

**JUSTIN K. AREST**

MAYOR

**ALEXANDRA H. MARSHALL**

ACTING VILLAGE MANAGER



**SAMEER AHUJA**

**KAREN L. BREW**

**JEREMY A. GANS**

**DARA B. GRUENBERG**

**KENNETH L. MAZER**

**RANDALL B. WHITESTONE**

TRUSTEES

**OFFICE OF THE  
VILLAGE MANAGER**

VILLAGE HALL

1001 POST ROAD

SCARSDALE, NY 10583

914.722.1110

WWW.SCARSDALE.COM

Village Board Agenda

January 09, 2024

Agenda Committee 7:30 PM

Village Board Meeting – 8:00 PM

The Village Board will meet in Rutherford Hall at 8:00 PM to conduct the Village Board meeting. All interested members of the public have the option to attend in-person or virtually through Zoom. To participate via Zoom, attend online at <https://zoom.us/j/93183703358>, or call into the meeting by dialing 1-929-436-2866 and entering the Meeting ID 931 8370 3358. To participate in public comment online, click “Raise Hand,” or dial \*9 if commenting by telephone.

*For a brief 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>.*

Roll Call

\_\_\_\_\_

Pledge of Allegiance

\_\_\_\_\_

Mayor’s Comments

\_\_\_\_\_

Manager’s Comments

\_\_\_\_\_

Public Hearings

Trustee Whitestone

- Public Hearing to Amend Chapter 269 of the Code of the Village of Scarsdale Concerning the Senior Citizen Real Property Tax Exemption and the Real Property Tax Exemption for Persons with Disabilities and Limited Income

\_\_\_\_\_

Trustee Gans

- Continuation of a Public Hearing to Establish a Temporary Moratorium on Certain Land Use Applications Within the Village of Scarsdale

---

Public Comment

---

Trustee Liaison Reports

---

Bills

- Trustee Ahuja

---

Agenda Items

- Approval of Minutes from December 26, 2023 Village Board Meeting

---

Trustee Ahuja

- Resolution re: Authorization for Scarsdale Library to Propose Library Site Improvements and Pavillion

---

Trustee Gans

- Resolution re: Adoption of a Local Law to Establish a Temporary Moratorium on Certain Land Use Applications within the Village of Scarsdale

---

Trustee Gruenberg

- Resolution re: Appointment to the Board of Architectural Review

---

Trustee Mazer

- Resolution re: Establishing Fiscal Year 2024-25 Recreation Fees and Charges

---

Deputy Mayor Whitestone

- Resolution re: Adoption of a Local Law to Amend Chapter 269 of the Code of the Village of Scarsdale Concerning the Senior Citizen Real Property Tax Exemption and the Real Property Tax Exemption for Persons with Disabilities and Limited Income

---

- Resolution re: Acceptance of a Gift from the Bowman Family Foundation for the Scarsdale Police Department

---

Town Board Agenda  
January 9, 2024  
Town Board Meeting

Roll Call

---

Minutes

- Town Board Meeting of December 12, 2023
- 

Mr. Whitestone

- Resolution re: Ratification and Approval of a Local Law Adopted by the Scarsdale Village Board Amending Chapter 269 of the Village Code of the Village of Scarsdale Concerning the Senior Citizen Real Property Tax Exemption and the Real Property Tax Exemption for Persons with Disabilities and Limited Incomes
- 

Reports

- Report of the Custodian of Taxes as of December 31, 2023
- 

Public Comment (contingent on commencing no later than 10:00 PM)

---

Written Communications (20)

- Proposed Moratorium Local Law (19)
  - Robert Harrison – Investment of Scarsdale Unassigned Funds
- 

Future Meeting Schedule

Tuesday, January 16, 2024

- 4:00 PM- Village Board Budget Work Session
- 

Tuesday, January 23, 2024

- 4:00 PM - Village Board Budget Work Session
  - 7:30 PM - Agenda Committee
  - 8:00 PM - Village Board Regular Meeting
- 

Village Hall Schedule

- Monday, January 15, 2024 - Martin Luther King Day - Village Hall Closed
- 

Motion to Adjourn

---

## **PUBLIC HEARING**

### Village of Scarsdale

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled by the Board of Trustees of the Village of Scarsdale on Tuesday, January 9, 2024, at 8:00 p.m. in Rutherford Hall in Village Hall, or by accessing the meeting at <https://zoom.us/j/93183703358>, *or calling in by dialing 1-929-436-2866 and entering the Meeting ID, 931 8370 3358*; to consider a proposed local law to Amend Chapter 269 of the Code of the Village of Scarsdale, Concerning the Senior Citizen Real Property Tax Exemption.

Taylor C. Emanuel  
Village Clerk

12/12/2023

LOCAL LAW NO. \_\_\_\_ OF 2023

VILLAGE OF SCARSDALE  
BOARD OF TRUSTEES

LOCAL LAW TO AMEND CHAPTER 269 OF THE CODE OF THE VILLAGE OF  
SCARSDALE

A LOCAL LAW to amend Chapter 269, Article V, Section 20 of the Code of the Village of Scarsdale concerning the senior citizen real property tax exemption and Chapter 269, Article VII, Section 23 concerning the real property tax exemption for persons with disabilities and limited incomes.

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

Section 1. Chapter 269, Article V, Section 20 of the Code of the Village of Scarsdale entitled “Exemption granted; schedule of exemptions” is hereby amended as follows:

§ 269-20 Exemption granted; exemption schedule.

- A. The Village of Scarsdale hereby elects to grant property tax exemptions to persons age 65 years and over, subject to all the conditions and provisions contained in § 467 of the Real Property Tax Law, as well as these set forth within, to the extent indicated below. For purposes of determining age eligibility, the Village of Scarsdale grants eligibility to those persons reaching age 65 on or before December 31.

(1) For the period ending June 30, 2007:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$26,000	50%
<del>\$26,000.01 or more but less than \$26,999.99</del>	<del>45%</del>
<del>\$27,000 or more but less than \$27,999.99</del>	<del>40%</del>
<del>\$28,000 or more but less than \$28,999.99</del>	<del>35%</del>
<del>\$29,000 or more but less than \$29,899.99</del>	<del>30%</del>
<del>\$29,900 or more but less than \$30,799.99</del>	<del>25%</del>
<del>\$30,800 or more but less than \$31,699.99</del>	<del>20%</del>
<del>\$31,700 or more but less than \$32,599.99</del>	<del>15%</del>
<del>\$32,600 or more but less than \$33,499.99</del>	<del>10%</del>
<del>\$33,500 or more but less than \$34,399.99</del>	<del>5%</del>

(2) For the period commencing July 1, 2007, and expiring on June 30, 2008:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$27,000	50%
<del>\$27,000.01 or more but less than \$27,999.99</del>	<del>45%</del>
<del>\$28,000 or more but less than \$28,999.99</del>	<del>40%</del>
<del>\$29,000 or more but less than \$29,999.99</del>	<del>35%</del>
<del>\$30,000 or more but less than \$30,899.99</del>	<del>30%</del>
<del>\$30,900 or more but less than \$31,799.99</del>	<del>25%</del>
<del>\$31,800 or more but less than \$32,699.99</del>	<del>20%</del>
<del>\$32,700 or more but less than \$33,599.99</del>	<del>15%</del>
<del>\$33,600 or more but less than \$34,499.99</del>	<del>10%</del>
<del>\$34,500 or more but less than \$35,399.99</del>	<del>5%</del>

~~(3) For the period commencing July 1, 2008, and expiring on June 30, 2009:~~

<del>Maximum Income Exemption Eligibility</del>	<del>Percentage of Assessed Valuation Exempt From Taxation</del>
<del>Not more than \$28,000</del>	<del>50%</del>
<del>\$28,000.01 or more but less than \$28,999.99</del>	<del>45%</del>
<del>\$29,000 or more but less than \$29,999.99</del>	<del>40%</del>
<del>\$30,000 or more but less than \$30,999.99</del>	<del>35%</del>
<del>\$31,000 or more but less than \$31,899.99</del>	<del>30%</del>
<del>\$31,900 or more but less than \$32,799.99</del>	<del>25%</del>
<del>\$32,800 or more but less than \$33,699.99</del>	<del>20%</del>
<del>\$33,700 or more but less than \$34,599.99</del>	<del>15%</del>
<del>\$34,600 or more but less than \$35,499.99</del>	<del>10%</del>
<del>\$35,500 or more but less than \$36,399.99</del>	<del>5%</del>

(4) For the period commencing July 1, 2009, and expiring on June 30, 2022:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$29,000	50%
\$29,000.01 or more but less than \$29,999.99	45%
\$30,000 or more but less than \$30,999.99	40%
\$31,000 or more but less than \$31,999.99	35%
\$32,000 or more but less than \$32,899.99	30%
\$32,900 or more but less than \$33,799.99	25%
\$33,800 or more but less than \$34,699.99	20%
\$34,700 or more but less than \$35,599.99	15%
\$35,600 or more but less than \$36,499.99	10%
\$36,500 or more but less than \$37,399.99	5%

(5) (2) Commencing with the June 1, 2023 Assessment Roll (2024 tax billing cycle):

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$50,000.00	50%
\$50,000.01 or more but less than \$50,999.99	45%
\$51,000.00 or more but less than \$51,999.99	40%
\$52,000.00 or more but less than \$52,999.99	35%
\$53,000.00 or more but less than \$53,899.99	30%
\$53,900.00 or more but less than \$54,799.99	25%
\$54,800.00 or more but less than \$55,699.99	20%
\$55,700.00 or more but less than \$56,599.99	15%
\$56,600.00 or more but less than \$57,499.99	10%
\$57,500.00 or more but less than \$58,399.99	5%

B. ~~For purposes of determining age eligibility, the Village of Scarsdale grants eligibility to those persons reaching age 65 on or before December 31.~~

C. The income of the owner or the combined income of the owners of the property shall be based on the income tax year immediately preceding the date an application for exemption is filed; provided that if no federal personal income tax return is filed by the owner or owners of the property for the applicable income tax year, the owner or owners' income shall be determined based upon the amount of income that would have so been reported if such a federal personal income tax return had been filed. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return, or, if no such return is filed, the calendar year. The Town Assessor shall have the discretion to seek supporting documentation from an applicant(s) when evaluating an application for this exemption.

~~D. C. Where title to the property is vested in either the husband or wife married spouse, their married spouses' combined income may not exceed the maximum income sum set forth above. For purposes of determining income eligibility, the calculation of total income shall not include a veteran's disability compensation. Furthermore, in accordance with Real Property Tax Law §467(3)(a), such income shall include social security, retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self employment. However, income shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution or monies earned through employment in the federal foster grandparent program.~~

D. For purposes of determining eligibility, "income" shall be computed pursuant to Real Property Tax Law § 467(3)(a)(iv) and consist of the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the income tax year specified in subsection "B" above, subject to any subsequent amendments or revisions, and

including tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income, plus any social security benefits not included in such federal adjusted gross income. In accordance with Real Property Tax Law § 467(3)(a)(iv)(2), "income" shall include distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income. Losses applied to reduce an applicant's federal adjusted gross income shall be subject to the limitations specified in Real Property Tax Law § 467(3)(a)(iv)(5). For purposes of determining income eligibility, the calculation of total income shall not include a veteran's disability compensation.

- E. Except as otherwise provided for in New York State Real Property Tax Law § 467, to be eligible for exemption pursuant to this article, the property must be the legal residence and be occupied in whole or in part by the owners.
- F. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted by the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a ~~disabled person with disability~~'s tax exemption pursuant to § 269-23 of this chapter.

Section 2. Chapter 269, Article VII, Section 23 of the Code of the Village of Scarsdale entitled "Exemption granted; amount" is hereby amended as follows:

§ 269-23 Exemption granted; exemption schedule.

- A. The Village of Scarsdale hereby grants property tax exemptions, authorized by New York State Real Property Tax Law § 459-c, to real property owned by one or more persons with disabilities, or owned by a ~~husband, wife, married spouse~~ or both spouses, or by siblings, at least one of whom has a disability, and whose income or combined income is limited by reason of such disability. They shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

- (1) ~~For the period ending June 30, 2007:~~

<u>Maximum Income Exemption Eligibility</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
Not more than \$26,000	50%
<del>\$26,000.01 or more but less than \$26,999.99</del>	45%
<del>\$27,000 or more but less than \$27,999.99</del>	40%
<del>\$28,000 or more but less than \$28,999.99</del>	35%
<del>\$29,000 or more but less than \$29,899.99</del>	30%
<del>\$29,900 or more but less than \$30,799.99</del>	25%
<del>\$30,800 or more but less than \$31,699.99</del>	20%
<del>\$31,700 or more but less than \$32,599.99</del>	15%
<del>\$32,600 or more but less than \$33,499.99</del>	10%

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
\$33,500 or more but less than \$34,399.99	5%

~~(2) For the period commencing July 1, 2007, and expiring on June 30, 2008:~~

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$27,000	50%
\$27,000.01 or more but less than \$27,999.99	45%
\$28,000 or more but less than \$28,999.99	40%
\$29,000 or more but less than \$29,999.99	35%
\$30,000 or more but less than \$30,899.99	30%
\$30,900 or more but less than \$31,799.99	25%
\$31,800 or more but less than \$32,699.99	20%
\$32,700 or more but less than \$33,599.99	15%
\$33,600 or more but less than \$34,499.99	10%
\$34,500 or more but less than \$35,399.99	5%

~~(3) For the period commencing July 1, 2008, and expiring on June 30, 2009:~~

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$28,000	50%
\$28,000.01 or more but less than \$28,999.99	45%
\$29,000 or more but less than \$29,999.99	40%
\$30,000 or more but less than \$30,999.99	35%
\$31,000 or more but less than \$31,899.99	30%
\$31,900 or more but less than \$32,799.99	25%
\$32,800 or more but less than \$33,699.99	20%
\$33,700 or more but less than \$34,599.99	15%
\$34,600 or more but less than \$35,499.99	10%
\$35,500 or more but less than \$36,399.99	5%

(4) For the period commencing July 1, 2009, and expiring on June 30, 2022:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$29,000	50%
\$29,000.01 or more but less than \$29,999.99	45%
\$30,000 or more but less than \$30,999.99	40%
\$31,000 or more but less than \$31,999.99	35%
\$32,000 or more but less than \$32,899.99	30%
\$32,900 or more but less than \$33,799.99	25%
\$33,800 or more but less than \$34,699.99	20%
\$34,700 or more but less than \$35,599.99	15%
\$35,600 or more but less than \$36,499.99	10%
\$36,500 or more but less than \$37,399.99	5%

(5) (2) Commencing with the June 1, 2023 Assessment Roll (2024 tax billing cycle):

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$50,000.00	50%
\$50,000.01 or more but less than \$50,999.99	45%
\$51,000.00 or more but less than \$51,999.99	40%
\$52,000.00 or more but less than \$52,999.99	35%
\$53,000.00 or more but less than \$53,899.99	30%
\$53,900.00 or more but less than \$54,799.99	25%
\$54,800.00 or more but less than \$55,699.99	20%
\$55,700.00 or more but less than \$56,599.99	15%
\$56,600.00 or more but less than \$57,499.99	10%
\$57,500.00 or more but less than \$58,399.99	5%

B. The income of the owner or the combined income of the owners of the property shall be based on, from all sources, as set forth in New York State Real Property Tax Law § 459-c, for the income tax year immediately preceding the date of making an application for exemption is filed. ~~must not exceed \$34,399.99 for the period expiring June 30, 2007; \$35,399.99 for the period commencing July 1, 2007, and expiring on June 30, 2008; \$36,399.99 for the period commencing July 1, 2008, and expiring on June 30, 2009; \$37,399.99 for the period commencing July 1, 2009, and expiring on June 30, 2022; and \$58,399.99 commencing with the June 1, 2023 Assessment Roll. If no federal personal income tax return is filed by the owner or owners of the property for the applicable income tax year, the owner or owners' income shall be determined based upon the amount of income that would have so been reported if such a federal personal income tax return had been filed. "Income tax year" shall mean the twelve-month period for which the owner or~~

owners file a federal personal income tax return or, if no such return is filed, the calendar year. The Town Assessor shall have the discretion to seek supporting documentation from an applicant(s) when evaluating an application for this exemption.

...

- E. Where title to the property is vested in either ~~the husband or wife~~ married spouse, their married spouses' combined income may not exceed the maximum income sum set forth above. ~~For purposes of determining income eligibility, in accordance with Real Property Tax Law § 459-c(5)(a), such income shall include social security, retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment. However, income shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program.~~
- F. For purposes of determining eligibility, "income" shall be computed pursuant to Real Property Tax Law § 459-c(5)(a)(iv) and consist of the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the income tax year specified in subsection "B" above, subject to any subsequent amendments or revisions, and including tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income, plus any social security benefits not included in such federal adjusted gross income. In accordance with Real Property Tax Law § 459-c(5)(a)(iv)(2), "income" shall include distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income. Losses applied to reduce an applicant's federal adjusted gross income shall be subject to the limitations specified in Real Property Tax Law § 459-c(5)(a)(iv)(5).
- F. G. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted by the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a senior citizens tax exemption pursuant to §269-20 of this chapter.
- G. H. Notwithstanding any other provisions of this article to the contrary, the provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, where such person or persons are the owner or owners of such real property.

### Section 3. Ratification, Re-adoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 269, Article V, Section 20 and Chapter 269, Article VII, Section 23 of the Code of the Village of Scarsdale are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

### Section 4. 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 5. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 6. Effective date.**

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

## **PUBLIC HEARING**

### Village of Scarsdale

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled by the Board of Trustees of the Village of Scarsdale on Tuesday, December 12, 2023, at 8:00 p.m. in Rutherford Hall in Village Hall, or by accessing the meeting at <https://zoom.us/j/93183703358>, or calling in by dialing 1-929-436-2866 and entering the Meeting ID, 931 8370 3358; to consider a proposed local law to Establish a Temporary Moratorium on Certain Land Use Applications within the Village of Scarsdale.

Taylor C. Emanuel  
Village Clerk

11/14/2023

# MEMORANDUM

**TO:** Village of Scarsdale Board of Trustees  
**FROM:** Nicholas M. Ward-Willis  
**RE:** Revised Draft Moratorium Local Law  
**DATE:** December 29, 2023

---

At your December 19, 2023 Board of Trustees Meeting, you reviewed comments received on the draft moratorium local law and discussed certain edits to the proposed local law. As a result of such discussions, I was requested to revise the local law, which I provided to you before your December 26, 2023 meeting. I have attached the latest draft of the local law.

The material edits were:

- 1) The commencement date of the term of the moratorium was changed from November 14, 2023 to December 19, 2023.
- 2) Language was added to Section 7(A) clarifying that if an application was received before December 19, 2023, if approval is subsequently granted and there are other approvals required from different boards, the application can be processed by the other boards even though an application was not submitted to the other board before December 19<sup>th</sup>.
- 3) Language was added to Section 7(J) clarifying that work being performed to redress a casualty loss could not increase the footprint or bulk of the building previously existing.
- 4) A new Section 7(L) was added, as detailed therein, to allow construction to proceed in certain circumstances notwithstanding the moratorium. Please read new Section 7(L) for a further explanation.
- 5) A new Section 7(M) was added clarifying installation of a fence is exempt. The ZBA would still be able to hear applications for fence variances.
- 6) A new Section 7(N) was added clarifying subdivision can proceed subject to demonstrating compliance with Section 7(L).

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

**VILLAGE OF SCARSDALE  
BOARD OF TRUSTEES**

**A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON  
CERTAIN LAND USE APPLICATIONS WITHIN THE  
VILLAGE OF SCARSDALE**

A LOCAL LAW to establish a temporary moratorium on certain land use applications within the Village of Scarsdale.

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

**Section 1.** Purpose; Intent; Findings.

In recent years, the improvements, subdivisions and redevelopments occurring on single-family residential properties have led to resident's expressing concern about a number of pervasive adverse impacts, including but not limited to the loss of the architectural and historic qualities and scale that helps define the fabric of our residential neighborhoods as well as concerns about 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 being built on single-family properties, the construction of accessory structures, and the subdivision and redevelopment of residential lots. Such development activities create new impervious surfaces thereby diminishing the natural drainage and flood mitigation provided by mature trees and open space. Our natural resources are finite and fragile, and the Village's infrastructure and other public resources are increasingly being tested by more frequent and severe storm events and the realized and potential impacts require study.

Moreover, new single-family developments are increasingly being built at the limits of our community's minimum dimensional requirements for setbacks, while maximizing and, at times seeking variances to exceed the limits of floor area ratios, lot coverages, and other bulk requirements. This development trend also places greater challenges upon the Board of Architectural Review and Committee for Historic Preservation which are responsible for maintaining and preserving aesthetic and architectural resources.

The Board of Trustees therefore finds it is in the best interest of the Village to enact a temporary moratorium within the zoning districts designated herein so as to temporarily pause the acceptance, consideration, and approval of certain land use applications, such as

applications for subdivisions, demolitions, building permits, site plan approval, and special permits.

This moratorium will allow adequate time for the Board of Trustees to identify and implement such amendments to the Village's Zoning Code as may be necessary to mitigate or avoid the deleterious impacts of the aforementioned development activities. The Board of Trustees finds that a moratorium will be protective of the public interest and welfare, and ensure consistency with any newly-adopted zoning requirements. This moratorium will promote community planning values by regulating land development based on a carefully considered plan and will prevent potential applicants from seeking approvals before new conditions and requirements are established.

**Section 2. Statutory and Constitutional 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, the New York State Municipal Home Rule, the applicable and relevant sections of the New York State Village Law, and the general police power vested with the Village of Scarsdale to promote the health, safety and welfare of all residents and property owners in the Village of Scarsdale.

**Section 3. Definitions.**

For the purposes of this local law, unless specified otherwise, all terms herein shall be as defined in the Chapter 310 of the Village Code (Zoning Code), Chapter 251 of the Village Code (Site Plan Review), and Chapter A319 of the Village Code (Subdivision of Land; Planning Board Regulations).

**Section 4. Applicable Zoning Districts.**

This local law shall only be applicable to Residence A and C Zoning Districts.

**Section 5. Term.**

This local law shall only apply to applications received by the Village after December 19, 2023, and shall be in effect for a period of six (6) months from the effective date hereof unless repealed, modified, extended or supplemented by further local law of the Village of Scarsdale.

**Section 6. Moratorium.**

A. Subdivision, Site Plan, and Special Use Permit. No board, committee, agency, department, officer, employee, consultant, or agent of the Village of Scarsdale shall accept for review, continue review, hold a hearing, or make any decision upon any application for approval of a subdivision; site plan; a special use permit pursuant to Village Code § 310-88.A (2) or (4); or a special use permit pursuant to Village Code Chapter 254 concerning Stormwater Management and Erosion and Sediment Control permits (SWEC). All time periods set forth under state law or the Village Code for the processing and making decisions and all

aspects of subdivision approval (including but not limited to preliminary, and final subdivision plats), site plan approval and special use permit approval for swimming pools and courts are hereby suspended and stayed while this local law is in effect.

- B. Building Permits and Demolitions. No board, committee, agency, department, officer, employee, consultant, or agent of the Village of Scarsdale shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for approval for a building permit or demolition permit to enlarge, construct, or demolish a one-family residential dwelling, accessory building or structure. All time periods set forth under state law or the Village Code for the processing and making decisions and all aspects of applications for building permit or demolition approval as indicated herein are hereby suspended and stayed while this local law is in effect.

### **Section 7. Exceptions.**

This local law shall not apply to:

- A. Applications for residential subdivision, residential special permit, and/or residential site plan approval or request for a Certificate of Appropriateness received and pending before any Village permitting board. Granting of approval on a pending application from one board will permit other boards to continue processing the project and issue an approval, even if such application to a different board was submitted after December 19, 2023.
- B. Applications to legalize a pre-existing nonconforming condition.
- C. Applications to obtain a Certificate of Occupancy in which there is no new exterior construction or land disturbances.
- D. Lot line adjustments and resubdivisions where no new lots are being created and no additional dwelling unit(s), accessory buildings, or structures are being constructed.
- E. An existing valid building permit that has been issued, including any renewal thereof.
- F. Applications to renew or amend a Special Use permit that has not expired.
- G. Applications concerning non-residential uses.
- H. Applications concerning generators.
- I. The issuance of a building permit required in connection with the repair, maintenance, and/or interior renovations, and exterior alterations which do not increase lot coverage or stormwater runoff.
- J. The issuance of a building permit or demolition permit to redress a casualty loss or catastrophic damage which does not increase the footprint or bulk of what existed previously.

- K. The issuance of a certificate of occupancy in connection with the completion of a project that had submitted a complete application before December 19, 2023.
- L. Any application for new construction or an addition that increases the bulk or footprint of a building that demonstrates to the satisfaction of the Village Planner, Village Engineer and Building Inspector all of the following:
- a. The proposed FAR, Building Coverage and Lot Coverage are less than 95%, 95% and 90%, respectively, of that permitted under the existing Zoning Code;
  - b. The proposed side yard setback shall be no less than the following for each Zoning District, (with any FAR Bonus permitted pursuant to Section 310-104 being measured from the revised set back listed below):
    - i. AA1 Zoning District: 33 feet;
    - ii. A1 Zoning District: 22 feet;
    - iii. A2/A2a Zoning District: 16.5 feet;
    - iv. A3 Zoning District: 12 feet;
    - v. A4 Zoning District 11.5 feet; and
    - vi. A5 Zoning District: 11 feet.
  - c. A sworn statement by the Applicant's Design Professional, or if none, the Applicant, that there will be no new connection to the Village's stormwater system; and
  - d. In addition to satisfying the criteria set forth above, for any demolition permit for less than a substantial part of a building (as defined in Section 182-3(E)(1) of the Village Code) or for a building permit, an applicant shall demonstrate to the satisfaction of the Interim Review Committee (three members with architectural or historic building experience, to be appointed by the Mayor) that any proposed exterior alteration will not impact the special character or special historical, cultural or aesthetic interest of the building proposed to be altered. Upon such a finding, an applicant shall be permitted to process such application with the Building Department and village boards. Any application denied permission to proceed may file a hardship application with the Board of Trustees as set forth in Section 8 of this Local Law.
- M. Installation of a fence.
- N. An application for a subdivision may proceed provided that the Applicant acknowledges the proposed subdivision submitted to and approved by the Planning Board and any Building Permit issued during the term of this moratorium must establish compliance with Section 7(L).

**Section 8.** Hardship appeal procedure.

- A. The Village Board of Trustees shall have the authority to vary or waive any provision of this local law upon a determination that such variance or waiver is required to avoid an unreasonable hardship upon an applicant. In addition to demonstrating an unreasonable hardship, the applicant must show that the granting of a variance or waiver will not materially undermine the purpose of this local law or adversely affect the interests of health, safety, or general welfare in the community. The Board of Trustees shall take into account the existing land use in the immediate vicinity of the property and the impact the variance or waiver will have on infrastructure, natural resources, government sources, stormwater runoff, and other environmental issues. Such application for a hardship variance or waiver shall comply with all other applicable provisions of the Village's Code and state law.
- B. Any application for a variance or waiver shall be filed with the Building Department and shall include the requisite fee or escrow amount for processing such application. An application for a variance or waiver shall contain the complete details of the proposed project and narrative setting forth the rationale of why such application qualifies as a hardship. To the extent that the Board of Trustees requires a consultant to assist it in the review of such application, it may also require the application to pay the reasonable costs of such consultant. Any consultant required herein shall be selected in the sole discretion of the Mayor with the consent of the Board of Trustees.
- C. The Board of Trustees may refer any application for a hardship variance or waiver of this local law to any official, department, and/or land use board for a report and recommendation. Upon receiving a complete application, the Board of Trustees shall conduct a public hearing and make a final determination on the application, with or without conditions within sixty (60) calendar days.
- D. The Board of Trustees shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of this local law. In the event that the Board of Trustees approves such an application, the Board of Trustees shall then refer the applicant to the applicable officials and/or land use boards for further approval under the terms set forth within the Board of Trustee's decision.

**Section 9.** Conflict with inconsistent state and local laws and authority to supersede.

To the extent that any provisions of this local law are in conflict with or are construed to be inconsistent with the provisions of the New York State Village Law or any local ordinance, law, or regulation, this local law supersedes, amends, and take precedence over the Village Law and such local ordinance(s), law(s), and regulation(s), including but not limited to: receipt, consideration of, and action on appeals and variances (Village Law §§ 7-712-a and 7-712-b, and Chapter 12 and Article XII, Chapter 310 of the Scarsdale Village Code); special use permit applications and the timeframe for action thereof (Village Law § 7-725-b and Article XII of

Chapter 310 and Chapter 254 of the Scarsdale Village Code); site plan applications and the timeframe for action thereof (Village Law § 7-725-a and Chapters 77 and 251 of the Scarsdale Village Code); subdivision applications and the timeframe for action thereof (Village Law §§ 7-728, 7-730, 7-732, and 7-738 and Chapters 77 and A319 of the Scarsdale Village Code); and building permit and demolition permit applications (New York State Uniform Fire Prevention and Building Code and Chapter 132 of the Scarsdale Village Code), applications for a Certificate of Appropriateness and timeframe for action thereof (Chapter 182 of the Scarsdale Village Code), pursuant to the Village's municipal home rule powers set forth under New York State Municipal Home Rule Law §§ 10 and 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in Article 8 of the Environmental Conservation Law (SEQRA) and the regulations thereunder to the extent that such provisions require an agency to determine the environmental significance of an application within certain specified timeframes.

**Section 10.** 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 11.** 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 12.** 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 13.** Effective Date.

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

DRAFT

**To:** Mayor Arest and Village Board of Trustees  
**From:** Kellan D. Cantrell, AICP, Village Planner  
**Date:** Wednesday, December 27, 2023  
**RE:** Bulk Snapshot Analysis of New Homes and Home Additions in 2023

**MEMORANDUM**  
*Planning Department*

---

The Planning Department has conducted a snapshot analysis focused on the following categories of bulk, Floor Area Ratio (FAR), lot coverage and building coverage involving new homes and home additions that received a Certificate of Occupancy in the year 2023. This is a brief and random sample of typical new homes and home additions in the Village therefore it should not be considered a comprehensive analysis.

### **Methodology**

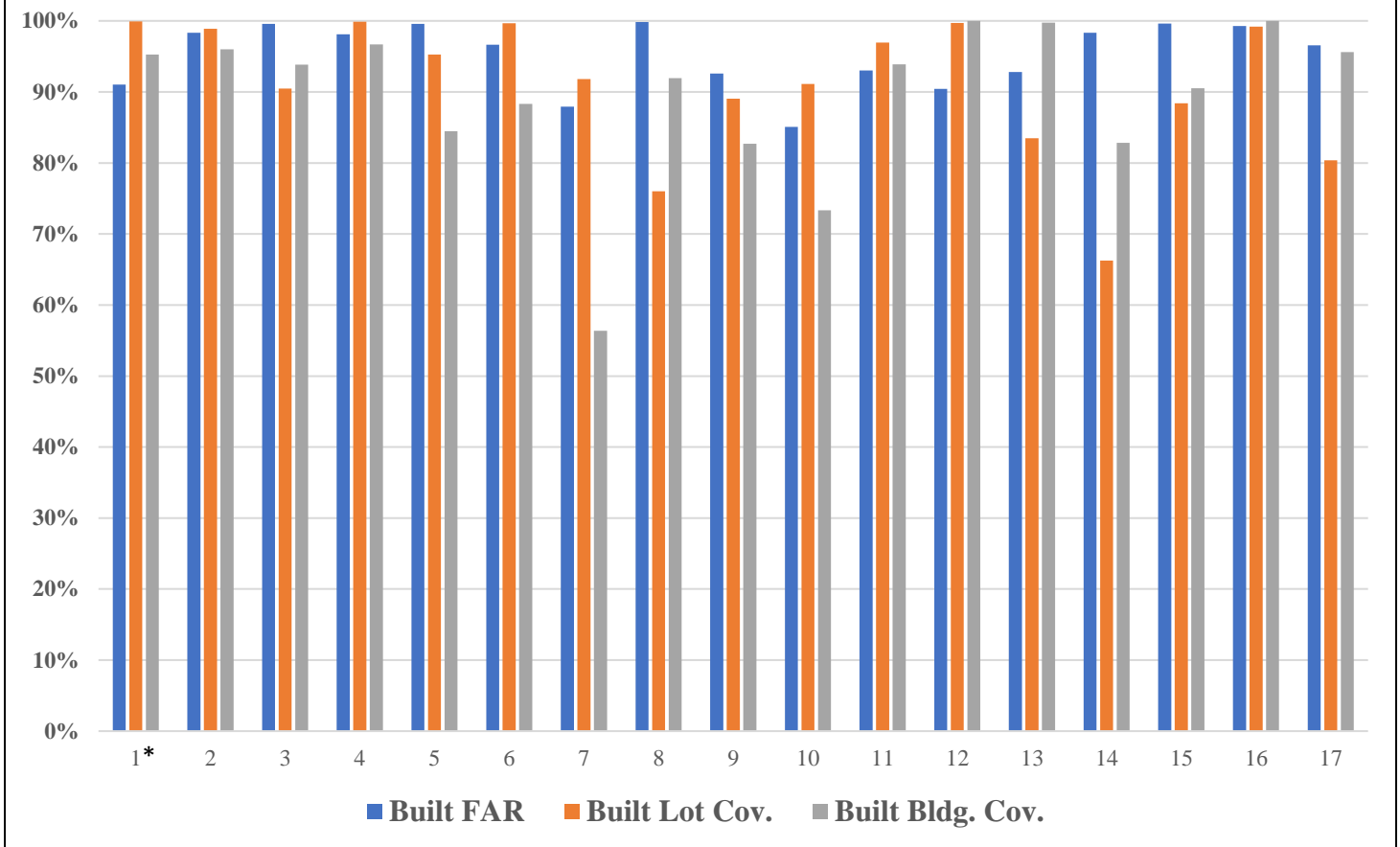
The data for this analysis was gathered from approved application materials associated with new homes and additions that received a Certificate of Occupancy in 2023. All data was accessed from the Village's software programs that include Municipality 5 and Laserfiche, which are updated frequently by the Building Inspectors, Plans Examiner and Building Department Staff. All FAR, lot coverage, building coverage and setback data was taken directly from professionally stamped and approved FAR calculations worksheets, lot coverage calculations worksheets and site plans. Keep in mind that new homes and additions receiving a Certificate of Occupancy in 2023 typically began in 2021, representing a 2-year process from submitting an application to the Building Department to receiving a Certificate of Occupancy. Also note that the addresses chosen for this analysis were at random and do not represent all Certificate of Occupancy's for the sub-datasets represented here.

