28,000        | 0.2120      | 5,936                                       | 0.210                | 5,880  |
| 29,000        | 0.2060      | 5,974                                       | 0.205                | 5,945  |
| 30,000        | 0.2000      | 6,000                                       | 0.200                | 6,000  |
| 31,000        | 0.1955      | 6,061                                       | 0.195                | 6,045  |
| 32,000        | 0.1910      | 6,112                                       | 0.190                | 6,080  |

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| Lot Size (SF) | Maximum FAR | Resulting Gross Residential Floor Area (SF) | Proposed Maximum FAR | Proposed New Gross Residential Floor Area (SF) |
|---------------|-------------|---|----------------------|--|
| 33,000        | 0.1865      | 6,155                                       | 0.185                | 6,105  |
| 34,000        | 0.1820      | 6,188                                       | 0.180                | 6,120  |
| 35,000        | 0.1775      | 6,213                                       | 0.175                | 6,125  |
| 36,000        | 0.1745      | 6,282                                       | 0.173                | 6,228  |
| 37,000        | 0.1715      | 6,346                                       | 0.170                | 6,290  |
| 38,000        | 0.1685      | 6,403                                       | 0.167                | 6,346  |
| 39,000        | 0.1655      | 6,455                                       | 0.163                | 6,357  |
| 40,000        | 0.1625      | 6,500                                       | 0.160                | 6,400  |
| 41,000        | 0.1605      | 6,581                                       | 0.160                | 6,560  |
| 42,000        | 0.1585      | 6,657                                       | 0.157                | 6,594  |
| 43,000        | 0.1565      | 6,730                                       | 0.155                | 6,665  |
| 44,000        | 0.1545      | 6,798                                       | 0.153                | 6,732  |
| 45,000        | 0.1525      | 6,863                                       | 0.150                | 6,750  |
| 46,000        | 0.1510      | 6,946                                       | 0.150                | 6,900  |
| 47,000        | 0.1495      | 7,027                                       | 0.147                | 6,909  |
| 48,000        | 0.1480      | 7,104                                       | 0.145                | 6,960  |
| 49,000        | 0.1465      | 7,179                                       | 0.143                | 7,007  |
| 50,000        | 0.1450      | 7,250                                       | 0.143                | 7,150  |
| 51,000        | 0.1450      | 7,395                                       | 0.143                | 7,293  |
| 52,000        | 0.1450      | 7,540                                       | 0.143                | 7,436  |
| 53,000        | 0.1450      | 7,685                                       | 0.143                | 7,579  |
| 54,000        | 0.1450      | 7,830                                       | 0.143                | 7,722  |
| 55,000        | 0.1450      | 7,975                                       | 0.143                | 7,865  |
| 56,000        | 0.1450      | 8,120                                       | 0.143                | 8,008  |
| 57,000        | 0.1450      | 8,265                                       | 0.143                | 8,151  |
| 58,000        | 0.1450      | 8,410                                       | 0.143                | 8,294  |
| 59,000        | 0.1450      | 8,555                                       | 0.143                | 8,437  |
| 60,000        | 0.1450      | 8,700                                       | 0.143                | 8,580  |
| 61,000        | 0.1450      | 8,845                                       | 0.143                | 8,723  |
| 62,000        | 0.1450      | 8,990                                       | 0.143                | 8,866  |
| 63,000        | 0.1450      | 9,135                                       | 0.143                | 9,009  |
| 64,000        | 0.1450      | 9,280                                       | 0.143                | 9,152  |

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| Lot Size (SF) | Maximum FAR | Resulting Gross Residential Floor Area (SF) | Proposed Maximum FAR | Proposed New Gross Residential Floor Area (SF) |
|---------------|-------------|---|----------------------|--|
| 65,000        | 0.1450      | 9,425                                       | 0.143                | 9,295  |
| 66,000        | 0.1450      | 9,570                                       | 0.143                | 9,438  |
| 67,000        | 0.1450      | 9,715                                       | 0.143                | 9,581  |
| 68,000        | 0.1450      | 9,860                                       | 0.143                | 9,724  |
| 69,000        | 0.1450      | 10,005                                      | 0.143                | 9,867  |
| 70,000        | 0.1450      | 10,150                                      | 0.143                | 10,010   |
| 71,000        | 0.1450      | 10,295                                      | 0.143                | 10,153   |
| 72,000        | 0.1450      | 10,440                                      | 0.143                | 10,296   |
| 73,000        | 0.1450      | 10,585                                      | 0.143                | 10,439   |
| 74,000        | 0.1450      | 10,730                                      | 0.143                | 10,582   |
| 75,000        | 0.1450      | 10,875                                      | 0.143                | 10,725   |
| 76,000        | 0.1450      | 11,020                                      | 0.143                | 10,868   |
| 76,230        | 0.1450      | 11,053                                      | 0.143                | 10,901   |
| 76,000        | 0.145       | 11,020                                      | 0.143                | 10,868   |
| 77,000        | No Maximum  | No Maximum                                  | 0.143                | 11,011   |
| 78,000        | No Maximum  | No Maximum                                  | 0.143                | 11,154   |
| 79,000        | No Maximum  | No Maximum                                  | 0.142                | 11,218   |
| 80,000        | No Maximum  | No Maximum                                  | 0.142                | 11,360   |
| 81,000        | No Maximum  | No Maximum                                  | 0.142                | 11,502   |
| 82,000        | No Maximum  | No Maximum                                  | 0.142                | 11,644   |
| 83,000        | No Maximum  | No Maximum                                  | 0.142                | 11,786   |
| 84,000        | No Maximum  | No Maximum                                  | 0.142                | 11,928   |
| 85,000        | No Maximum  | No Maximum                                  | 0.142                | 12,070   |
| 86,000        | No Maximum  | No Maximum                                  | 0.142                | 12,212   |
| 87,000        | No Maximum  | No Maximum                                  | 0.142                | 12,354   |
| 88,000+       | No Maximum  | No Maximum                                  | 0.142                | As per calculation                             |

# BFJ Planning

## Reduce FAR Incentive

The existing Zoning Ordinance allows a side yard setback FAR incentive (§ 310-104):

- A. *“In all Residence A Zones, except the AA-1 Zone, for each additional foot that a house is set back beyond the minimum required side yard setback, an additional 100 square feet of floor area above the maximum permitted FAR on that lot as per § 310-102 shall be permitted.*
- B. *The maximum bonus shall be 280 square feet for lots located in the A-4 and A-5 Residential Zones, 490 square feet for lots located in the A-2, A-2a, and A-3 Residential Zones and 840 square feet for lots located in the A-1 Residential Zone.”*

We recommend slightly reducing this side yard setback FAR incentive to both minimize the appearance of bulk as well as decrease the amount of impervious surfaces. The proposed FAR incentive was determined by comparing Scarsdale’s maximum allowed square footage with surrounding communities. Table 6 shows the proposed FARs in Scarsdale by district, the existing maximum FAR incentive, and the proposed maximum FAR incentive.

**Table 6: Scarsdale Proposed Side Yard Setback FAR Incentive**

| Zoning District | Lot Size (SF)       | Proposed Max. FAR                         | Proposed Max. Gross Residential Floor Area without Incentive (SF) | Existing Scarsdale Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Existing Incentive (SF) | Scarsdale Proposed Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) |
|-----------------|---------------------|---|---|--|--|--|---|
| A-5             | 5,000               | 0.430                                     | 2,150   | 280                                    | 2,430  | 100                                    | 2,250   |
| A-4             | 7,500               | 0.390                                     | 2,925   | 280                                    | 3,205  | 200                                    | 3,125   |
| A-3             | 10,000              | 0.350                                     | 3,500   | 490                                    | 3,990  | 200                                    | 3,700   |
| A-2a            | 15,000              | 0.290                                     | 4,350   | 490                                    | 4,840  | 400                                    | 4,750   |
| A-2             | 20,000              | 0.260                                     | 5,200   | 490                                    | 5,690  | 400                                    | 5,600   |
| A-1             | 43,560<br>(1 acre)  | 0.155                                     | 6,752   | 840                                    | 7,592  | 800                                    | 7,552   |
| AA-1            | 8,7120<br>(2 acres) | Incentive does not apply in the AA-1 zone |   |  |  |  |   |

### Data from surrounding communities.

The floor area definition and ratios in the Village of Bronxville, the City of Rye, and the Town of Mamaroneck were examined to provide guidance on selecting the side yard setback FAR incentive. See Appendix B for these comparisons.

# BFJ Planning

## 5. Impervious Surfaces

According to § 310-21, lot area coverage is defined as:

*“The percentage of the area of a lot, as defined in § 310-14, which may be covered by structures, buildings and impervious surfaces.”*

The definition of impervious surfaces (§ 310-21) currently includes paved driveways and paved patios. We suggest expanding the definition of impervious surfaces to include porous asphalt and gravel. Both materials require frequent maintenance to ensure their permeability, and typically become impervious over time. Therefore, we suggest that driveways composed of gravel and porous asphalt should be counted as lot coverage. There is an option to use an alternative material, such as permeable pavers, that could count as a pervious surface (see Figure 10). We defer to the Building Inspector and Village Engineer to determine which porous pavers are deemed pervious for this definition.

**Figure 10: Example of Permeable Pavers**



## 6. Coverage

In the current Zoning Ordinance, the maximum permitted impervious surface and building coverage is listed in a table as a formula of square footage based on lot area (§ 310-22). To make this information more easily understandable, we suggest listing the permitted impervious surface and building coverage as percentages for each zoning district instead of a formula. The existing coverage percentages listed in Table 7 were calculated by the Village’s Planning Department. We recommend rounding down any maximum permitted building coverage percentages with decimals to simplify the process and decrease permitted coverage slightly. We also recommend multiplying each percentage per zoning district by the actual square footage of the lot to produce a maximum permitted coverage amount proportional to each lot size.

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**Table 7: Proposed Maximum Permitted Coverage**

The existing coverage percentages listed in Table 7 were calculated by the Village’s Planning Department.

| Zoning District      | Existing Max. Coverage Permitted for All Structures and Impervious Surfaces on the Lot | Existing Max. Permitted Coverage for All Buildings on the Lot | Proposed Max. Permitted Coverage for All Buildings on the Lot |
|----------------------|--|---|---|
| A-5: 5,000 sf min.   | 45%*   | 30.00%  | (no change)*  |
| A-4: 7,500 sf min.   | 40%*   | 28.00%  | (no change)*  |
| A-3: 10,000 sf min.  | 40%*   | 25.00%  | (no change)*  |
| A-2a: 15,000 sf min. | 35%*   | 20.67%  | 20%*  |
| A-2: 20,000 sf min.  | 30%*   | 18.50%  | 18%*  |
| A-1: 1 acre          | 30%*   | 10.66%  | 10%*  |
| AA-1: 2 acres        | 20%*   | 7.33%   | 7%*   |

*\*All percentages should be multiplied by the actual lot size to determine maximum permitted coverage*

Chapter 310, Section 23, “Permitted coverages in freshwater wetlands and freshwater wetlands controlled areas,” defines the maximum coverage ratio permitted for residential purposes in any Residence A Districts. This section similarly lists maximum coverage by formula, rather than percentages for each zoning district. We recommend simplifying this table to include percentages for each zoning district. The proposed percentages decrease gradually as lot size increases and are intended to be more restrictive than those listed in the previous section. Once again, all percentages should be multiplied by the actual lot size to determine the maximum permitted coverage for each lot.

**Table 8: Proposed Maximum Coverage in Freshwater Wetlands and Freshwater Wetlands Controlled Areas**

| Zoning District      | Existing Max. Coverage Permitted for All Structures and Impervious Surfaces on the Lot | Proposed Maximum Coverage Permitted for All Structures and Impervious Surfaces on the Lot |
|----------------------|--|---|
| A-5: 5,000 sf min.   | 30%  | 30%*  |
| A-4: 7,500 sf min.   | 30%  | 28%*  |
| A-3: 10,000 sf min.  | 2,250 square feet, plus 16.7% of lot area in excess of 7,500 square feet               | 26%*  |
| A-2a: 15,000 sf min. | 2,670 square feet, plus 16.7% of lot area in excess of 10,000 square feet              | 23%*  |
| A-2: 20,000 sf min.  | 3,500 square feet, plus 10% of lot area in excess of 15,000 square feet                | 20%*  |
| A-1: 1 acre          | 4,000 square feet, plus 20% of lot area in excess of 20,000 square feet                | 16%*  |
| AA-1: 2 acres        | 8,750 square feet, plus 6.7% of lot area in excess of 43,560 square feet               | 12%*  |

*\*All percentages should be multiplied by the actual lot size to determine maximum permitted coverage*

# BFJ Planning

## 7. Height in the AA-1 District

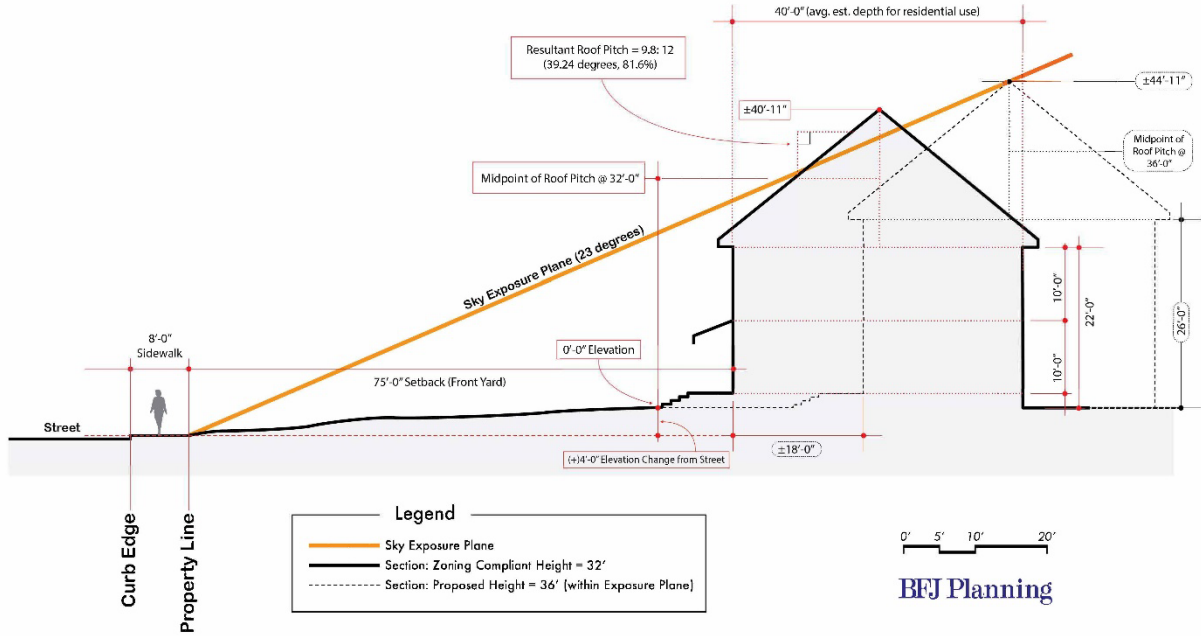
According to § 310-25, “no residential building shall exceed 32 feet in height.” Due to this height requirement, homes in larger zoning districts may be unable to create proper pitched roofs in proportion to the size of the home. This can lead to a loss of architectural quality with a “squat” roof. To address this issue, we recommend using a “Sky Exposure Plane” approach for the largest zoning district, AA-1 (2 acres). The maximum height in all other districts would stay the same at 32 feet.

The Sky Exposure Plane approach would incentivize setting houses back farther from the property line by allowing a slightly higher maximum height. The maximum height in the AA-1 would be 36 feet. Figure 11 demonstrates a potential home on level ground with a setback of 75 feet and a height of 36 feet in the AA-1 district. In this case, due to the level ground, the property owner would have to set back their home approximately an additional 9 feet to reach the maximum height. Figure 12 demonstrates the sky exposure plane if the ground level declines from the street by 14 feet. In this case, the 36 feet could be achieved with no additional setback beyond the required 75 feet. However, Figure 13 demonstrates a scenario in which the ground level increases toward the home (i.e., the building is set on a hillside). In this case, the house would need to be set back an additional 18 feet to reach the maximum height of 36 feet. In all cases, the front yard setback of 75 feet requirement must be met. We also recommend that the Planning Board, in the review of any Sky Exposure Plane application, may refer any such application to technical professionals for review if deemed appropriate.



Figure 13: AA-1 District Sky Exposure Plan Analysis- Elevation Incline

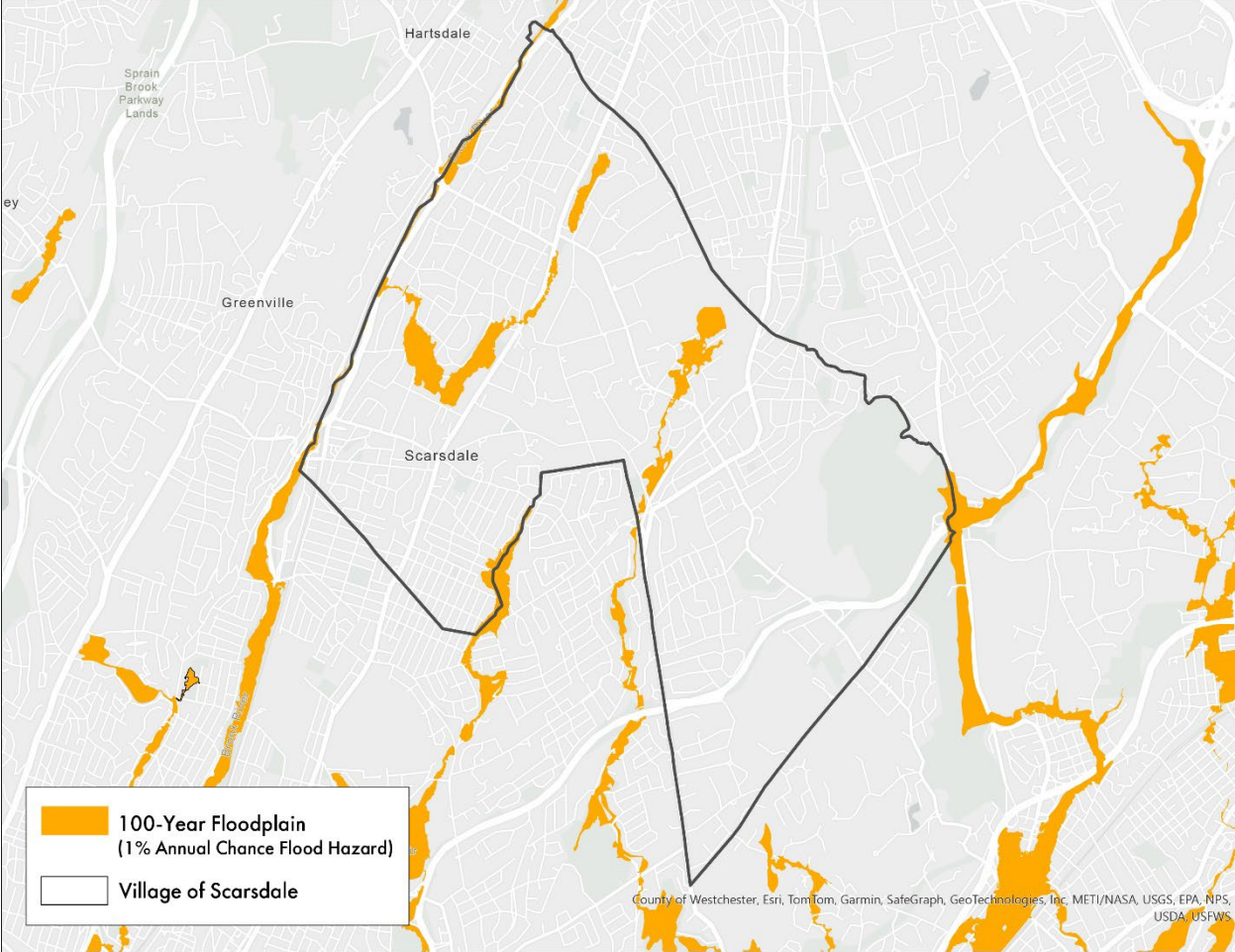
## Village of Scarsdale | Residential Sky Exposure Plane Analysis (AA-1 Zoning District) – Site with 4'-0" elevation incline



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# BFJ Planning

## Appendix A: FEMA Special Flood Hazard Area (SFHA) in Scarsdale



# BFJ Planning

## Appendix B: FAR Comparison

The surrounding communities selected for comparison are the Village of Bronxville, City of Rye, and Town of Mamaroneck. It is important to note that each community's zoning code defines floor area slightly differently. These three comparison communities were selected due to similar provisions on the exclusion of basements from FAR. Each comparison table notes the community's specific exemptions. Scarsdale's Zoning Code § 310-103 exempts the following from FAR in Residence A Zones:

- A. *Decks, patios, unenclosed porches and porticoes.*
  - (1) *All space in unroofed structures such as decks and patios shall be excluded from the calculation of FAR.*
  - (2) *All space in unenclosed porches and porticoes shall be excluded from the calculation of FAR. For the purpose of FAR calculation, "unenclosed" shall mean those porches or porticoes that are open and not permanently, seasonally or temporarily enclosed as defined in § 310-101.*
- B. *Basements, cellars and basement garages. That portion of the floor area of the basement, cellar or basement garage where the exposed exterior wall or walls facing the front yard is less than three feet as measured from the existing or proposed grade, whichever is lower, shall be excluded from the calculation of FAR. All the remaining portions of the floor area of basements, cellars or basement garages, where the height of the exterior exposed wall or walls facing the front yard is three feet or more as measured from the existing or proposed grade, whichever is lower, shall be included in the FAR.*
- C. *Attics or space under a sloping roof.*
  - (1) *All unfinished or finished space in an attic or under a sloping roof which has no dormers facing the front, side, or rear yards, or which has dormers or dormered porticoes that do not exceed the following dimensions, shall be excluded from the calculation of FAR:*
    - (1) *For dormers facing the front or side yards, where the exterior width of such dormers does not exceed 30% of the exterior linear width of the roof upon which they are situated. The exterior linear width of the roof shall be measured from end to end at the widest point of the roof.*
    - (2) *For each of those dormers which face the rear yard, where the distance between the side walls of the underlying story and the side wall of the dormer is greater than five feet.*
  - (2) *Where the dimensions of one or more dormers exceed one or both of the standards under § 310-103C above, the total area in the attic or under the sloping roof shall be included in calculation of FAR, except as provided for in § 310-103C(3) below.*
  - (3) *That portion of unfinished or finished space in an attic or under a sloping roof where the distance between the floor and ceiling is less than four feet shall be excluded from the calculation of FAR.*
- D. *Garages.*
  - (1) *On lots measuring 9,999 square feet or less, the lesser of a) 250 square feet or b) the total floor area within garages (measured only on the level of the garages where cars are to be parked), either detached or attached to the principal structure, shall be excluded from the calculation of the FAR.*
  - (2) *On lots measuring 10,000 square feet or more, the lesser of a) 400 square feet or b) the total floor area within garages (measured only on the level of the garages where cars are to be parked), either detached or attached to the principal structure, shall be excluded from the calculation of the FAR.*
  - (3) *Notwithstanding the above, this Subsection D shall not apply to basement garages.*