### **Findings – New Homes**

According to this snapshot analysis new homes that received a Certificate of Occupancy in the Village in 2023 are, for the majority, built to more than 90% of the allowable FAR, lot coverage and building coverage.

- 7 of the 17 homes have more than 90% built to the maximum in every category.
- All 17 homes have at least one category of bulk over 90% of the maximum permitted.
- The average FAR across the 11 homes is 95% of the maximum permitted.
- Two of the 17 homes were under 90% of the maximum FAR.
- The average lot coverage across the 17 homes is 91% of the maximum permitted.
- Four of the 17 homes were under 90% of the maximum lot coverage.
- The average building coverage across the 17 homes is 87% of the maximum permitted.
- Six of the 17 homes were under 90% of the maximum building coverage.
- All new homes in this analysis received the FAR Bonus for greater than minimum setbacks.
- 14 of the 17 homes were built to less than 90% of the required side yard setbacks.

## Percentage of Maximum Build Out New Home Certificate of Occupancy - 2023



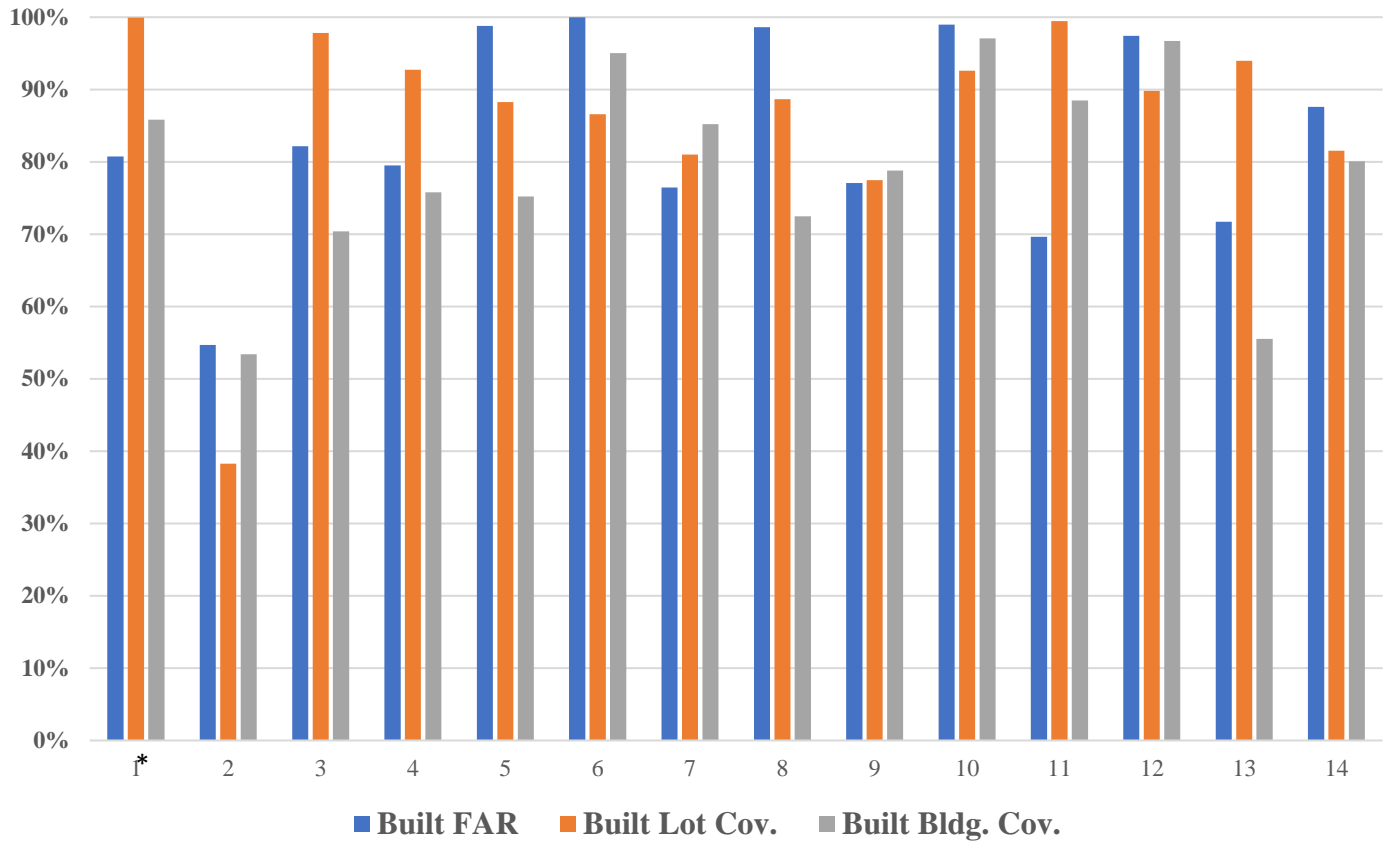
\*Numbers are associated with addresses in the Village of Scarsdale that received a Certificate of Occupancy for a new home in 2023.

### Findings – Home Additions

According to this snapshot analysis, additions that received a Certificate of Occupancy in the Village in 2023 are, on average, built to more than 80% of the allowable FAR, lot coverage and building coverage.

- 10 of the 14 home additions have at least one category of bulk over 90% of the maximum permitted.
- Eight of the 14 home additions have one or more of the Bulk categories built to more than 95% of the maximum.
- The average FAR across the 14 additions is 84% of the maximum.
- Half of the 14 home additions were under 90% of the maximum FAR.
- The average lot coverage across the 14 additions is 86% of the maximum permitted.
- Three of the 14 home additions were over 90% of the maximum building coverage.
- The average building coverage across the 14 additions is 79% of the maximum permitted.
- Three of the 14 home additions were over 90% of the maximum building coverage.

## Percentage of Maximum Buildout Home Additions Receiving Certificate of Occupancy in 2023



\*Numbers are associated with addresses in the Village of Scarsdale that received a Certificate of Occupancy for an addition in 2023.

THREE THOUSAND FOUR HUNDRED THIRTY-SEVENTH

LIMITED AGENDA MEETING

Third Floor Meeting Room &  
Video Conference  
Via Zoom  
December 26, 2023

A Limited Agenda Meeting of the Board of Trustees of the Village of Scarsdale was held on Tuesday, December 26, 2023, in the Third Floor Meeting Room at Village Hall and via video conference at 8:38 a.m.

Present in person was Deputy Mayor Whitestone. Present via video conference (Zoom) were Mayor Arest and Trustees Brew and Gans. Also present were Village Counsel Ward-Willis, Village Treasurer Scaglione, and Village Clerk Emanuel.

Deputy Mayor Whitestone presided.

\* \* \* \* \*

Minutes

The minutes of the Board of Trustees Regular Meeting of Tuesday, December 12, 2023, were approved on a motion entered by Trustee Brew, seconded by Trustee Gans, and carried unanimously.

\* \* \* \* \*

Bills & Payroll

Deputy Mayor Whitestone reported that he had audited the Abstract of Claims dated December 26, 2023, in the amount of \$966,428.73 which included \$31,056.10 in Library Claims previously audited by a Trustee of the Library Board.

Upon motion duly made by Deputy Mayor Whitestone and seconded by Trustee Brew, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated December 26, 2023, in the amount of \$966,428.73 is hereby approved.

\* \* \* \* \*

Trustee Brew

Upon motion entered by Trustee Brew and seconded by Deputy Mayor Whitestone; the following resolution regarding Authorization to Execute a Professional Services Agreement with BFJ Planning to Review and Update the Scarsdale Zoning Code; was approved unanimously:

WHEREAS, Stormwater runoff and Zoning Code Bulk have been identified by Scarsdale residents as issues that should be studied by the Village in order to minimize any future negative impacts on their health and safety; and

WHEREAS, as a first step to addressing these concerns, on December 08, 2023, the Village received proposals from three consulting firms for a review and update of the Village Zoning Code; and

WHEREAS, after thorough consideration of the abilities of the firms as well as the needs of the Village, it is recommended that the Village enter into a Professional Services Agreement with BFJ Planning, 115 5<sup>th</sup> Avenue, New York, NY 10003 for professional services related to a Zoning Code study and recommendations at a total project cost of \$53,000; now therefore be it

RESOLVED, that the Village Manager is authorized to execute a Professional Services Agreement with BFJ Planning, subject to review and modification by the Village Attorney.

\* \* \* \* \*

Deputy Mayor Whitestone

Upon motion entered by Deputy Mayor Whitestone and seconded by Trustee Brew; the following resolution regarding a Professional Services Agreement with Scarsdale Union Free School District and CHA Engineering; was approved unanimously:

WHEREAS, the Village of Scarsdale is desirous to perform a joint field study in partnership with the Scarsdale Union Free School District; and

WHEREAS, the Village of Scarsdale and the Scarsdale Union Free School have selected CHA Engineering for such professional services; now, therefore, be it

RESOLVED, that the Village Board of Trustees hereby authorizes the Village Manager to execute the agreement between the Village of Scarsdale, Scarsdale Union Free School and CHA Engineering for professional services, subject to modification by counsel; and be it further

RESOLVED, that the Village Manager is authorized to undertake any administrative acts required under the terms of the agreement.

\* \* \* \* \*

Future Meeting Schedule

- Tuesday, January 9, 2023 – 7:30 PM – Village Board Agenda Committee Meeting
- Tuesday, January 9, 2023 – 8:00 PM – Village Board Regular Meeting

\* \* \* \* \*

There being no further business to come before the Board, upon a motion entered by Trustee Brew, seconded by Deputy Mayor Whitestone, and approved unanimously; the meeting was adjourned at 8:46 am.

Respectfully submitted,

---

Taylor C. Emanuel  
Village Clerk

**RESOLUTION RE:     AUTHORIZATION FOR SCARSDALE LIBRARY TO  
PROPOSE LIBRARY SITE IMPROVEMENTS AND  
PAVILION**

**WHEREAS,**           the Village of Scarsdale is the owner of the real property upon which the Scarsdale Library is located, 54 Olmstead Road; and

**WHEREAS,**           the Scarsdale Library has been in the process of creating a plan for the improvements to the Library grounds; and

**WHEREAS,**           the Scarsdale Library developed a preliminary master plan which includes a performance patio, story walk, reconfigured front plaza, covered pavilion for outdoor activities and additional landscaping; and

**WHEREAS,**           in order to prepare design plans for the proposed improvements and before construction work can commence, the Scarsdale Library must obtain approval from the Village of Scarsdale, as property owner; and

**WHEREAS,**           to advance the master plan the Library Project Committee solicited professional design proposals for the landscape design, site improvements, site engineering and pavilion design; and

**WHEREAS,**           at its November 13, 2023 meeting and upon the recommendation of the Library Project Committee, the Library Board approved the proposals of DTS Provident, One North Broadway, White Plains, NY for \$108,900 for landscaping design, site improvements and site engineering, and Slade Architecture, 77 Chambers Street, New York, NY for \$109,485 for the pavilion design: and

**WHEREAS,**           all funding for this project is provided by private dollars raised by the Friends of the Scarsdale Library “Library in the Park” Capital Campaign; now, therefore, be it

**RESOLVED,**           that the Village Board of Trustees hereby authorizes the Scarsdale Library to have its design professionals ( DTS Provident and Slade Architecture), access the Village’s property and prepare plans for the proposed improvements, provided that the Village is listed as an additional named insured and indemnified by the design professionals and any subcontractors performing work at its real property, subject to the Village Attorney’s approval as to form and substance of the Certificates of Insurance required herein; and be it further

**RESOLVED,**           that the Village Manager is herein authorized to undertake any administrative acts required of the Village in its role as owner of the real property upon which the Scarsdale Library is located.

Date:                   January 09, 2024



TO: Alex Marshall, Acting Village Manager

FROM: Elizabeth Bermel, Scarsdale Public Library Director

CC: Paul Zaicek, Projects Director

DATE: January 4, 2024

Re: Landscape Architect and Site Award

---

The Scarsdale Public Library has been in the process of creating a plan for improvements to the Library grounds for the past several years. During the recent building renovation and expansion, the campus was minimally improved. As a result of the COVID pandemic, during which the outdoors became heavily utilized, a demand for outdoor programs and spaces arose.

With this in mind, the Scarsdale Public Library formed a Landscaping Committee consisting of representatives from the Library Board, the Friends of the Scarsdale Library, the Village Board, community members, the Village Special Projects Manager, and the Library Director. The Friends of the Scarsdale Library engaged the services of a landscape architect, Louis Fusco, to develop a master plan, which was then used as the basis for a capital campaign.

The master plan calls for significant changes to the existing storm water system in the proposed new plaza and has an impact on existing utility locations in the performance patio located outside the Children's Room. With this in mind, DTS Provident, who was the firm who worked on the site plan for the building renovation, provided us with a proposal. The committee also interviewed them and were impressed by their in-house resources to address the site issues, and found their approach to be creative, yet practical, with focus on what will work with the Library's current infrastructure.

As the process unfolded, the committee worked to identify an architect to design the pavilion and minor modifications to the building. In February 2023, the committee interviewed three firms ranging in size in experience, then a fourth firm later in 2023 to give us a more well-rounded pool of options.

Meanwhile, the capital campaign continued to raise funds, and once the goal was clearly in sight, the committee re-convened to re-interview the two strongest firms. Based on several



factors (fees, proposed designs, and experience), the committee recommended Slade Architects for the pavilion and building-related design work.

After months of vetting, the Landscape Committee recommended DTS Provident for the landscape architectural, site engineering and planning services, and Slade Architects for the architectural services. The Library Board approved both proposals at their November 13, 2023 meeting.

All funding for this project is coming from private dollars, raised by the Friends of the Scarsdale Public Library "Library in the Park" capital campaign. The amount needed to fund these services have been transferred to the Village, and the Village Treasurer has set up a separate account for this project.

**RESOLUTION RE:     ADOPTION OF A LOCAL LAW TO ESTABLISH A  
                              TEMPORARY MORATORIUM ON CERTAIN  
                              LAND USE APPLICATIONS WITHIN THE  
                              VILLAGE OF SCARSDALE**

**WHEREAS,**             the Village Board has considered a proposed local law to establish a temporary moratorium on certain land use applications within the Village of Scarsdale; and

**WHEREAS,**             a duly noticed public hearing was held on this proposed local law on Tuesday, December 12, 2023 and Tuesday, January 09, 2024; and

**WHEREAS,**             this is a Type II action in accordance with SEQRA and therefore no further environmental review is required; and now, therefore, be it

**RESOLVED,**           that the Village Board hereby adopts the proposed local law to establish a temporary moratorium on certain land use applications within the Village of Scarsdale.

Date:                    January 09, 2024

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

**VILLAGE OF SCARSDALE  
BOARD OF TRUSTEES**

**A LOCAL LAW TO ESTABLISH A TEMPORARY MORATORIUM ON  
CERTAIN LAND USE APPLICATIONS WITHIN THE  
VILLAGE OF SCARSDALE**

A LOCAL LAW to establish a temporary moratorium on certain land use applications within the Village of Scarsdale.

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

**Section 1.** Purpose; Intent; Findings.

In recent years, the improvements, subdivisions and redevelopments occurring on single-family residential properties have led to resident's expressing concern about a number of pervasive adverse impacts, including but not limited to the loss of the architectural and historic qualities and scale that helps define the fabric of our residential neighborhoods as well as concerns about 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 being built on single-family properties, the construction of accessory structures, and the subdivision and redevelopment of residential lots. Such development activities create new impervious surfaces thereby diminishing the natural drainage and flood mitigation provided by mature trees and open space. Our natural resources are finite and fragile, and the Village's infrastructure and other public resources are increasingly being tested by more frequent and severe storm events and the realized and potential impacts require study.

Moreover, new single-family developments are increasingly being built at the limits of our community's minimum dimensional requirements for setbacks, while maximizing and, at times seeking variances to exceed the limits of floor area ratios, lot coverages, and other bulk requirements. This development trend also places greater challenges upon the Board of Architectural Review and Committee for Historic Preservation which are responsible for maintaining and preserving aesthetic and architectural resources.

The Board of Trustees therefore finds it is in the best interest of the Village to enact a temporary moratorium within the zoning districts designated herein so as to temporarily pause the acceptance, consideration, and approval of certain land use applications, such as

applications for subdivisions, demolitions, building permits, site plan approval, and special permits.

This moratorium will allow adequate time for the Board of Trustees to identify and implement such amendments to the Village's Zoning Code as may be necessary to mitigate or avoid the deleterious impacts of the aforementioned development activities. The Board of Trustees finds that a moratorium will be protective of the public interest and welfare, and ensure consistency with any newly-adopted zoning requirements. This moratorium will promote community planning values by regulating land development based on a carefully considered plan and will prevent potential applicants from seeking approvals before new conditions and requirements are established.

**Section 2. Statutory and Constitutional 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, the New York State Municipal Home Rule, the applicable and relevant sections of the New York State Village Law, and the general police power vested with the Village of Scarsdale to promote the health, safety and welfare of all residents and property owners in the Village of Scarsdale.

**Section 3. Definitions.**

For the purposes of this local law, unless specified otherwise, all terms herein shall be as defined in the Chapter 310 of the Village Code (Zoning Code), Chapter 251 of the Village Code (Site Plan Review), and Chapter A319 of the Village Code (Subdivision of Land; Planning Board Regulations).

**Section 4. Applicable Zoning Districts.**

This local law shall only be applicable to Residence A and C Zoning Districts.

**Section 5. Term.**

This local law shall only apply to applications received by the Village after December 19, 2023, and shall be in effect for a period of six (6) months from the effective date hereof unless repealed, modified, extended or supplemented by further local law of the Village of Scarsdale.

**Section 6. Moratorium.**

A. Subdivision, Site Plan, and Special Use Permit. No board, committee, agency, department, officer, employee, consultant, or agent of the Village of Scarsdale shall accept for review, continue review, hold a hearing, or make any decision upon any application for approval of a subdivision; site plan; a special use permit pursuant to Village Code § 310-88.A (2) or (4); or a special use permit pursuant to Village Code Chapter 254 concerning Stormwater Management and Erosion and Sediment Control permits (SWEC). All time periods set forth under state law or the Village Code for the processing and making decisions and all

aspects of subdivision approval (including but not limited to preliminary, and final subdivision plats), site plan approval and special use permit approval for swimming pools and courts are hereby suspended and stayed while this local law is in effect.

- B. Building Permits and Demolitions. No board, committee, agency, department, officer, employee, consultant, or agent of the Village of Scarsdale shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for approval for a building permit or demolition permit to enlarge, construct, or demolish a one-family residential dwelling, accessory building or structure. All time periods set forth under state law or the Village Code for the processing and making decisions and all aspects of applications for building permit or demolition approval as indicated herein are hereby suspended and stayed while this local law is in effect.

### **Section 7. Exceptions.**

This local law shall not apply to:

- A. Applications for residential subdivision, residential special permit, and/or residential site plan approval or request for a Certificate of Appropriateness received and pending before any Village permitting board. Granting of approval on a pending application from one board will permit other boards to continue processing the project and issue an approval, even if such application to a different board was submitted after December 19, 2023.
- B. Applications to legalize a pre-existing nonconforming condition.
- C. Applications to obtain a Certificate of Occupancy in which there is no new exterior construction or land disturbances.
- D. Lot line adjustments and resubdivisions where no new lots are being created and no additional dwelling unit(s), accessory buildings, or structures are being constructed.
- E. An existing valid building permit that has been issued, including any renewal thereof.
- F. Applications to renew or amend a Special Use permit that has not expired.
- G. Applications concerning non-residential uses.
- H. Applications concerning generators.
- I. The issuance of a building permit required in connection with the repair, maintenance, and/or interior renovations, and exterior alterations which do not increase lot coverage or stormwater runoff.
- J. The issuance of a building permit or demolition permit to redress a casualty loss or catastrophic damage which does not increase the footprint or bulk of what existed previously.

- K. The issuance of a certificate of occupancy in connection with the completion of a project that had submitted a complete application before December 19, 2023.
- L. Any application for new construction or an addition that increases the bulk or footprint of a building that demonstrates to the satisfaction of the Village Planner, Village Engineer and Building Inspector all of the following:
- a. The proposed FAR, Building Coverage and Lot Coverage are less than 95%, 95% and 90%, respectively, of that permitted under the existing Zoning Code;
  - b. The proposed side yard setback shall be no less than the following for each Zoning District, (with any FAR Bonus permitted pursuant to Section 310-104 being measured from the revised set back listed below):
    - i. AA1 Zoning District: 33 feet;
    - ii. A1 Zoning District: 22 feet;
    - iii. A2/A2a Zoning District: 16.5 feet;
    - iv. A3 Zoning District: 12 feet;
    - v. A4 Zoning District 11.5 feet; and
    - vi. A5 Zoning District: 11 feet.
  - c. A sworn statement by the Applicant's Design Professional, or if none, the Applicant, that there will be no new connection to the Village's stormwater system; and
  - d. In addition to satisfying the criteria set forth above, for any demolition permit for less than a substantial part of a building (as defined in Section 182-3(E)(1) of the Village Code) or for a building permit, an applicant shall demonstrate to the satisfaction of the Interim Review Committee (three members with architectural or historic building experience, to be appointed by the Mayor) that any proposed exterior alteration will not impact the special character or special historical, cultural or aesthetic interest of the building proposed to be altered. Upon such a finding, an applicant shall be permitted to process such application with the Building Department and village boards. Any application denied permission to proceed may file a hardship application with the Board of Trustees as set forth in Section 8 of this Local Law.
- M. Installation of a fence.
- N. An application for a subdivision may proceed provided that the Applicant acknowledges the proposed subdivision submitted to and approved by the Planning Board and any Building Permit issued during the term of this moratorium must establish compliance with Section 7(L).

**Section 8.** Hardship appeal procedure.

- A. The Village Board of Trustees shall have the authority to vary or waive any provision of this local law upon a determination that such variance or waiver is required to avoid an unreasonable hardship upon an applicant. In addition to demonstrating an unreasonable hardship, the applicant must show that the granting of a variance or waiver will not materially undermine the purpose of this local law or adversely affect the interests of health, safety, or general welfare in the community. The Board of Trustees shall take into account the existing land use in the immediate vicinity of the property and the impact the variance or waiver will have on infrastructure, natural resources, government sources, stormwater runoff, and other environmental issues. Such application for a hardship variance or waiver shall comply with all other applicable provisions of the Village's Code and state law.
- B. Any application for a variance or waiver shall be filed with the Building Department and shall include the requisite fee or escrow amount for processing such application. An application for a variance or waiver shall contain the complete details of the proposed project and narrative setting forth the rationale of why such application qualifies as a hardship. To the extent that the Board of Trustees requires a consultant to assist it in the review of such application, it may also require the application to pay the reasonable costs of such consultant. Any consultant required herein shall be selected in the sole discretion of the Mayor with the consent of the Board of Trustees.
- C. The Board of Trustees may refer any application for a hardship variance or waiver of this local law to any official, department, and/or land use board for a report and recommendation. Upon receiving a complete application, the Board of Trustees shall conduct a public hearing and make a final determination on the application, with or without conditions within sixty (60) calendar days.
- D. The Board of Trustees shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of this local law. In the event that the Board of Trustees approves such an application, the Board of Trustees shall then refer the applicant to the applicable officials and/or land use boards for further approval under the terms set forth within the Board of Trustee's decision.

**Section 9.** Conflict with inconsistent state and local laws and authority to supersede.

To the extent that any provisions of this local law are in conflict with or are construed to be inconsistent with the provisions of the New York State Village Law or any local ordinance, law, or regulation, this local law supersedes, amends, and take precedence over the Village Law and such local ordinance(s), law(s), and regulation(s), including but not limited to: receipt, consideration of, and action on appeals and variances (Village Law §§ 7-712-a and 7-712-b, and Chapter 12 and Article XII, Chapter 310 of the Scarsdale Village Code); special use permit applications and the timeframe for action thereof (Village Law § 7-725-b and Article XII of

Chapter 310 and Chapter 254 of the Scarsdale Village Code); site plan applications and the timeframe for action thereof (Village Law § 7-725-a and Chapters 77 and 251 of the Scarsdale Village Code); subdivision applications and the timeframe for action thereof (Village Law §§ 7-728, 7-730, 7-732, and 7-738 and Chapters 77 and A319 of the Scarsdale Village Code); and building permit and demolition permit applications (New York State Uniform Fire Prevention and Building Code and Chapter 132 of the Scarsdale Village Code), applications for a Certificate of Appropriateness and timeframe for action thereof (Chapter 182 of the Scarsdale Village Code), pursuant to the Village's municipal home rule powers set forth under New York State Municipal Home Rule Law §§ 10 and 22 to supersede any inconsistent authority. Pursuant to the same powers, and without limiting the generality of the foregoing, this local law supersedes the provisions contained in Article 8 of the Environmental Conservation Law (SEQRA) and the regulations thereunder to the extent that such provisions require an agency to determine the environmental significance of an application within certain specified timeframes.

**Section 10.** 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 11.** 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 12.** 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 13.** Effective Date.

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

DRAFT

**To:** Mayor Arest and Village Board of Trustees  
**From:** Kellan D. Cantrell, AICP, Village Planner  
**Date:** Wednesday, December 27, 2023  
**RE:** Bulk Snapshot Analysis of New Homes and Home Additions in 2023

**MEMORANDUM**  
*Planning Department*

---

The Planning Department has conducted a snapshot analysis focused on the following categories of bulk, Floor Area Ratio (FAR), lot coverage and building coverage involving new homes and home additions that received a Certificate of Occupancy in the year 2023. This is a brief and random sample of typical new homes and home additions in the Village therefore it should not be considered a comprehensive analysis.

### **Methodology**

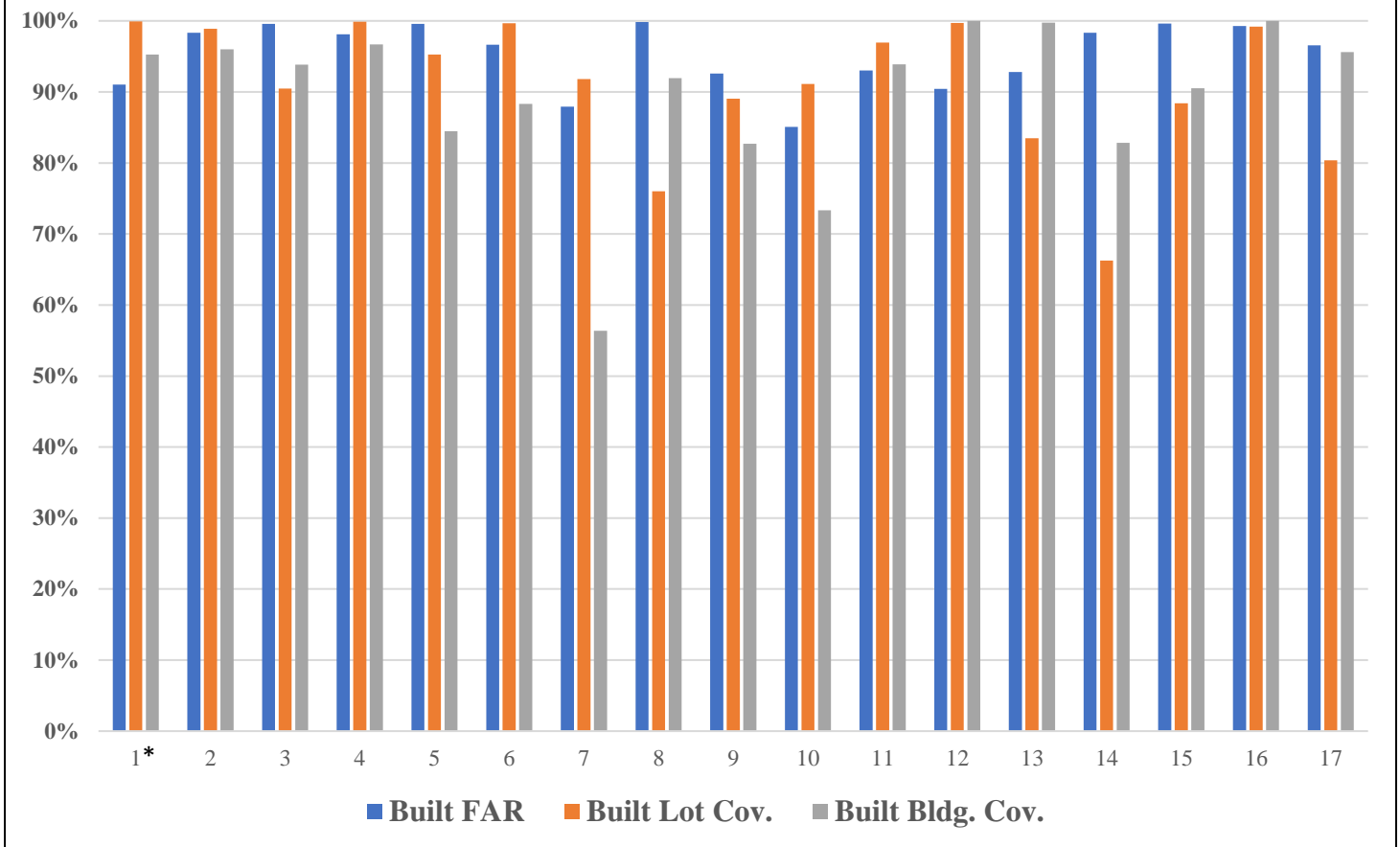
The data for this analysis was gathered from approved application materials associated with new homes and additions that received a Certificate of Occupancy in 2023. All data was accessed from the Village's software programs that include Municipity 5 and Laserfiche, which are updated frequently by the Building Inspectors, Plans Examiner and Building Department Staff. All FAR, lot coverage, building coverage and setback data was taken directly from professionally stamped and approved FAR calculations worksheets, lot coverage calculations worksheets and site plans. Keep in mind that new homes and additions receiving a Certificate of Occupancy in 2023 typically began in 2021, representing a 2-year process from submitting an application to the Building Department to receiving a Certificate of Occupancy. Also note that the addresses chosen for this analysis were at random and do not represent all Certificate of Occupancy's for the sub-datasets represented here.

### **Findings – New Homes**

According to this snapshot analysis new homes that received a Certificate of Occupancy in the Village in 2023 are, for the majority, built to more than 90% of the allowable FAR, lot coverage and building coverage.

- 7 of the 17 homes have more than 90% built to the maximum in every category.
- All 17 homes have at least one category of bulk over 90% of the maximum permitted.
- The average FAR across the 11 homes is 95% of the maximum permitted.
- Two of the 17 homes were under 90% of the maximum FAR.
- The average lot coverage across the 17 homes is 91% of the maximum permitted.
- Four of the 17 homes were under 90% of the maximum lot coverage.
- The average building coverage across the 17 homes is 87% of the maximum permitted.
- Six of the 17 homes were under 90% of the maximum building coverage.
- All new homes in this analysis received the FAR Bonus for greater than minimum setbacks.
- 14 of the 17 homes were built to less than 90% of the required side yard setbacks.

## Percentage of Maximum Build Out New Home Certificate of Occupancy - 2023



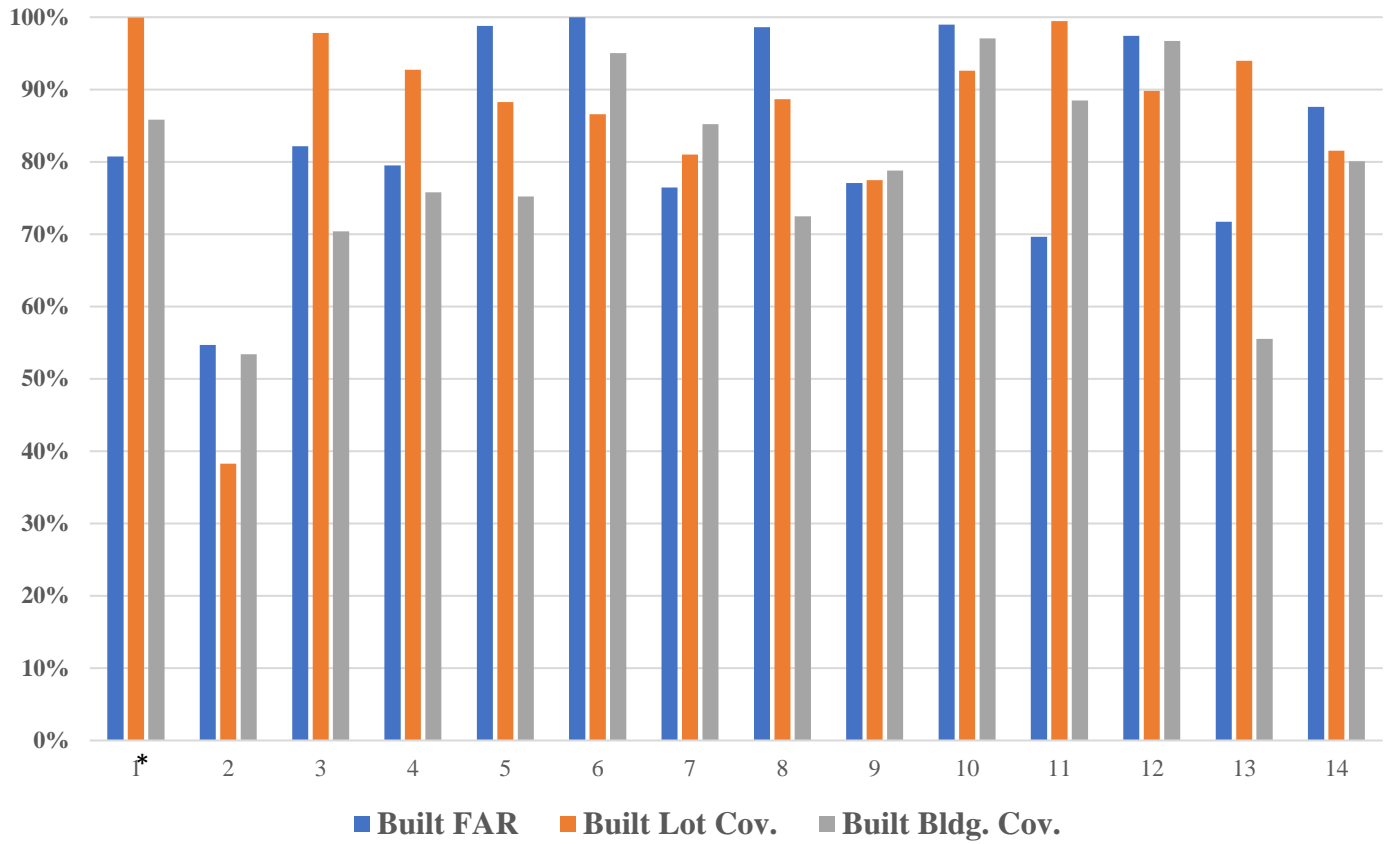
\*Numbers are associated with addresses in the Village of Scarsdale that received a Certificate of Occupancy for a new home in 2023.