# BFJ Planning

**Table 7: Scarsdale and Village of Bronxville<sup>1</sup> FAR Comparison**

| Lot Size (SF)   | Scarsdale Proposed Max. FAR | Scarsdale Proposed Max. Gross Residential Floor Area (SF) | Existing Scarsdale Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) | Bronxville Max. FAR | Bronxville Max. Gross Residential Floor Area (SF) | Scarsdale Proposed Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) |
|-----------------|-----------------------------|---|--|---|---------------------|---|--|---|
| 5,000           | 0.430                       | 2,150   | 280                                    | 2,430   | 0.470               | 2,350   | 100                                    | 2,250   |
| 7,500           | 0.390                       | 2,925   | 280                                    | 3,205   | 0.430               | 3,225   | 200                                    | 3,125   |
| 10,000          | 0.350                       | 3,500   | 490                                    | 3,990   | 0.37                | 3,700   | 200                                    | 3,700   |
| 15,000          | 0.290                       | 4,350   | 490                                    | 4,840   | 0.320               | 4,800   | 400                                    | 4,750   |
| 20,000          | 0.260                       | 5,200   | 490                                    | 5,690   | 0.270               | 5,400   | 400                                    | 5,600   |
| 43,560 (1 acre) | 0.155                       | 6,752   | 840                                    | 7,592   | 0.190               | 8,276.4   | 800                                    | 7,552   |

**Table 8: Scarsdale and City of Rye<sup>2</sup> FAR Comparison**

| Lot Size (SF)   | Scarsdale Proposed Max. FAR | Scarsdale Proposed Max. Gross Residential Floor Area (SF) | Existing Scarsdale Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) | Rye Max. FAR | Rye Max. Gross Residential Floor Area (SF) | Scarsdale Proposed Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) |
|-----------------|-----------------------------|---|--|---|--------------|--|--|---|
| 5,000           | 0.430                       | 2,150   | 280                                    | 2,430   | 0.450        | 2,250                                      | 100                                    | 2,250   |
| 7,500           | 0.390                       | 2,925   | 280                                    | 3,205   | 0.350        | 2,625                                      | 200                                    | 3,125   |
| 10,000          | 0.350                       | 3,500   | 490                                    | 3,990   | 0.300        | 3,000                                      | 200                                    | 3,700   |
| 15,000          | 0.290                       | 4,350   | 490                                    | 4,840   | 0.250        | 3,750                                      | 400                                    | 4,750   |
| 20,000          | 0.260                       | 5,200   | 490                                    | 5,690   | 0.250        | 5,000                                      | 400                                    | 5,600   |
| 43,560 (1 acre) | 0.155                       | 6,752   | 840                                    | 7,592   | 0.150        | 6,534                                      | 800                                    | 7,552   |

<sup>1</sup> Village of Bronxville Zoning Code § 310-22(E):

*“The following shall be excluded from the calculation of floor area:*

- a) *The aggregate area of all unroofed structures such as decks and patios and all spaces in unenclosed porches and porticos, except that existing unenclosed porches may be enclosed and the enclosed area excluded from the FAR calculation, provided that the exterior walls of the unenclosed porch and the walls of the dwelling to which the porch is attached are not relocated closer to the lot lines of the subject property than the existing unenclosed porch.*
- b) *The aggregate area of any cellar, regardless of its use, unless it is defined as a "story," or of any basement unless it is defined as a "story." See "basement" definition.*
- c) *The aggregate area, up to a maximum of 400 square feet, of grade-level garage parking (whether attached or detached) or basement-level parking.”*

<sup>2</sup> City of Rye Zoning Code § 197-43.2(C)

*“Twenty-five percent of the basement floor area shall be included in the computation of gross floor area only where the preexisting grade (as defined in § 197-1) abutting the exterior of the basement wall has been reduced by more than three feet to create an exposed wall more than seven feet in height and five feet in width.”*

# BFJ Planning

**Table 9: Scarsdale and Town of Mamaroneck<sup>3</sup> FAR Comparison**

| Lot Size (SF)   | Scarsdale Proposed Max. FAR | Scarsdale Proposed Max. Gross Residential Floor Area (SF) | Existing Scarsdale Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) | Mamaroneck Max. FAR | Mamaroneck Max. Gross Residential Floor Area (SF) | Scarsdale Proposed Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) |
|-----------------|-----------------------------|---|--|---|---------------------|---|--|---|
| 5,000           | 0.430                       | 2,150   | 280                                    | 2,430   | 0.550               | 2,750   | 100                                    | 2,250   |
| 7,500           | 0.390                       | 2,925   | 280                                    | 3,205   | 0.520               | 3,900   | 200                                    | 3,125   |
| 10,000          | 0.350                       | 3,500   | 490                                    | 3,990   | 0.430               | 4,300   | 200                                    | 3,700   |
| 15,000          | 0.290                       | 4,350   | 490                                    | 4,840   | 0.334               | 5,010   | 400                                    | 4,750   |
| 20,000          | 0.260                       | 5,200   | 490                                    | 5,690   | 0.281               | 5,620   | 400                                    | 5,600   |
| 43,560 (1 acre) | 0.155                       | 6,752   | 840                                    | 7,592   | .19695              | 8,579.14  | 800                                    | 7,552   |

**Table 10: Summary of Scarsdale FAR Comparison**

| Lot Size (SF)   | Existing Scarsdale Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) | Bronxville Max. FAR | Bronxville Max. Gross Residential Floor Area (SF) | Rye Max. FAR | Rye Max. Gross Residential Floor Area (SF) | Mamaroneck Max. FAR | Mamaroneck Max. Gross Residential Floor Area (SF) | Scarsdale Proposed Max. Incentive (SF) | Scarsdale Proposed Max. Gross Residential Floor Area + Incentive (SF) |
|-----------------|--|---|---------------------|---|--------------|--|---------------------|---|--|---|
| 5,000           | 280                                    | 2,430   | 0.470               | 2,350   | 0.450        | 2,250                                      | 0.550               | 2,750   | 100                                    | 2,250   |
| 7,500           | 280                                    | 3,205   | 0.430               | 3,225   | 0.350        | 2,625                                      | 0.520               | 3,900   | 200                                    | 3,125   |
| 10,000          | 490                                    | 3,990   | 0.37                | 3,700   | 0.3          | 3,000                                      | 0.43                | 4,300   | 200                                    | 3,700   |
| 15,000          | 490                                    | 4,840   | 0.320               | 4,800   | 0.250        | 3,750                                      | 0.334               | 5,010   | 400                                    | 4,750   |
| 20,000          | 490                                    | 5,690   | 0.270               | 5,400   | 0.250        | 5,000                                      | 0.281               | 5,620   | 400                                    | 5,600   |
| 43,560 (1 acre) | 840                                    | 7,592   | 0.190               | 8,276   | 0.150        | 6,534                                      | .19695              | 8,579.14  | 800                                    | 7,552   |

<sup>3</sup>Town of Mamaroneck Zoning Code § 240-59.1 (A)

Definition of Total Square Footage:

*“The aggregate floor area of all of the buildings on a lot, exclusive of the aggregate floor area of any basements, regardless of their use.”*

**LOCAL LAW NO. \_\_\_ OF 2024**

**VILLAGE OF SCARSDALE  
BOARD OF TRUSTEES**

**A LOCAL LAW TO AMEND THE SCARSDALE VILLAGE CODE  
CONCERNING LAND USE REGULATIONS**

A LOCAL LAW to amend Scarsdale Village Code Chapters 132, 251 and 310 concerning Building Construction and Fire Prevention, Site Plan Review and Zoning, respectively.

**BE IT ENACTED** by the Board of Trustees of the Village of Scarsdale as follows:

**Section 1.** Legislative Intent.

On January 9, 2024, the Scarsdale Board of Trustees enacted a six-month moratorium on the acceptance, consideration, and approval of certain land use applications, such as applications for subdivisions, demolitions, building permits, site plan approval, and special permits. The moratorium was enacted due to the pervasive adverse impacts caused by new single-family developments, including but not limited to the loss of the architectural and historic qualities and scale that helps define the fabric of the Village's residential neighborhoods as well as concerns about negative environmental impacts such as increased flooding, and the destruction of mature trees and natural habitat.

This local law is the result of months of the Village identifying and studying possible ways to mitigate or avoid the deleterious impacts of the aforementioned development activities.

**Section 2.** Authority.

The Scarsdale Board of Trustees is authorized and empowered to adopt this local law pursuant to Article IX of the New York State Constitution, New York State Municipal Home Rule Law and the authority conferred upon the Board of Trustees under Article 7 of the New York State Village Law to regulate land use and zoning within its jurisdiction.

**Section 3.** Chapter 132 of the Code of the Village of Scarsdale, Article VI – Certificate of Use and Occupancy, is hereby amended as follows:

Article VI **Certificate of Use and Occupancy**

...

§ 132-60.1 Required for residential site plan approval.

No certificate of occupancy shall be issued for any residential construction which received site plan approval from the Planning Board unless a final survey prepared by a New York State licensed surveyor including topography, has been provided, along with a certification signed by the licensed architect or engineer and property owner, that all construction was performed in accordance with the approved site plan. To the extent there are any modifications from the approved site plan, justification must be provided along with written verification from the Village staff that the modification did not require site plan amendment and was approved by the Village Engineer or Building Inspector. The Final Certificate of Occupancy shall not be issued until the Village Engineer and Building Inspector have reviewed and approved the final survey.

**Section 4.** Chapter 251 entitled “Site Plan Review” of the Code of the Village of Scarsdale, is hereby amended as follows:

§ 251-1 ~~Site plan and approval required; review procedures.~~

- A. Whenever any nonresidential building or any multifamily dwelling is proposed to be erected or enlarged or altered or whenever any dwelling or other structure is proposed to be erected, enlarged or altered on a lot at a distance from the street or on a lot approved by the Planning Board under the provisions of § 7-738 of the Village Law, a site plan for such building shall be submitted to the Planning Board for review and approval, approval with modifications or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- B. Whenever any land-disturbing activity within the adjoining property buffer area, as defined in § 254-4, is proposed, a site plan shall be submitted to the Planning Board pursuant to § 254-10.1 for review and approval, approval with modifications or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.
- ~~C. In considering and approving site plans, the Planning Board shall hold public hearings and may impose appropriate conditions and safeguards with respect to parking, means of access, impact on streets and traffic, screening, signs, landscaping, architectural features, location and dimensions of buildings, setbacks, impact of the proposed use on adjacent land uses, conformity with the Village's Comprehensive Plan and such other elements as may reasonably be related to the health, safety and general welfare of~~

the community. Whenever any site disturbance, as defined in § 310-2 of this Code, exceeds the thresholds set forth in § 251-1C(1) below, a site plan shall be submitted to the Planning Board for review and approval, approval with modifications or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.

(1) Site disturbance thresholds for site plan review in the following zoning districts shall be as follows:

| <u>Zoning District</u>      | <u>Thresholds for Site Plan Review</u> |
|-----------------------------|--|
| <u>A-5: 5,000 sf min.</u>   | <u>50%</u>                             |
| <u>A-4: 7,500 sf min.</u>   | <u>45%</u>                             |
| <u>A-3: 10,000 sf min.</u>  | <u>40%</u>                             |
| <u>A-2a: 15,000 sf min.</u> | <u>40%</u>                             |
| <u>A-2: 20,000 sf min.</u>  | <u>35%</u>                             |
| <u>A-1: 1 acre</u>          | <u>30%</u>                             |
| <u>AA-1: 2 acres</u>        | <u>30%</u>                             |

(2) The following activities are exempt from the site disturbance thresholds set forth in § 215-1C(1) above.