### Findings – Home Additions

According to this snapshot analysis, additions that received a Certificate of Occupancy in the Village in 2023 are, on average, built to more than 80% of the allowable FAR, lot coverage and building coverage.

- 10 of the 14 home additions have at least one category of bulk over 90% of the maximum permitted.
- Eight of the 14 home additions have one or more of the Bulk categories built to more than 95% of the maximum.
- The average FAR across the 14 additions is 84% of the maximum.
- Half of the 14 home additions were under 90% of the maximum FAR.
- The average lot coverage across the 14 additions is 86% of the maximum permitted.
- Three of the 14 home additions were over 90% of the maximum building coverage.
- The average building coverage across the 14 additions is 79% of the maximum permitted.
- Three of the 14 home additions were over 90% of the maximum building coverage.

## Percentage of Maximum Buildout Home Additions Receiving Certificate of Occupancy in 2023



\*Numbers are associated with addresses in the Village of Scarsdale that received a Certificate of Occupancy for an addition in 2023.

# MEMORANDUM

**TO:** Village of Scarsdale Board of Trustees  
**FROM:** Nicholas M. Ward-Willis  
**RE:** Revised Draft Moratorium Local Law  
**DATE:** December 29, 2023

---

At your December 19, 2023 Board of Trustees Meeting, you reviewed comments received on the draft moratorium local law and discussed certain edits to the proposed local law. As a result of such discussions, I was requested to revise the local law, which I provided to you before your December 26, 2023 meeting. I have attached the latest draft of the local law.

The material edits were:

- 1) The commencement date of the term of the moratorium was changed from November 14, 2023 to December 19, 2023.
- 2) Language was added to Section 7(A) clarifying that if an application was received before December 19, 2023, if approval is subsequently granted and there are other approvals required from different boards, the application can be processed by the other boards even though an application was not submitted to the other board before December 19<sup>th</sup>.
- 3) Language was added to Section 7(J) clarifying that work being performed to redress a casualty loss could not increase the footprint or bulk of the building previously existing.
- 4) A new Section 7(L) was added, as detailed therein, to allow construction to proceed in certain circumstances notwithstanding the moratorium. Please read new Section 7(L) for a further explanation.
- 5) A new Section 7(M) was added clarifying installation of a fence is exempt. The ZBA would still be able to hear applications for fence variances.
- 6) A new Section 7(N) was added clarifying subdivision can proceed subject to demonstrating compliance with Section 7(L).

**RESOLUTION RE: APPOINTMENT TO THE BOARD OF ARCHITECTURAL REVIEW**

**WHEREAS,** the Board of Architectural Review consists of seven members and two alternate members appointed by the Village Board for three-year terms; and

**WHEREAS,** Suzanne Cregan-Donat was appointed by the Village Board of Trustees to serve as a member for a three-year term ending April 06, 2026, but has submitted a letter of resignation effective January 08, 2024; and

**WHEREAS,** Gina Farrenkopf is currently an alternate member of the Board of Architectural Review; and

**WHEREAS,** the Village Board met on December 19, 2023, to discuss potential candidates to fill the vacancy on the Board of Architectural Review and herein recommends that Ms. Farrenkopf be appointed as full member to the Board of Architectural Review to serve the unexpired term of Suzanne Cregan-Donat; now, therefore, be it

**RESOLVED,** that the Village Board of Trustees hereby appoints Gina Farrenkopf to the Board of Architectural Review as a member to fill the unexpired term of Ms. Cregan-Donat, ending April 06, 2026, or until such time as a successor is appointed.

Date: January 09, 2024

**RESOLUTION RE: ESTABLISHING FISCAL YEAR 2024-25  
RECREATION FEES AND CHARGES**

**WHEREAS,** the Village annually reviews its Recreation Fees and Charges with input from the Advisory Council on Parks and Recreation and the Village Board of Trustees; and

**WHEREAS,** the Village Board of Trustees reviewed the proposed Fiscal Year 2024-25 Recreation Fees and Charges Schedule at their January 9, 2024 meeting and approved the proposed fee changes as presented; and

**WHEREAS,** the Fiscal Year 2024-25 increases are proposed for the following new and existing programs, as detailed in the January 2, 2024, memorandum attached hereto; now, therefore, be it

**RESOLVED,** that the fees and charges for recreation programs identified in the Recreation Fees and Charges Schedule, dated January 2, 2024, attached hereto and made a part hereof, are herein adopted and shall remain in effect unless amended by Resolution of the Village Board of Trustees.

Date: January 09, 2024

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

**To:** Alex Marshall, Acting Village Manager

**From:** Brian Gray, Superintendent PRC

**Date:** Tuesday, January 02, 2024

**RE:** Fees and Charges for Fiscal Year 2024-2025

**MEMORANDUM**  
*Department of Parks,  
Recreation and Conservation*

---

The attached FY 2024-2025 proposed Recreation Fees and Charges Schedule (“Schedule”) identifies the current fees of all programs and services provided by the Department of Parks, Recreation and Conservation (“Department”) and all proposed fee modifications for the upcoming 2024/25 fiscal year. The Schedule of proposed 2024/25 fees was determined and predicated following thorough discussions with Department staff and contracted vendors relative to current operating costs, enrollment, competitiveness with other municipalities and private programs, as well as the last time the fees were modified.

More importantly, Department staff met with the Village Board on September 20, 2022 to establish a policy regarding annual fee increases for all Department programs and permit offerings. At the conclusion of the aforementioned meeting, the Village Board directed staff to use the previous year’s Consumer Price Index (CPI) as a benchmark for annual fee increases. The CPI increase for calendar year 2022 was 6.1%. As such, with the exception of a few program fees, Department staff is proposing a 5% increase on all programs and permit offerings for FY 2024/25 as identified in the attached Schedule.

The Schedule was reviewed with the Advisory Council on Parks, Recreation and Conservation (“Council”) at their November 15, 2023 meeting, and all programs and fees were unanimously supported and endorsed by the Council.

The Schedule was formally presented and discussed with the Village Board at their December 12, 2023 Work Session.

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
<b>TENNIS</b>					
TENNIS PERMITS  * 50% Discount for Senior Citizen * 25% Increase for M.S. * 2 times fee for house guest and seasonal rental	ADULT	\$150	\$160	692	Feb – 23
	SENIOR CITIZEN	\$75	\$80	80	Feb – 23
	JUNIOR	\$90	\$95	280	Feb – 23
	ADULT MAMARONECK STRIP	\$187	\$200	33	Feb – 23
	SENIOR MAMARONECK STRIP	\$94	\$100	7	Feb – 23
	JUNIOR MAMARONECK STRIP	\$110	\$115	12	Feb – 23
LESSONS	INDIVIDUAL (60 minute – 5 to 8 weeks)	\$95 a week	\$110 a week	27	Feb – 22
	INDIVIDUAL (30 minute – 5 to 8 weeks)	\$46 a week	\$55 a week	65	Feb – 22
	GROUP (60 minute – 5 to 8 weeks)	\$38 a week	\$43 a week	423	Feb – 22
	JUNIOR DEVELOPMENT GROUP (5 to 8 weeks)	\$31 a week	\$38 a week	164	Feb – 22
	LITTLE ACES (Spring & Fall)	\$27 a week	\$30 a week	139	Feb – 22
	INDOOR TENNIS YOUTH (Red Ball)	\$520	\$550	42	Feb – 23
	INDOOR TENNIS YOUTH (Orange Ball)	\$600	\$635	39	Feb – 23
	INDOOR TENNIS YOUTH (Green Ball)	\$1,000	\$1,050	19	Feb – 23
	INDOOR TENNIS YOUTH (Yellow Ball)	\$1,275	\$1,338	9	Feb – 23
	INDOOR ADULT (60 minute – 10 week)	\$595	\$625	56	Feb – 23
	INDOOR ADULT (90 minute – 10 week)	\$815	\$855	18	Feb – 23
DAILY ADMISSIONS	GUEST	\$15	\$15	138	Feb – 18
	NON-RESIDENT	\$20	\$20	218	Feb – 18
CAMP	TENNIS CAMP	\$215 a week	\$245 a week	177	Feb – 22

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
<b>PICKLEBALL</b>					
PICKLEBALL PERMITS ½ PRICE FOR FIRST SEASON 2023 * 50% Discount for Senior Citizen * 25% Increase for M.S. * 2 times fee for house guest and seasonal rental	ADULT	\$75	\$160	1120	NEW – 23
	SENIOR CITIZEN	\$37	\$80	29	NEW – 23
	JUNIOR	\$45	\$95	0	NEW – 23
	ADULT MAMARONECK STRIP	\$93	\$200	0	NEW – 23
	SENIOR MAMARONECK STRIP	\$47	\$100	0	NEW – 23
	JUNIOR MAMARONECK STRIP	\$55	\$115	0	NEW – 23
<b>PICKLEBALL LESSONS</b>					
	ADULT GROUP (90 minutes – 4 to 6 weeks)	\$42 a week	\$45 a week	355	Feb – 22
	JUNIOR GROUP (60 minutes – 4 to 6 weeks)	\$28 a week	\$30 a week	0	Feb – 22
	PRIVATE LESSONS	\$110 an hour	\$115 an hour	38	Feb – 22
	INDOOR LESSONS (60 minutes – 10 week)	\$400	\$435	160	Feb – 23
<b>DAILY ADMISSIONS</b>					
	GUEST	\$15	\$15	0	NEW – 23
	NON-RESIDENT	\$20	\$20	0	NEW – 23
<b>PLATFORM TENNIS</b>					
PLATFORM TENNIS PERMITS * 50% Discount for Senior Citizen * 25% Increase for M.S. * 2 times fee for house guest and seasonal rental	ADULT	\$125	\$130	117	(22-23) Feb – 23
	SENIOR CITIZEN	\$62	\$65	15	(22-23) Feb – 23
	JUNIOR	\$70	\$75	7	(22-23) Feb – 23
	ADULT MAMARONECK STRIP	\$156	\$162	4	(22-23) Feb – 23
	SENIOR MAMARONECK STRIP	\$77	\$81	0	(23-23) Feb – 23
	JUNIOR MAMARONECK STRIP	\$87	\$94	0	(22-23) Feb – 23
	NON-RESIDENT SPECIAL	\$156	\$165	3	(22-23) Feb – 23
<b>PLATFORM TENNIS CLINICS</b>					
	ADULT	\$250-\$450	\$250-\$450	45	(22-23) Feb – 19
	JUNIOR	\$250-\$450	\$250-\$450	15	(22-23) Feb – 19
<b>PLATFORM TENNIS LESSONS</b>					
	PRIVATE LESSONS	\$110-\$160	\$110-\$160	4	(22-23) Feb – 17
<b>DAILY ADMISSIONS</b>					
	GUEST	\$15	\$15	(22-23)	NEW – 23
	NON-RESIDENT	\$20	\$20	(22-23)	NEW – 23

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
<b>YOUTH CAMPS</b>					
DAY CAMP  * House Guest and Seasonal Rental - 2 times current fee	* SEASON	\$1,500	\$1,575	406	Feb – 23
	* WEEKLY	\$595	\$625	60	Feb – 23
	COMBO SEASON	\$1,100	\$1,155	84	Feb – 23
	COMBO WEEKLY	\$400	\$420	53	Feb – 23
	LATE REGISTRATION (SEASON)	\$425	\$425	49	Feb – 23
	LATE REGISTRATION (WEEKLY)	\$200	\$200	28	Feb – 23
	BUS ROUND TRIP (SEASON)	\$500	\$500	59	Feb – 23
	BUS ROUND TRIP (WEEKLY)	\$225	\$225	30	Feb – 23
	CARVER CENTER	\$750	\$785	18	Feb – 23
	SCARSDALE FOUNDATION	\$750	\$785	1	Feb – 23
SOCCER CAMP  * House Guest and Seasonal Rental - 2 times current fee	* SEASON	\$610	\$640	24	Feb – 23
	LATE REGISTRATION (SEASON)	\$125	\$125	6	Feb – 23
	* WEEKLY	\$210	\$220	10	Feb – 23
	LATE REGISTRATION (WEEKLY)	\$85	\$85	13	Feb – 23
SPORTS CAMP  * House Guest and Seasonal Rental - 2 times current fee	* SEASON	\$610	\$640	48	Feb – 23
	LATE REGISTRATION (SEASON)	\$125	\$125	2	Feb – 23
	* WEEKLY	\$210	\$220	24	Feb – 23
	LATE REGISTRATION (WEEKLY)	\$85	\$85	8	Feb – 23
TRAVEL CAMP	SESSION 1 (3 WEEKS)	\$2,495	\$2,620	42	Feb – 23
	SESSION 2 (2 WEEKS)	\$1,795	\$1,885	58	Feb – 23
<b>ATHLETICS</b>					
BASKETBALL	K-2 SUNDAY CLINIC	\$135	\$150	439	Feb – 23
	ADULT OPEN GYM	\$5	\$5	148	Feb – 10
CHEERLEADING	K-5 <sup>th</sup> GRADE	\$40 a week	\$45 a week	125	Feb – 23
	6 <sup>th</sup> – 8 <sup>th</sup> GRADE	\$50 a week	\$55 a week	13	Feb – 23

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
FIELD HOCKEY	CLINICS – FALL AND SPRING	\$175-\$225	\$175-\$225	46	Feb – 23
FOOTBALL	K-8 <sup>th</sup> GRADE FLAG FOOTBALL	\$150	\$160	164	Feb – 21
	3 <sup>rd</sup> – 6 <sup>th</sup> GRADE TACKLE FOOTBALL	\$250	\$275	45	Feb – 22
	7 <sup>th</sup> & 8 <sup>th</sup> GRADE TACKLE FOOTBALL	\$300	\$325	34	Feb – 22
	K-8 <sup>th</sup> GRADE WINTER FLAG FOOTBALL	\$120	\$125	116	Feb – 21
GRIT NINJA	FALL/SPRING (Pre-K through 6 <sup>th</sup> Grade)	\$305	\$320	112	Feb – 22
	SINGLE DAY EVENT	\$100	\$105	0	Feb – 22
INDEPENDENT SPORTS ORGANIZATIONS	LEAGUE PLAY – PARTICIPANT FEE	\$20	\$25		Feb – 22
	TOURNAMENT PLAY (to host)	\$300 per weekend	\$325		Feb – 23
	FIELD RENTAL (CAMPS/CLINICS)	\$300 per week	\$325		Feb – 23
ROAD RACE	15K	\$25	\$25	131	Feb – 23
	ADULT 4 MILE	\$25	\$25	226	Feb – 23
	ADULT POST DEADLINE 15K	\$40	\$40	66	Feb – 23
	ADULT POST DEADLINE 4 MILE	\$40	\$40	130	Feb – 23
	KIDS FUN RUN	\$20	\$20	0	Feb – 23
	KIDS FUN RUN POST DEADLINE	\$30	\$30	0	Feb – 23
SCHOOL BREAK CAMPS	CONTRACTED VACATION BREAK CAMPS	\$150-\$250	\$150-\$250	52	Feb – 23
SPORT CAMPS/CLINICS	WEEK LONG SPORT CAMPS/CLINICS	\$165-\$350	\$165-\$350	27	Feb – 23
SOCCER	YOUTH LEAGUE (SATURDAY & WEEKDAY)	\$395	\$415	67	April – 19
	YOUTH LEAGUE (SATURDAY ONLY)	\$250	\$265	367	April – 19
	YOUTH LEAGUE (SAT.), MON. & THUR.)	\$510	\$535	11	April – 19
	AUGUST CAMP (3-14 year olds)	\$205-\$360	\$215-\$375	103	Feb – 20
SOFTBALL	MENS LEAGUE (TEAM FEE)	\$1,400	\$1,500	9	Feb – 14

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
YOUTH RUNNING CLUB	SPRING, SUMMER, FALL	\$265	\$280	0	Feb – 20
YOUTH SPORTS LEAGUE FEE	BASKETBALL LEAGUE (In-House Recreation)	\$135	\$145	681	Feb – 23
	SOFTBALL LEAGUE (In-House Recreation)	\$135	\$145	430	Feb – 23
<b>OTHER PROGRAMMING</b>					
BRICKS FOR KIDS CAMP	LEGO ENGINEERING CAMP	\$325	\$340	20	Feb – 23
CHESS CAMP	FULL DAY	\$375	\$395	12	Feb – 23
	HALF DAY	\$260	\$275	40	Feb – 23
MAD SCIENCE	MINI CAMPS	\$185 - \$450	\$185-\$450	68	Feb – 23
MINDS IN MOTION	SEASONAL CAMPS	\$170-\$210	\$180-\$220	68	Feb – 23
NEW PROGRAM PROPOSALS	Franchise fee + \$50/\$25 per participant to PRC 30/70% split = \$25-\$30 per contact hour	\$200-\$500	\$200-\$500		Feb - 23
TRIPS	MIDDLE SCHOOL TRIPS (S.W.A.T.)	\$75 - \$150	\$75-\$150	0	Feb – 23
<b>SPECIAL EVENTS</b>					
HALLOWEEN WINDOW PAINTING	SINGLE ENTRY	\$20	\$25	101	Feb – 21
	DOUBLE ENTRY	\$30	\$35	103	Feb – 21
	FAMILY	\$30	\$35	154	Feb – 21
JULY 4 <sup>th</sup> FIREWORKS		\$5	\$10	767	Feb – 19
SCARECROW FESTIVAL	FAMILY (up to 4 family members)	\$65	\$70	66	Feb – 23
	ADDITIONAL FAMILY MEMBERS	\$5 per	\$10	13	Feb – 19

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
<b>NATURE CENTER</b>					
<b>PROGRAMMING</b>  * Registration Period for ALL Nature Center Programs will be open to Scarsdale Residents ONLY for 2 weeks. After 2 weeks – 15% surcharge for Mamaroneck Strip and 20% surcharge for Non-Residents.	CLASSES	\$3-\$25	\$5-\$50	106	Feb – 08
	SCARSDALE GROUPS	\$175	\$185-\$225	850	Feb – 22
	NON SCARSDALE GROUPS	\$200-\$300	\$240-\$360	340	Feb – 22
	BIRTHDAY PARTIES (15+ CHILDREN)	\$500	\$525	165	Feb – 23
	BIRTHDAY PARTIES (UNDER 15 CHILDREN)	\$400	\$425	135	Feb – 23
	AUGUST ANIMAL VISIONS – 1 WEEK	\$440	\$465	20	Feb – 23
	AUGUST ANIMAL VISIONS – 2 WEEK	\$755	\$795	20	Feb – 23
	FOREST PRE SCHOOL (FALL AND SPRING)	\$65 Per Day	\$65 Per Day	29	Feb – 23
	FOREST PRE SCHOOL (WINTER)	\$55 Per Day	\$55 Per Day	10	Feb – 23
	FARMING YEAR ROUND	\$200	\$210	15	Feb – 21
	AFTER SCHOOL PROGRAMMING (6 to 8 weeks)	\$150-\$300	\$150-\$300	37	Feb – 23
	SPECIAL EVENTS	\$15 - \$30	\$15-\$50	15	Feb - 23
<b>SENIOR CITIZENS</b>					
SENIOR CITIZENS	CLUB MEMBERSHIP – 2023-24	\$15	\$15	163	Feb – 08
	CLUB MEMBER NON-RESIDENT – 2023-24	\$20	\$20	12	Feb – 08
	LUNCHEON – PICNIC	\$5	\$5	78	Feb – 09
	TRIPS	\$18-\$125	\$18-\$125	0	Feb – 09

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	20223 PARTICIPANTS	LATEST REVISION OF FEE
<b>POOL</b>					
POOL PERMITS	<b>FAMILY</b>	\$665	\$700	959	Feb – 23
* House Guest and Seasonal Rentals = 2 x fee	<b>INDIVIDUAL</b>	\$400	\$420	125	Feb – 23
* 50% discount for seniors and SCVAC Members	<b>WEEKDAY FAMILY</b>	\$495	\$520	82	Feb – 23
* 25% increase for Mam. Strip	<b>WEEKDY INDIVIDUAL</b>	\$286	\$300	69	Feb – 23
* 250 non-resident family permits on a 1 <sup>st</sup> come/1 <sup>st</sup> served basis	<b>SINGLE USE</b>	\$166	\$175	205	Feb – 23
	<b>* NON-RESIDENT</b>	2 X's fee	2 X's fee	326	Feb – 23
	<b>ALUMNI</b>	1.5 X's fee	1.5 X's fee	30	Feb - 23
DAILY ADMISSIONS	GUEST INDIVIDUAL	\$15	\$15	5423	Feb -22
DAILY FEES	SINGLE USE	\$10	\$10	484	Feb – 22
	WEEKEND USE	\$10	\$10	202	Feb – 22
	SENIORS	\$5	\$5	162	Feb - 22
POOL PROGRAMS					
AFTER CAMP AT THE POOL	<b>1 WEEK</b>	\$200	\$210	29	Feb – 23
	<b>5 WEEKS</b>	\$850	\$900	32	Feb – 23
AQUA TOTS/TINY BOBBERS		\$110	\$115	20	Feb – 23
DIVING CLINIC		\$130	\$135	13	Feb – 23
EARLY MORNING SWIM		\$275	\$290	28	Feb – 23
LEARN TO SWIM	<b>5 YEAR OLDS AND OLDER</b>	\$180	\$190	29	Feb – 22
LIFEGUARD TRAINING	COURSE	\$500	\$500	0	Feb – 17
	<b>LIFEGUARD RECERTIFICATION</b>	\$185	\$190	11	Feb – 17
	<b>CPR RECERTIFICATION</b>	\$110	\$115	31	Feb – 17
POOL BIRTHDAY PARTIES		\$450	\$475	54	Feb – 23

# DEPARTMENT OF PARKS, RECREATION, AND CONSERVATION FEES & CHARGES – 2024/25 PROPOSED

PROGRAM	DESCRIPTION	2023/24 EXISTING FEE	2024/25 PROPOSED FEE	2023 PARTICIPANTS	LATEST REVISION OF FEE
PRE SCHOOL PADDLERS	JUNE (3 WEEKS AGES 3 & 4)	\$120	\$125	29	Feb – 23
	JULY (4 WEEKS AGES 3 & 4)	\$160	\$170	38	Feb – 23
PRIVATE LESSONS	FOUR LESSONS	\$160	\$170	139	Feb – 22
	SIX LESSONS	\$215	\$225	123	Feb – 22
SPLASH AND PLAY CAMP		\$250	\$260	85	Feb – 23
STROKE/FLIP/START CLINIC		\$150	\$160	10	NEW - 22
SWIM/DIVING TEAM		\$240	\$255	106	Feb – 22
SWIM PANTS	Baby/Child Swim diapers	\$5	\$5	16	Feb – 15
REPLACEMENT ID CARDS		\$10	\$10	120	Feb – 08

**RESOLUTION RE:      ADOPTION OF A LOCAL LAW TO AMEND  
CHAPTER 269 OF THE CODE OF THE VILLAGE  
OF SCARSDALE CONCERNING THE SENIOR  
CITIZEN REAL PROPERTY TAX EXEMPTION  
AND THE REAL PROPERTY TAX EXEMPTION  
FOR PERSONS WITH DISABILITIES AND  
LIMITED INCOMES**

**WHEREAS,**            the Village Board has considered a proposed local law to amend Chapter 269 of the Code of the Village of Scarsdale concerning the senior citizen real property tax exemption and the real property tax exemption for persons with disabilities and limited incomes; and

**WHEREAS,**            a duly noticed public hearing was held on this proposed local law on Tuesday, January 09, 2024; now, therefore, be it

**RESOLVED,**            that the Village Board hereby adopts the proposed local law to amend Chapter 269 of the Code of the Village of Scarsdale concerning the senior citizen real property tax exemption and the real property tax exemption for persons with disabilities and limited incomes.

Date:                    January 09, 2024

LOCAL LAW NO. \_\_\_ OF 2023

VILLAGE OF SCARSDALE  
BOARD OF TRUSTEES

LOCAL LAW TO AMEND CHAPTER 269 OF THE CODE OF THE VILLAGE OF  
SCARSDALE

A LOCAL LAW to amend Chapter 269, Article V, Section 20 of the Code of the Village of Scarsdale concerning the senior citizen real property tax exemption and Chapter 269, Article VII, Section 23 concerning the real property tax exemption for persons with disabilities and limited incomes.

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

Section 1. Chapter 269, Article V, Section 20 of the Code of the Village of Scarsdale entitled “Exemption granted; schedule of exemptions” is hereby amended as follows:

§ 269-20 Exemption granted; exemption schedule.

- A. The Village of Scarsdale hereby elects to grant property tax exemptions to persons age 65 years and over, subject to all the conditions and provisions contained in § 467 of the Real Property Tax Law, as well as these set forth within, to the extent indicated below. For purposes of determining age eligibility, the Village of Scarsdale grants eligibility to those persons reaching age 65 on or before December 31.

(1) For the period ending June 30, 2007:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$26,000	50%
<del>\$26,000.01 or more but less than \$26,999.99</del>	<del>45%</del>
<del>\$27,000 or more but less than \$27,999.99</del>	<del>40%</del>
<del>\$28,000 or more but less than \$28,999.99</del>	<del>35%</del>
<del>\$29,000 or more but less than \$29,899.99</del>	<del>30%</del>
<del>\$29,900 or more but less than \$30,799.99</del>	<del>25%</del>
<del>\$30,800 or more but less than \$31,699.99</del>	<del>20%</del>
<del>\$31,700 or more but less than \$32,599.99</del>	<del>15%</del>
<del>\$32,600 or more but less than \$33,499.99</del>	<del>10%</del>
<del>\$33,500 or more but less than \$34,399.99</del>	<del>5%</del>

(2) For the period commencing July 1, 2007, and expiring on June 30, 2008:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$27,000	50%
<del>\$27,000.01 or more but less than \$27,999.99</del>	<del>45%</del>
<del>\$28,000 or more but less than \$28,999.99</del>	<del>40%</del>
<del>\$29,000 or more but less than \$29,999.99</del>	<del>35%</del>
<del>\$30,000 or more but less than \$30,899.99</del>	<del>30%</del>
<del>\$30,900 or more but less than \$31,799.99</del>	<del>25%</del>
<del>\$31,800 or more but less than \$32,699.99</del>	<del>20%</del>
<del>\$32,700 or more but less than \$33,599.99</del>	<del>15%</del>
<del>\$33,600 or more but less than \$34,499.99</del>	<del>10%</del>
<del>\$34,500 or more but less than \$35,399.99</del>	<del>5%</del>

~~(3) For the period commencing July 1, 2008, and expiring on June 30, 2009:~~

<del>Maximum Income Exemption Eligibility</del>	<del>Percentage of Assessed Valuation Exempt From Taxation</del>
<del>Not more than \$28,000</del>	<del>50%</del>
<del>\$28,000.01 or more but less than \$28,999.99</del>	<del>45%</del>
<del>\$29,000 or more but less than \$29,999.99</del>	<del>40%</del>
<del>\$30,000 or more but less than \$30,999.99</del>	<del>35%</del>
<del>\$31,000 or more but less than \$31,899.99</del>	<del>30%</del>
<del>\$31,900 or more but less than \$32,799.99</del>	<del>25%</del>
<del>\$32,800 or more but less than \$33,699.99</del>	<del>20%</del>
<del>\$33,700 or more but less than \$34,599.99</del>	<del>15%</del>
<del>\$34,600 or more but less than \$35,499.99</del>	<del>10%</del>
<del>\$35,500 or more but less than \$36,399.99</del>	<del>5%</del>

(4) For the period commencing July 1, 2009, and expiring on June 30, 2022:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$29,000	50%
\$29,000.01 or more but less than \$29,999.99	45%
\$30,000 or more but less than \$30,999.99	40%
\$31,000 or more but less than \$31,999.99	35%
\$32,000 or more but less than \$32,899.99	30%
\$32,900 or more but less than \$33,799.99	25%
\$33,800 or more but less than \$34,699.99	20%
\$34,700 or more but less than \$35,599.99	15%
\$35,600 or more but less than \$36,499.99	10%
\$36,500 or more but less than \$37,399.99	5%

(5) (2) Commencing with the June 1, 2023 Assessment Roll (2024 tax billing cycle):

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$50,000.00	50%
\$50,000.01 or more but less than \$50,999.99	45%
\$51,000.00 or more but less than \$51,999.99	40%
\$52,000.00 or more but less than \$52,999.99	35%
\$53,000.00 or more but less than \$53,899.99	30%
\$53,900.00 or more but less than \$54,799.99	25%
\$54,800.00 or more but less than \$55,699.99	20%
\$55,700.00 or more but less than \$56,599.99	15%
\$56,600.00 or more but less than \$57,499.99	10%
\$57,500.00 or more but less than \$58,399.99	5%

B. ~~For purposes of determining age eligibility, the Village of Scarsdale grants eligibility to those persons reaching age 65 on or before December 31.~~

C. The income of the owner or the combined income of the owners of the property shall be based on the income tax year immediately preceding the date an application for exemption is filed; provided that if no federal personal income tax return is filed by the owner or owners of the property for the applicable income tax year, the owner or owners' income shall be determined based upon the amount of income that would have so been reported if such a federal personal income tax return had been filed. "Income tax year" shall mean the twelve-month period for which the owner or owners file a federal personal income tax return, or, if no such return is filed, the calendar year. The Town Assessor shall have the discretion to seek supporting documentation from an applicant(s) when evaluating an application for this exemption.

~~D. C. Where title to the property is vested in either the husband or wife married spouse, their married spouses' combined income may not exceed the maximum income sum set forth above. ~~For purposes of determining income eligibility, the calculation of total income shall not include a veteran's disability compensation. Furthermore, in accordance with Real Property Tax Law §467(3)(a), such income shall include social security, retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self employment. However, income shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution or monies earned through employment in the federal foster grandparent program.~~~~

D. For purposes of determining eligibility, "income" shall be computed pursuant to Real Property Tax Law § 467(3)(a)(iv) and consist of the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the income tax year specified in subsection "B" above, subject to any subsequent amendments or revisions, and

including tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income, plus any social security benefits not included in such federal adjusted gross income. In accordance with Real Property Tax Law § 467(3)(a)(iv)(2), "income" shall include distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income. Losses applied to reduce an applicant's federal adjusted gross income shall be subject to the limitations specified in Real Property Tax Law § 467(3)(a)(iv)(5). For purposes of determining income eligibility, the calculation of total income shall not include a veteran's disability compensation.

- E. Except as otherwise provided for in New York State Real Property Tax Law § 467, to be eligible for exemption pursuant to this article, the property must be the legal residence and be occupied in whole or in part by the owners.
- F. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted by the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a ~~disabled person with disability~~'s tax exemption pursuant to § 269-23 of this chapter.

Section 2. Chapter 269, Article VII, Section 23 of the Code of the Village of Scarsdale entitled "Exemption granted; amount" is hereby amended as follows:

§ 269-23 Exemption granted; exemption schedule.

- A. The Village of Scarsdale hereby grants property tax exemptions, authorized by New York State Real Property Tax Law § 459-c, to real property owned by one or more persons with disabilities, or owned by a ~~husband, wife, married spouse~~ or both spouses, or by siblings, at least one of whom has a disability, and whose income or combined income is limited by reason of such disability. They shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the following schedule and subject to the following conditions:

- (1) ~~For the period ending June 30, 2007:~~

<del>Maximum Income Exemption Eligibility</del>	<del>Percentage of Assessed Valuation Exempt From Taxation</del>
<del>Not more than \$26,000</del>	<del>50%</del>
<del>\$26,000.01 or more but less than \$26,999.99</del>	<del>45%</del>
<del>\$27,000 or more but less than \$27,999.99</del>	<del>40%</del>
<del>\$28,000 or more but less than \$28,999.99</del>	<del>35%</del>
<del>\$29,000 or more but less than \$29,899.99</del>	<del>30%</del>
<del>\$29,900 or more but less than \$30,799.99</del>	<del>25%</del>
<del>\$30,800 or more but less than \$31,699.99</del>	<del>20%</del>
<del>\$31,700 or more but less than \$32,599.99</del>	<del>15%</del>
<del>\$32,600 or more but less than \$33,499.99</del>	<del>10%</del>

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
\$33,500 or more but less than \$34,399.99	5%

~~(2) For the period commencing July 1, 2007, and expiring on June 30, 2008:~~

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$27,000	50%
\$27,000.01 or more but less than \$27,999.99	45%
\$28,000 or more but less than \$28,999.99	40%
\$29,000 or more but less than \$29,999.99	35%
\$30,000 or more but less than \$30,899.99	30%
\$30,900 or more but less than \$31,799.99	25%
\$31,800 or more but less than \$32,699.99	20%
\$32,700 or more but less than \$33,599.99	15%
\$33,600 or more but less than \$34,499.99	10%
\$34,500 or more but less than \$35,399.99	5%

~~(3) For the period commencing July 1, 2008, and expiring on June 30, 2009:~~

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$28,000	50%
\$28,000.01 or more but less than \$28,999.99	45%
\$29,000 or more but less than \$29,999.99	40%
\$30,000 or more but less than \$30,999.99	35%
\$31,000 or more but less than \$31,899.99	30%
\$31,900 or more but less than \$32,799.99	25%
\$32,800 or more but less than \$33,699.99	20%
\$33,700 or more but less than \$34,599.99	15%
\$34,600 or more but less than \$35,499.99	10%
\$35,500 or more but less than \$36,399.99	5%

(4) For the period commencing July 1, 2009, and expiring on June 30, 2022:

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$29,000	50%
\$29,000.01 or more but less than \$29,999.99	45%
\$30,000 or more but less than \$30,999.99	40%
\$31,000 or more but less than \$31,999.99	35%
\$32,000 or more but less than \$32,899.99	30%
\$32,900 or more but less than \$33,799.99	25%
\$33,800 or more but less than \$34,699.99	20%
\$34,700 or more but less than \$35,599.99	15%
\$35,600 or more but less than \$36,499.99	10%
\$36,500 or more but less than \$37,399.99	5%

(5) (2) Commencing with the June 1, 2023 Assessment Roll (2024 tax billing cycle):

Maximum Income Exemption Eligibility	Percentage of Assessed Valuation Exempt From Taxation
Not more than \$50,000.00	50%
\$50,000.01 or more but less than \$50,999.99	45%
\$51,000.00 or more but less than \$51,999.99	40%
\$52,000.00 or more but less than \$52,999.99	35%
\$53,000.00 or more but less than \$53,899.99	30%
\$53,900.00 or more but less than \$54,799.99	25%
\$54,800.00 or more but less than \$55,699.99	20%
\$55,700.00 or more but less than \$56,599.99	15%
\$56,600.00 or more but less than \$57,499.99	10%
\$57,500.00 or more but less than \$58,399.99	5%

B. The income of the owner or the combined income of the owners of the property shall be based on, from all sources, as set forth in New York State Real Property Tax Law § 459-c, for the income tax year immediately preceding the date of making an application for exemption is filed. ~~must not exceed \$34,399.99 for the period expiring June 30, 2007; \$35,399.99 for the period commencing July 1, 2007, and expiring on June 30, 2008; \$36,399.99 for the period commencing July 1, 2008, and expiring on June 30, 2009; \$37,399.99 for the period commencing July 1, 2009, and expiring on June 30, 2022; and \$58,399.99 commencing with the June 1, 2023 Assessment Roll. If no federal personal income tax return is filed by the owner or owners of the property for the applicable income tax year, the owner or owners' income shall be determined based upon the amount of income that would have so been reported if such a federal personal income tax return had been filed. "Income tax year" shall mean the twelve-month period for which the owner or~~

owners file a federal personal income tax return or, if no such return is filed, the calendar year. The Town Assessor shall have the discretion to seek supporting documentation from an applicant(s) when evaluating an application for this exemption.