- (a) Repairs to any stormwater management practice or facility deemed necessary by the Village Engineer;
- (b) Routine landscaping maintenance activity in areas that have already been cultivated;
- (c) Repair in-kind or repaving of existing walls, driveways, patios, walkways, tennis courts, and swimming pools, provided the parcel is not regraded in the process; and
- (d) Emergency activity necessary to protect life, property, or natural resources.

D. For any property located within a Special Flood Hazard Area (SFHA), as identified in Flood Insurance Rate Maps (FIRMs) and/or Flood Hazard Boundary Maps (FHBM) published by the Federal Emergency Management Agency (FEMA), a site plan shall be submitted to the Planning Board for review and approval, approval with modifications

or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.

E. For any corner lot within a residential zoning district, where a newly constructed home is proposed, a site plan shall be submitted to the Planning Board for review and approval, approval with modifications or disapproval. No building permit shall be issued except in conformity with a site plan approved by the Planning Board.

F. The construction or enlargement of any residential property in a Residence A Zoning District with a proposed gross floor area of 15,000 square feet or more shall require site plan approval from the Planning Board.

...

§ 251-5 Content of sSite plan approval for certain residential construction.

~~A. The construction or enlargement of any residential property in a Residence A Zoning District with a proposed gross floor area of 15,000 square feet or more shall require site plan approval from the Planning Board.~~

~~B. All applications for site plan approval under this section shall be accompanied by plans and sketches of the lot(s), premises and buildings in question, showing the location and architectural elevations of the present and proposed buildings or construction. In addition, the application shall be accompanied by such additional information as may be required by the Building Inspector and by the Planning Board rules and regulations, as contained in Chapter A319 of this Code. The provisions of Chapter A319-43 pertaining to application requirements for site plans and special use permits for a nonresidential building or multifamily dwelling shall also be applicable, as appropriate, to site plan applications under this section.~~

The site plan shall be accompanied by the following:

A. A narrative statement detailing the proposed project and site drawing showing the location and dimensions of principal and accessory structures, parking areas, signs (with descriptions), existing and proposed vegetation and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations and other environmental matters.

B. A sketch map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features.

C. Site plan checklist:

(1) Legal data.

- (a) Section, block and lot numbers of the property taken from the latest tax records along with a copy of the most recent property card on file with the Assessor's office.
- (b) Title of the drawing, including the name and address of the applicant and person responsible for preparation of such drawing and the date, and date of revision, if any.
- (c) North arrow, scale and location map drawn to a scale of not less than one inch equals 1,000 feet.
- (d) Survey map accurately reflecting existing conditions and defining precisely the boundaries of the property, setbacks of all structures, location of easements and such other information as required by the Building Inspector or Village Engineer, including a topographical survey. Such survey shall be certified by a New York State licensed land surveyor no more than one year prior to the date of the application.
- (e) The locations, names, and existing widths of adjacent streets, including curblines.
- (f) The location and owners of all adjoining lands as shown on the latest tax records.
- (g) Copies of:

  - i. The deed to the property;
  - ii. All easements; and
  - iii. All existing and proposed deed restrictions or covenants applying to the property, including, but not limited to, covenants and agreements restricting the use and establishing future ownership and maintenance responsibilities for all private roads, recreation, and open space areas.
- (h) Existing and proposed zoning compliance table.
- (i) Any prior land use approvals with respect to the subject property.
- (a)(j) Any other legal agreements, documents or information required by the Planning Board.

(2) Natural features.

- (a) The location of all existing watercourses, intermittent streams, wetland areas and springs.
- (b) Topographic data at a minimum contour interval of two feet, showing existing and proposed contours on the property and a minimum of 25 feet into all adjacent properties.
- (c) Approximate boundaries of any areas subject to flooding or stormwater overflows, including areas of special flood hazard and coastal high-hazard areas.
- (d) Rock outcroppings and areas of steep slope.
- (e) The location and characteristics of the different areas of vegetation, including the identification of all individual trees 6 or more inches in diameter at breast height (“DBH”), protected trees of any size, as well as stands of trees and wooded areas, within areas of proposed disturbance.

(3) Existing structures and utilities.

- (a) Location of all buildings and structures on the premises and approximate location of all neighboring buildings or structures within 100 feet of the lot line.
- (b) Location of all existing public and private roads, paved areas and sidewalks.
- (c) Locations, dimensions, grades and flow direction of existing sewers, culverts, waterlines as well as other underground utilities within and adjacent to the property.
- (d) Other existing site improvements, including, but not limited to, fences, landscape walls, retaining walls, landscaping, and screening.
- (e) Location of all existing drainage infrastructure, including but not limited to, swales, drainage easements, dry wells, and basins.

(4) Proposed development.

- (a) Grading and drainage plan, showing existing and proposed contours, new grades indicating clearly how such grades will meet existing grades of adjacent properties or the street and calculations of expected storm drain loads to be accommodated by the proposed drainage system.

- (b) Location, design, type of construction, proposed use and exterior dimensions, including length, width, ground floor elevation and height, of all buildings.
- (c) Location, design and type of construction of all parking and truck loading areas, showing access and egress.
- (d) Provision for pedestrian access.
- (e) Location, size and proposed screening of outdoor storage areas, if any.
- (f) Location, design and construction material of all existing or proposed site improvements, including drains, culverts, retaining walls, landscape walls and fences.
- (g) Description of the method of sewage disposal and storm drainage location, design and construction material of such facilities.
- (h) Description of the method of securing public water and location, design and construction material of such facilities.
- (i) Location of fire and other emergency zones, including the location of fire hydrants.
- (j) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (k) Location, size, wording, design, color, illumination and type of construction of all proposed signs.
- (l) Location and proposed development of all buffer areas, including existing vegetative cover.
- (m) Location, type, design, shielding and hours of operation of outdoor lighting facilities.
- (n) Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- (o) Landscape plan with a plant schedule that includes the common name, scientific name, height and/or spread, nursery condition, and quantities of all plant material proposed and specifications and details for plant installation and post planting maintenance.
- (p) Landscape plan shall include all plantings within 5 feet of the subject property line and/or within the Adjoining Property Buffer, as defined

in § 254-4 of this Code. The landscape plan shall also show all mature trees on neighboring properties that are within 10 feet of the subject property line and have a diameter at breast height (“DBH”) of 12 or more inches.

(q) Estimate of earthwork showing the quantity of any material to be imported to and/or removed from the site.

(r) Description of measures planned to assure proper erosion and sedimentation control.

(s) An estimated project construction schedule.

(t) Record of application for and approval status of all necessary permits from state and county officials and local utility companies.

(u) Identification of any federal, state or county permits required for the project’s execution, including project referrals, if any, and environmental review procedures mandated by Article 8, Environmental Quality Review, of the Environmental Conservation Law (SEQRA).

(v) The outlines of any proposed easements, deed restrictions or covenants.

(w) Details outlining tree removal, protection, and replacement plan(s).

(5) Other elements integral to the proposed development as deemed necessary by the Planning Board.

D. Waiver of requirements. The Planning Board may waive any of the above submissions that it believes to be unnecessary based on the location or scope of the proposed development. The Planning Board may require such other information and exhibits as it deems reasonably necessary to enable it to reach an informed result.

§ 251-6 Construction management plan.

A. Any residential or commercial construction project that is subject to the site plan review and approval of the Planning Board, shall be required to prepare a Construction Management Plan (CMP), unless the Planning Board waives the CMP requirement. The CMP shall be submitted as part of the application for site plan approval and reviewed and approved by the Planning Board and shall be subject to the further and final review and approval by the Building Inspector and the Village Engineer, prior to the issuance of any permit for the project.

B. The CMP shall include the following information:

- (1) Schedule: The applicant shall provide a project schedule.
- (2) Job site, facilities and storage: The CMP shall include the location on the project site of all loading/unloading areas, job box and material storage areas, portable toilet(s), dumpsters and on-site temporary power, any protective fencing around the job site, any trees and vegetation to be preserved and any trees and vegetation to be removed. These and any other construction-related facilities shall not be located in the public right-of-way without the prior approval of the Building Inspector.
- (3) Traffic control plan. The traffic control plan shall identify the path of travel for delivery trucks and emergency vehicles to and from the project site. In addition, all on- and off-site worker parking locations shall be identified, including any carpool pickup and dropoff locations.
- (4) Staging areas. The CMP shall specify construction staging area locations. The CMP shall also address delivery and construction vehicle staging for the duration of the project. The staging plan shall estimate the number of truckloads, number of heavy equipment deliveries, etc., expected and their timing and duration for each stage of the project.
- (5) Stone cutting. If stone cutting is proposed to be done on site, the CMP shall designate the area where stone is to be cut, the approximate number of days of stone cutting, and mitigation measures, including but not limited to noise and dust.
- (6) Excavated materials. The CMP shall describe the estimated quantity of soil being:
  - (a) Excavated;
  - (b) Disposed off site;
  - (c) Stockpiled on site; and
  - (d) How much soils will be, if any, reused on site.

C. Waiver of requirements. The Planning Board may waive any of the above submissions that it believes to be unnecessary based on the location or scope of the proposed development. The Planning Board may require such other information and exhibits as it deems reasonably necessary to enable it to reach an informed result.

§ 251-7 Review Standards.

The following standards, without limitation, shall be used by the Planning Board in reviewing applications for development.

A. Landscape and environment. To prevent the unnecessary destruction of the existing landscape and improvements, particular consideration shall be given to the following:

- (1) Provision for minimal degradation of unique or irreplaceable land types and protection of the water flow of aquifers and other ground watercourses and wetlands;
- (2) Preservation of desirable land characteristics and significant geological and topographic features;
- (3) Examination of any proposed change in the topography of the site;
- (4) Preservation or replacement of existing trees and treescapes, plants, and other vegetation;
- (5) Preservation and protection of historical, archaeological and landmark areas and structures;
- (6) Protection of animal and plant life processes; and
- (7) Underground placement of utility services.

B. Relationship of structures and open space. To assure harmony between development and open spaces in the Village particular consideration shall be given to:

- (1) Siting of buildings and accessory structures and equipment;
- (2) Effects of building height, length, bulk and shadows. This shall include consideration of the visual compatibility of, among other things: height, gross volume, and rhythm of solids to voids created by openings in the facade;
- (3) Landscape design;
- (4) Location and layout of walks, drives and other site features;
- (5) Preservation of views from the site and from adjoining areas;
- (6) Appropriateness of building architectural style and materials (including colors, textures, and patterns) to ensure visual compatibility with the surrounding buildings and environment;

(7) Provisions of screening around and landscape treatment within open parking and service areas;

(8) Relationship and scaling of building design and exterior architectural features to the environment to which it is visually related and to the pedestrian; and

(9) Likelihood of nuisances.

C. Circulation and parking. To determine that the proposal facilitates safe and appropriate pedestrian access, vehicular traffic movement, servicing and parking within the Village, particular consideration shall be given to:

(1) Vehicle sight lines at street and drive intersections;

(2) Provisions for access and movement of fire and emergency vehicles;

(3) Width and alignment of drives and access roads and layout of parking and service areas;

(4) Location and distance of curb cuts in relation to street intersections;

(5) Effect of traffic generated by the proposed development upon surrounding streets, intersections and off-site parking; and

(6) Appropriateness of location, width and layout of internal circulation to the proposed development.

D. Protection of neighbors. To protect owners and users and the Village by providing for such matters as:

(1) Surface water drainage;

(2) Sound and sight buffers;

(3) Natural light and air;

(4) Disposal of solid, liquid and gaseous waste and for avoidance of odors and air pollutants; and

(5) Aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses and the functioning of the Village and its services.

E. Compliance with other laws and regulations. To coordinate compliance with other standards and local, state and federal laws and regulations which affect design:

(1) The Comprehensive Plan;

- (2) This chapter and other local laws related thereto;
- (3) New York State Uniform Fire Prevention and Building Code;
- (4) Utility standards and regulations;
- (5) Environmental protection laws;
- (6) Pollution control standards;
- (7) Noise control standards; and
- (8) Floodplain regulations.