...

- E. Where title to the property is vested in either ~~the husband or wife~~ married spouse, their married spouses' combined income may not exceed the maximum income sum set forth above. ~~For purposes of determining income eligibility, in accordance with Real Property Tax Law § 459-c(5)(a), such income shall include social security, retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment. However, income shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program.~~
- F. For purposes of determining eligibility, "income" shall be computed pursuant to Real Property Tax Law § 459-c(5)(a)(iv) and consist of the "adjusted gross income" for federal income tax purposes as reported on the applicant's federal or state income tax return for the income tax year specified in subsection "B" above, subject to any subsequent amendments or revisions, and including tax-exempt interest or dividends that were excluded from the applicant's federal adjusted gross income, plus any social security benefits not included in such federal adjusted gross income. In accordance with Real Property Tax Law § 459-c(5)(a)(iv)(2), "income" shall include distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income. Losses applied to reduce an applicant's federal adjusted gross income shall be subject to the limitations specified in Real Property Tax Law § 459-c(5)(a)(iv)(5).
- F. G. Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted by the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a senior citizens tax exemption pursuant to §269-20 of this chapter.
- G. H. Notwithstanding any other provisions of this article to the contrary, the provisions of this article shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this article, where such person or persons are the owner or owners of such real property.

### Section 3. Ratification, Re-adoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 269, Article V, Section 20 and Chapter 269, Article VII, Section 23 of the Code of the Village of Scarsdale are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

### Section 4. 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 5. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 6. Effective date.**

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

**RESOLUTION RE:                   ACCEPTANCE OF A GIFT FROM THE BOWMAN  
FAMILY FOUNDATION FOR THE SCARSDALE  
POLICE DEPARTMENT**

**WHEREAS,**                   Mr. And Mrs. Matthias Bowman (The Bowman Family Foundation) of Scarsdale have offered to donate \$2,000 to the Village for the sole purpose of providing additional funding for Police Department projects selected by the Village of Scarsdale Police Chief and approved by the Village, as stated in the letter dated December 15, 2023 from The Bowman Family Foundation attached hereto and made a part hereof; and

**WHEREAS,**                   pursuant to Policy #106 of the *Village of Scarsdale Administrative Policies and Procedures Manual* entitled, “Gifts to the Village of Scarsdale”, acceptance of all gifts valued at \$500 or more must be approved by the Village Board of Trustees, now, therefore, be it

**RESOLVED,**                   that the Village Board of Trustees hereby accepts the gift of \$2,000 from the Bowman Family Foundation; and be it further

**RESOLVED,**                   that said funds be deposited in the appropriate account for the Police Department as determined by the Village Treasurer; and be it further

**RESOLVED,**                   that the Village Board of Trustees hereby extends its heartfelt thank you to Mr. and Mrs. Matthias Bowman for their generosity to the Village of Scarsdale Police Department.

Date:                           January 09, 2024

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

**To:** Alex Marshall, Acting Village Manager

**From:** Andrew Matturro, Chief of Police

**Date:** Thursday, December 21, 2023

**RE:** Donation to Police Department

**MEMORANDUM**  
Police Department

---

Please see the attached letter dated December 15, 2023, from the Bowman Family Foundation, advising of its intended donation of \$2000.00 to be used as additional funding for the Scarsdale Police Department. A check for \$2000.00 has been sent to the Village's Treasurer, Ms. Ann Scaglione, to be deposited in the appropriate account.

I recommend the Village accept these funds, in accordance with the Bowman's wishes, to enhance the public safety of the residents of the Village of Scarsdale and as per Policy #106 of the Village of Scarsdale Administrative Policies and Procedures Manual entitled, Gifts to the Village of Scarsdale .

I have included the appropriate resolution for your review.

I have also sent a letter of appreciation to Mr. & Mrs. Bowman through their foundation.

# THE BOWMAN FAMILY FOUNDATION

December 15, 2023

Village of Scarsdale  
50 Tompkins Rd  
Scarsdale, NY 10583  
CC: Andrew A. Matturro,  
Chief of Police

Re: Police Department

Dear Sir or Madam:

The Bowman Family Foundation is pleased to enclose a check in the amount of \$2,000 as a grant to your organization for the above purpose. This grant is made per the request of Matthias B. Bowman. This is to be used to provide additional funding for the Police Department with respect to projects selected by the Chief and approved by the Village. This grant is subject to the terms set forth in the attached Grant Terms and, by cashing the grant check, you are indicating that you agree to its terms.

Please send receipts, grant confirmations, or other correspondence regarding this contribution to the address listed below.

The Bowman Family Foundation wishes you and your organization every success in your important work. If you have any questions concerning this grant agreement, please contact Foundation Source, the administrator for The Bowman Family Foundation, at 1-800-839-1754.

Sincerely,

Foundation Source  
Administrator, The Bowman Family Foundation

<b>Address for Grant Acknowledgements</b>
Matthias B. Bowman The Bowman Family Foundation c/o Brandywine Trust Company 7234 Lancaster Pike Suite 300A Hockessin, DE 19707

## **GRANT TERMS**

**Grantor:** The Bowman Family Foundation (the "Grantor")

**Grant Recipient:** Village of Scarsdale Police Dept. (the "Grantee")

**Grant Amount:** \$2,000

**Grant Purpose:** General and Unrestricted (the "Purpose")

- a. **Tax Status:** The Grantee represents and warrants that it is exempt under Internal Revenue Code Section 501(c)(3) and classified under Code Section 509(a)(1), (2), or (3), or exempt under Code Section 4940(d)(2).
- b. **Expenditure of Funds:** The Grantee will use the grant funds only for educational, scientific, literary, religious, or other charitable purposes consistent with the Grantee's tax-exempt status described above. This grant is not earmarked to support any voter registration drive, or to influence legislation or the outcome of any election; any use of grant funds for such activities constitutes a decision of the Grantee that is wholly independent of the Grantor. The Grantee may not use any of the grant funds to satisfy a charitable pledge or obligation of any person or organization other than the Grantor, or to provide any tangible economic benefit to any of the Grantor's officers, directors, trustees, substantial contributors, or the family members of the foregoing individuals (collectively, the "Insiders").
- c. **Return of Grant Funds:** The Grantee agrees to return the enclosed grant if the Grantee is no longer recognized by the IRS as having the above tax-exempt status or if the grant funds are not expended for the purposes described above. If required, grant funds should be returned to the Grantor c/o Foundation Source at 55 Walls Drive, 3rd Floor, Fairfield, CT 06824-5163.
- d. **Control:** If the Grantor or its Insiders, acting separately or together, "controls" the Grantee (or any of its supported organizations), additional terms apply. Here, "control" means the ability to require the Grantee (or any of its supported organizations) to make or refrain from making an expenditure, or to perform or prevent it from performing any act which significantly affects its operations. If the Grantee believes that such control exists, the Grantee agrees to notify the Grantor immediately and may need to return the grant funds unless mutually agreed upon terms are reached. Any notification required under this paragraph shall be sent to the Grantor at the address listed in Paragraph c.
- e. **Other Terms:** These Grant Terms encompass the entire agreement between the parties and supersede all previous understandings and agreements between the parties, whether oral or written. This grant is subject to these Grant Terms; by cashing the grant check, the Grantee indicates its agreement to these terms. If check is not cashed within 180 days, it will be voided.

TOWN BOARD MEETING

Rutherford Hall & Video Conference  
Town of Scarsdale  
December 12, 2023

A Meeting of the Town Board of Scarsdale was held in Rutherford Hall and via video conference on Tuesday, December 12, 2023, at 11:35 p.m.

Present were Mesdames Brew, Gruenberg, and Messrs. Ahuja, Arest, Gans, Mazer and Whitestone. Also present were Acting Village Manager Marshall, Town Clerk Emanuel, Custodian of Taxes Scaglione, and Town Counsel Ward-Willis.

Mr. Arest presided.

\* \* \* \* \*

Minutes

Upon a motion entered by Mr. Gans, seconded by Ms. Gruenberg, the minutes of the Town Board Meeting of November 14, 2023, were approved by the vote indicated below:

AYES

Ms. Brew  
Mr. Gans  
Ms. Gruenberg  
Mr. Mazer  
Mr. Whitestone  
Mr. Arest

NAYS

none.

ABSTENTIONS

Mr. Ahuja

\* \* \* \* \*

Report of the Custodian of Taxes

- As of November 30, 2023, 99.21% of the County tax levy for 2023 and 56.61% of the School tax levy has been collected.
- Please note, the second installment of Village Taxes are due by December 31<sup>st</sup> and the second installment of School Taxes are due by January 31<sup>st</sup>.
- Residents are encouraged to register to receive tax bills and tax reminder notices by email, in addition to a copy in the mail. Residents may register at Scarsdale.com or can contact the Treasurer’s office for further information.
- We continue to encourage residents to pay taxes and water bills online at Scarsdale.com.

\* \* \* \* \*

Mr. Whitestone

Upon motion entered by Mr. Whitestone, and seconded by Ms. Gruenberg, the following resolution regarding Filing Town Budget Estimates; was approved unanimously:

WHEREAS, §17-1728 of the Village Law requires a town that is coterminous with a village to annually prepare and file, during the month of December, an itemized statement of the estimated revenues and expenditures of such town for the period ending with the next ensuing fiscal period of such Village; and

WHEREAS, the expenditure estimates represent allocations of the various Village departmental costs to Town related functions, e.g., elections and collection of school and county taxes, and the revenue estimates represent those categories of income that are booked by the Town and subsequently transferred to the Village; and

WHEREAS, these estimates may be revised at any time prior to the formal adoption of the 2024-2025 Village Budget in April, 2024; now, therefore, be it

RESOLVED, that pursuant to §17-1728 of the Village Law applicable to a coterminous Town/Village, the Town Board hereby files with the Village Clerk of the Village of Scarsdale, the following estimate of budget revenues and expenditures of the Town of Scarsdale for inclusion by the Village Board of Trustees in its next Village budget:

\* \* \* \* \*

Upon motion entered by Mr. Whitestone, and seconded by Ms. Gruenberg, the following Town of Scarsdale Statutory Resolution regarding Town Clerk; was approved unanimously:

RESOLVED, that Taylor C. Emanuel is hereby appointed Town Clerk for the statutory term of two years commencing on January 1, 2024, and ending December 31, 2025, at the compensation to be determined by the Town Board and as provided and allocated in the budget.

\* \* \* \* \*

Upon motion entered by Mr. Whitestone, and seconded by Ms. Brew, the following Town of Scarsdale Statutory Resolution regarding the Official Town newspaper; was approved unanimously:

RESOLVED, that The Scarsdale Inquirer is hereby designated the official Town newspaper.

\* \* \* \* \*

Upon motion entered by Mr. Whitestone, and seconded by Ms. Gruenberg, the following Town of Scarsdale Statutory Resolution regarding Official Depositories of the funds of the Town of Scarsdale; was approved unanimously:

RESOLVED, that JP Morgan Chase, M & T Bank, Flagstar Bank, US Bank, the New York Cooperative Liquid Assets Security System (NYClass administered by Public Trust Advisors) and the New York Liquid Asset Fund (NYLAF administered by PMA) are hereby designated as official depositories of the funds of the Town of Scarsdale.

\* \* \* \* \*

Upon motion entered by Mr. Whitestone, and seconded by Ms. Brew, the following Town of Scarsdale Statutory Resolution regarding Meetings of the Town Board; was approved unanimously:

RESOLVED, that the regular meetings of the Town Board of the Town of Scarsdale be held at Village Hall on the second Tuesday of every month, January through December; and that special meetings may be called during such months or other times as provided by law or as otherwise designated by the Town Board.

\* \* \* \* \*

Upon motion entered by Mr. Whitestone, and seconded by Ms. Gruenberg, the following Town of Scarsdale Statutory Resolution regarding Independent Auditors for the Town of Scarsdale; was approved unanimously:

RESOLVED, that the firm of O'Connor Davies, LLP, be retained as independent auditors for the Town of Scarsdale for the year 2024.

\* \* \* \* \*

There being no further business to come before the Board, the meeting was adjourned at 11:40 PM on a motion entered by Ms. Gruenberg, seconded by Mr. Ahuja.

Respectfully submitted,

---

Taylor C. Emanuel  
Town Clerk

**RESOLUTION RE:     RATIFICATION AND APPROVAL OF A LOCAL  
LAW ADOPTED BY THE SCARSDALE VILLAGE  
BOARD AMENDING CHAPTER 269 OF THE  
VILLAGE CODE OF THE VILLAGE OF  
SCARSDALE CONCERNING THE SENIOR  
CITIZEN REAL PROPERTY TAX EXEMPTION  
AND THE REAL PROPERTY TAX EXEMPTION  
FOR PERSONS WITH DISABILITIES AND  
LIMITED INCOMES**

**WHEREAS,**           on January 09, 2024, the Village Board of the Village of Scarsdale adopted a local law, subject to the ratification and approval of the Scarsdale Town Board, to amend Chapter 269 of the Code of the Village of Scarsdale concerning the senior citizen real property tax exemption and the real property tax exemption for persons with disabilities and limited incomes; now, therefore, be it

**RESOLVED,**           the Scarsdale Town Board hereby ratifies and approves the actions of the Village of Scarsdale Board of Trustees in to amend Chapter 269 of the Code of the Village of Scarsdale concerning the senior citizen real property tax exemption and the real property tax exemption for persons with disabilities and limited incomes; and be it further

**RESOLVED,**           this resolution shall be effective on the date hereby approved.

Date:                   January 09, 2024



**To:** Alex Marshall, Acting Village Manager

**From:** Charles Hessler, Assistant Village Manager

**Date:** Thursday, January 04, 2024

**RE:** Public Comments Received between December 20, 2023 and January 03, 2024

MEMORANDUM  
Village Manager's Office

---

Attached, please find the public comments received between December 20, 2023 and January 3, 2024. Please note, the public comment cutoff date is Wednesday at noon preceding any given Board of Trustees Regular Meeting.

## Christine Sciandra

---

**From:** mbemore@aol.com  
**Sent:** Wednesday, December 6, 2023 4:22 PM  
**To:** Public Comments  
**Subject:** Proposed Moratorium on Single Family Housing Development

---

**CAUTION:** External sender.

---

Dear Mayor Arrest and Village Trustees,

Thank you for proposing a temporary pause to single-family housing development. This pause is necessary to allow you time to address long-standing but increasingly critical issues regarding the quality and scale of new construction, along with the loss of the tree canopy and open space in Scarsdale.

Our existing Village codes and regulations are clearly failing two of the four main community goals articulated in our Comprehensive Plan, namely: “1) To preserve the village’s existing architectural character and scale of development” and “2) To maintain the image of a village in the park” (Comprehensive Plan, Scarsdale, NY, pp. i-ii). Moreover, if permitted unchecked, current building trends in a context of continued global warming threaten to exacerbate existing Village-wide stormwater management issues and related costly property damage.

We both grew up in Scarsdale, and since we moved back in 1995, the sizes of new homes being constructed here have been steadily increasing. We understand the need for new development and the rationale for replacing old housing stock, including changing family needs and the desire for more living space. But the most recent trend seems to be to build as much house as possible, at the expense of open space and mature trees and without regard to how the volume or bulk of the new structure relates to surrounding properties.

In our area of Edgewood, many lots are in the range of 5,000 to 10,000 square feet. As the Village Board recently noted, much of Edgewood was developed during the 1920s as “a more modest neighborhood” (“Findings of the Village of Scarsdale Board of Trustees, 247 Nelson Road,” p. 6). But we’re now seeing such modest lots being consumed by well over 4,000 square foot luxury homes, with 6 bedrooms and 7 baths and 9 to 10-foot ceilings, such as one would more typically find on half acre or larger lots in Scarsdale. With such permissive codes and regulations that give considerable leeway to developers, in short time much of Edgewood will lose its tree canopy, will no longer resemble a “village in a park,” and will be vulnerable to more frequent and damaging flooding.

The new McMansions we’ve started to see going up in Edgewood also have McMansion asking prices that are already upward of \$2.5 million. This represents a narrowing of the range of housing

stock diversity, making Scarsdale a less economically diverse place to live. It certainly is cost prohibitive for many young families and explains an already noted demographic phenomenon, which, along with the lack of affordable multi-family housing, explains the sharp decline in the 25-34 year old age group in Scarsdale (Alexander Roberts, Community Housing Innovations, "Richest Communities on Long Island and in Westchester Experiencing Demographic Collapse of Young Adult Workforce," <https://ulidigitalmarketing.blob.core.windows.net/ulidcnc/2014/08/ULI-Westchester-Demo-Collapse.pdf>).

At the November 14 meeting, one resident developer reminded us that we rely on increases to the tax base to keep property taxes in check. But perhaps we have developed an overreliance on this tax benefit. Certainly, it's time for us as a community to weigh all the costs against the supposed benefits of our permissive single-family housing development policy.

Sincerely,

Mary Beth Evans  
Dan Moretti  
16 Edgewood Road

## Christine Sciandra

---

**From:** Darin Dillon <darindillon@gmail.com>  
**Sent:** Sunday, December 10, 2023 11:04 PM  
**To:** Mayor Justin Arest; Public Comments  
**Subject:** Proposed moratorium on tear-downs

---

**CAUTION:** External sender.

---

I'd like to express my opposition to the proposed moratorium on tear-downs. I ask you to consider voting against it.

I'm sure you've already heard the arguments against the moratorium (new houses are more energy efficient; new houses lower the tax burden on other citizens; older homes often have asbestos or lead pipes that can't be easily removed; new homes with modern amenities increase the desirability of Scarsdale; etc).

But my concern is that a "six month moratorium" while we "study" the issue is a trick to normalize a permanent ban. If we need to "study" the issue, then why bother with a moratorium before the study is complete? Village housing rules have existed for decades, so what difference will it make to wait a few months to see the results of the study before implementing moratoriums? Assuming the study is not stacked to guarantee a certain conclusion, then the study might show the current policy does not need any changes.

After decades, why is a moratorium now suddenly so urgent that we can't wait for the results of this study before deciding if changes are even necessary?

Arguments in favor of a moratorium involve distractions about floor area ratio or drainage requirements, but these seem like irrelevant rationalizations. (If we're worried about floor-area-ratio, then we could simply adjust those floor-area rules without banning tear downs.) I fear a "six month moratorium" could be a bad faith attempt at normalizing an unnecessary permanent ban.

I ask you to please consider rejecting this moratorium. At a minimum, a moratorium should be considered only *after* a study proves a need for change, not before.

Sincerely,  
Darin Dillon  
4 Sage Terrace

## Christine Sciandra

---

**From:** Matthew Barnett <Matthew.Barnett@mintzernauch.com>  
**Sent:** Monday, December 11, 2023 2:04 PM  
**To:** Public Comments; Mayor Justin Arest; Alexandra Marshall; nward-willis@kblaw.com; David Goessl; Kellan Cantrell  
**Cc:** Helen Mauch; Karen Mintzer  
**Subject:** Proposed Development Moratorium  
**Attachments:** Letter to Board 12.11.2023 with Attachments.pdf

---

**CAUTION:** External sender.

---

Good afternoon,

Please find attached a letter from Helen Mauch, Esq., regarding the proposed Temporary Moratorium on Certain Land Use Applications Within the Village of Scarsdale scheduled for a hearing as part of the December 12, 2023 Scarsdale Village Board Meeting.

We request this letter and the two attachments become part of the public record of the hearing.

Sincerely,

Matthew Barnett, Esq.

Mintzer Mauch PLLC  
290 Madison Ave., 4<sup>th</sup> Floor  
New York, New York 10017  
O: (212) 380-6170  
C: (407) 620-8242  
[matthew.barnett@mintzernauch.com](mailto:matthew.barnett@mintzernauch.com)  
[www.mintzernauch.com](http://www.mintzernauch.com)





December 11, 2023

**Via Email Only**

Hon. Justin K. Arest and  
Members of the Village of Scarsdale Board of Trustees  
Village Hall  
1001 Post Road  
Scarsdale, New York 10583

Re: **Proposed Development Moratorium**

Dear Mayor Arest and Members of the Board of Trustees:

Our firm represents the Garden Road Neighbors Group. Our clients include 29 residents that live on Garden Road, Cushman Road, Willow Lane and Sheldrake Road. This part of Scarsdale is a Sensitive Drainage Area under the Village's Zoning Code.

We are writing on behalf of our clients in support of this Board's proposal to adopt a temporary moratorium prohibiting the acceptance, consideration and/or approval of applications for development in all Residence A and C zoning districts. Last year, we submitted letters and appeared at meetings to urge the prior administration to adopt a similar moratorium because of the considerable risk posed to our clients' properties as well as to many other Village residents if development continues unabated. Those letters are attached and we request that they become part of the record.

Members of the Garden Road Neighbors Group will attend the hearing tomorrow night to express their support for the proposed moratorium and the ongoing efforts of the current Administration to consider changes to the zoning code that will mitigate or avoid the deleterious effects of development in the village.

Respectfully submitted,

MINTZER MAUCH PLLC

A handwritten signature in black ink, appearing to read 'Helen C. Mauch', is written over a thin horizontal line.

By: Helen C. Mauch, Esq.

Enc: Letter to Village Board re: *Garden Road Neighbors Group – Request for Development Moratorium*, dated March 29, 2022  
Letter to Village Board re: *Comments Regarding Proposed Amendments to Village Code Chapter 254*, dated December 14, 2022

cc: Alex Marshall, Acting Village Manager (amarshall@scarsdale.com)  
Nicholas Ward-Willis, Esq., Village Attorney (nward-willis@kblaw.com)  
David Goessl, P.E., Village Engineer (dgoessl@scarsdale.com)  
Kellan Cantrell, AICP (kcantrell@scarsdale.com)



March 29, 2022

**Via Email Only** (mayor@scarsdale.com; sahuja@scarsdale.com;  
jarest@scarsdale.com; kbrew@scarsdale.com; crandall@scarsdale.com;  
jlewis@scarsdale.com; rwhitstone@scarsdale.com)

Hon. Jane E. Veron and  
Members of the Village of Scarsdale Board of Trustees  
Village Hall  
1001 Post Road  
Scarsdale, New York 10583

Re: **Garden Road Neighbors Group – Request for Development Moratorium**

Dear Mayor Veron and Members of the Board of Trustees:

Our firm represents a group consisting of twenty-nine (29) Village residents that live on Garden Road, Cushman Road, Willow Lane and Sheldrake Road (the “Garden Road Neighbors Group”).

On February 9, 2022 we wrote to the Board to express the Group’s concerns regarding flooding in the Village. We urged the Board to consider a temporary moratorium on development in areas of the Village most prone to flooding while the Village works toward enactment of stricter regulations as recommended by the Village’s engineer last year and as expressly represented in the Hazard Mitigation Plan (“HMP”) adopted by this Board in January 2022.

At the March 8, 2022 meeting, the Board expressed reluctance to consider a proposed moratorium. Instead, the Village Manager stated that the Village would not be in a position to consider a moratorium until the Village had further studied flooding issues and was ready to propose concrete changes to the Village Code. This response is very disappointing and concerning, particularly in light of other statements made at the meeting that the Board had not even entertained further conversations on the topic and that regulatory changes would be addressed “in due course.”

As explained by Helen Maccarino at the March 8 meeting, our clients’ properties (as well as many other Village residents) remain at risk while the Village delays in its implementation of action it has acknowledged as necessary “to reduce or eliminate damage to property and people” but nevertheless allows development to continue unabated in the interim. (HMP at 9.43-1). The Village appears to have not made progress on its promise to prepare a local law addressing flood risk, which it represented would be introduced “soon” for “subsequent consideration and

290 Madison Avenue, 4<sup>th</sup> Floor  
New York, NY 10017  
212-380-6170  
helen@mintzemauch.com

adoption.” (HMP at 9.43-29). The Village’s schedule is another reason that a temporary moratorium is eminently reasonable and necessary -- a moratorium would afford protection against development in sensitive drainage areas until stricter rules are adopted.

In addition to supporting a limited and temporary moratorium, our clients are ready, willing and able to assist the Village working group, which we understand was formed to consider flooding issues and amendments to the Village Code. Our clients are in the process of retaining an expert who can assist the working group to promptly move toward actionable solutions.

We urge this Board to take focused and expeditious action and to avail itself of the assistance that our clients are offering. We look forward to assisting and collaborating with the Board, Village staff and outside experts to address the flooding problem before another flood disaster.

Respectfully submitted,

MINTZER MAUCH PLLC



---

By: Helen C. Mauch, Esq.

cc: Rob Cole, Village Manager ([rcole@scarsdale.com](mailto:rcole@scarsdale.com))  
Dan Pozin, Esq. ([dpozin@mccarthyfingar.com](mailto:dpozin@mccarthyfingar.com))  
David Goessl, P.E. ([dgoessl@scarsdale.com](mailto:dgoessl@scarsdale.com))  
Greg Cutler, AICP ([gcutler@scarsdale.com](mailto:gcutler@scarsdale.com))



December 14, 2022

**Via Email Only**

Hon. Jane E. Veron and  
Members of the Village of Scarsdale Board of Trustees  
Village Hall  
1001 Post Road  
Scarsdale, New York 10583

Re: **Comments Regarding Proposed Amendments to Village Code Chapter 254**

Dear Mayor Veron and Members of the Board of Trustees:

As you know, our firm represents the Garden Road Neighbors Group, a group of twenty-nine residents that live in a Sensitive Drainage Area (“SDA”) within the Village.

I virtually attended the public hearing on proposed amendments to the Village Code last night. Unfortunately, the Board secretary did not see my hand raised to speak and did not recognize my client, Helen Maccarino, when her hand was raised a second time to advise the Board that I wished to be heard. In any event, while my client appreciates the effort of the Board and Village staff to amend the current stormwater provisions, the amendments to Chapter 254, as currently drafted, contain vague and undefined terms and a discretionary process that will undoubtedly lead to inconsistent and unjust outcomes.

In July, 2022, my partner Karen Mintzer appeared before your Board and expressed concerns that the then-proposed code language did not go far enough to protect our clients’ properties with respect to drainage issues, including, but not limited to, the creation of a buffer area that would allow property to be raised in a manner that creates a plateau with downward slopes to the buffer area and causes stormwater to flow even more quickly over adjacent property boundaries, and use of an outdated and ineffective metric in the 100-year storm event.

All of our prior comments apply equally to the current proposed draft legislation. We request that that our prior testimony be included in the administrative record for this matter. In addition, we urge the Board and staff to take these and the other well-reasoned comments and suggestions into account and address them through revisions to the proposed amendments to Chapter 254.

In addition to the substantive changes that could and should be made to the proposed amendments, we urge the Board to adopt a temporary moratorium on the processing of development applications within SDAs while the Board completes the legislative process. As

290 Madison Avenue, 4<sup>th</sup> Floor  
New York, NY 10017  
212-380-6170  
helen@mintzemauch.com

you may recall, earlier this year in February and March, we wrote to the Board suggesting a limited, temporary moratorium on applications for subdivision or development in a SDA. At the March 8, 2022 meeting, the Village Manager said that a moratorium would not be considered until there was further study and proposed changes to the Village Code.

Since then, there has been further study and there are now proposed changes to the Code. A temporary moratorium on the processing of development applications in SDAs is a valid stopgap measure that would achieve two things: 1) focus the Village's limited resources on the legislative task at hand and 2) afford protection to residents in SDAs while stricter rules are adopted. These types of moratoriums are plainly within this Board's power and authority. Charles v. Diamond, 41 N.Y.2d 318, 324 (1977); *see also*, Matter of Laurel Realty, LLC v. Planning Board of Town of Kent, 40 A.D.2d 857, 859 (2d Dept. 2007); 119 Development Associates v. Village of Irvington, et al. 171 A.D.2d 656 (2d Dept. 1991); Matter of Dune Assocs. v Anderson, 119 A.D.2d 574 (2d Dept. 1986).

The changes that the Village is considering to various chapters of the Village Code relating to flooding, stormwater runoff and land disturbance will further public health, safety and welfare and should be applied uniformly to all subdivision and development applications for projects in vulnerable areas. There is no good reason not to adopt a moratorium. It is not a complicated or controversial process. It merely requires this Board to have the will to protect Village residents while the more complicated Code amendments are fully thought through, revised, finalized and adopted.

Respectfully submitted,

MINZTER MAUCH PLLC



---

By: Helen C. Mauch, Esq.

cc: Rob Cole, Village Manager ([rcole@scarsdale.com](mailto:rcole@scarsdale.com))  
Nicholas M. Ward-Willis, Esq. ([nward-willis@kblaw.com](mailto:nward-willis@kblaw.com))  
David Goessl, P.E. ([dgoessl@scarsdale.com](mailto:dgoessl@scarsdale.com))  
Greg Cutler, AICP ([gcutler@scarsdale.com](mailto:gcutler@scarsdale.com))

## Christine Sciandra

---

**From:** LIKA LEVI <likallevi@aol.com>  
**Sent:** Monday, December 11, 2023 2:27 PM  
**To:** Public Comments  
**Subject:** Moratorium Meeting, December 12, 2023

CAUTION: External sender.

Dear Village Board and Trustees,

I wanted to communicate my thoughts on this important subject since unfortunately I will be away when you meet tomorrow.

I have been very concerned about buildings in Scarsdale. In 2013, even started a site [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_Save-2DScarsdale.org&d=DwIFAg&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=hR14B25OrA5sNM5V2kyuBuAjpOldmFCYT a8ivXGyl5U&m=nESB7s\\_kiAa63FeZGMapjG6eHXFTWQqIjRMDNfBP6v587IdpN--V0PFmbBovT\\_SY&s=BNXkduOwuisHXgAU1BzWz1gWfz9-YNaqNSfx-kjd8sU&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__Save-2DScarsdale.org&d=DwIFAg&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=hR14B25OrA5sNM5V2kyuBuAjpOldmFCYT a8ivXGyl5U&m=nESB7s_kiAa63FeZGMapjG6eHXFTWQqIjRMDNfBP6v587IdpN--V0PFmbBovT_SY&s=BNXkduOwuisHXgAU1BzWz1gWfz9-YNaqNSfx-kjd8sU&e=) to document my concerns and write about the proceedings in land-use boards. Ten years later, I hope something will finally be done.

I am not only in favor of a moratorium, but urge the Board to initiate measures so that green space is added and not subtracted from our inventory. The Village could buy a lot with a house on it, raze it and make sure only plants grow on it.

By now, in 2023 we all agree we can no longer abuse Earth.

We have to add green and not subtract. Just like the composting project where Scarsdale was a leader, Scarsdale should be a leader in this too: Project Green.

Thank you.

With best wishes,  
Lika L. Levi  
21 Lockwood Road

## Christine Sciandra

---

**From:** Jeffrey Osterman <osakans@yahoo.com>  
**Sent:** Tuesday, December 12, 2023 11:13 AM  
**To:** Public Comments  
**Cc:** Susan Matula  
**Subject:** Proposed Construction Moratorium

**CAUTION:** External sender.

Dear Trustees,

I am writing in advance of the public hearing tonight with respect to the proposed moratorium on certain construction projects in town. I would have liked to attend but I have other commitments that I have been unable to move.

My wife and I are end users who have lived in Scarsdale for over 20 years. In that time we have completed two substantial construction projects (16 Oak Way and 5 Lockwood Road) and are in the approval stage with respect to a third (23 Autenrieth). Our intent has been to live in each of the houses we have worked on, so we have a perspective slightly different from professional developers and neighbors who are legitimately concerned about the effects of development on their neighborhoods.

As I briefly mentioned at the Board of Trustees meeting on November 12, the current draft moratorium will likely create significant disruption to projects in process and will upset the legitimate expectations of home buyers who agreed to purchase subject properties that need work before the moratorium was floated. The current draft moratorium, if approved, will have retroactive effect to suspend processing of any applications filed after November 14, 2023. I believe the intent was to avoid a rush to file applications under the current legal regime, but the retroactive effect will be much too harsh. On the one hand such a rush seems unlikely - there are only so many homes available for sale and only so many projects any developers could process at once - and on the other hand the impact on projects in flight is likely to be major.

This impacts us personally - we may want to amend the design of our project at 23 Autenrieth, changing its footprint modestly with the intent to further improve its aesthetics from the street, but doing so might require either a zoning variance or the demolition of a back-yard free-standing garage because of ripple effects from the design change. The moratorium would likely put a halt to those efforts, leaving us with the currently approved project and no realistic way to improve it. But aside from our personal interests, the moratorium creates a broader issue for the town. Imagine a home buyer who signed a purchase contract on November 1 with the intent to increase the footprint of the home. That home's buyer and seller negotiated their purchase price and signed a contract with a valuation based on the code as it existed on November 1. Having purchased several homes in Scarsdale over the years, we are well aware that a home's price is determined not just by the current house on the lot, but also its potential. A home buyer in that situation could not be expected to have submitted all the necessary plans before all the necessary boards by November 14 and now the buyer, who has contracted to spend what is likely a very significant amount of money, is told that any work they would like to do on that property will be stalled for at least six months. The cost of carrying alone is significant given our local taxes and current interest rates. In that scenario the home seller would have gotten a windfall and the home buyer would be unreasonably burdened.

I enthusiastically endorse the desire to harmonize Scarsdale's land use laws (I plan to share some of our perspective as users who have gone through the process at future meetings when I do not have a scheduling conflict) and am not opposed in principle to the concept of a moratorium, but any moratorium adopted must acknowledge the legitimate interests of people who have invested capital in the town and who have taken concrete steps on projects, even if they haven't submitted all of the necessary plans by November 12.

Sincerely,  
Jeffrey Osterman  
16 Oak Way  
917-757-7811

## Christine Sciandra

---

**From:** mbemore@aol.com  
**Sent:** Wednesday, December 13, 2023 11:06 AM  
**To:** Public Comments  
**Subject:** Proposed moratorium

**CAUTION:** External sender.

Dear Mayor Arrest and Village Trustees,

Last night when I read our comments I was cut off due to time constraints. Before I spoke I also eliminated stating the entire penultimate paragraph because I knew it would put me over the 3-minute limit.

Below are our full comments.

Thank you,  
Mary Beth Evans

### December 12 Comments on Proposed Moratorium

Mary Beth Evans, 16 Edgewood Road, and I'm also speaking on behalf of my husband, Dan Moretti.

We support the proposed moratorium.

Our existing Village codes and regulations are clearly failing two of the four main community goals articulated in our Comprehensive Plan, namely: "1) To preserve the village's existing architectural character and scale of development" and "2) To maintain the image of a village in a park" (Comprehensive Plan, Scarsdale, NY, pp. i-ii). Moreover, if permitted unchecked, current building trends in a context of continued global warming threaten to exacerbate existing Village-wide stormwater management issues and related costly property damage.

My husband and I both grew up in Scarsdale, and since we moved back in 1995, the sizes of new homes being constructed here have been steadily increasing. We understand the need for new development and the rationale for tearing down and replacing some old homes, but the most recent trend seems to be to build as much house as possible – to more than double the square footage of the previous home -- at the expense of open space and mature trees and seemingly without regard to how the volume or bulk of the new structure relates to surrounding properties.

In our area of Edgewood, many lots are in the range of 5 - 10,000 square feet. As the Village Board recently noted, much of Edgewood was developed during the 1920s as "a more modest

neighborhood” (“Findings of the Village of Scarsdale Board of Trustees, 247 Nelson Road,” p. 6). But we’re now seeing modest sized parcels being consumed by well over 4,000 square foot homes, with 6 bedrooms and 7 baths and 9 to 10-foot ceilings, such as one would more typically find on half acre or larger lots in Scarsdale. If our building and zoning codes continue to permit this, in short order much of Edgewood will lose its tree canopy, will no longer resemble a “village in a park,” and will be vulnerable to more frequent and damaging flooding.

The new homes we’ve started to see going up in Edgewood also have asking prices that are well more than double what they’ve replaced. This represents a further narrowing of the range of housing stock diversity, making Scarsdale an even less economically diverse place to live. We note this in response to a questionable statement that one resident developer made at the November 14<sup>th</sup> meeting, when he claimed that a 6-month moratorium would prevent new families from moving in and thus serve to impede diversity in Scarsdale. To the contrary, it is the high cost of single-family homes, along with the continued absence of more affordable multi-family housing, that has been a major deterrent to young families moving in and the main impediment to diversity in Scarsdale. In this regard, we believe it is appropriate that the current proposed moratorium does not affect multi-family housing construction, and we urge the Board to finally address the development of the Freightway property and for Scarsdale to start doing its fair share in meeting the dire need for more affordable housing in Westchester.

At the November 14 meeting, another developer from outside of Scarsdale reminded us that we rely on increases to the tax base to keep property taxes in check. We agree that this is a benefit. Yet, it is a benefit we now see as coming with lasting costs. Certainly, it’s time for us as a community to start weighing all the costs against the supposed benefits of a permissive single-family housing development policy. A 6-month moratorium is the most even-handed and fair way to allow the necessary time and space for this long overdue process to happen. Even those who are against the moratorium admit that new rules are needed. Why should we endure 6 more months’ worth of construction based on building and zoning codes we all agree are doing harm to our community?

## Christine Sciandra

---

**From:** rozyoung@icloud.com  
**Sent:** Tuesday, December 12, 2023 3:51 PM  
**To:** Clerk's Department; Alexandra Marshall; Public Comments  
**Cc:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone  
**Subject:** Architects Letter against the Proposed Moratorium Law 11/14/23. REVISED WITH DATE  
**Attachments:** BOT Letter Moratorium.pdf

---

**CAUTION:** External sender.

---

Dear Mayor and Board of Trustees, please see my letter attached, (date added) outlining my grave concerns regarding the proposed Building Moratorium in Scarsdale  
I will be attending the public meeting this evening, but wanted to share my thoughts in advance.

Thank you for your consideration.

Sincerely  
Rosamund Young

*Rosamund A. Young AIA  
914-419-6616  
rozyoung@icloud.com  
www.rosamundyoung.com*

## ROSAMUND YOUNG ARCHITECTURE P.C.

*6 Norwood Road  
Scarsdale NY 10583  
TEL 914.419-6616  
EMAIL [Rozyoung@icloud.com](mailto:Rozyoung@icloud.com)*

To the Mayor and Board of Trustees  
Village of Scarsdale  
1001 Post Road, Scarsdale NY 10583

December 12, 2023

RE: Proposed Building Moratorium

Dear Mayor and Trustees,

### **I SUPPORT NEW RULES ...NOT A MORATORIUM**

I am an architect who has worked in Scarsdale designing custom homes, renovations, preservations and additions for Scarsdale Residents for over 20 years. My work attests to my commitment to honor the Architecture and Integrity of the built environment in Scarsdale Village.

I fully support the Trustees in creating and instituting new updated codes and guidelines, as swiftly as possible. An orderly schedule with self-imposed deadlines can be set without the overwhelming burden of a Moratorium.

#### **Call for change:**

We have all heard the complaints by Scarsdale Residents voiced for many years, over and over, in the public forum of the four Village Board meetings; Zoning, Planning, BAR and CHP, **These complaints are repeatedly concerning Bulk and Stormwater.**

#### **Solution:**

The four Village Boards combined hear up to 60 applications each month. They are the absolute gateway to the Permitting process. If they were each armed with appropriate Codes and clear Guidelines we would quickly see a complete turn-around in the type of building and developments going up around us: less bulky, less massive, less coverage, more open space, more trees, etc.

A proposed Moratorium does nothing to advance the Solution above, it merely stalls the issue and induces damaging, perhaps irreversible, economic consequences for all Home-owners, local businesses and the professionals serving the Construction Industry. One of the criteria required by a municipality instituting a Moratorium is to alleviate or prevent a "crisis condition". What crisis? There will surely be a crisis if a Moratorium is imposed:

1. Existing Projects will go on hold while we wait for new rules. Prospective projects will disappear as Homeowners and Buyers will be unclear on their development rights or home values.
2. Many of our projects are geared for completion for new families starting the September school year. The 2024 move-in goal would no longer be a possibility.
3. A 6-month moratorium historically extends to 12 months or more. Projects typically require 4 to 6 months to prepare for submission to the Village, so realistically we could be looking at 18 months or more before new applications would be ready for submission.
4. Current Building Permits are reviewed for approvals in 6 to 8 weeks. After a Moratorium lockdown the rush/quantity of applications would be overwhelming for the Building department and therefore further delay approvals.
5. Significant Village revenue is generated from Permit Fees, how would this loss be compensated?
6. The group of established reputable Contractors serving the community will likely go to other towns for assured revenue, it will be very difficult to break back into their schedules, and resuscitate our reliable pipeline of work. This will lead to increased pricing in Contractor Bids.

Furthermore, we are acutely aware of the various Projects that have initiated the fierce debate, and feel it is totally unfair to consider imposing a general Moratorium on all, just because of a few controversial cases.?

Many of my colleagues and clients have spoken to the far-reaching damages we could face with an open ended Moratorium in place, but allow me to assure you that we have already witnessed shocking damages unfold...just with the conversation ongoing since November 14<sup>th</sup> 2023!

We Architects & Engineers are accustomed to providing compliance to whatever Rules are in place. The NYS Building Codes and International Building Codes are updated and adopted routinely every few years. We expect this and plan for this, we know what's coming and when it's coming.

Shouldn't this system and process should be the same for our Municipality?

**I implore the Trustees to give us new rules today and we will design for a beautiful Village tomorrow.**

Sincerely,

**Rosamund A. Young AIA**  
*Architect*

## Christine Sciandra

---

**From:** Cal Petrescu <calpetrescu@gmail.com>  
**Sent:** Tuesday, December 12, 2023 1:58 PM  
**To:** Public Comments  
**Subject:** Construction Moratorium

---

**CAUTION:** External sender.

---

12-12-2023

To: The Board of Trustees, Village of Scarsdale

Re: Proposed Moratorium on Construction

Dear Trustees,

My name is Cal Petrescu, from 11 Crossway, owner of TheWestchesterArchitect.com; this letter summarizes my public address tonight. A resident and Architect in Scarsdale for over 25 years, I designed and helped build hundreds of projects in the village and the surrounding towns. Most of you are also walking by or shopping in stores I developed as key design and construction executive, such as Tiffany, Anthropologie, Urban Outfitters, Brooks Brothers, from the US to Canada, to Europe and the Orient.

I never and nowhere heard of such drastic measures. A moratorium on all exterior construction, predating the day of its announcement is a glaring and legally amusing overreach. I am opposed to this moratorium. I am looking forward to hearing the drawbacks of this action tonight and hope in additional public or potential legal forums. I see no merit in stopping economic activities which put bread on the table of hundreds if not thousands of Scarsdale residents and outside vendors or contractors.

The following are several points with relevant background:

- An unintended consequence of FAR laws passed some 20 years ago may be one of the matters adding to current development conversations, as folks have developed lots to the maximum permitted criteria.
- Development, a controversial word nowadays, is what brought all of us to this village over centuries. We should understand that we are REPLACING OLD, unsafe, full of lead, asbestos and mold houses, non-compliant regarding current building or energy codes with NEW HOUSES on same exact size lots, designed to current zoning and living standards, including justified added space for working from home; simple math shows that this is actually helping all of us by saving on taxes, subdivisions are rare, we are adding only a couple of houses a year to the tax roll.
- As a neighbor, I am extremely concerned about any potential tinkering with the "as of right" criteria, especially concerning additions on the on the smaller 5,000-6,000sf lots; we cannot hurt our residents, friends or would be neighbors by denying them small additions meaningful to their growing family needs, or to emergency situations like covid.
- I am equally concerned about any change AFFECTING BASIC ZONING, since reducing setbacks and lot coverages would make most of our COMPLYING houses NON-COMPLIANT, WITH PROPERTY VALUES DROPPING IN RESPONSE; the trustees should be extremely aware of this aspect which would affect all of us.
- Many of you may not be aware that the village had already quite recently significantly reduced zoning criteria regarding the bulk of new construction and additions by over 10% in terms of height and FAR bonuses;

all was done with simple, due diligence by staff, without I think spending much of our tax dollars on consultants and, more important, WITHOUT A MORATORIUM.

- The village had also recently, again, WITHOUT A MORATORIUM, added laws requiring engineering drawings and drainage approvals prior to submission to the Board of Architectural Review, slowing development already by lengthening the approval and completion process.
- New buyers and the real estate community need to know the PRECISE zoning criteria in advance of purchases, word on the street is that real estate negotiations may be already affected, closings delayed.

In conclusion, since this sensitive subject has now come in full force to public scrutiny, it's very important that the trustees develop a well-publicized, well detailed and properly spaced public agenda of matters to be addressed. I suggest that advanced mailings to all residents should be considered.

Respectfully,

Cal Petrescu AIA

Cal Petrescu AIA  
Principal  
914 523-4030 cell/text  
914 723-6884 studio  
Thewestchesterarchitect.com

## Christine Sciandra

---

**From:** Leah Dembitzer <ldembitzer@gmail.com>  
**Sent:** Saturday, December 16, 2023 6:31 PM  
**To:** Mayor Justin Arest; Manager's Department; Trustee Gruenberg; Trustee Ahuja; Trustee Gans; Trustee Brew; Trustee Whitestone; Trustee Mazer  
**Subject:** Regarding the Proposed Building Moratorium

---

**CAUTION:** External sender.

---

Dear Members of the Village Board,

I hope that this email finds you well. My name is Leah Dembitzer; I am a 15-year resident of Scarsdale and I live with my family in Quaker Ridge.

I know that there are many complexities to the challenges of development and building in Scarsdale. I realize that many builders, architects, developers and real estate agents depend on Scarsdale for their livelihood. I also know there may be many current building projects taking place for current village residents.

However, I am deeply concerned by the increasing scale and lot coverage of new homes in our village neighborhoods and am most worried about the increasing flood risk. I know that we live in a flood zone, storms have been strengthening in intensity due to climate change, and with our massively increased scale of development (increasingly large houses per lot size), less permeable ground and fewer trees, we have all seen the frightening floods of just this past year. Every day I drive by huge new constructions - very tall structures that dwarf other houses and are built to what looks like the maximum allowable by the lot.

If you have high school kids then you know that there was an extreme flood event at SHS during the late September storm that took the community by surprise. I had to jump in my car to get my boys as there was an imminent emergency on the grounds and the streets surrounding SHS. Driving down Burgess, students were walking in water up to their knees and thighs to get to their parents' and friends' cars. Then of course, there were many closures on Post Rd at Murray Hill and throughout Fox Meadow, Heathcote and Quaker Ridge (just the areas I drove through that day). I was honestly worried I wasn't going to be able to get home safely with my two teenagers. This is our new normal - sadly. An emergent threat of increased flooding. As we now know, it is no small issue. Life and property are at stake. I would imagine our property values would be further at stake with even more coverage of permeable land and thus increased flooding in future storms and rain events. A moment like this, as we move into a new climate era with monster storms, requires all of us to think in a very real and full way about the consequences of heavy development in our area.

A year ago, when we had another major storm (though many are major) with flash flooding in our neighborhood (I had friends who had to abandon their cars in the street); our home was massively flooded with water pouring into the basement at an alarming rate. I know that many members of our community had similar experiences. I know that there is so much unknown about our climate future and how our children will live in their own communities in twenty or thirty years. I think it really is incumbent upon our current Boards (Village and School) and our other NY elected officials to make the tough decisions to help improve our infrastructure and begin the process of engaging in how to problem-solve these highly complex and challenging issues.

I understand the fear of a "blunt instrument" -- of a moratorium. However, something has to be done. There have to be strategic, well-researched and thoughtful changes to the building code, and improvements to our village infrastructure, to protect our community as best we can in this new era of major storms.

I am not an architect or developer and not a real estate agent. However, the increased subdivision of current lots to add another house here and there seems extremely detrimental if we are trying to mitigate flooding.

Thank you for your attention to this challenging life situation for our community. I appreciate your time and your work.

All the best,  
Leah

(354 Mamaroneck Rd)

## Christine Sciandra

---

**From:** Cal Petrescu <calpetrescu@gmail.com>  
**Sent:** Tuesday, December 19, 2023 5:51 PM  
**To:** Public Comments; Mayor Justin Arest  
**Subject:** Construction Moratorium

---

**CAUTION:** External sender.

---

12-19-2023

To: The Board of Trustees, Village of Scarsdale

Re: Proposed Moratorium on Construction

Dear Trustees,

My name is Cal Petrescu, from 11 Crossway, a Scarsdale resident since 1992 and architect, owner of Thewestchesterarchitect.com. This letter amplifies my and many of my current and future clients' (on anxious projects "hold") and other professionals' position against the proposed moratorium.

I will also make several suggestions re areas of possible evaluation of current zoning, as we can "walk and chew gum at the same time", as basically agreed upon by one of the trustees quoting from one of the speakers' speeches.

You 'all heard the drawbacks at the public meeting, opposing the taking bread from the table of hundreds if not thousands (many of them your neighbors); cautioning against apparently rushed public notices and for hardly publicized deadlines for such massive undertaking of comments from us, citizens of the Scarsdale village. We appreciate entering our letters formally into the meetings record or reading them for public benefit, as they play an important role in the board decision-making process. As we all appreciate the personal time you are giving us on the board, you'll certainly agree that we must ensure that the process is, pun intended, fully "above" the board, not a non-democratic and overreaching infringement on property owners' rights and property values, perhaps inadvertently scheduled through the Holiday Season.

The following are several points with relevant background for a sensitive outcome in everyone's interest and with respect for everyone:

1. The FAR introduction tore the village apart, but was completed after a couple of years of studies, after absurd, we heard, consultants' fees, extensive public meetings, but without a moratorium
2. To the above point, the consultant selection process, surely covered by village codes should be strengthened for public benefit, we would appreciate knowing the short list and criteria for bids, with hopes that we don't re-use the same that apparently brought us to this predicament
3. Bulk control can be implemented by further reducing FAR bonuses, carefully understanding impact on smaller lots
4. Bulk control cannot be implemented by reducing setbacks, that will be disastrous as it will make a majority of houses non-compliant zoning wise
5. Drainage and Bulk control (by reference to design in setbacks) has been already effectively implemented by very recent changes in drainage codes

6. Bulk and drainage control can be implemented by further evaluating reductions in lot coverage, again, with extreme precaution regarding the smaller lots, this has been already strengthened by recent changes in codes, by re-evaluate pools criteria
7. Development has been already slowed down by requesting drainage plans approvals prior to BAR submissions
8. Height has been recently reduced by 10%, further reduction would make Scarsdale have the “sky profile” of Eastchester or Greenburgh (lower building heights), affecting the village character we try to preserve
9. Backed by the village political weight, we should petition and fight for the drainage or improvement of the Bronx River, the answer to much of Westchester’s drainage and flooding issues
10. Some of us are willing to help, happy to be consulted, meet with the board and, I trust, bring valid contributions, help form a Citizen Advisory Committee, to use some big words.

I urge you to refer to minutes of the previous FAR studies, minutes and debates; and let’s remember we only dealt with FAR.

The apparent task of evaluating all codes under some undefined umbrella is ominous and doing it without:

- adequate agenda, in-depth critical evaluation along well publicized public meetings, an all-inclusive discovery period
- adequate schedule of above, 6 months may not likely cut it (we spent more time on the previous FAR introduction and after all the time and taxpayers’ money spent, with some unintended negative impact)
- a transparent endgame, may prove to be an unfortunate loss of resources and everyone’s time, tearing (again) the village apart, pitting us one against the other; let’s not repeat the recent tax assessment exercise. Let’s do this wisely, no need for a without a moratorium as has been done in the past, let’s not hurt anyone, let’s look for ways to possibly control subdivisions as you wished, although re-divisions would be welcome right, a conundrum.

We cannot hurt our residents, friends or future neighbors by denying them reasonable additions or decks for outdoor living meaningful to their growing family health, or to emergency situations like covid imposing the need for work from home.

Hoping you’ll find the time to consider the above points, bit late I realize, for tonight’s meeting.

Respectfully,

Cal Petrescu AIA, Thewestchesterarchitect.com

11 Crossway, Scarsdale

914 523 4030, best reached by text.

--

Cal Petrescu AIA

Principal

914 523-4030 cell/text

914 723-6884 studio

Thewestchesterarchitect.com

## Christine Sciandra

---

**From:** Rosamund Young <rozyoung@icloud.com>  
**Sent:** Wednesday, December 20, 2023 11:32 AM  
**To:** Clerk's Department; Alexandra Marshall; Public Comments  
**Cc:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone  
**Subject:** Architects Letter against the Proposed Moratorium Law 11/14/23. REVISED WITH DATE  
**Attachments:** BOT Letter Moratorium.pdf

---

**CAUTION:** External sender.

---

Dear Mayor and Board of Trustees, please see my letter attached, (date added) outlining my grave concerns regarding the proposed Building Moratorium in Scarsdale  
I will be attending the public meeting 12/26, but wanted to share my thoughts in advance.

Thank you for your consideration.

Sincerely  
Rosamund Young

*Rosamund A. Young AIA  
914-419-6616  
rozyoung@icloud.com  
www.rosamundyoung.com*

# ROSAMUND YOUNG ARCHITECTURE P.C.

6 Norwood Road  
Scarsdale NY 10583  
TEL 914.419-6616  
EMAIL [Rozyoung@icloud.com](mailto:Rozyoung@icloud.com)

To the Mayor and Board of Trustees  
Village of Scarsdale  
1001 Post Road, Scarsdale NY 10583

December 12, 2023

RE: Proposed Building Moratorium

Dear Mayor and Trustees,

## **I SUPPORT NEW RULES ...NOT A MORATORIUM**

I am an architect who has worked in Scarsdale designing custom homes, renovations, preservations and additions for Scarsdale Residents for over 20 years. My work attests to my commitment to honor the Architecture and Integrity of the built environment in Scarsdale Village.

I fully support the Trustees in creating and instituting new updated codes and guidelines, as swiftly as possible. An orderly schedule with self-imposed deadlines can be set without the overwhelming burden of a Moratorium.

### **Call for change:**

We have all heard the complaints by Scarsdale Residents voiced for many years, over and over, in the public forum of the four Village Board meetings; Zoning, Planning, BAR and CHP, **These complaints are repeatedly concerning Bulk and Stormwater.**

### **Solution:**

The four Village Boards combined hear up to 60 applications each month. They are the absolute gateway to the Permitting process. If they were each armed with appropriate Codes and clear Guidelines we would quickly see a complete turn-around in the type of building and developments going up around us: less bulky, less massive, less coverage, more open space, more trees, etc.

A proposed Moratorium does nothing to advance the Solution above, it merely stalls the issue and induces damaging, perhaps irreversible, economic consequences for all Home-owners, local businesses and the professionals serving the Construction Industry. One of the criteria required by a municipality instituting a Moratorium is to alleviate or prevent a “crisis condition”. What crisis? There will surely be a crisis if a Moratorium is imposed:

1. Existing Projects will go on hold while we wait for new rules. Prospective projects will disappear as Homeowners and Buyers will be unclear on their development rights or home values.
2. Many of our projects are geared for completion for new families starting the September school year. The 2024 move-in goal would no longer be a possibility.
3. A 6-month moratorium historically extends to 12 months or more. Projects typically require 4 to 6 months to prepare for submission to the Village, so realistically we could be looking at 18 months or more before new applications would be ready for submission.
4. Current Building Permits are reviewed for approvals in 6 to 8 weeks. After a Moratorium lockdown the rush/quantity of applications would be overwhelming for the Building department and therefore further delay approvals.
5. Significant Village revenue is generated from Permit Fees, how would this loss be compensated?
6. The group of established reputable Contractors serving the community will likely go to other towns for assured revenue, it will be very difficult to break back into their schedules, and resuscitate our reliable pipeline of work. This will lead to increased pricing in Contractor Bids.

Furthermore, we are acutely aware of the various Projects that have initiated the fierce debate, and feel it is totally unfair to consider imposing a general Moratorium on all, just because of a few controversial cases.?

Many of my colleagues and clients have spoken to the far-reaching damages we could face with an open ended Moratorium in place, but allow me to assure you that we have already witnessed shocking damages unfold...just with the conversation ongoing since November 14<sup>th</sup> 2023!

We Architects & Engineers are accustomed to providing compliance to whatever Rules are in place. The NYS Building Codes and International Building Codes are updated and adopted routinely every few years. We expect this and plan for this, we know what's coming and when it's coming.

Shouldn't this system and process should be the same for our Municipality?

**I implore the Trustees to give us new rules today and we will design for a beautiful Village tomorrow.**

Sincerely,

Rosamund A. Young AIA  
*Architect*



## Christine Sciandra

---

**From:** mbemore@aol.com  
**Sent:** Thursday, December 21, 2023 4:59 PM  
**To:** Public Comments  
**Subject:** Teardowns vs. additions  
**Attachments:** Photos of 25 Tunstall Road.docx; 25 Tunstall Plans.pdf

---

**CAUTION:** External sender.

---

Dear Mayor Arrest and Village Trustees,

We hope as you fine tune the extent and limits of the proposed moratorium you will consider the question of what exactly defines a “teardown” versus an “addition” to an existing home here in Scarsdale.

The specific example that causes us to raise this question is 25 Tunstall Road. Attached are 2 photos of 25 Tunstall Road. The first is dated February 16, 2021 and is a picture of the 1926 house downloaded from the Village website (<https://townofscarsdale.prosgar.com/PROSParcel/Parcel/2870?swis=555000> ).

According to the Village website’s current “property details” for 25 Tunstall, since the date of the this first photo, this 1926 home underwent construction of an “addition” to the existing house.

The second photo is a current photo of 25 Tunstall Road, which was included in an article recently posted on Scarsdale10583.com (<https://scarsdale10583.com/section-table/102-shout-it-out/10616-bot-moves-to-limit-the-scope-of-the-building-moratorium> ).

Also attached are the building plans for this “addition” to 25 Tunstall.

If 25 Tunstall meets the Village’s definition of a home “addition,” then we believe that definition warrants your reconsideration, especially given the tax implications of an “addition” versus entirely new construction. Beyond definitions, we also wonder how the Village manages to ensure that the resulting structure matches what a builder originally proposed to secure a permit.

Thanks for your time and consideration.

Sincerely,

Mary Beth Evans & Dan Moretti  
16 Edgewood Road

2 Attachments

**25 Tunstall Road**

Before recent construction



Current "addition"



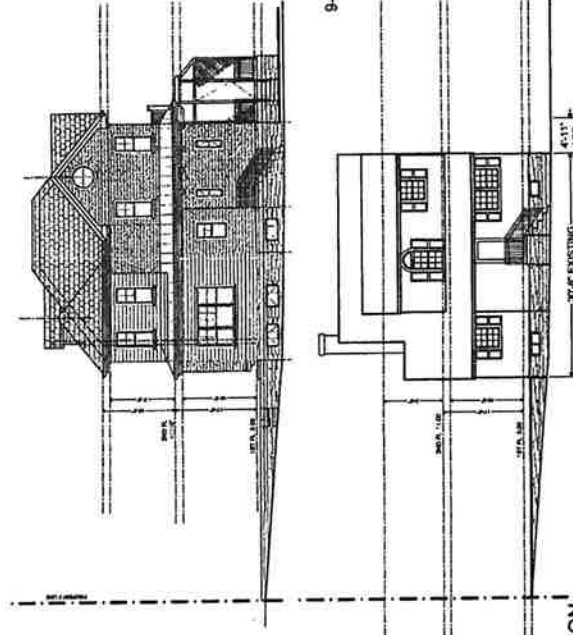
25 TUNSTALL RD.  
SCARSDALE,  
NEW YORK

11-17-21 PER  
9-13-21 ARB 4  
9-9-21 OPTNS ARB 3  
8-18-21 ARB 3  
6-24-21 ARB 2  
5-29-21 ARB 1  
5-27-21 OPTNS  
5-20-21 ARB  
4-10-21 EXIST.  
COPYRIGHT  
2021

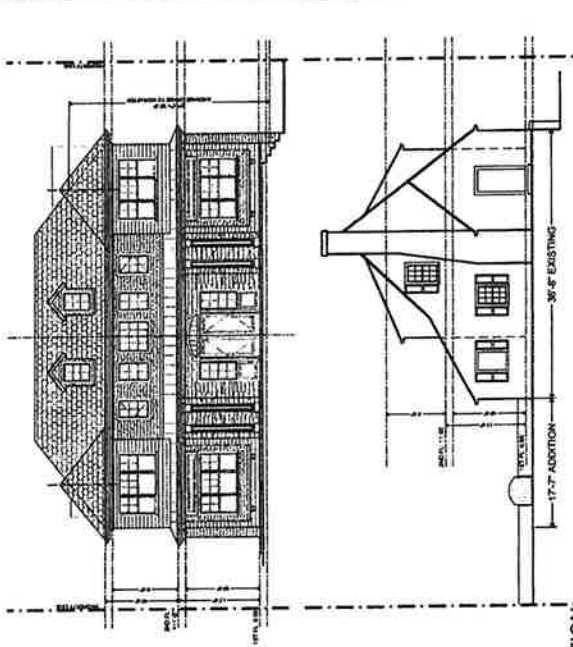
CAL PETRESCU  
ARCHITECTURE & DESIGN  
Thewestchesterarchitect.com  
m (914) 523 4030 / (914) 723 0844 / (914) 723 4052



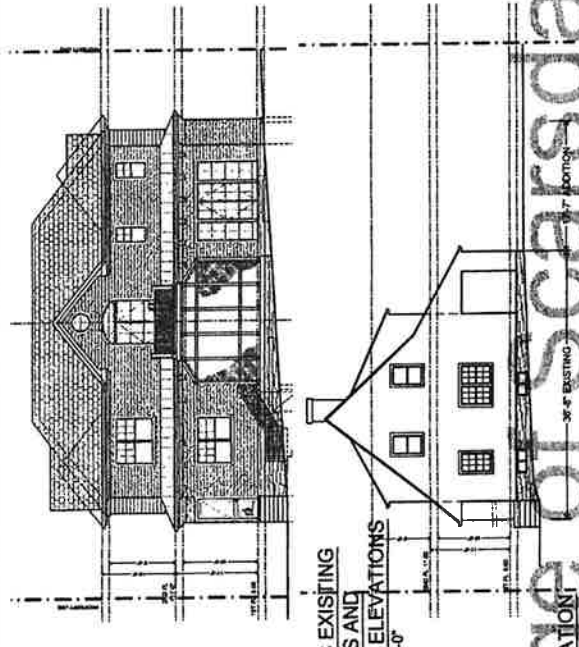
**EX-2**  
DRAWING  
SCALE AS  
SHOWN



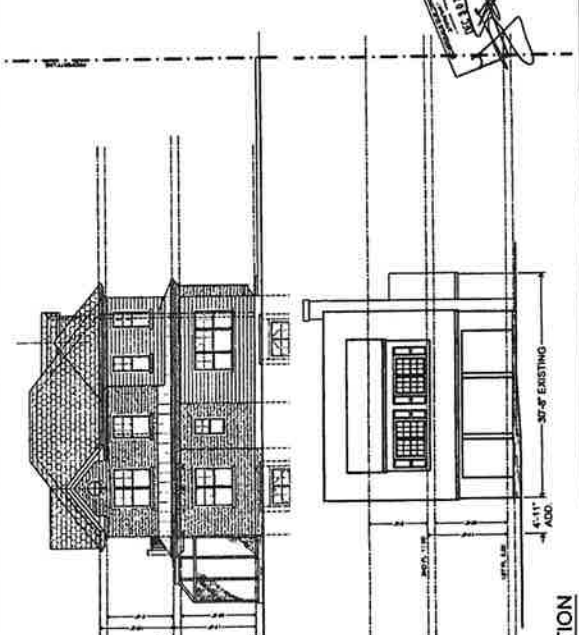
MAIN ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

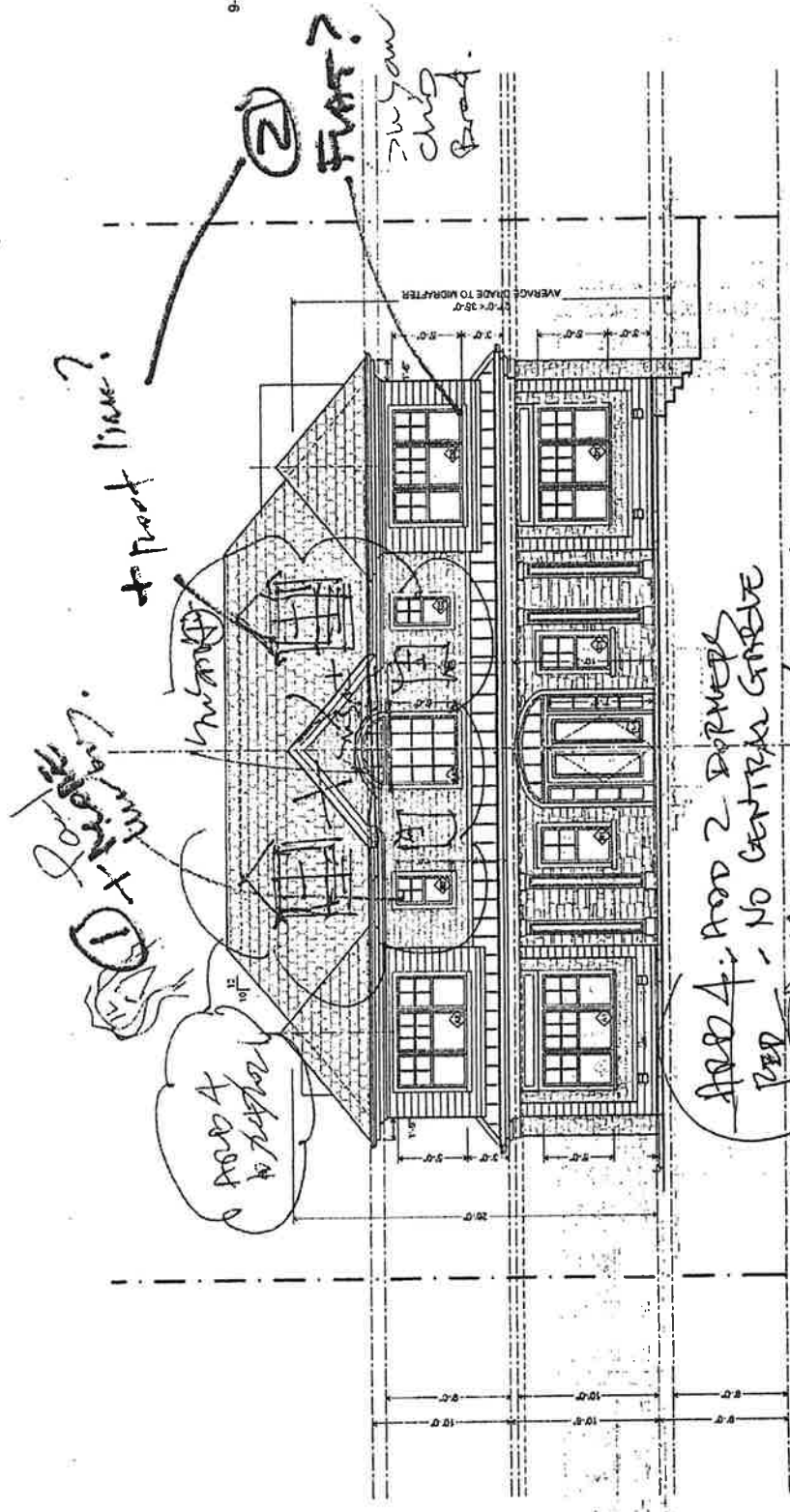
SCHEMATIC EXISTING  
ELEVATIONS AND  
PROPOSED ELEVATIONS  
1 SCALE: 1/8" = 1'-0"

Village of Scarsdale

25 TUNSTALL RD.  
SCARSDALE,  
NEW YORK

APR 27  
(IN BLUE)

SHAKE



- 9-8-21 OPTNS ARB 3
- 6-24-21 ARB 2
- 5-29-21 ARB
- 5-27-21 OPTNS
- 5-20-21 ARB
- 4-10-21 EXIST.
- COPYRIGHT  
2021

Cal Petrescu  
TheWestchesterarchitect.com  
m (914) 623 4030 / (914) 723 8844 / (914) 723 4052

A5-b  
DRAWING  
SCALE AS  
SHOWN

# Village of Scarsdale

MAIN ELEVATION  
SCALE: 1/4" = 1'-0"

25 TUNSTALL RD.  
SCARSDALE,  
NEW YORK

11-17-21 PER

9-13-21 ARB 4

OPTNS ARB 3

8-18-21 ARB 3

6-24-21 ARB 2

5-29-21 ARB 1

5-27-21 OPTNS

5-20-21 ARB

4-10-21 EXIST.