- F. Surface water drainage. Plans involving significant stormwater runoff from land areas and paved, roof and other surfaces shall provide an engineering analysis and design for a method of controlled drainage and/or storm system improvements that will eliminate an adverse discharge into the Village system. The design of the stormwater management system shall be in accordance with good engineering practice and applicable governmental regulations. All costs for the analysis, design and construction of the drainage system or improvements to the Village system shall be paid for by the applicant. Without limiting the generality of the foregoing, where the Planning Board engages experts to review the analysis and design of such stormwater management systems and improvements, the applicant shall reimburse the Village for such costs.
- G. Application to accessory uses. The standards of review prescribed by this section shall also apply to all accessory buildings, structures, freestanding signs and other site features, however related to primary buildings or structures of a site development.
- H. The Planning Board may refer matters to other land use boards for review and reporting, and to require performance bonds or other security sufficient to cover the cost of compliance.

§ 251-8 Conditions attached to the approval of site plans.

The Planning Board shall have the authority to impose reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of the site plan, any conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village.

§ 251-9 Expiration of site plan approval.

At the time of approving the site development plan, the Planning Board may set forth the time period in which construction is to begin and be completed. Otherwise, a building permit must be applied for within 12 months of site plan approval, construction commenced within 18 months of approval and a Certificate of Occupancy obtained by the later of 2 years from site

plan approval or 18 months after issuance of a Building Permit. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.

**§ 251-10 Conflict with other provisions.**

In the event any of the provisions set forth in this Chapter 251 of the Code, concerning Site Plan Review, conflict with any of the provision of site plan review set forth in Chapter A319 of the Code, this Chapter shall control and supersede such inconsistent provision(s).

**Section 5.** Chapter 310 of the Code of the Village of Scarsdale, Article I – General Provisions, is hereby amended as follows:

**Article I General Provisions**

...

**§ 310-2 Definitions.**

...

**REQUIRED OPEN SPACE**

The percentage of the surface area of a lot that is unoccupied by any structure, building, parking, paving, or other surface deemed to be impervious, and which is vegetated and open to the sky, either in its natural unimproved state or landscaped with lawn, trees, other plants, natural rock outcroppings, natural water features, or wetlands. Artificial turf, driveways, parking areas, patios, and walkways, regardless of surface composition, are deemed not to be open space.

...

**SITE DISTURBANCE**

Any change to land, including, but not limited to, clearing, grading, excavating, transporting, and filling of land. This includes any change to land which may result in soil erosion from water or wind and the movement of soil into water or onto lands, alteration of a drainage system, or increased runoff of waters.

**SKY EXPOSURE PLANE**

A virtual sloping plane that begins at the property line fronting the street and extends upward at an angle to meet the maximum required building height for a lot.

**Section 6.** Chapter 310 of the Code of the Village of Scarsdale, Article II – Use Restrictions, is hereby amended as follows:

**Article II Use Restrictions**

§ 310-7 **Residence A Districts.**

In any Residence A District, no building or premises shall be used or maintained for any except the following purposes, and no building shall hereafter be erected, enlarged or altered if, as so erected or as a result of such enlargement or alteration, such building or any part thereof is arranged, designed or intended to be used for any except the following purposes:

...

- I. Uses or buildings customarily incidental or accessory to the uses herein specifically permitted and as permitted in Article **XI**; such uses shall not include any billboard or advertising sign. This provision shall not be deemed to permit any swimming pool nor to permit any driveway or walk giving access to premises used for public purposes or used for purposes not permitted in a Residence A District. No part of any accessory building shall be used for sleeping or living quarters except by members of the family occupying the principal building on the lot or full-time employees of such family and members of the immediate families of such employees. No part of any accessory building shall be used for the preparation of meals. No part of any lot shall be used for the parking or storage of a commercial vehicle, except when necessary to make deliveries or render services to the occupant of the lot and except as permitted by Subsection **K** of this section. A change in the use of an accessory structure may require a building permit, but shall not require approvals or permits from land use boards provided the new use is not inhabited or used for dwelling purposes and the footprint and height of the accessory structure is not increased.

**Section 7.** Chapter 310 of the Code of the Village of Scarsdale, Article II – Use Restrictions, is hereby amended as follows:

**Article II Use Restrictions**

...

§ 310-12 **Village Center Area Districts.**

...

- B. Village Center Area Zones. The following separate zones applying to specific areas are hereby established within the framework of the Village Center Area District for the purposes specified and in accordance with the regulations as set forth for each:

...

(6) Planned Unit Development - 0.8 to 1.4 (PUD - 0.8 to 1.4).

...

(b) In the Planned Unit Development - 0.8 to 1.4 Zone, no building or premises shall be used or maintained and no building shall hereafter be erected, enlarged or altered if, as so erected or as a result of such enlargement or alteration, such building or any part thereof is arranged, designed or intended to be used for any except the following principal purposes:

...

[2] All floors: residences, provided that no less than 10% of the residential floor area ratio is devoted to senior citizen housing ~~with priority for Scarsdale residents~~ and, in addition, public parking subject to special permit by the Village Board in accordance with the standards and requirements of Subsection C(3)(a)[6] and § 310-28.1B hereof, and telephone exchanges if permitted by the Planning Board pursuant to § 310-89A(10).

...

(7) In the Planned Unit Development – 1.0 Zone, no building or premises shall be used or maintained and no building shall hereafter be erected, enlarged or altered if, as so erected or as a result of such enlargement or alteration, such building or any part thereof is arranged, designed and intended to be used for any except the following principal purposes:

...

[2] Residences, provided that no less than 10% of the residential floor area ratio is devoted to senior citizen housing ~~with priority for Scarsdale residents~~. A "senior citizen household" is a household in which at least one resident member has attained the age of 65 years or more on the date that such household initially occupies the dwelling unit.

**Section 8.** Chapter 310 of the Code of the Village of Scarsdale, Article IV – Lot Area Coverage, is hereby amended as follows:

Article IV **Lot Area Coverage**

...

§ 310-21 **Definitions.**

...

**IMPERVIOUS SURFACES**

**A.** Man-made or -assembled surfaces which block the absorption of water by the ground and have a runoff curve number pursuant to the United States Department of Agriculture, Soil Conservation Service, Engineering Division, standards as stated in Technical Release No. 55, ~~dated January 1975,~~ as follows:

| <b>Soil Class</b> | <b>Runoff Curve Number</b> |
|-------------------|----------------------------|
| Class A           | 77 and greater             |
| Class B           | 86 and greater             |
| Class C           | 90 and greater             |
| Class D           | 92 and greater             |

**B.** Impervious surfaces include paved driveways, paved patios, porous asphalt, gravel and other such facilities.

...

§ 310-22 Permitted coverages.

The permitted coverage ratios for residential uses in any Residence A Districts shall be as follows:

| Lot Area                     | Maximum Coverage Permitted for All Structures and ImperVIOUS Surfaces on the Lot | Maximum Coverage Permitted for All Buildings on the Lot                 |
|------------------------------|--|---|
| More than 1 acre             | 13,100 square feet, plus 10% of lot area in excess of 1 acre                     | 4,642 square feet, plus 4% of lot area in excess of 1 acre              |
| 20,001 square feet to 1 acre | 6,000 square feet, plus 30% of lot area in excess of 20,000 square feet          | 3,700 square feet, plus 4% of lot area in excess of 20,000 square feet  |
| 15,001 to 20,000 square feet | 5,250 square feet, plus 15% of lot area in excess of 15,000 square feet          | 3,100 square feet, plus 12% of lot area in excess of 15,000 square feet |
| 10,001 to 15,000 square feet | 4,000 square feet, plus 25% of lot area in excess of 10,000 square feet          | 2,500 square feet, plus 12% of lot area in excess of 10,000 square feet |
| 7,501 to 10,000 square feet  | 3,000 square feet, plus 40% of lot area in excess of 7,500 square feet           | 2,100 square feet, plus 16% of lot area in excess of 7,500 square feet  |
| 5,001 to 7,500 square feet   | 2,250 square feet, plus 30% of lot area in excess of 5,000 square feet           | 1,500 square feet, plus 24% of lot area in excess of 5,000 square feet  |
| Up to 5,000 square feet      | 45%  | 30%   |

| <u>Zoning District</u>      | <u>Maximum Coverage Permitted for All Structures and Impervious Surfaces on the Lot</u> | <u>Maximum Coverage Permitted for All Buildings on the Lot</u> |
|-----------------------------|---|--|
| <u>A-5: 5,000 sf min.</u>   | <u>45%</u>  | <u>30%</u>   |
| <u>A-4: 7,500 sf min.</u>   | <u>40%</u>  | <u>28%</u>   |
| <u>A-3: 10,000 sf min.</u>  | <u>40%</u>  | <u>25%</u>   |
| <u>A-2a: 15,000 sf min.</u> | <u>35%</u>  | <u>20%</u>   |
| <u>A-2: 20,000 sf min.</u>  | <u>30%</u>  | <u>18%</u>   |
| <u>A-1: 1 acre</u>          | <u>30%</u>  | <u>10%</u>   |
| <u>AA-1: 2 acres</u>        | <u>20%</u>  | <u>7%</u>  |

§ 310-23 **Permitted coverages in freshwater wetlands and freshwater wetlands controlled areas.**

On any lot in a freshwater wetlands controlled area, as defined in Chapter 171, Freshwater Wetlands, of the Code of the Village of Scarsdale, the maximum coverage ratio permitted for residential purposes in any Residence A Districts shall be such percentages multiplied by the actual lot size as follows:

| <u>Lot Area</u>                     | <u>Maximum Coverage Permitted for All Structures and Impervious Surfaces on the Lot</u> |
|-------------------------------------|---|
| <u>More than 1 acre</u>             | <u>8,750 square feet, plus 6.7% of lot area in excess of 43,560 square feet</u>         |
| <u>20,001 square feet to 1 acre</u> | <u>4,000 square feet, plus 20% of lot area in excess of 20,000 square feet</u>          |
| <u>15,001 to 20,000 square feet</u> | <u>3,500 square feet, plus 10% of lot area in excess of 15,000 square feet</u>          |
| <u>10,001 to 15,000 square feet</u> | <u>2,670 square feet, plus 16.7% of lot area in excess of 10,000 square feet</u>        |
| <u>7,501 to 10,000 square feet</u>  | <u>2,250 square feet, plus 16.7% of lot area in excess of 7,500 square feet</u>         |
| <u>5,001 to 7,500 square feet</u>   | <u>30%</u>  |
| <u>Up to 5,000 square feet</u>      | <u>30%</u>  |

| <u>Zoning District</u>      | <u>Maximum Coverage Permitted for All Structures and Impervious Surfaces on the Lot</u> |
|-----------------------------|---|
| <u>A-5: 5,000 sf min.</u>   | <u>30%</u>  |
| <u>A-4: 7,500 sf min.</u>   | <u>28%</u>  |
| <u>A-3: 10,000 sf min.</u>  | <u>26%</u>  |
| <u>A-2a: 15,000 sf min.</u> | <u>23%</u>  |
| <u>A-2: 20,000 sf min.</u>  | <u>20%</u>  |
| <u>A-1: 1 acre</u>          | <u>16%</u>  |
| <u>AA-1: 2 acres</u>        | <u>12%</u>  |

§ 310-23.1 Required open space in Residence A districts.