COPYRIGHT  
2021

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

9-9-21

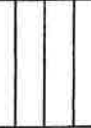
9-9-21

9-9-21

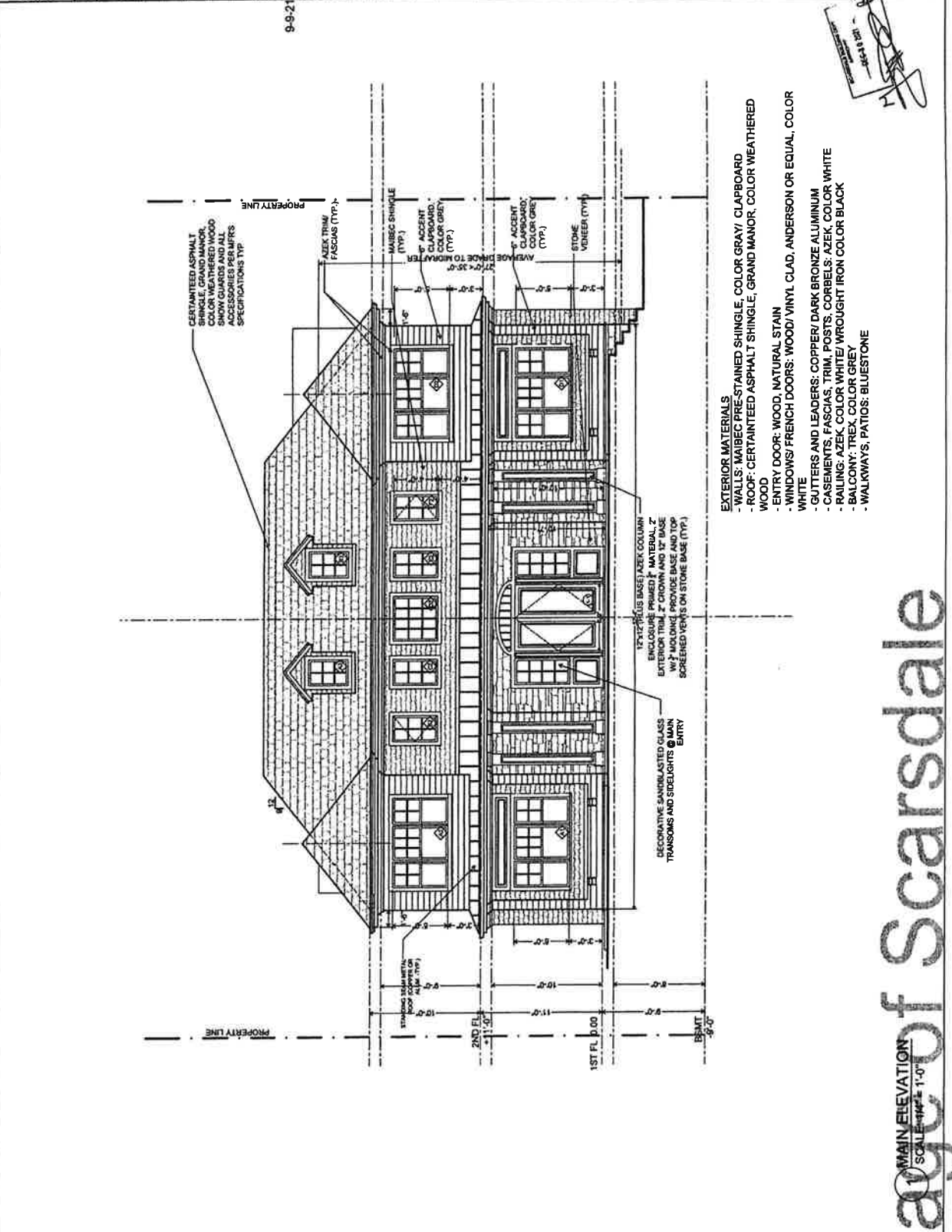
9-9-21

9-9-21

CAL PETRESCU ARCHITECTURE & DESIGN  
TheWestchesterarchitect.com  
n (914) 523 4030 / (914) 723 0844 / f (914) 723 4052



A-5  
DRAWING  
SCALE AS SHOWN



# Village of Scarsdale

MAIN ELEVATION  
SCALE: 1/4" = 1'-0"

25 TUNSTALL RD.  
SCARSDALE,  
NEW YORK

11-17-21 PER

9-13-21 ARB 4

OPTNS ARB 3

8-18-21 ARB 3

6-24-21 ARB 2

5-29-21 ARB 1

5-27-21 OPTNS

5-20-21 ARB

4-10-21 EXIST.

COPYRIGHT

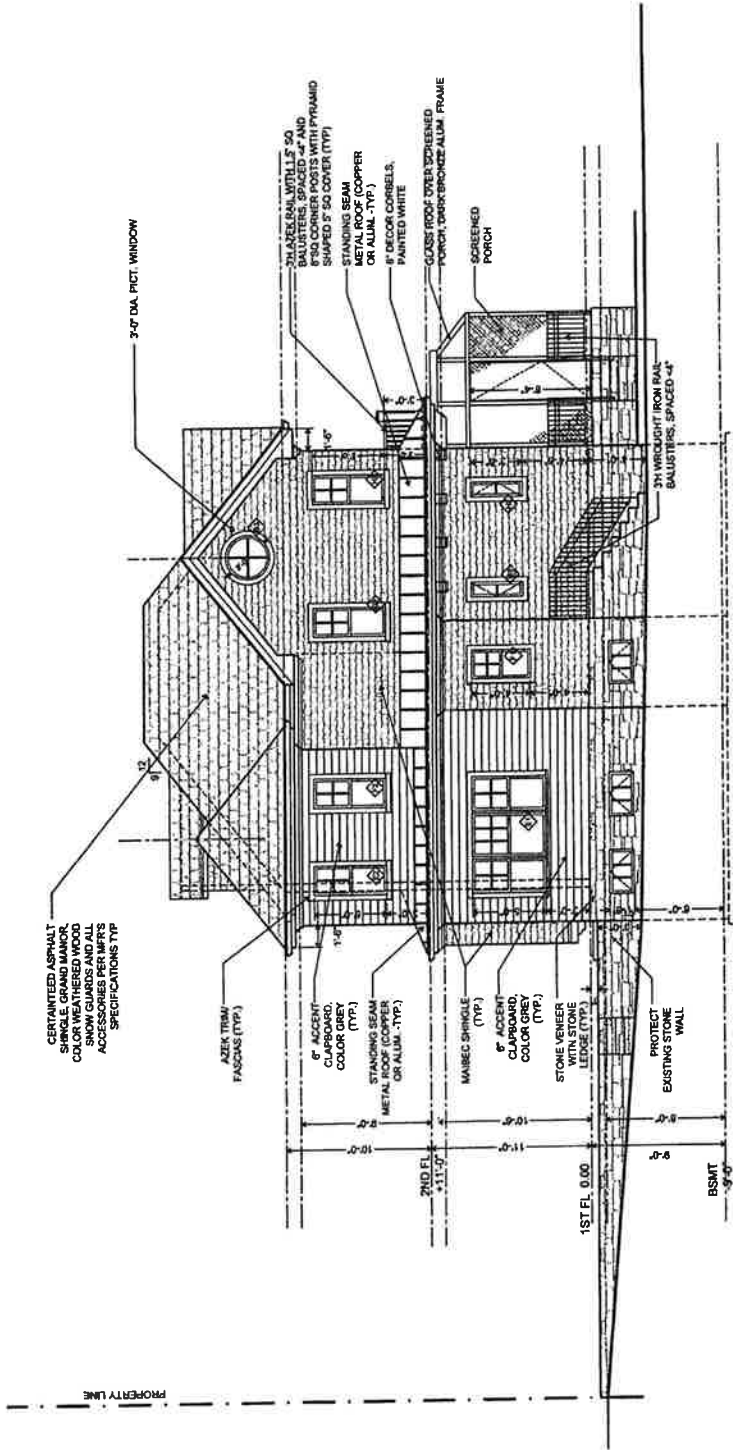
2021

CAL PETRESCU  
ARCHITECTURE & DESIGN  
TheWestchesterarchitect.com  
m (914) 523 4030 / (914) 723 0044 / (914) 723 4052



A-6

DRAWING  
SCALE AS  
SHOWN



- EXTERIOR MATERIALS**
- WALLS: MAIBEC PRE-STAINED SHINGLE, COLOR GRAY/ CLAPBOARD
  - ROOF: CERTANTEED ASPHALT SHINGLE, GRAND MANOR, COLOR WEATHERED WOOD
  - ENTRY DOOR: WOOD, NATURAL STAIN
  - WINDOWS/FRENCH DOORS: WOOD/VINYL CLAD, ANDERSON OR EQUAL, COLOR WHITE
  - GUTTERS AND LEADERS: COPPER/ DARK BRONZE ALUMINUM
  - CASEMENTS, FASCIAS, TRIM, POSTS, CORBELS: AZEK, COLOR WHITE
  - RAILINGS: AZEK COLOR WHITE/ WROUGHT IRON COLOR BLACK
  - BALCONY: TREX, COLOR GREY
  - WALKWAYS, PATIOS: BLUESTONE

Village of Scarsdale  
SIDE (RIGHT) ELEVATION  
SCALE: AS SHOWN 1/8"=1'-0"

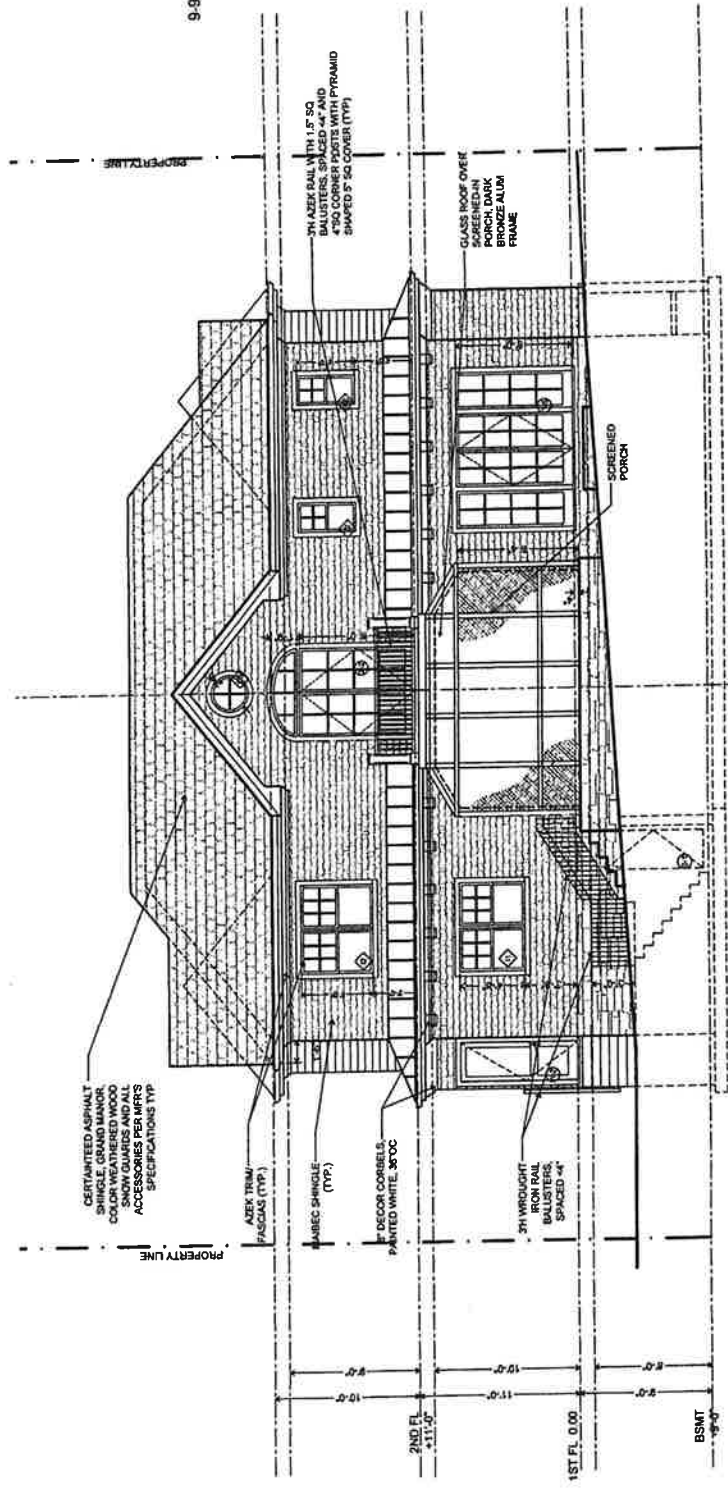
25 TUNSTALL RD.  
SCARSDALE,  
NEW YORK

11-17-21 PER  
9-13-21 ARB 4  
9-13-21 ARB 3  
OPTNS ARB 3  
8-18-21 ARB 3  
6-24-21 ARB 2  
5-29-21 ARB 1  
5-27-21 OPTNS  
5-20-21 ARB  
4-10-21 EXIST.  
COPYRIGHT  
2021

CAL PETRESCU  
ARCHITECTURE & DESIGN  
Thewesthesterarchitect.com  
m (914) 623 4030 / (914) 723 8844 / (914) 723 4052



A-7  
DRAWING  
SCALE AS  
SHOWN



- EXTERIOR MATERIALS
- WALLS: MAIBEC PRE-STAINED SHINGLE, COLOR GRAY/ CLAPBOARD
  - ROOF: CERTAINTED ASPHALT SHINGLE, GRAND MANOR, COLOR WEATHERED WOOD
  - ENTRY DOOR: WOOD, NATURAL STAIN
  - WINDOWS/ FRENCH DOORS: WOOD/ VINYL CLAD, ANDERSON OR EQUAL, COLOR WHITE
  - GUTTERS AND LEADERS: COPPER/ DARK BRONZE ALUMINUM
  - CASEMENTS, FASCIAS, TRIM, POSTS, CORBELLS: AZEK, COLOR, WHITE
  - RAILING: AZEK, COLOR WHITE/ WROUGHT IRON COLOR BLACK
  - BALCONY: TREX, COLOR GREY
  - WALKWAYS, PATIOS: BLUESTONE



# Village of Scarsdale

REAR ELEVATION  
SCALE: 1/4" = 1'-0"

25 TUNSTALL RD.  
SCARSDALE,  
NEW YORK

11-17-21 PER

9-13-21 ARB 4

OPTNS ARB 3

8-18-21 ARB 3

6-24-21 ARB 2

5-29-21 ARB 1

5-27-21 OPTNS

5-20-21 ARB

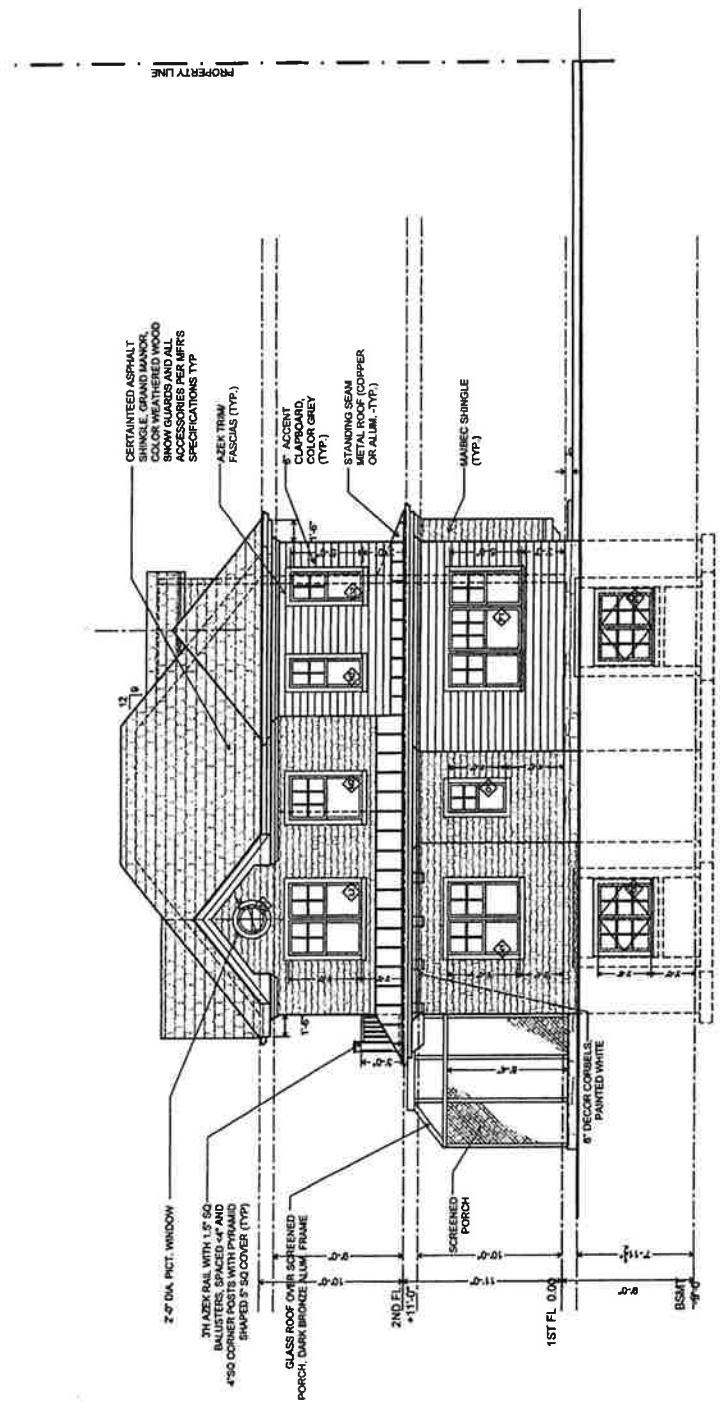
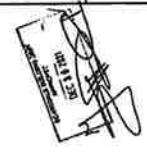
4-10-21 EXIST.

COPYRIGHT  
2021

Cal Petrescu  
ARCHITECTURE & DESIGN  
Thewestchesterarchitect.com  
m (914) 523 4030 / f (914) 723 6884 / (914) 723 4052



A-8  
DRAWING  
SCALE AS  
SHOWN



CERTAINTED ASPHALT  
SHINGLE, GRAND MANOR,  
SNOW GUARDS AND ALL  
ACCESSORIES PER MFRS  
SPECIFICATIONS TYP

8" ACCENT  
FASCIAS (TYP.)

8" ACCENT  
COLOR GREY  
(TYP.)

STAINING SEAM  
METAL ROOF (COPPER  
OR ALUM. TYP.)

MAIBEC SHINGLE  
(TYP.)

2-4" DIA. PICT. WINDOW  
WITH AZEK RAIL WITH 1/2" SQ.  
BLINDS AND 4" DIA. PICT.  
4"50 CORNER POSTS WITH PYRAMID  
SHAPED 5" SQ COVER (TYP)

GLASS ROOF OVER SCREENED  
PORCH, DARK BRONZE ALUM FRAME

2ND FL  
+11.57'

SCREENED  
PORCH

1ST FL 0.00'

6" DECOR CORNICES  
PAINTED WHITE

- EXTERIOR MATERIALS
- WALLS: MAIBEC PRE-STAINED SHINGLE, COLOR GRAY/ CLAPBOARD
  - ROOF: CERTAINTED ASPHALT SHINGLE, GRAND MANOR, COLOR WEATHERED WOOD
  - ENTRY DOOR: WOOD, NATURAL STAIN
  - WINDOWS/ FRENCH DOORS: WOOD/ VINYL CLAD, ANDERSON OR EQUAL, COLOR WHITE
  - CUTTERS AND LEADERS: COPPER/ DARK BRONZE ALUMINUM
  - CASEMENTS, FASCIAS, TRIM, POSTS, CORBELS: AZEK, COLOR WHITE
  - RAILING: AZEK, COLOR WHITE/ WROUGHT IRON COLOR BLACK
  - BALCONY: TREX, COLOR GREY
  - WALKWAYS, PATIOS: BLUESTONE

# Village of Scarsdale

11 SIDE (LEFT) ELEVATION  
SCALE 1/8"=1'-0"

## Christine Sciandra

---

**From:** Choura Architecture, PC <chouraarch@yahoo.com>  
**Sent:** Thursday, December 21, 2023 6:45 PM  
**To:** Clerk's Department; Alexandra Marshall; Public Comments  
**Cc:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone  
**Subject:** Architects Letter against the Proposed Moratorium Law 11/14/23  
**Attachments:** Letter to BOT 12.21.2023.pdf; BAR applications 2022 12.21.2023.pdf; BAR applications 2023 12.21.2023.pdf; ZBA applications 2022 12.20.2023.pdf; ZBA applications 2023 12.20.2023.pdf; Scarsdale zoning restrictions 12.21.2023.pdf; Schedule & Graph from Scarsdale Munciple Zoning Survey.pdf; ZONE A-3 LOT ANALYSIS rev.12.21.2023.pdf; ZONE A-4 LOT ANALYSIS rev.12.21.2023.pdf; ZONE A-5 LOT ANALYSIS rev.12.21.2023.pdf; Subdivisions 2022-2023.pdf

---

**CAUTION:** External sender.

---

Dear Mayor and Board of Trustees,

Thank you for giving us the opportunity to share our concerns and suggestions regarding the moratorium.

Please see attached my letter and supporting documents including quick survey we did to draw attention to sensitive design impacting limitations we already have by the existing code.

My main point is that many improvements can be done and have been done without a moratorium, as per attached documents that took me a relatively short time to generate as the data already exists.

Thank you for your time to review and your consideration.

Sincerely,  
Bana Choura, AIA



63 Church Lane  
Scarsdale, NY 10583  
Phone: 914 686-7774  
<http://www.choura.com/>

**WINNER OF THE 2017-2018 - Best Architect Award by "Westchester Home" Magazine.**

# ChouraArchitecture PC

Architecting from the inside out

December 21, 2023

Mayor Justin Arest  
And Members of the Board of Trustees  
Village of Scarsdale  
1001 Post Road  
Scarsdale, New York 10583

Thank you for your effort and dedication to our village and search to improve the current condition of the construction industry. Thank you for encouraging us to voice our concerns and listen to our feedback regarding the Moratorium and suggestions.

Like any meaningful project, be it a building, research thesis or revision of code it requires time, effort and resources. I am trying to provide you with my view as a design professional and active architect working consecutively in Scarsdale for over 25 years.

I am opposed to the Moratorium as per your first draft and in general. The current village construction code works! It is tight, well written and well amended. It is one of the strictest in lower Westchester. So much research, modifications and amendments to the current code has been made over the years without interruption to the construction industry while consideration to change was made. We adjusted our designs and calculations accordingly when the change was implemented not in anticipation of some potential change.

We spend between four to six months with a new client from the time we are engaged to the time we appear in front of the Scarsdale Boards. We budget six to eight additional weeks for permit review until permit is issued. So that process is six to eight months until a permit is issued. Please realize it is impossible for us to design anything without knowing under what general rule or Code we have to comply with. We cannot afford to wait for six months then start a new project. Our clients will not have the patience to wait over a year to build once they took the decision to improve or address a necessity in their homes.

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: [chouraarch@yahoo.com](mailto:chouraarch@yahoo.com)  
Web: [www.choura.com](http://www.choura.com)

As architects, we have to balance so many elements before a building permit is issued. We are conditioned by so many restrictions:

- 1- Zoning: Set back, lot coverage, FAR.
- 2- Drainage based on final lot coverage.
- 3- Aesthetics and neighborhood integration
- 4- Client ambitious wish list
- 5- Client unrealistic budget
- 6- Be proud to put our name on the building.

Many researches and surveys were done on the Scarsdale building code and zoning code. I was busy designing in the " McMansions" era. After 911 large move to the suburbs, especially Scarsdale for schools reputation, we had a similar situation to the one we have during and after the Pandemic. We are experiencing what we experienced then the fear of over development. After 20 years the buildings that were not for sale, or got renovated, they are now ready for new families to improve. The rest of the Housing stock is either renovated, expanded or not for sale. Things are really slowing down tremendously as the rush is almost over and mortgage interest rate slowed many down anyway.

I am including in this a list showing number of BAR applications submitted in 2022 and 2023 identifying new homes that replaced old homes and new homes built on new lots which added to the village households' count. In 2022 we had 209 applications and 20 new homes. In 2023 we had 207 applications and 17 new homes 3 built on newly created lots resulting from a subdivision .

We also compiled a list of ZBA applications 118 (including 49 pools) applications for 2022 and 70 applications (including 20 pools) in 2023 a slow down as these applications could not be submitted due to back log on pool companies and village staff.

See attached BAR Applications List we compiled for 2022 and 2023.  
See attached ZBA applications list we compiled for 2022 and 2023

## **FAR**

The FAR was added to the village code in 3/26/2002 after many years of research, consultants and public opinion and contribution. It was amended in and 10/14/2003, 12/11/2007 and 5/13/2008. Why does it need to be amended again?

Garages and bonus were amended in 8/10/2021 were the area of garage exempt from was reduced and bonus for side setback was reduced from 400 to 280 square feet. 700 reduced to 490 square feet. This change was made without moratorium and was a surprise to the Architect community.

See attached Scarsdale Zoning Restrictions we prepared combining three different schedules we use showing past and present requirements.

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: [chouraarch@yahoo.com](mailto:chouraarch@yahoo.com)  
Web: [www.choura.com](http://www.choura.com)

## **Zoning Code**

The Zoning code had been studied and many reviews were made. Several neighborhood had been upsized resulting in many nonconformities like Cushman Road, where you cannot touch anything without a variance for any improvement on the smaller lots on that street..

Also more studies were made by consultants and village staff the most recent one the Municipal Zoning Survey done as late as 2018. Please note that the Scarsdale setback requirements are in the same range or more demanding than other municipalities and I think the conclusion was that there is no need to change

See attached Scarsdale Municipal Zoning Survey 2018

I put a quick sample survey on three different Scarsdale village zones to show the existing setbacks are in Zones A-3 A-4 A-5 which would be the most impacted if the setbacks requirement would be increased. We noticed that many of the lots and buildings are already nonconforming. We are showing the average frontage, side, Front and Rear setbacks averages. Many of the smaller lots have detached garages. We did not calculate lot coverage or building foot print. Should you study that you will see that most A-4 and A-5 zones will be nonconforming already. I am speaking from experience as I have worked on several projects in these particular Blocks. The study is made based on Scarsdale tax map dated 2010 not reflecting expansions since.

See attached Zone A-3 Fox Meadow study, Zone A-4 and ,Zone A-5 Edgewood study.

It is hard to make any suggestions or recommendations without proper and professional studies. Just putting a full stop on construction will be detrimental to Scarsdale economy as we heard from so many residents. Just doing a percentage reduction to any zoning elements without study of negative impacts on all sections and zones of the village is hard to accept. Based on my professional experience when it comes to design numbers are not meaningful. Percentages, no matter how small, will impact all the spaces to be created or modified.

Scarsdale Village is well equipped with four Boards, great staff members working hard and a very strong Code, including tree removal and replacement. BAR has a long list of guidelines. CHP revised its criteria recently. Planning Board is controlling all applications in the drainage sensitive areas and wetland. All applications to ZBA cannot be submitted without SWEC.

I don't think the building industry in Scarsdale is in a crisis to justify a moratorium; modifications to the code can be made without an immediate halt or quick exceptions.

Thank you for your consideration.  
Bana Choura, AIA

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com  
Web:www.choura.com

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: [chouraarch@yahoo.com](mailto:chouraarch@yahoo.com)  
Web: [www.choura.com](http://www.choura.com)

**BAR APPLICATIONS 2022**

BAR DATE	# OF APPS.	NEW HOUSES	ADDRESS	PRESENTATION	STATUS
January 10,2022	17	2	54 Park Rd	1st BAR	Resubmit
			237 Nelson Rd	2nd BAR	Approved
			56 Greendale Rd	1st BAR	Resubmit
			17 Rural Dr	2nd BAR	Approved
January 24,2022	13	1	2 Mayflower Rd	2nd BAR	Approved
			59 Franklin Rd	1st BAR	Resubmit
			5 Quaker Center	2nd BAR	Held Over
February 7,2022	13	2	56 Greendale Rd	2nd BAR	Approved
			17 Crossway	1st BAR	Resubmit
			34 Springdale Rd	1st BAR	Resubmit
			1 Quaker Center	2nd BAR	Approved
			5 Quaker Center	3rd BAR	Approved
February 28,2022	11	2	10 Mayflower Rd	1st BAR	Resubmit
			6 Old Lyme Rd	2nd BAR	Denied
			7 White Birch Lane	1st BAR	Resubmit
March 14,2022	18	1	59 Franklin Rd	2nd BAR	Approved
			17 Crossway	2nd BAR	Approved
			54 Park Rd	2nd BAR	Approved
			16 Myrtledale Rd	1st BAR	Resubmit
			7 White Birch Lane	2nd BAR	Approved
March 28,2022	11	1	54 Sheldrake Rd	1st BAR	Resubmit
			10 Mayflower Rd	2nd BAR	Approved
April 18,2022	10	1	16 Myrtledale Rd	2nd BAR	Held Over
			6 Old Lyme Rd	1st BAR	Resubmit
May 9,2022	17	4	260 Madison Rd	1st BAR	Resubmit
			2 Ardmore Rd	1st BAR	Resubmit
			26 Overhill Rd	1st BAR	Resubmit
			24 Overhill Rd	1st BAR	Resubmit
			16 Myrtledale Rd	2nd BAR	Approved
			54 Sheldrake Rd	2nd BAR	Approved
May 23,2022	16		34 Springdale Rd	2nd BAR	Approved
			6 Old Lyme Rd	2nd BAR	Approved
June 6,2022	7	1	2 Ardmore Rd	2nd BAR	Approved
			17 Lenox Pl	1st BAR	Resubmit
June 27,2022	3	0			
July 11,2023	11	2	17 Lenox Place	2nd BAR	Approved
			44 Fayette Rd	1st BAR	Resubmit
			92 Carthage Rd	1st BAR	Resubmit
			24 Overhill Rd	2nd BAR	Approved
			26 Overhill Rd	2nd BAR	Held Over
July 25,2022	2	0			
August 15,2022	7		44 Fayette Rd	2nd BAR	Approved
			92 Carthage Rd	2nd BAR	Approved

**CHOURA ARCHITECTURE** 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

			26 Overhill Rd	3rd BAR	Approved
September 12,2022	CANCELLED				
October 3,2022	17	1	8 Barker Lane	1st BAR	Resubmit
October 17, 2022	8	0			
November 7,2022	9		8 Barker Lane	2nd BAR	Approved
		1	160 Nelson Rd	1st BAR	Resubmit
November 21,2022	10	1	16 Butler Rd	1st BAR	Resubmit
December 12,2022	9		160 Nelson Rd	2nd BAR	Held over
<b>TOTAL</b>	<b>209</b>	<b>20</b>			

### **BAR APPLICATIONS 2023**

<b>BAR DATE</b>	<b># OF APPS.</b>	<b>NEW HOUSES</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 9,2023	10	1	18 Stonehouse	1st BAR	Resubmit
			16 Butler	2nd BAR	Approved
January 23,2023	12	2	160 Nelson	3rd BAR	Approved
			27 Church (subdivison)	1st BAR	Resubmit
			29 Church (subdivison)	1st BAR	Resubmit
February 6,2023	4	1	21 Straton	1st BAR	Resubmit
			18 Stonehouse	2nd BAR	Approved
February 27,2023	15	1	31 Butler	1st BAR	Resubmit
			27 Church	2nd BAR	Approved
			29 Church	2nd BAR	Approved
March 13,2023	8		21 Straton	2nd BAR	Resubmit
March 27,2023	7	1	4 Cohawney	1st BAR	Resubmit
April 17,2023	8		4 Cohawney	2nd BAR	Approved
May 1,2023	17	1	228 Rock Creek Lane	1st BAR	Resubmit
			31 Butler	2nd BAR	Approved
May 15,2023	6	0			
June 5,2023	8		228 Rock Creek Lane	2nd BAR	Approved
June 26,2023	9	1	22 Rural	1st BAR	Resubmit
July 10,2023	14		19 Dolma Rd	2nd BAR	Approved
July 24,2023	6	0			
August 14,2023	15	4	22 Rural	2nd BAR	
			241 Nelson	1st BAR	Resubmit
			233 Nelson	1st BAR	Resubmit
			26 Aspen	1st BAR	Resubmit
			28 Aspen	1st BAR	Resubmit
September 11,2023	11	0			
October 2,2023	11	1	2 Cooper (subdivison)	1st BAR	Resubmit
Ocrober 23, 2023	11	2	26 Aspen rd	2nd BAR	Resubmit
			28 Aspen	2nd BAR	Resubmit
			41 Wildwood	1st BAR	Resubmit
			85 Spier	1st BAR	Resubmit
November 6,2023	14	1	Blackhawk	1st BAR	Resubmit
			2 Cooper	2nd BAR	Approved
			85 Spier	2nd BAR	Approved
November 20,2023	13	0	41 Wildwood	2nd BAR	Approved
			75 Brown Rd	3rd BAR	Approved
			28 Aspen	3rd BAR	Approved
			26 Aspen	3rd BAR	Approved
December 4,2023	8	1	16 Lebanon	2nd BAR	Approved
			6 Cooper (subdivison)	1st BAR	Resubmit
			69 Greendale	2nd BAR	Approved
			19 Black Hawk	2nd BAR	Approved
<b>TOTAL</b>	<b>207</b>	<b>17</b>	<b>3 new lots/households added</b>		

**CHOURA ARCHITECTURE** 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

### ZBA APPLICATIONS 2022

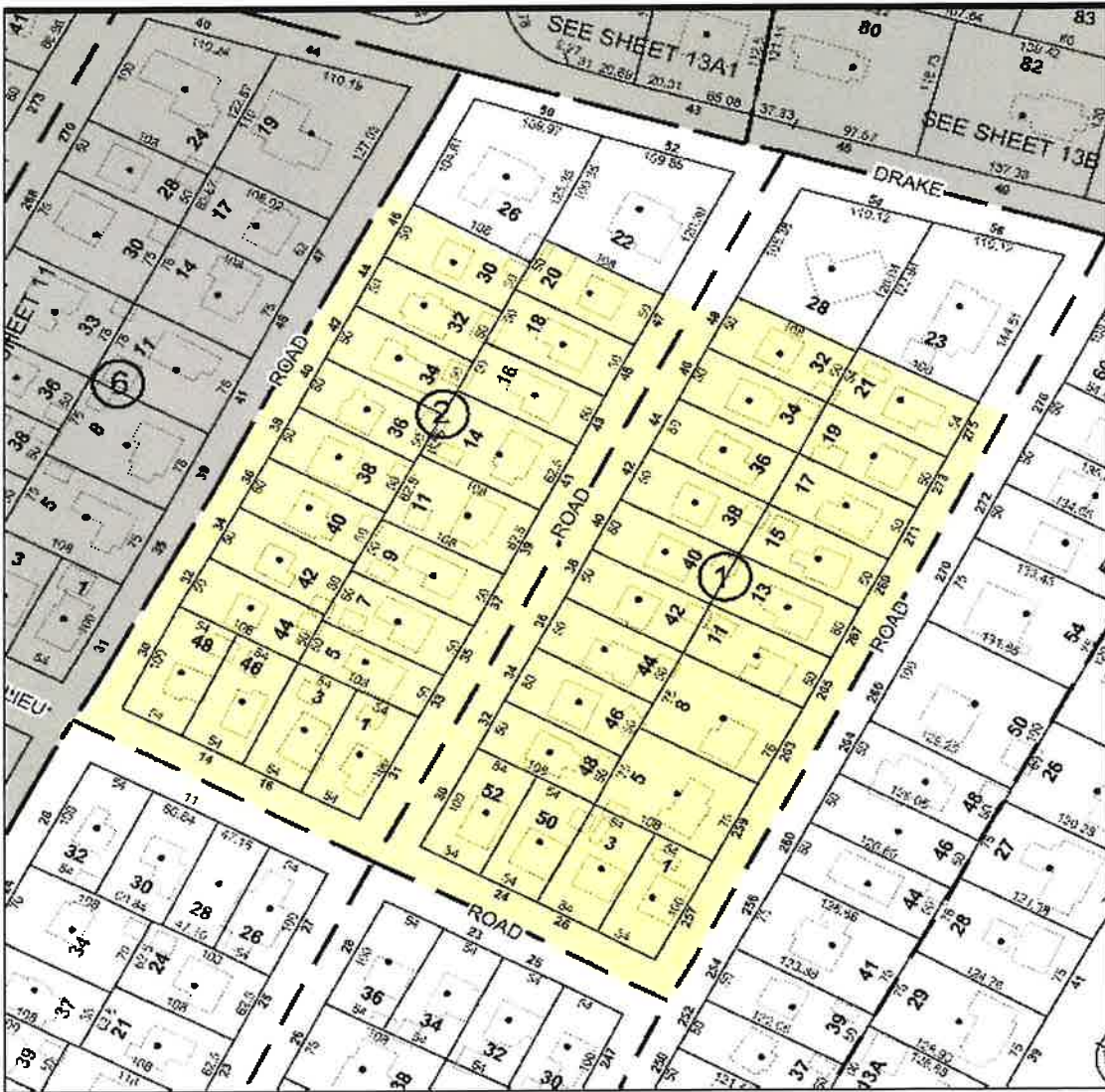
ZBA DATE	# OF APPS.	POOLS	ADDRESS	PRESENTATION	STATUS
January 12,2022	17	12	2 Dickel Road	1st ZBA	Approved
			14 Chesterfield	1st ZBA	Approved
			21 Rectory Lane	1st ZBA	Approved
			11 Oak Lane	1st ZBA	Approved
			12 Whig Rd	1st ZBA	Approved
			31 Taunton Rd	1st ZBA	Approved
			3 Normandy Ln	1st ZBA	Approved
			59 Stratton Rd	1st ZBA	Approved
			15A Richbell Rd	1st ZBA	Approved
			28 Heathcote	1st ZBA	Held Over
			6 Obry Drive	1st ZBA	Approved
			49 Sheldrake Rd	1st ZBA	Approved
February 9,2022	7	4	28 Heathcote	2nd ZBA	Approved
			2 Windward Ln	1st ZBA	Approved
			15 Wildwood Rd	1st ZBA	Approved
			13 Circle Rd	1st ZBA	Held Over
			2 Carstensen Rd	1st ZBA	Held Over
March 9,2022	10	5	13 Circle Rd	2nd ZBA	Approved
			2 Carstensen Rd	2nd ZBA	Held Over
			20 Sherbrook Rd	1st ZBA	Approved
			38 Sage Terrace	1st ZBA	Approved
			34 Sheldrake Rd	1st ZBA	Approved
			50 Harvest Dr	1st ZBA	Approved
			20 Cayuga Rd	1st ZBA	Held Over
April 13,2022	13	6	2 Carstensen Rd	3rd ZBA	Approved
			20 Cayuga Rd	2nd ZBA	Approved
			17 Oak Lane	1st ZBA	Held Over
			70 Morris Ln	1st ZBA	Approved
			2 Mohican Rd	1st ZBA	Approved
			18 Stonewall Rd	1st ZBA	Approved
			44 Colby Ln	1st ZBA	Held Over
			52 Paddington Rd	1st ZBA	Held Over
May 11,2022	8	3	44 Colby Ln	2nd ZBA	Held Over
			50 Greendale Rd	1st ZBA	Approved
			2 Cooper Rd	1st ZBA	Approved
			69 Morris Lane	1st ZBA	Held Over
June 18,2022	7	5	44 Colby Ln	3rd Zba	Held Over
			69 Morris Lane	2nd ZBA	Held Over
			12 Stonewall Lane	1st ZBA	Held Over
			21 Griffen Ave	1st ZBA	Approved
			49 Sheldrake Rd	2nd ZBA	Approved
July 20,2022	11	3	69 Morris Lane	3rd ZBA	Approved
			12 Stonewall Lane	2nd ZBA	Approved
			37 Brookby	1st ZBA	Held Over

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

			11 Seneca Rd	1st ZBA	Held Over
			7 Seneca Rd	1st ZBA	Held Over
September 14,2022	16	6	37 Brookby	2nd ZBA	Approved
			11 Seneca Rd	2nd ZBA	Approved
			7 Seneca Rd	2nd ZBA	Held Over
			48 Ogden Rd	1st ZBA	Approved
			41 Hampton Rd	1st ZBA	Approved
			59 Franklin Rd	1st ZBA	Approved
			15 Oak Way	1st ZBA	Approved
			8 Dunham Rd	1st ZBA	Held Over
			1 Obry Dr	1st ZBA	Held Over
October 12,2022	13	4	7 Seneca Rd	3rd ZBA	Held Over
			8 Dunham Rd	2nd ZBA	Held Over
			1 Obry Dr	2nd ZBA	Approved
			35 Birchall Dr	1st ZBA	Held Over
			30 Murray Hil Rd	1st ZBA	Approved
			10 Pinecrest Rd	1st ZBA	Approved
			7 White Birch Ln	1st ZBA	Approved
November 9,2022	8	1	7 Seneca Rd	4th ZBA	Adjourned
			35 Birchall Dr	2nd ZBA	Approved
			57 Church Lane	1st ZBA	Approved
December 14,2022	8		7 Seneca Rd	5th ZBA	Adjourned
			32 Secor Rd	1st ZBA	Approved
			79 Griffen Ave	1st ZBA	Held Over
			15 Gate House Rd	1st ZBA	Approved
<b>TOTAL</b>	<b>118</b>	<b>49</b>			

<b>ZONE A-5 EDGEWOOD</b>		
<b>SAMPLE SECTION CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	50	53'
<b>LOT SIZE</b>	5,000	5,618
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	(Some 6'-8' one side) 10'
<b>REAR SET BACK</b>	30'	(with detached garage 5' or less) 36'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

**CHOURA ARCHITECTURE** 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web: www.choura.com

### BAR APPLICATIONS 2022

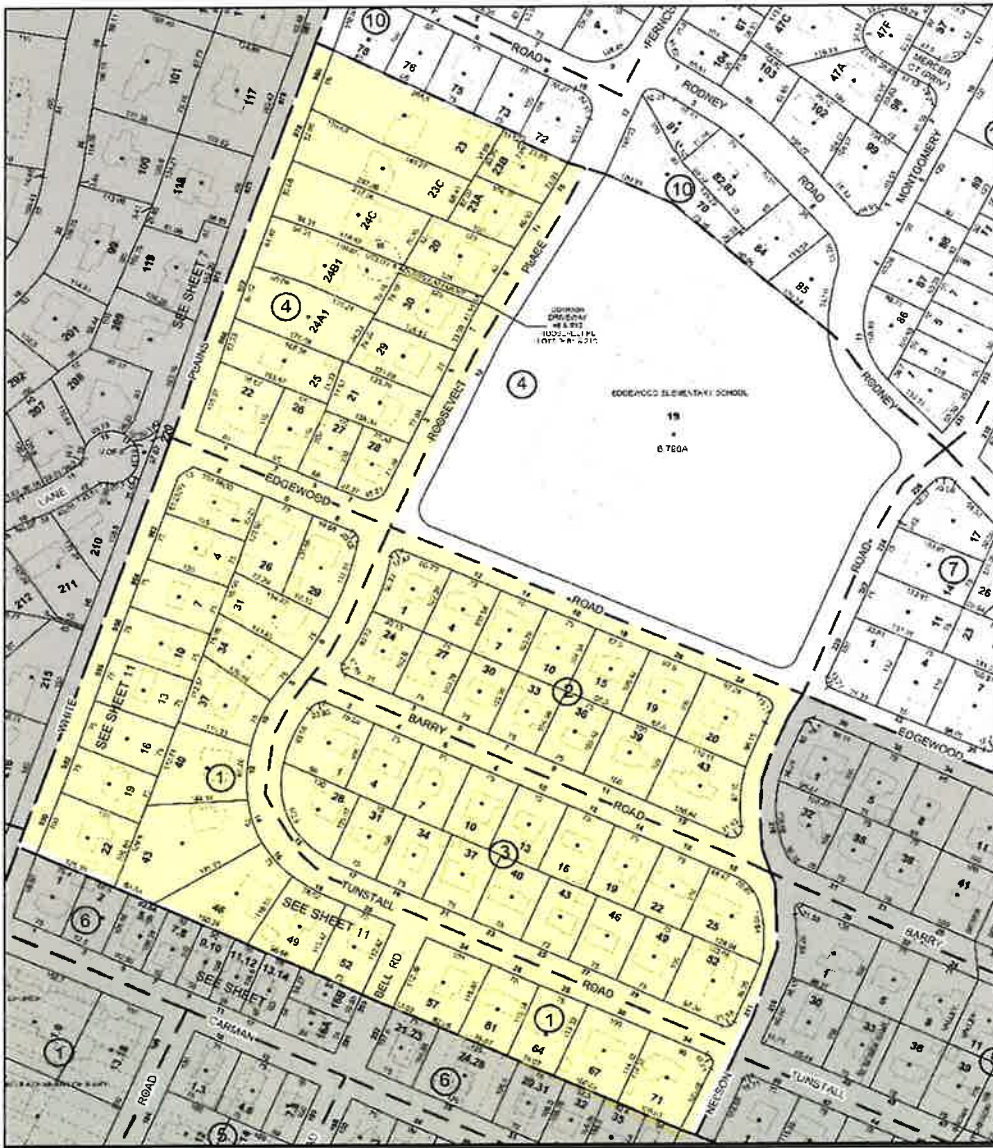
BAR DATE	# OF APPS.	NEW HOUSES	ADDRESS	PRESENTATION	STATUS
January 10,2022	17	2	54 Park Rd	1st BAR	Resubmit
			237 Nelson Rd	2nd BAR	Approved
			56 Greendale Rd	1st BAR	Resubmit
			17 Rural Dr	2nd BAR	Approved
January 24,2022	13	1	2 Mayflower Rd	2nd BAR	Approved
			59 Franklin Rd	1st BAR	Resubmit
			5 Quaker Center	2nd BAR	Held Over
February 7,2022	13	2	56 Greendale Rd	2nd BAR	Approved
			17 Crossway	1st BAR	Resubmit
			34 Springdale Rd	1st BAR	Resubmit
			1 Quaker Center	2nd BAR	Approved
			5 Quaker Center	3rd BAR	Approved
February 28,2022	11	2	10 Mayflower Rd	1st BAR	Resubmit
			6 Old Lyme Rd	2nd BAR	Denied
			7 White Birch Lane	1st BAR	Resubmit
March 14,2022	18	1	59 Franklin Rd	2nd BAR	Approved
			17 Crossway	2nd BAR	Approved
			54 Park Rd	2nd BAR	Approved
			16 Myrtledale Rd	1st BAR	Resubmit
			7 White Birch Lane	2nd BAR	Approved
March 28,2022	11	1	54 Sheldrake Rd	1st BAR	Resubmit
			10 Mayflower Rd	2nd BAR	Approved
April 18,2022	10	1	16 Myrtledale Rd	2nd BAR	Held Over
			6 Old Lyme Rd	1st BAR	Resubmit
May 9,2022	17	4	260 Madison Rd	1st BAR	Resubmit
			2 Ardmore Rd	1st BAR	Resubmit
			26 Overhill Rd	1st BAR	Resubmit
			24 Overhill Rd	1st BAR	Resubmit
			16 Myrtledale Rd	2nd BAR	Approved
			54 Sheldrake Rd	2nd BAR	Approved
May 23,2022	16		34 Springdale Rd	2nd BAR	Approved
			6 Old Lyme Rd	2nd BAR	Approved
June 6,2022	7	1	2 Ardmore Rd	2nd BAR	Approved
			17 Lenox Pl	1st BAR	Resubmit
June 27,2022	3	0			
July 11,2023	11	2	17 Lenox Place	2nd BAR	Approved
			44 Fayette Rd	1st BAR	Resubmit
			92 Carthage Rd	1st BAR	Resubmit
			24 Overhill Rd	2nd BAR	Approved
			26 Overhill Rd	2nd BAR	Held Over
July 25,2022	2	0			
August 15,2022	7		44 Fayette Rd	2nd BAR	Approved
			92 Carthage Rd	2nd BAR	Approved

**CHOURA ARCHITECTURE** 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

			26 Overhill Rd	3rd BAR	Approved
September 12,2022	CANCELLED				
October 3,2022	17	1	8 Barker Lane	1st BAR	Resubmit
Ocrober 17, 2022	8	0			
November 7,2022	9		8 Barker Lane	2nd BAR	Approved
		1	160 Nelson Rd	1st BAR	Resubmit
November 21,2022	10	1	16 Butler Rd	1st BAR	Resubmit
December 12,2022	9		160 Nelson Rd	2nd BAR	Held over
<b>TOTAL</b>	<b>209</b>	<b>20</b>			

<b>ZONE A-4 - EDGEWOOD</b>		
<b>SAMPLE BLOCK CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	75'	78'
<b>LOT SIZE</b>	7,500	9,594
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	16'
<b>REAR SET BACK</b>	30'	(some w/ detached garages 5' or less) 35'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

Table 1:

Front Yard Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	75	50	40	40	30	30	30
Bronxville	N/A	N/A	N/A	25	N/A	N/A	N/A
Larchmont <sup>(a)</sup>	N/A	N/A	30	30	30	30	30
Harrison	75	40	30	N/A	N/A	30	25
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(a)</sup>	N/A	N/A	40	35	35	N/A	20
City of Rye <sup>(b)</sup>	N/A	35	35	N/A	30	N/A	25

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Front Yard averaging is permitted in Scarsdale, Larchmont, and Pelham. (Scarsdale: 310-15; Larchmont: see dimensional table in appendix; Pelham: 210-33A)
- (b) In the City of Rye, wherever a required yard abuts a street less than 50 feet wide, the minimum yard dimension(s) are measured from a line 25 feet from the center line of said street. (see dimensional table in appendix)

Graph 1:

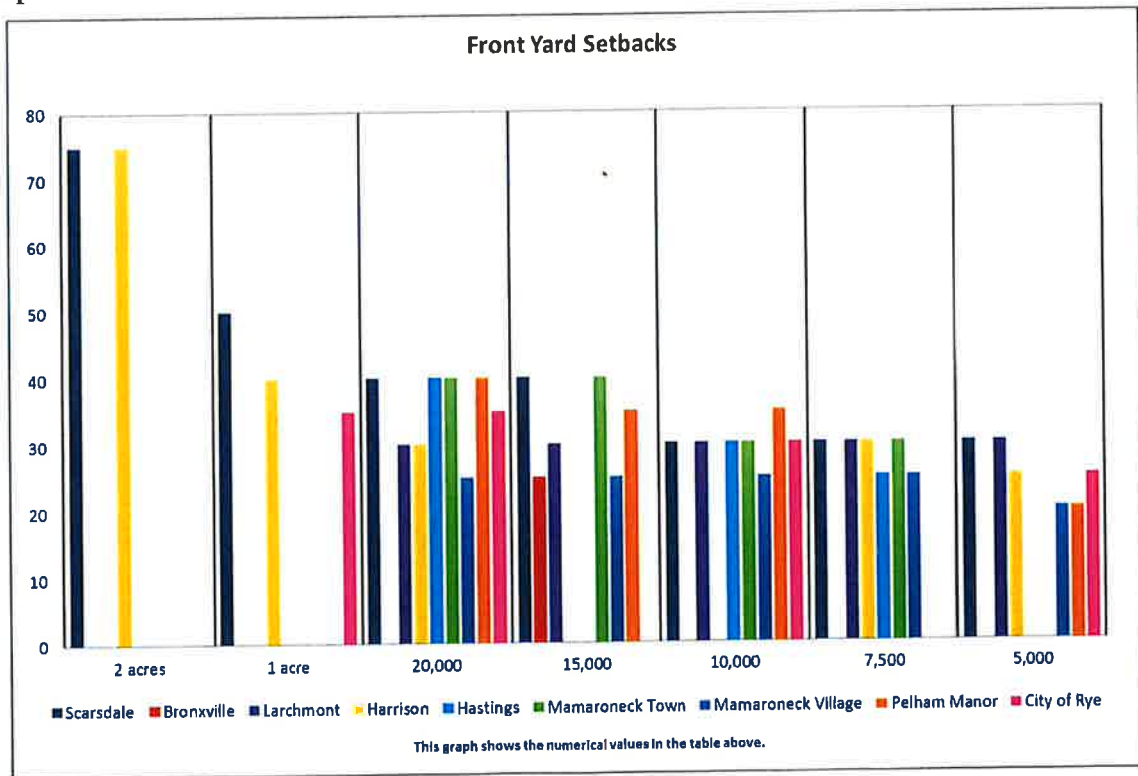


Table 2:

Rear Yard Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale (1 Story)	25	25	25	25	25	25	25
Scarsdale (2 Story) <sup>(a)</sup>	30	30	30	30	30	30	30
Bronxville	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(b)</sup>	N/A	N/A	40	30	25	25	25
Harrison	100	50	25	N/A	N/A	25	30
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	25	25	25	N/A
Mamaroneck Village	N/A	N/A	30	30	30	30	25
Pelham Manor	N/A	N/A	25	25	25	N/A	25
City of Rye	N/A	60	50	N/A	30	N/A	30

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale requires a greater rear yard setback for a two story structure. (310-43)
- (b) Larchmont has a height-setback ratio. (381-34 C)

Graph 2:

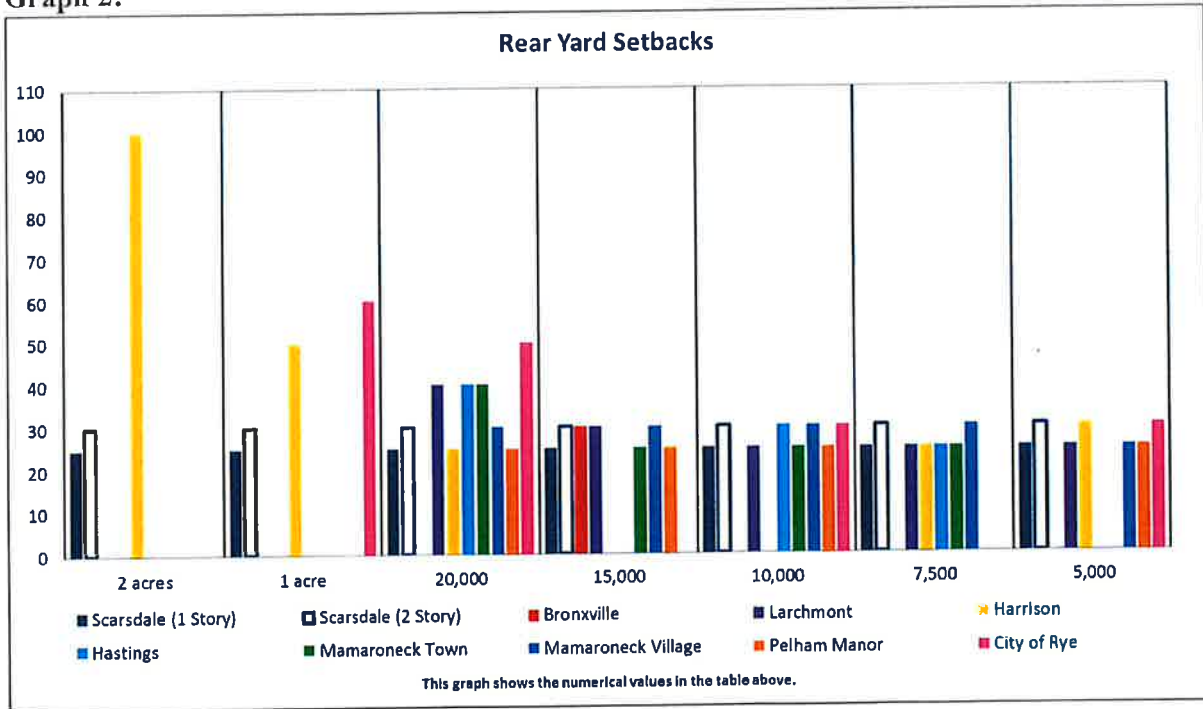


Table 3:

		2 acres		1 acre		20,000		15,000		10,000		7,500		5,000	
		Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total
Scarsdale (a)(c)		30	60	20	40	15	30	15	30	10	20	10	20	10	20
Bronxville (a)		N/A	N/A	N/A	N/A	N/A	N/A	15	30	N/A	N/A	N/A	N/A	N/A	N/A
Larchmont (b)		N/A	N/A	N/A	N/A	12	30	10	25	10	25	10	22	6	16
Harrison		50	100	20	40	15	30	N/A	N/A	N/A	N/A	10	20	5	15
Hastings		N/A	N/A	N/A	N/A	20	50	N/A	N/A	12	30	8	20	N/A	N/A
Mamaroneck Town		N/A	N/A	N/A	N/A	15	40	10	30	10	25	10	20	N/A	N/A
Mamaroneck Village		N/A	N/A	N/A	N/A	20	45	15	35	10	25	8	20	6	14
Pelham Manor (a)		N/A	N/A	N/A	N/A	15	30	10	20	10	20	N/A	N/A	10	20
City of Rye		N/A	N/A	20	50	15	40	N/A	N/A	10	25	N/A	N/A	8	20

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale, Bronxville and Pelham Manor have minimum setbacks for each side. For the purposes of comparison the minimum is multiplied by 2 to create a total setback requirement.
- (b) Height setback ratio (381-34 C)
- (c) Side yard setback bonus (310-104)

Graph 3:

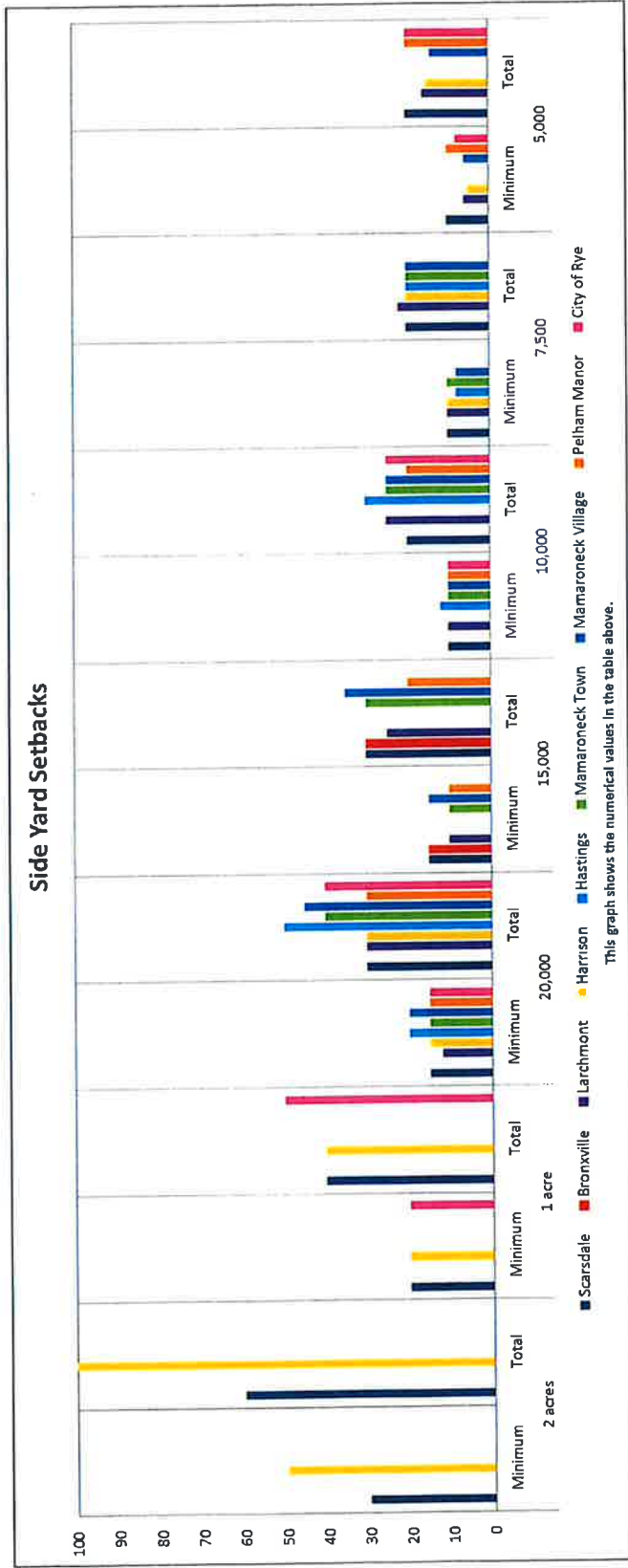


Table 4:

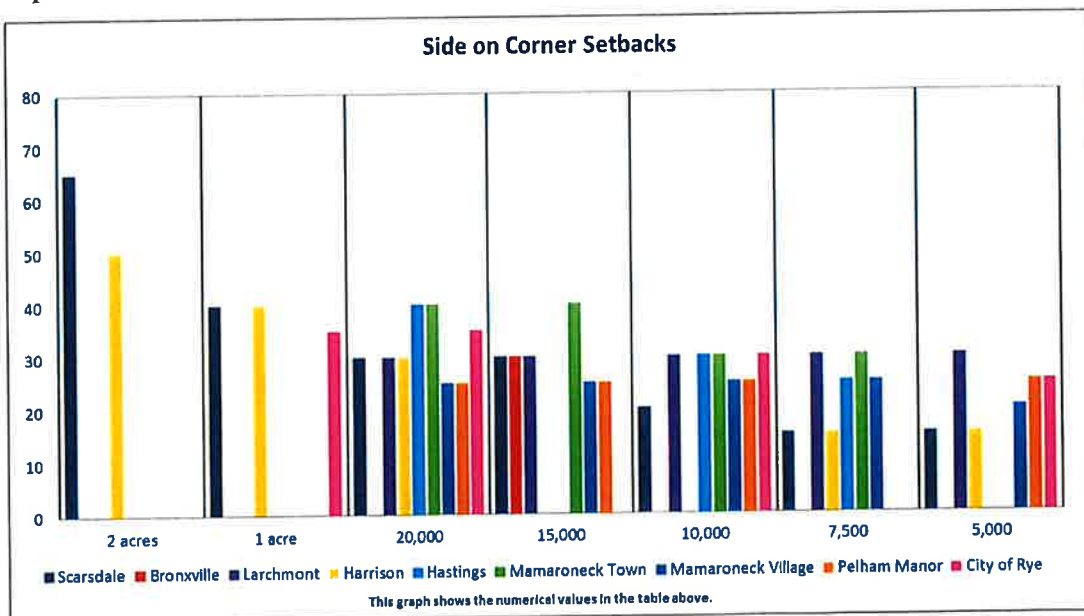
Side on Corner Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	65	40	30	30	20	15	15
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(c)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(c)</sup>	50	40 <sup>(d)</sup>	30	N/A	N/A	15	15
Hastings <sup>(d)</sup>	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town <sup>(d)</sup>	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village <sup>(e)</sup>	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(f)</sup>	N/A	N/A	25	25	25	N/A	25
City of Rye <sup>(g)</sup>	N/A	35	35	N/A	30	N/A	25

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Owner chooses which will be front and the side on corner (310-53)
- (b) One side not less than 30' and the other not less than 15'. (310-9 D(1))
- (c) Contextual approach or same as front yard setback. (see dimensional tables in appendix)
- (d) Same as front yard. Owner chooses which is the rear yard. (Hastings:295-20 F; Mamaroneck Town: 240-54)
- (e) Same as front yard setback or owner can choose to use contextual approach. (342-15.1)
- (f) One side not less than 15' and the other not less than 25' (210-34 B)
- (g) At least 1/5 the lot width but not more than the front yard setback. (see dimensional table in appendix)

Graph 4:



**Table 5:**

<h1>Height</h1>							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	35	35	35	35	35	35	35
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	35	N/A	N/A	N/A
Larchmont <sup>(g)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(d)</sup>	30	30	30	N/A	N/A	30	30
Hastings <sup>(e)</sup>	N/A	N/A	35	N/A	35	35	N/A
Mamaroneck Town <sup>(c)</sup>	N/A	N/A	35	35	35	35	N/A
Mamaroneck Village <sup>(f)</sup>	N/A	N/A	35	35	35	35	35
Pelham Manor <sup>(e)</sup>	N/A	N/A	35	35	35	N/A	35
City of Rye <sup>(e)</sup>	N/A	32	32	N/A	28	N/A	28

\*N/A means the municipality does not have a zoning district of this size

**Notes:**

- (a) Scarsdale measures height from the proposed final grade or the existing grade, if that is lower, to the midpoint between the ridge and the top plate of the wall. (310-2)
- (b) Bronxville measures height from the average finished grade to the midpoint between the eaves and the highest point only from the grade facing the street. (310-3)
- (c) The City of Rye and Mamaroneck Town measure height from the average finished grade to the midpoint between the eaves and the highest point. (Rye: 197-1; Mamaroneck Town: 240-4)
- (d) Harrison measures height from the average finished grade, measured along a line offset 10 feet from the periphery, to the average height of a pitched roof. (235-4)
- (e) Hastings and Pelham Manor measure height from existing grade to the top of the structure. (Hastings: 295-5; Pelham: 210-15)
- (f) Mamaroneck Village measures height from the average existing grade to the midpoint between the eaves and the highest point. (342-3)
- (g) Larchmont measures height from preexisting or proposed grade, whichever is lower, to the average distance between the eaves and the ridge. Note there is a height setback ratio. (381-34)