Subject to the exceptions specified in § 310-67 of this Code, any lot located in a residence district shall have a minimum percentage of required open space, as defined in § 310-2 of this Code, as follows:

| <u>Zoning District</u>      | <u>Required Open Space</u> |
|-----------------------------|----------------------------|
| <u>A-5: 5,000 sf min.</u>   | <u>30%</u>                 |
| <u>A-4: 7,500 sf min.</u>   | <u>35%</u>                 |
| <u>A-3: 10,000 sf min.</u>  | <u>40%</u>                 |
| <u>A-2a: 15,000 sf min.</u> | <u>45%</u>                 |
| <u>A-2: 20,000 sf min.</u>  | <u>50%</u>                 |
| <u>A-1: 1 acre</u>          | <u>55%</u>                 |
| <u>AA-1: 2 acres</u>        | <u>65%</u>                 |

**Section 9.** Chapter 310 of the Code of the Village of Scarsdale, Article V – Building Heights and Areas, is hereby amended as follows:

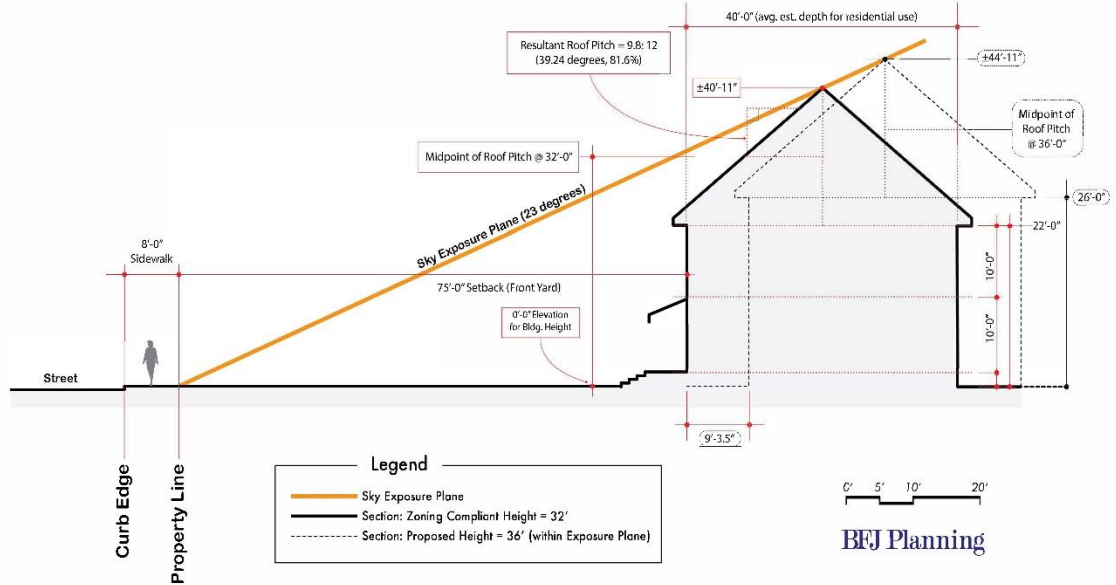
Article V **Building Heights and Areas**

...

§ 310-25 **Residence A Districts.**

- A.** Except as provided in §§ 310-25D or 310-25E below, no residential building shall exceed 32 feet in height. No nonresidential building shall exceed the height as may be prescribed by the Planning Board pursuant to Chapter **251**, Site Plan Review, of this Code, and in no case shall a story of any building be less than nine feet in height.
- B.** The area of any lot occupied by nonresidential buildings, structures and impervious surfaces shall not exceed such percentage of the gross area of such lot as may be prescribed by the Planning Board pursuant to Chapter **251**, Site Plan Review, of this Code.
- C.** No individual nonresidential building on any lot shall exceed such length or width as may be prescribed by the Planning Board pursuant to Chapter **251**, Site Plan Review, of this Code.
- D.** In the AA-1 Residence District only, a house may exceed the maximum building height of 32 feet through use of the sky exposure plane, as defined in § 310-2 of this Code, if the house is set back from the front property line. The diagram below illustrates how a house that is set back farther than the required 75 feet from the front property line can achieve a height of 36 feet by meeting the sky exposure plane. In no case shall the building height exceed 36 feet, and in all cases, the minimum front yard setback shall be 75 feet.

Village of Scarsdale | Residential Sky Exposure Plane Analysis (AA-1  
Zoning District) – Level Site



C.E. For lots located within the Special Flood Hazard Area (SFHA) as defined on Scarsdale’s most current Flood Insurance Rate Map (FIRM) and/or Flood Hazard Boundary Map (FHBM), the Planning Board may allow, as part of its site plan review pursuant to Chapter 251 of this Code, additional building height of up to 3 feet, to facilitate constructing the building at a higher elevation in order to mitigate flooding impacts.

§ 310-28.1 Village Center Area Districts.

**B.** Incentive density. It is recognized that the PUD zones established within the Village Center Area are unique because they encompass the largest sites and the major portion of the areas future development potential. As such, they represent the most significant opportunity for the achievement of the basic public benefit purposes and objectives of the Village Center Area. Therefore, to provide an incentive which will further encourage the most appropriate use and development of those sites in a manner designed to achieve the Village's adopted planning objectives, the Village Board of Trustees may allow, by special permit and following a public hearing held on notice duly given in the same manner as is required by law for zoning amendments, an increased FAR and/or building height or special uses, within the limits as set forth in Subsection A hereof and subject to the provision of specific public benefit features. It

may also choose not to allow any such change or increase. Village Board action on such an application shall be taken only after review of the proposed plan by the Planning Board and the submission of a report and recommendation by said Board to the Trustees. Final site plan approval by the Planning Board shall not occur until after the special permit determination by the Village Board. The incentive features, and the guidelines for Village Board action, are as described below:

(1) The specific public benefit features for which incentive density increases may be granted in the PUD -- 1.0 to 2.0 Zone are as follows:

...

(b) The provision of housing units specifically designed for, and limited in occupancy to, senior citizens, ~~with priority for Searsdale residents.~~

...

(6) In determining the specific amount of density increase to be granted, if any, the following additional factors, specific to certain benefit features to be provided, will guide the Village Board.

...

(b) Senior citizen housing.

...

[2] The following additional factors will also be taken into consideration by the Village Board in connection with the grant of any density incentive increase for the provision of senior citizen housing:

...

[d] The ~~effectiveness and fairness of the proposed priority arrangement for Searsdale residents and the~~ consistency of the proposed pricing of the senior citizen units with the special nature and restrictions applicable to such units and the needs of the ~~Searsdale~~ senior citizen market which they are intended to serve.

...

**Section 10.** Chapter 310 of the Code of the Village of Scarsdale, Article VII – Rear Yard Setbacks, is hereby amended as follows:

Article VII **Rear Yard Setbacks**

...

§ 310-47 **Accessory buildings.**

- A.** Any accessory building, ~~other than a private garage~~ except as set forth in § 310-48 of this Code, shall set back from the rear lot line at least:
- (1) In a Residence AA-1 District: 15 feet.
  - (2) In a Residence A-1 District: 10 feet.
  - (3) In a Residence A-2, A-2a or A-3 District: five feet.
  - (4) In a Residence A-4, A-5 or C District: ~~three~~ four feet, ~~but not less than four feet for a new or altered structure if the walls of the building have a combustible surface.~~

...

**Section 11.** Chapter 310 of the Code of the Village of Scarsdale, Article VIII – Side Yard Setbacks, is hereby amended as follows:

Article VIII **Side Yard Setbacks**

...

§ 310-51 **Residence A Districts.**

- A.** Except as provided in §§ ~~310-48, 310-53, 310-59~~ and ~~310-67~~, every building, other than a building on a corner lot, in a Residence A District shall set back from each side lot line at least:
- (1) In a Residence AA-1 District: 30 feet.
  - (2) In a Residence A-1 District: 20 feet.
  - (3) In a Residence A-2 ~~or A-2a~~ District: ~~15-18~~ 15-18 feet.
  - (4) In a Residence ~~A-2a A-3, A-4 or A-5 or B~~ District: ~~10-16~~ 10-16 feet.
  - (5) In a Residence A-3 District: 12 feet.

~~(6)~~ In a Residence A-4 District: 10 feet, with a combined side yard setback of 22 feet.

~~(4)(7)~~ In a Residence A-5 or B District: 10 feet.

**B.** Other than as provided in §§ 310-48, 310-53 and 310-67, every accessory building shall conform to the setbacks as set forth in Subsection **A** above, except that an accessory building shall be set back not less than the following distances from a side lot line other than a street line:

(1) Any accessory building in a Residence AA-1, A-1 or A-2 District, all parts of which are over 100 feet from any street line.

(a) In the Residence AA-1 District: 20 feet.

~~(b)~~ In the Residence A-1 or A-2 District: 10-14 feet.

~~(b)(c)~~ In the Residence A-2 District: 12 feet.

(2) Any accessory building in a Residence A-2a District, all parts of which are over 80 feet from any street line: 10 feet.

(3) Any accessory building in a Residence A-3, A-4 or A-5 District, all parts of which are over 60 feet from any street line:

(a) In a Residence A-3 District: ~~five~~-8 feet.

~~(b)~~ In a Residence A-4 or A-5 District: 6 three feet, but not less than four feet for a new or altered structure if the walls of the building have a combustible surface.

~~(b)(c)~~ In a Residence A-5 District: 4 feet.

**Section 12.** Chapter 310 of the Code of the Village of Scarsdale, Article X – General Regulations, is hereby amended as follows:

#### Article X General Regulations

...

§ 310-67 **Nonconforming uses, lots and buildings.**

...

**E.** Nonconforming lot coverage. Nothing in this chapter shall prohibit the repair or replacement in-kind, as determined by the Building Inspector, of any legal nonconforming impervious surface or structure, such as a driveway, walkway, patio,

tennis court or swimming pool, provided such repair or replacement is completed within 12 months of any removal of the impervious surface or structure. Replacement in-kind shall not include the replacement of one type of impervious surface or structure for another, such as the replacement of a patio with a tennis court. Such repair or replacement shall not increase the existing impervious coverage on the lot. Notwithstanding any other provision or Section of this Code, this Subsection E shall not apply where site disturbance exceeds the threshold requiring site plan review established in § 251-1C(1).

**Section 13.** Chapter 310 of the Code of the Village of Scarsdale, Article XVI – Floor Area Ratio (FAR) for Houses in Residence A Districts, is hereby amended as follows:

**Article XVI Floor Area Ratio (FAR) for Houses in Residence A Districts**

...

§ 310-102 **Maximum floor area ratio.**

As illustrated herein as Table XVI-1, the maximum permitted floor area ratio (FAR) for houses shall be as follows:

- ~~A. — Lots of 4,999 square feet or less shall have a maximum FAR of 0.43 (maximum floor area ratio = 0.43).~~
- ~~B. — Lots between 5,000 square feet and 9,999 square feet shall have a maximum FAR of 0.43, minus 0.016 for every 1,000 square feet or part thereof in excess of 5,000 square feet [maximum floor area ratio = 0.43 - ((lot size - 5,000) ./ . 1,000) x 0.016].~~
- ~~C. — Lots between 10,000 square feet and 14,999 square feet shall have a maximum FAR of 0.35, minus 0.012 for every 1,000 square feet or part thereof in excess of 10,000 square feet [maximum floor area ratio = 0.35 - ((lot size - 10,000) ./ . 1,000) x 0.012].~~
- ~~D. — Lots between 15,000 square feet and 29,999 square feet shall have a maximum FAR of 0.29, minus 0.006 for every 1,000 square feet or part thereof in excess of 15,000 square feet [maximum floor area ratio = 0.29 - ((lot size - 15,000) ./ . 1,000) x 0.006].~~
- ~~E. — Lots between 30,000 square feet and 34,999 square feet shall have a maximum FAR of 0.20, minus 0.0045 for every 1,000 square feet or part thereof in excess of 30,000 square feet [maximum floor area ratio = 0.20 - ((lot size - 30,000) ./ . 1,000) x .0045].~~
- ~~F. — Lots between 35,000 square feet and 39,999 square feet shall have a maximum FAR of 0.1775, minus 0.003 for every 1,000 square feet or part thereof in excess of 35,000 square feet [maximum floor area ratio = 0.1775 - ((lot size - 35,000) ./ . 1,000) x .003].~~

- G.** ~~Lots between 40,000 square feet and 44,999 square feet shall have a maximum FAR of 0.1625, minus 0.002 for every 1,000 square feet or part thereof in excess of 40,000 square feet [maximum floor area ratio = 0.1625 - ((lot size - 40,000) ./ .1,000) x .002].~~
- H.** ~~Lots between 45,000 square feet and 49,999 square feet shall have a maximum FAR of 0.1525, minus 0.0015 or part thereof for every 1,000 square feet or part thereof in excess of 45,000 square feet [maximum floor area ratio = 0.1525 - ((lot size - 45,000) ./ .1,000) x .0015].~~
- I.** ~~Lots between 50,000 square feet and 76,230 square feet shall have a maximum FAR of 0.1450 (maximum floor area ratio = 0.1450).~~

**Table XVI-1  
Illustrative Table of Maximum Floor Area Ratio (FAR)**

| <b>Lot Size<br/>(square feet)</b> | <b>Maximum FAR</b>              | <b>Resulting Gross<br/>Residential Floor Area<br/>(square feet)</b> |
|-----------------------------------|---------------------------------|---|
| 3,000                             | <del>0.4300</del>               | 1,290   |
| 4,000                             | <del>0.4300</del>               | 1,720   |
| 5,000                             | <del>0.4300</del>               | 2,150   |
| 6,000                             | <del>0.4100</del> <u>0.4140</u> | <del>2,460</del> <u>2,484</u>                                       |
| 7,000                             | <del>0.3900</del> <u>0.3980</u> | <del>2,730</del> <u>2,786</u>                                       |
| 8,000                             | <del>0.3800</del> <u>0.3820</u> | <del>3,040</del> <u>3,056</u>                                       |
| 9,000                             | <del>0.3600</del> <u>0.3660</u> | <del>3,240</del> <u>3,294</u>                                       |
| 9,000                             | <del>0.3500</del> <u>0.3660</u> | <del>3,500</del> <u>3,294</u>                                       |
| 10,000                            | <del>0.3300</del> <u>0.3500</u> | <del>3,630</del> <u>3,500</u>                                       |
| 11,000                            | <del>0.3200</del> <u>0.3380</u> | <del>3,840</del> <u>3,718</u>                                       |
| 12,000                            | <del>0.3100</del> <u>0.3260</u> | <del>4,030</del> <u>3,912</u>                                       |
| 13,000                            | <del>0.3000</del> <u>0.3140</u> | <del>4,200</del> <u>4,082</u>                                       |
| 14,000                            | <del>0.2900</del> <u>0.3020</u> | <del>4,350</del> <u>4,228</u>                                       |

| Lot Size<br>(square feet) | Maximum FAR        | Resulting Gross<br>Residential Floor Area<br>(square feet) |
|---------------------------|--------------------|--|
| 15,000                    | <u>0.2800-2900</u> | <u>4,4804,350</u>  |
| 16,000                    | <u>0.2700-2840</u> | <u>4,5904,544</u>  |
| 17,000                    | <u>0.2700-2780</u> | <u>4,8604,726</u>  |
| 18,000                    | <u>0.2600-2720</u> | <u>4,9404,896</u>  |
| 19,000                    | <u>0.2600-2660</u> | <u>5,2005,054</u>  |
| 20,000                    | <u>0.2500-2600</u> | <u>5,2505,200</u>  |
| 21,000                    | <u>0.2400-2540</u> | <u>5,2805,334</u>  |
| 22,000                    | <u>0.2400-2480</u> | <u>5,5205,456</u>  |
| 23,000                    | <u>0.2300-2420</u> | <u>5,5205,566</u>  |
| 24,000                    | <u>0.2250-2360</u> | <u>5,6255,664</u>  |
| 25,000                    | <u>0.2200-2300</u> | <u>5,7205,750</u>  |
| 26,000                    | <u>0.2150-2240</u> | <u>5,8055,824</u>  |
| 27,000                    | <u>0.2100-2180</u> | <u>5,8805,886</u>  |
| 28,000                    | <u>0.2050-2120</u> | <u>5,9455,936</u>  |
| 29,000                    | <u>0.2000-2060</u> | <u>6,0005,974</u>  |
| 30,000                    | <u>0.1950-2000</u> | <u>6,0456,000</u>  |
| 31,000                    | <u>0.4100-1955</u> | <u>2,4606,061</u>  |
| 32,000                    | <u>0.1900-1910</u> | <u>6,0806,112</u>  |
| 33,000                    | <u>0.1850-1865</u> | <u>6,1056,155</u>  |
| 34,000                    | <u>0.1800-1820</u> | <u>6,1206,188</u>  |
| 35,000                    | <u>0.1750-1775</u> | <u>6,1256,213</u>  |
| 36,000                    | <u>0.1730-1745</u> | <u>6,2286,282</u>  |

| Lot Size<br>(square feet) | Maximum FAR        | Resulting Gross<br>Residential Floor Area<br>(square feet) |
|---------------------------|--------------------|--|
| 37,000                    | <u>0.1700.1715</u> | <u>6,2906,346</u>  |
| 38,000                    | <u>0.1670.1685</u> | <u>6,3466,403</u>  |
| 39,000                    | <u>0.1630.1655</u> | <u>6,3576,455</u>  |
| 40,000                    | <u>0.1600.1625</u> | <u>6,4006,500</u>  |
| 41,000                    | <u>0.1600.1605</u> | <u>6,5606,581</u>  |
| 42,000                    | <u>0.1570.1585</u> | <u>6,5946,657</u>  |
| 43,000                    | <u>0.1550.1565</u> | <u>6,6656,730</u>  |
| 44,000                    | <u>0.1530.1545</u> | <u>6,7326,798</u>  |
| 45,000                    | <u>0.1500.1525</u> | <u>6,7506,863</u>  |
| 46,000                    | <u>0.1500.1510</u> | <u>6,9006,946</u>  |
| 47,000                    | <u>0.1470.1495</u> | <u>6,9027,027</u>  |
| 48,000                    | <u>0.1450.1480</u> | <u>6,9607,104</u>  |
| 49,000                    | <u>0.1430.1465</u> | <u>7,0077,179</u>  |
| 50,000                    | <u>0.1430.1450</u> | <u>7,1507,250</u>  |
| 51,000                    | <u>0.1430.1450</u> | <u>7,2937,395</u>  |
| 52,000                    | <u>0.1430.1450</u> | <u>7,4367,540</u>  |
| 53,000                    | <u>0.1430.1450</u> | <u>7,5797,685</u>  |
| 54,000                    | <u>0.1430.1450</u> | <u>7,7227,830</u>  |
| 55,000                    | <u>0.1430.1450</u> | <u>7,8657,975</u>  |
| 56,000                    | <u>0.1430.1450</u> | <u>8,0088,120</u>  |
| 57,000                    | <u>0.1430.1450</u> | <u>8,1518,265</u>  |
| 58,000                    | <u>0.1430.1450</u> | <u>8,2948,410</u>  |

| Lot Size<br>(square feet) | Maximum FAR        | Resulting Gross<br>Residential Floor Area<br>(square feet) |
|---------------------------|--------------------|--|
| 59,000                    | <u>0.1430.1450</u> | <u>8,4378,555</u>  |
| 60,000                    | <u>0.1430.1450</u> | <u>8,5808,700</u>  |
| 61,000                    | <u>0.1430.1450</u> | <u>8,7238,845</u>  |
| 62,000                    | <u>0.1430.1450</u> | <u>8,8668,990</u>  |
| 63,000                    | <u>0.1430.1450</u> | <u>9,0099,135</u>  |
| 64,000                    | <u>0.1430.1450</u> | <u>9,1529,280</u>  |
| 65,000                    | <u>0.1430.1450</u> | <u>9,2959,425</u>  |
| 66,000                    | <u>0.1430.1450</u> | <u>9,4389,570</u>  |
| 67,000                    | <u>0.1430.1450</u> | <u>9,5819,715</u>  |
| 68,000                    | <u>0.1430.1450</u> | <u>9,7249,860</u>  |
| 69,000                    | <u>0.1430.1450</u> | <u>9,86710,005</u>   |
| 70,000                    | <u>0.1430.1450</u> | <u>10,01010,150</u>  |
| 71,000                    | <u>0.1430.1450</u> | <u>10,15310,295</u>  |
| 72,000                    | <u>0.1430.1450</u> | <u>10,29610,440</u>  |
| 73,000                    | <u>0.1430.1450</u> | <u>10,43910,585</u>  |
| 74,000                    | <u>0.1430.1450</u> | <u>10,58210,730</u>  |
| 75,000                    | <u>0.1430.1450</u> | <u>10,72510,875</u>  |
| 76,000                    | <u>0.1430.1450</u> | <u>10,86811,020</u>  |
| <u>77,000</u>             | <u>0.143</u>       | <u>11,011</u>  |
| <u>78,000</u>             | <u>0.143</u>       | <u>11,154</u>  |
| <u>79,000</u>             | <u>0.142</u>       | <u>11,218</u>  |
| <u>80,000</u>             | <u>0.142</u>       | <u>11,360</u>  |

| Lot Size<br>(square feet) | Maximum FAR  | Resulting Gross<br>Residential Floor Area<br>(square feet) |
|---------------------------|--------------|--|
| <u>81,000</u>             | <u>0.142</u> | <u>11,502</u>  |
| <u>82,000</u>             | <u>0.142</u> | <u>11,644</u>  |
| <u>83,000</u>             | <u>0.142</u> | <u>11,786</u>  |
| <u>84,000</u>             | <u>0.142</u> | <u>11,928</u>  |
| <u>85,000</u>             | <u>0.142</u> | <u>12,070</u>  |
| <u>86,000</u>             | <u>0.142</u> | <u>12,212</u>  |
| <u>87,000</u>             | <u>0.142</u> | <u>12,354</u>  |
| <u>88,000+</u>            | <u>0.142</u> | <u>As per calculation</u>                                  |

...

§ 310-104 Side yard setback FAR incentive bonus.

- A. In all Residence A Zones, except the AA-1 Zone, for each additional foot that a house is set back beyond the minimum required side yard setback, an additional 100 square feet of floor area above the maximum permitted FAR on that lot as per § 310-102 shall be permitted.
- B. The maximum incentive bonus shall be as follows: 280 square feet for lots located in the A-4 and A-5 Residential Zones, 490 square feet for lots located in the A-2, A-2a, and A-3 Residential Zones and 840 square feet for lots located in the A-1 Residential Zone 100 square feet for lots located in the A-5 zone, 200 square feet for lots located within the A-4 and A-3 zones, 400 square feet for lots located in the A-2a and A-2 zones, and 800 square feet for lots located within the A-1 zone.

**Section 14.** Chapter 310 of the Code of the Village of Scarsdale, Article XV – Enforcement and Administration, Section 310-98 entitled “Fees”, is hereby amended as follows:

Article XV **Enforcement and Administration**

...

§ 310-98 **Fees.**

- A. For the purposes of defraying administrative costs involved in the review of applications and appeals and the costs of legal notices required by law, all applications and appeals shall be accompanied by a fee, payable to the Village of Scarsdale, as established by the Village Board.
- B. For the purposes of defraying administrative costs involved in the review and costs of legal notices required by law, all applications or petitions requesting any amendment or change to these zoning regulations, the zoning districts or zoning district boundaries shall be accompanied by a fee, payable to the Village of Scarsdale, as established by the Village Board.
- C. The Village Board, the Board of Appeals, ~~or the Planning Board,~~ or the Board of Architectural Review, in the review of any application, petition, or appeal for a nonresidential use as set forth in this chapter, ~~or the Planning Board for the review of any application for a subdivision under its jurisdiction,~~ or Village staff in its determination of zoning compliance or other technical findings, may refer any such application, petition, or appeal presented to it to such engineering, planning, legal, technical or environmental consultant or other professionals as such Board shall deem reasonably necessary to enable it to review such application as required by law. Charges made by such consultants shall be in accord with fees usually charged for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Village and such consultant. All such charges shall be paid by the Village upon submission of a detailed statement. The applicant shall reimburse the Village for the cost of such professional review services upon submission of a copy of the statement, or at the discretion of the reviewing board, in accordance with § **310-98D** of this chapter. ~~In the event that an application is required to be reviewed by both the Village Board and the Planning Board, to the extent practicable, to avoid duplications in order to minimize the cost of such consultants and reports to the applicant, the Village Board shall select a consultant who shall in such case prepare one report providing the data, information and recommendations requested.~~ The payment of such fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other Village law or regulation.
- D. At ~~the any time of the first consideration during review~~ of any application, petition or appeal for a nonresidential use or for a subdivision as set forth in this chapter, the reviewing board, or its designee may require the establishment of an escrow account

or accounts from which withdrawals shall be made to reimburse the Village for such cost of professional review services, including, without limitation, such cost of professional review services provided under the State Environmental Quality Review Act,[1] 6 NYCRR 617, and Chapter 152 of the Village Code. Alternatively, the reviewing board, or its designee, may require a flat fee in an amount set forth in the Village Fee Schedule, for the cost of professional review services, upon submittal of the application. Payment of a flat fee shall not preclude the reviewing board, or its designee, from later requiring additional funds and the establishment of an escrow account as provided herein.

- (1) The applicant shall provide escrow funds to the Village for deposit into such account(s), in an amount to be determined by the reviewing board, or its designee, based on its evaluation of the nature and complexity of the application.
- (2) The applicant shall be provided with copies of any statement for such services when such statements are submitted to the Village.
- (3) A building permit or certificate of occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village. After all pertinent charges have been paid, the Village shall refund any funds remaining on deposit to the applicant.

#### **Section 15. Applicability.**

This local law shall only apply to new residential building permit applications or land use applications submitted after the date of adoption of this local law. For avoidance of doubt, any (i) residential building permit issued or land use approval received prior to the adoption of this local law; (ii) residential building permit application or land use approval application submitted prior to the adoption of this local law and deemed by the Building Inspector or Planner to be a complete application; or (iii) an application which requires approval from more than one land use board and has received at least one land use board approval as of the date of adoption of this local law and receives all required land use approvals by December 31, 2024, are exempt from complying with this local law, except for any amendment that increases the building footprint or exceeds the FAR permitted in this local law or decreases the rear or side yard setbacks on the approved plans, such site plan in its entirety must conform to this local law.

#### **Section 16. Repeal of Moratorium.**

Local Law No. 1 of 2024, which enacted a six (6) month moratorium on the acceptance, processing, review, and approval of certain land use applications, is hereby repealed in its entirety as of the effective date of this local law set forth in Section 18 below.

**Section 17.** Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, the Village Code of the Village of Scarsdale is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 18.** Numbering for Codification.

It is the intention of the Village of Scarsdale and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Scarsdale; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 19.** Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 20.** Effective Date.

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

|   |        |            |
|---|--------|------------|
| Name of Action or Project:  |        |            |
| Project Location (describe, and attach a general location map):     |        |            |
| Brief Description of Proposed Action (include purpose or need):     |        |            |
| Name of Applicant/Sponsor:  |        | Telephone: |
|   |        | E-Mail:    |
| Address:  |        |            |
| City/PO:  | State: | Zip Code:  |
| Project Contact (if not same as sponsor; give name and title/role): |        | Telephone: |
|   |        | E-Mail:    |
| Address:  |        |            |
| City/PO:  | State: | Zip Code:  |
| Property Owner (if not same as sponsor):                            |        | Telephone: |
|   |        | E-Mail:    |
| Address:  |        |            |
| City/PO:  | State: | Zip Code:  |

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

| Government Entity   | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|---|--|--|
| a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |  |
| b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |  |
| c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |  |
| d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |  |
| e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |  |
| f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |  |
| g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |  |
| h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |  |
| i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1485 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 892 1485 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li data-bbox="121 924 1485 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> |  |  |

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? N/A  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details- Sections D and E are not applicable to an area-wide action**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

|               | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
|---------------|-------------------|-------------------|---------------------|---------------------------------------|
| Initial Phase | _____             | _____             | _____               | _____                                 |
| At completion | _____             | _____             | _____               | _____                                 |
| of all phases | _____             | _____             | _____               | _____                                 |

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

*i.* Total number of structures \_\_\_\_\_

*ii.* Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

*iii.* Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

*i.* Purpose of the impoundment: \_\_\_\_\_

*ii.* If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_

*iii.* If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_

*iv.* Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres

*v.* Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

*i.* What is the purpose of the excavation or dredging? \_\_\_\_\_

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): \_\_\_\_\_
- Over what duration of time? \_\_\_\_\_

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_

*iv.* Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_

*v.* What is the total area to be dredged or excavated? \_\_\_\_\_ acres

*vi.* What is the maximum area to be worked at any one time? \_\_\_\_\_ acres

*vii.* What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet

*viii.* Will the excavation require blasting?  Yes  No

*ix.* Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

• Do existing sewer lines serve the project site?  Yes  No  
 • Will a line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
     \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_  
 \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  
 iv. Does the proposed action include any shared use parking?  Yes  No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.  
 i. During Construction:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_  
 ii. During Operations:  
 • Monday - Friday: \_\_\_\_\_  
 • Saturday: \_\_\_\_\_  
 • Sunday: \_\_\_\_\_  
 • Holidays: \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

| Land use or Covertypes   | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces                               |                 |                                  |                    |
| • Forested   |                 |                                  |                    |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) |                 |                                  |                    |
| • Agricultural (includes active orchards, field, greenhouse etc.)                        |                 |                                  |                    |
| • Surface water features (lakes, ponds, streams, rivers, etc.)                           |                 |                                  |                    |
| • Wetlands (freshwater or tidal)   |                 |                                  |                    |
| • Non-vegetated (bare rock, earth or fill)   |                 |                                  |                    |
| • Other Describe: _____<br>_____   |                 |                                  |                    |

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

---

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

---

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

---

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

|   |  |
|---|--|
| m. Identify the predominant wildlife species that occupy or use the project site: _____<br>_____<br>_____   |  |
| n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br><i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____<br>_____<br><i>ii.</i> Source(s) of description or evaluation: _____<br><i>iii.</i> Extent of community/habitat:<br><ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul> |  |
| o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br><i>i.</i> Species and listing (endangered or threatened): _____<br>_____<br>_____  |  |
| p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br><i>i.</i> Species and listing: _____<br>_____  |  |
| q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If yes, give a brief description of how the proposed action may affect that use: _____<br>_____   |  |
| <b>E.3. Designated Public Resources On or Near Project Site</b>   |  |
| a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes, provide county plus district name/number: _____   |  |
| b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br><i>i.</i> If Yes: acreage(s) on project site? _____<br><i>ii.</i> Source(s) of soil rating(s): _____  |  |
| c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br><i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature<br><i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____<br>_____<br>_____  |  |
| d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes:<br><i>i.</i> CEA name: _____<br><i>ii.</i> Basis for designation: _____<br><i>iii.</i> Designating agency and date: _____  |  |

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|--|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No                                    |
| If Yes:<br>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District<br>ii. Name: _____<br>iii. Brief description of attributes on which listing is based: _____  |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If Yes:<br>i. Describe possible resource(s): _____<br>ii. Basis for identification: _____  |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If Yes:<br>i. Identify resource: _____<br>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____<br>iii. Distance between project and resource: _____ miles. |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>If Yes:<br>i. Identify the name of the river and its designation: _____<br>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No   |

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

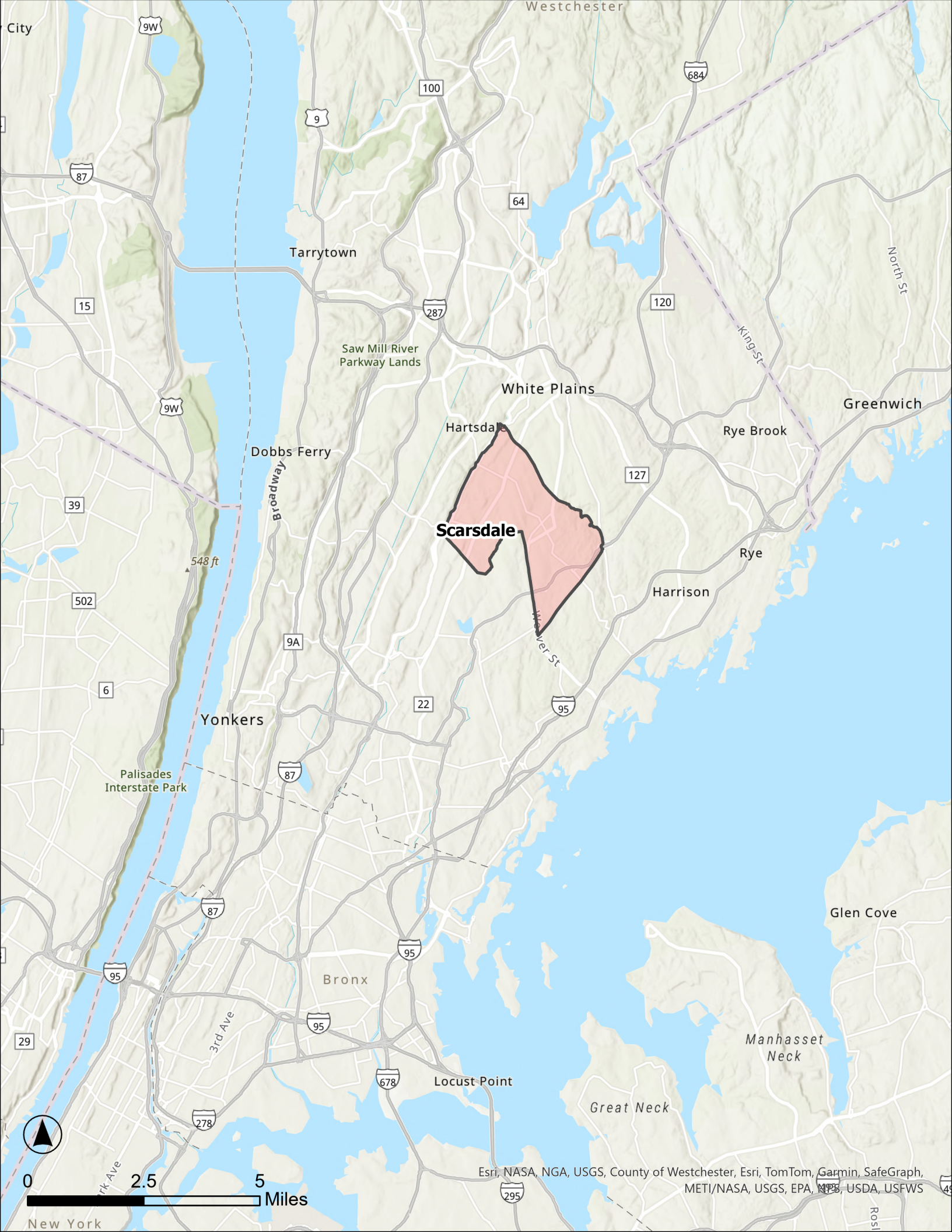
*All impacts identified are beneficial.*

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature Kellan D. Cantrell Title \_\_\_\_\_



**Scarsdale**