**Graph 5:**

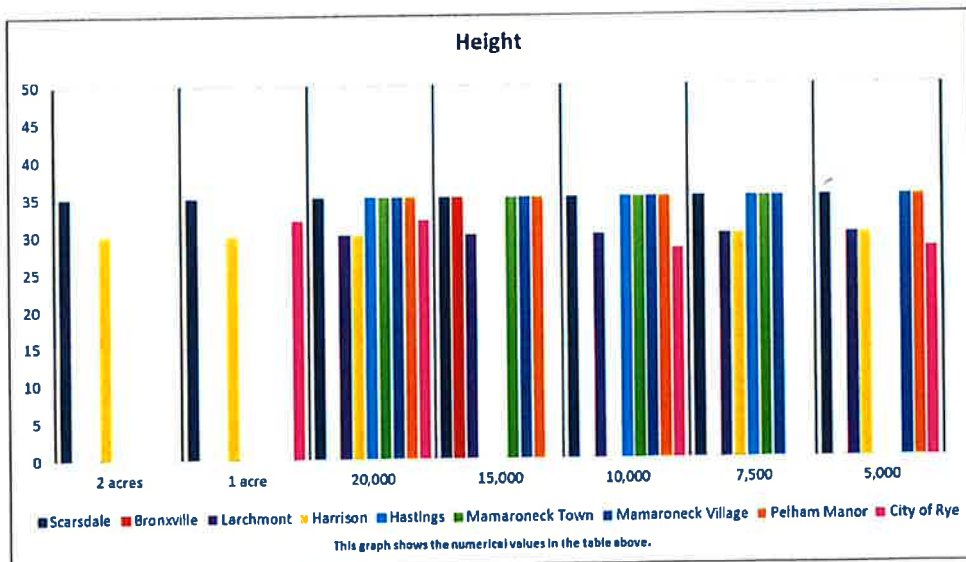


Table 6:

Lot/Development Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	20.00%	30.00%	30.00%	35.00%	40.00%	40.00%	45.00%
Bronxville <sup>(a)</sup>	N/A	N/A	N/A	50.00%	N/A	N/A	N/A
Larchmont	35.00%	35.00%	40.00%	45.00%	45.00%	47.50%	50.00%
Harrison <sup>(b)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hastings	N/A	N/A	25.00%	N/A	35.00%	40.00%	N/A
Mamaroneck Town	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Mamaroneck Village	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pelham Manor	N/A	N/A	30.00%	35.00%	40.00%	N/A	45.00%
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

Table 7:

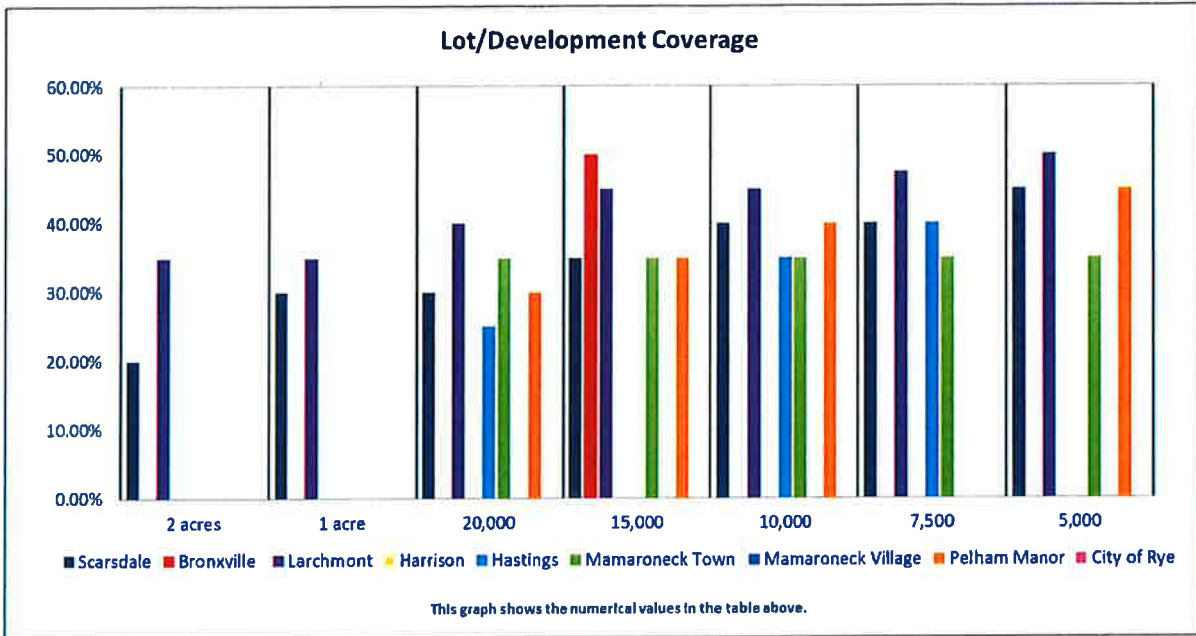
Building Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	7.33%	10.66%	18.50%	20.67%	25.00%	28.00%	30.00%
Bronxville	N/A	N/A	N/A	25.00%	N/A	N/A	N/A
Larchmont	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Harrison <sup>(b)</sup>	10.00%	15.00%	N/A	N/A	N/A	20.00%	25.00%
Hastings	N/A	N/A	15.00%	N/A	25.00%	30.00%	N/A
Mamaroneck Town	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mamaroneck Village	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

Notes:

- (a) Bronxville requires 50% of a lot to remain open space. (310-9 H)
- (b) Harrison defines lot coverage as building coverage. (see dimensional table in appendix)
- (c) Rye regulates lot coverage on floodplain properties. (197-13.1 B)

Graph 6:



Graph 7:

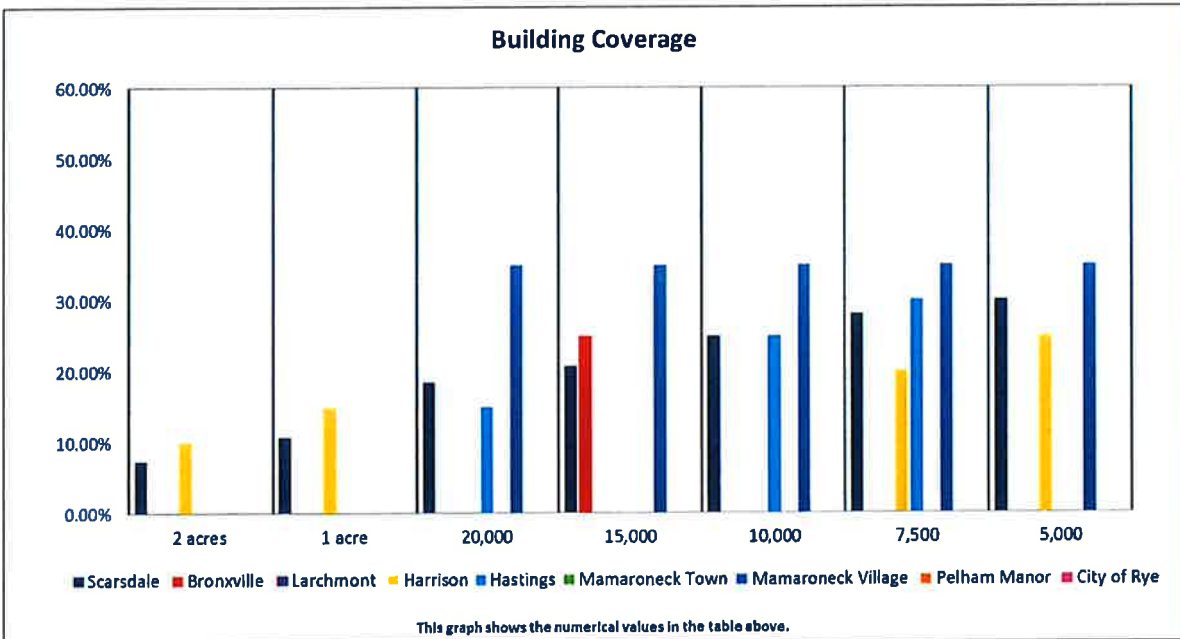


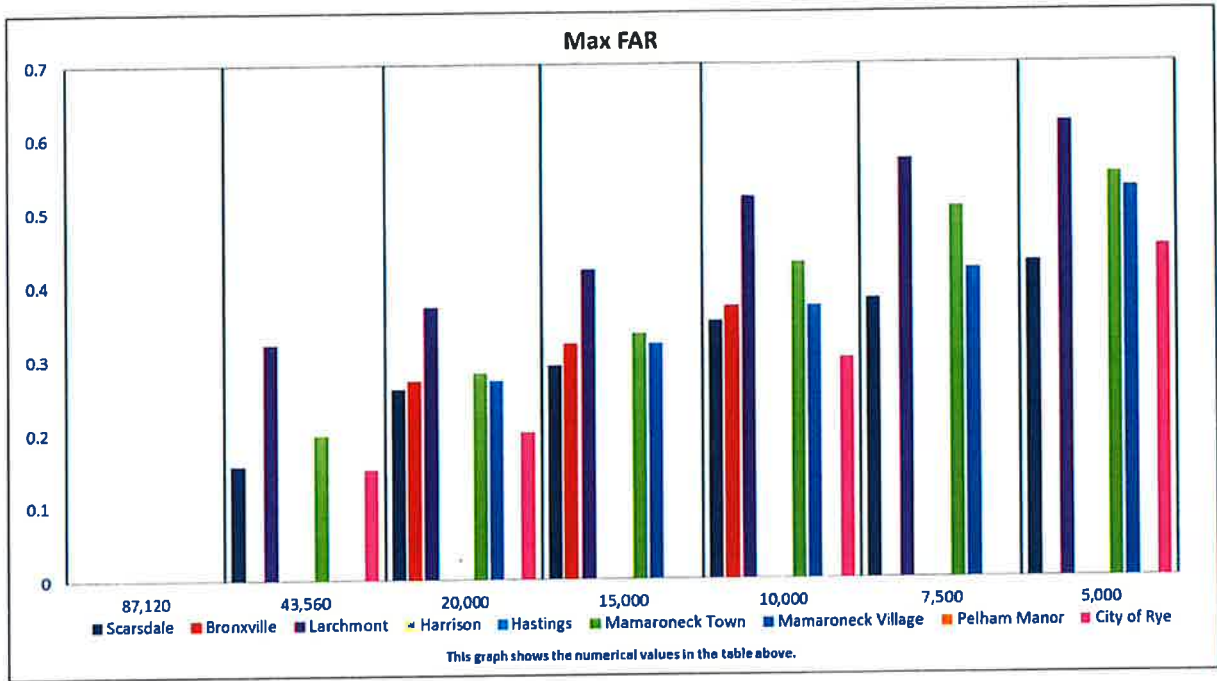
Table 8:

		FAR maximum													
		87,120		43,560		20,000		15000		10000		7500		5000	
	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Gross Floor Area
Scarsdale	N/A	N/A	0.1552	6760.5	0.26	5200	0.29	4350	0.35	3500	0.38	2850	0.43	2150	
Bronxville	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	N/A	N/A	N/A	N/A	N/A
Larchmont	N/A	N/A	0.32	13939.2	0.37	7400	0.42	6300	0.52	5200	0.57	4270	0.62	3100	
Harrison	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hastings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mamaroneck Town	N/A	N/A	0.19661	9028	0.281	5620	0.334	5110	0.43	4340	0.505	3788	0.55	2750	
Mamaroneck Village	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	0.42	3150	0.53	2650	
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
City of Rye	N/A	N/A	0.15	6534	0.2	4000	N/A	N/A	0.3	3000	N/A	N/A	0.45	2250	

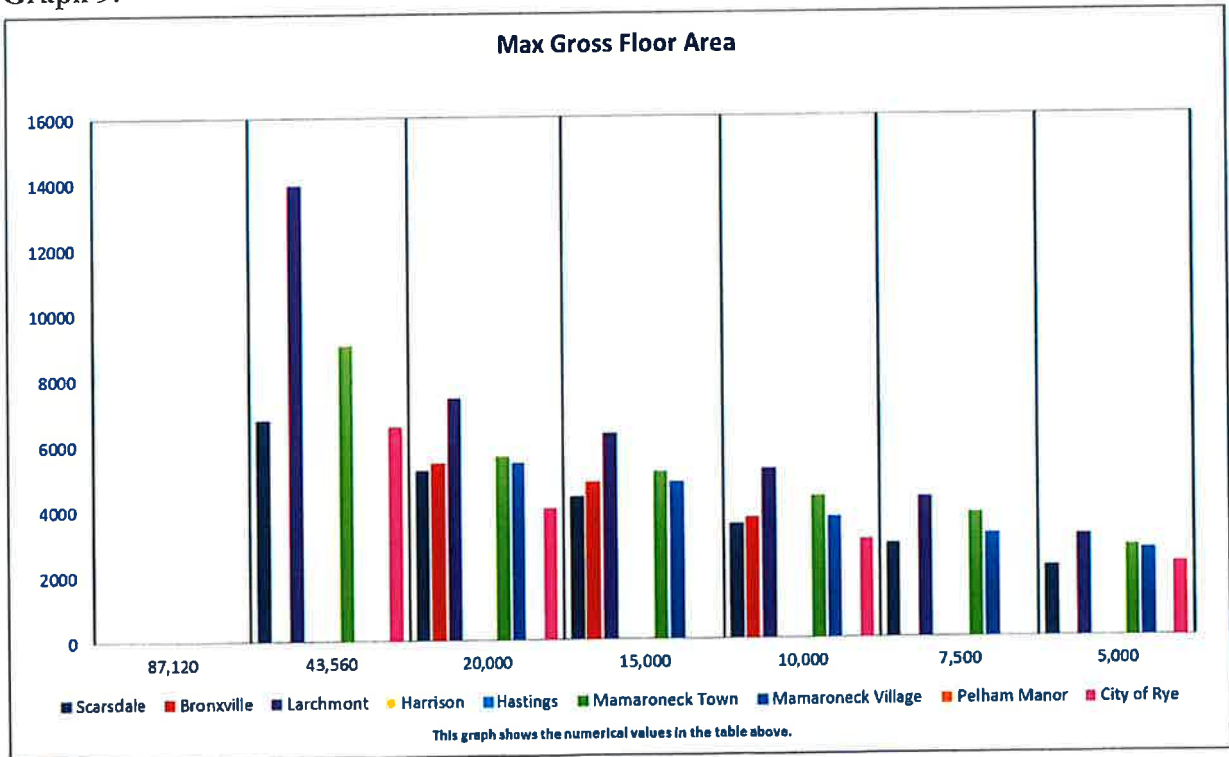
\*N/A means the municipality does not have FAR regulations or a regulation for a lot of this size

Note: see narrative for explanation on how each municipality is measured.

Graph 8:



Graph 9:



<b>2010 Census Data</b>		
	Population	Total Housing Units*
Scarsdale Village	17,166	5,647
Bronxville Village	6,323	2,430
Larchmont Village	5,864	2,215
Harrison Village	27,472	8,956
Hastings-on-Hudson Village	7,849	3,270
Mamaroneck Town	29,156	11,562
Mamaroneck Village	18,929	7,512
Pelham Manor Village	5,486	1,925
Rye City	15,720	5,957

\*Includes single and multi family units

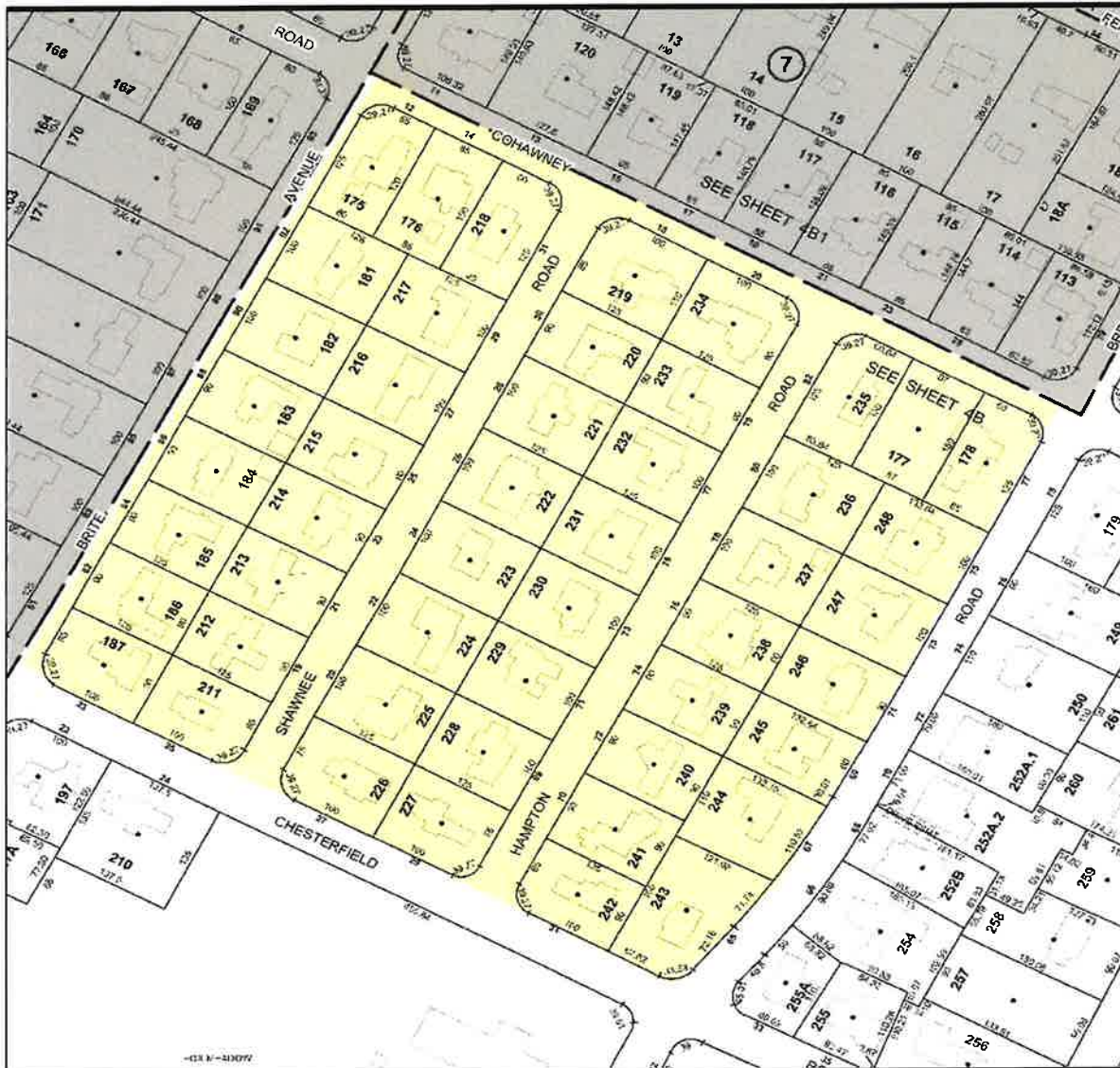
<b>BAR APPLICATIONS 2023</b>					
<b>BAR DATE</b>	<b># OF APPS.</b>	<b>NEW HOUSES</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 9,2023	10	1	18 Stonehouse	1st BAR	Resubmit
			16 Butler	2nd BAR	Approved
January 23,2023	12	2	160 Nelson	3rd BAR	Approved
			27 Church (subdivison)	1st BAR	Resubmit
			29 Church (subdivison)	1st BAR	Resubmit
February 6,2023	4	1	21 Straton	1st BAR	Resubmit
			18 Stonehouse	2nd BAR	Approved
February 27,2023	15	1	31 Butler	1st BAR	Resubmit
			27 Church	2nd BAR	Approved
			29 Church	2nd BAR	Approved
March 13,2023	8		21 Straton	2nd BAR	Resubmit
March 27,2023	7	1	4 Cohawney	1st BAR	Resubmit
April 17,2023	8		4 Cohawney	2nd BAR	Approved
May 1,2023	17	1	228 Rock Creek Lane	1st BAR	Resubmit
			31 Butler	2nd BAR	Approved
May 15,2023	6	0			
June 5,2023	8		228 Rock Creek Lane	2nd BAR	Approved
June 26,2023	9	1	22 Rural	1st BAR	Resubmit
July 10,2023	14		19 Dolma Rd	2nd BAR	Approved
July 24,2023	6	0			
August 14,2023	15	4	22 Rural	2nd BAR	
			241 Nelson	1st BAR	Resubmit
			233 Nelson	1st BAR	Resubmit
			26 Aspen	1st BAR	Resubmit
			28 Aspen	1st BAR	Resubmit
September 11,2023	11	0			
October 2,2023	11	1	2 Cooper (subdivison)	1st BAR	Resubmit
October 23, 2023	11	2	26 Aspen rd	2nd BAR	Resubmit
			28 Aspen	2nd BAR	Resubmit
			41 Wildwood	1st BAR	Resubmit
			85 Spier	1st BAR	Resubmit
November 6,2023	14	1	Blackhawk	1st BAR	Resubmit
			2 Cooper	2nd BAR	Approved
			85 Spier	2nd BAR	Approved
November 20,2023	13	0	41 Wildwood	2nd BAR	Approved
			75 Brown Rd	3rd BAR	Approved
			28 Aspen	3rd BAR	Approved
			26 Aspen	3rd BAR	Approved
December 4,2023	8	1	16 Lebanon	2nd BAR	Approved
			6 Cooper (subdivison)	1st BAR	Resubmit
			69 Greendale	2nd BAR	Approved
			19 Black Hawk	2nd BAR	Approved
<b>TOTAL</b>	<b>207</b>	<b>17</b>	<b>3 new lots/households added</b>		

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

**ZONE A-3 FOX MEADOW  
SAMPLE BLOCK CALCULATION**

	MINIMUM REQUIRED	AVERAGE
FRONTAGE	70'	102'
LOT SIZE	10,000	12,852
FRONT SET BACK	30'	32'
SIDE SET BACK	10'	15.4'
REAR SET BACK	30'	42'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web: www.choura.com

<b>SUBDIVISIONS 2022-2023</b>		
<b>YEAR</b>	<b>ADDRESS</b>	
2022	112 Lee Road	Lot line adjustment
2022	33 Park and 6 Eton	Lot line adjustment (no new construction)
2022	28 Aspen Road	Subdivision
2022	29 Church Lane	Subdivision
2022	40 Mamaroneck Road	Subdivision
2023	46 Lincoln and 101 Carthage	Proposed, not approved, Subdivision and lot line adjustment (2 lots into 3)
2022	80 Garden Road	Proposed, not approved, nine-lot subdivision

**Scarsdale Zoning Restrictions**

ZONE	LOT SIZE (SQ. FT)	BUILDING COVERAGE	LOT COVERAGE	FAR (W/O BONUS)	FAR EXCLUDED GARAGE AREA (Amended 8-10-2021)	FAR EXCLUDED GARAGE AREA Previous Code	FAR EXCLUDED GARAGE AREA (Amended 8-10-2021)	FAR BONUS SIDE YARD SETBACK (Amended 8-10-2021)	FAR BONUS SIDE YARD SETBACK Previous Code	FAR BONUS SIDE YARD SETBACK
A-1	43,560	4,642 (10.6%)	13,100 (30%)	6,769 (15.5%)	400	400	400	840	1200	1200
A-2	20,000	3,700 (18%)	6,000 (30%)	5,200 (26%)	400	400	400	490	700	700
A-2A	15,000	3,100 (20%)	5,250 (35%)	4,350 (29%)	400	400	400	490	700	700
A-3	10,000	2,500 (25%)	4,000 (40%)	3,500 (35%)	400	400	400	490	700	700
A-4	7,500	2,100 (28%)	3,000 (40%)	2,925 (39%)	250	250	250	280	400	400
A-5	5,000	1,500 (30%)	2,250 (45%)	2,150 (43%)	250	250	250	280	400	400
	Less than 5,000	30%	45%	0.43 (43%)	250	250	250			

# ChouraArchitecture PC

Architecting from the inside out

December 21, 2023

Mayor Justin Arest  
And Members of the Board of Trustees  
Village of Scarsdale  
1001 Post Road  
Scarsdale, New York 10583

Thank you for your effort and dedication to our village and search to improve the current condition of the construction industry. Thank you for encouraging us to voice our concerns and listen to our feedback regarding the Moratorium and suggestions.

Like any meaningful project, be it a building, research thesis or revision of code it requires time, effort and resources. I am trying to provide you with my view as a design professional and active architect working consecutively in Scarsdale for over 25 years.

I am opposed to the Moratorium as per your first draft and in general. The current village construction code works! It is tight, well written and well amended. It is one of the strictest in lower Westchester. So much research, modifications and amendments to the current code has been made over the years without interruption to the construction industry while consideration to change was made. We adjusted our designs and calculations accordingly when the change was implemented not in anticipation of some potential change.

We spend between four to six months with a new client from the time we are engaged to the time we appear in front of the Scarsdale Boards. We budget six to eight additional weeks for permit review until permit is issued. So that process is six to eight months until a permit is issued. Please realize it is impossible for us to design anything without knowing under what general rule or Code we have to comply with. We cannot afford to wait for six months then start a new project. Our clients will not have the patience to wait over a year to build once they took the decision to improve or address a necessity in their homes.

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: [chouraarch@yahoo.com](mailto:chouraarch@yahoo.com)  
Web: [www.choura.com](http://www.choura.com)

As architects, we have to balance so many elements before a building permit is issued. We are conditioned by so many restrictions:

- 1- Zoning: Set back, lot coverage, FAR.
- 2- Drainage based on final lot coverage.
- 3- Aesthetics and neighborhood integration
- 4- Client ambitious wish list
- 5- Client unrealistic budget
- 6- Be proud to put our name on the building.

Many researches and surveys were done on the Scarsdale building code and zoning code. I was busy designing in the " McMansions" era. After 911 large move to the suburbs, especially Scarsdale for schools reputation, we had a similar situation to the one we have during and after the Pandemic. We are experiencing what we experienced then the fear of over development. After 20 years the buildings that were not for sale, or got renovated, they are now ready for new families to improve. The rest of the Housing stock is either renovated, expanded or not for sale. Things are really slowing down tremendously as the rush is almost over and mortgage interest rate slowed many down anyway.

I am including in this a list showing number of BAR applications submitted in 2022 and 2023 identifying new homes that replaced old homes and new homes built on new lots which added to the village households' count. In 2022 we had 209 applications and 20 new homes. In 2023 we had 207 applications and 17 new homes 3 built on newly created lots resulting from a subdivision .

We also compiled a list of ZBA applications 118 (including 49 pools) applications for 2022 and 70 applications (including 20 pools) in 2023 a slow down as these applications could not be submitted due to back log on pool companies and village staff.

See attached BAR Applications List we compiled for 2022 and 2023.  
See attached ZBA applications list we compiled for 2022 and 2023

## **FAR**

The FAR was added to the village code in 3/26/2002 after many years of research, consultants and public opinion and contribution. It was amended in and 10/14/2003, 12/11/2007 and 5/13/2008. Why does it need to be amended again?

Garages and bonus were amended in 8/10/2021 were the area of garage exempt from was reduced and bonus for side setback was reduced from 400 to 280 square feet. 700 reduced to 490 square feet. This change was made without moratorium and was a surprise to the Architect community.

See attached Scarsdale Zoning Restrictions we prepared combining three different schedules we use showing past and present requirements.

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: [chouraarch@yahoo.com](mailto:chouraarch@yahoo.com)  
Web: [www.choura.com](http://www.choura.com)

## **Zoning Code**

The Zoning code had been studied and many reviews were made. Several neighborhood had been upsized resulting in many nonconformities like Cushman Road, where you cannot touch anything without a variance for any improvement on the smaller lots on that street..

Also more studies were made by consultants and village staff the most recent one the Municipal Zoning Survey done as late as 2018. Please note that the Scarsdale setback requirements are in the same range or more demanding than other municipalities and I think the conclusion was that there is no need to change

See attached Scarsdale Municipal Zoning Survey 2018

I put a quick sample survey on three different Scarsdale village zones to show the existing setbacks are in Zones A-3 A-4 A-5 which would be the most impacted if the setbacks requirement would be increased. We noticed that many of the lots and buildings are already nonconforming. We are showing the average frontage, side, Front and Rear setbacks averages. Many of the smaller lots have detached garages. We did not calculate lot coverage or building foot print. Should you study that you will see that most A-4 and A-5 zones will be nonconforming already. I am speaking from experience as I have worked on several projects in these particular Blocks. The study is made based on Scarsdale tax map dated 2010 not reflecting expansions since.

See attached Zone A-3 Fox Meadow study, Zone A-4 and ,Zone A-5 Edgewood study.

It is hard to make any suggestions or recommendations without proper and professional studies. Just putting a full stop on construction will be detrimental to Scarsdale economy as we heard from so many residents. Just doing a percentage reduction to any zoning elements without study of negative impacts on all sections and zones of the village is hard to accept. Based on my professional experience when it comes to design numbers are not meaningful. Percentages, no matter how small, will impact all the spaces to be created or modified.

Scarsdale Village is well equipped with four Boards, great staff members working hard and a very strong Code, including tree removal and replacement. BAR has a long list of guidelines. CHP revised its criteria recently. Planning Board is controlling all applications in the drainage sensitive areas and wetland. All applications to ZBA cannot be submitted without SWEC.

I don't think the building industry in Scarsdale is in a crisis to justify a moratorium; modifications to the code can be made without an immediate halt or quick exceptions.

Thank you for your consideration.  
Bana Choura, AIA

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com  
Web:www.choura.com

**Scarsdale Office:** 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: [chouraarch@yahoo.com](mailto:chouraarch@yahoo.com)  
Web: [www.choura.com](http://www.choura.com)

### **ZBA APPLICATIONS 2023**

<b>ZBA DATE</b>	<b># OF APPS.</b>	<b>POOLS</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 11,2023	10	5	7 Seneca Rd	1st ZBA	Adjourned
			79 Griffen Ave	1st ZBA	Held Over
			31 Murray Hill Rd	1st ZBA	Approved
			125 Birchall Dr	1st ZBA	Approved
			31 Taunton Rd	1st ZBA	Approved
February 8,2023	6	1	7 Seneca Rd	2nd ZBA	Adjourn
			79 Griffen Ave	2nd ZBA	Held Over
			114 Birchall Dr	1st ZBA	Held Over
March 8,2023	5		7 Seneca Rd	3rd ZBA	Approved
			79 Griffen Ave	3rd ZBA	Approved
			114 Birchall Dr	2nd ZBA	Adjourned
April 13,2023	6	2	114 Birchall Dr	2nd ZBA	Adjourned
			8 Barker Lane	1st ZBA	Approved
			5 Paddington Rd	1st ZBA	Approved
May 10,2023	3		114 Birchall Dr	3rd ZBA	Adjourned
			31 Murray Hill Rd	2nd ZBA	Approved
June 14,2023	6	2	114 Birchall Dr	4th ZBA	Remove
			23 Autenrieth Rd	1st ZBA	Approved
			180 Rock Creek Lane	1st ZBA	Held Over
July 19,2023	8		180 Rock Creek Lane	2nd ZBA	Approved
			28 Garden Rd	1st ZBA	Held Over
			45 Church Lane	1st ZBA	Held Over
			54 Sheldrake Rd	1st ZBA	Approved
			7 Wheelock Rd	1st ZBA	Held Over
September 13,2023	13	6	28 Garden Rd	2nd ZBA	Approved
			45 Church Lane	2nd ZBA	Approved
			7 Wheelock Rd	2nd ZBA	Approved
			17 Morris Lane	1st ZBA	Approved
			17 Horseguard Rd	1st ZBA	Approved
			86 Spier Rd	1st ZBA	Held Over
			23 Wymor Rd	1st ZBA	Approved
			28 Fenimore Rd	1st ZBA	Approved
			2 Reimer Rd	1st ZBA	Approved
October 11,2023	4	2	86 Spier Rd	2nd ZBA	Approved
			1 Quaker Center	1st ZBA	Approved
			5 Quaker Center	1st ZBA	Approved
November 8,2023	4	2	62 Franklin Rd	1st ZBA	Approved
			1154 Post Rd	1st ZBA	Denied
December 13,2023	5		12 Innes Rd	1st ZBA	Held Over
			324 Heathcote Rd	1st ZBA	Approved
<b>TOTAL</b>	<b>70</b>	<b>20</b>			

**CHOURA ARCHITECTURE** 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

### **ZBA APPLICATIONS 2022**

<b>ZBA DATE</b>	<b># OF APPS.</b>	<b>POOLS</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 12,2022	17	12	2 Dickel Road	1st ZBA	Approved
			14 Chesterfield	1st ZBA	Approved
			21 Rectory Lane	1st ZBA	Approved
			11 Oak Lane	1st ZBA	Approved
			12 Whig Rd	1st ZBA	Approved
			31 Taunton Rd	1st ZBA	Approved
			3 Normandy Ln	1st ZBA	Approved
			59 Stratton Rd	1st ZBA	Approved
			15A Richbell Rd	1st ZBA	Approved
			28 Heathcote	1st ZBA	Held Over
			6 Obry Drive	1st ZBA	Approved
			49 Sheldrake Rd	1st ZBA	Approved
February 9,2022	7	4	28 Heathcote	2nd ZBA	Approved
			2 Windward Ln	1st ZBA	Approved
			15 Wildwood Rd	1st ZBA	Approved
			13 Circle Rd	1st ZBA	Held Over
			2 Carstensen Rd	1st ZBA	Held Over
March 9,2022	10	5	13 Circle Rd	2nd ZBA	Approved
			2 Carstensen Rd	2nd ZBA	Held Over
			20 Sherbrook Rd	1st ZBA	Approved
			38 Sage Terrace	1st ZBA	Approved
			34 Sheldrake Rd	1st ZBA	Approved
			50 Harvest Dr	1st ZBA	Approved
			20 Cayuga Rd	1st ZBA	Held Over
April 13,2022	13	6	2 Carstensen Rd	3rd ZBA	Approved
			20 Cayuga Rd	2nd ZBA	Approved
			17 Oak Lane	1st ZBA	Held Over
			70 Morris Ln	1st ZBA	Approved
			2 Mohican Rd	1st ZBA	Approved
			18 Stonewall Rd	1st ZBA	Approved
			44 Colby Ln	1st ZBA	Held Over
			52 Paddington Rd	1st ZBA	Held Over
May 11,2022	8	3	44 Colby Ln	2nd ZBA	Held Over
			50 Greendale Rd	1st ZBA	Approved
			2 Cooper Rd	1st ZBA	Approved
			69 Morris Lane	1st ZBA	Held Over
June 18,2022	7	5	44 Colby Ln	3rd Zba	Held Over
			69 Morris Lane	2nd ZBA	Held Over
			12 Stonewall Lane	1st ZBA	Held Over
			21 Griffen Ave	1st ZBA	Approved
			49 Sheldrake Rd	2nd ZBA	Approved
July 20,2022	11	3	69 Morris Lane	3rd ZBA	Approved
			12 Stonewall Lane	2nd ZBA	Approved
			37 Brookby	1st ZBA	Held Over

**CHOURA ARCHITECTURE** 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

			11 Seneca Rd	1st ZBA	Held Over
			7 Seneca Rd	1st ZBA	Held Over
September 14,2022	16	6	37 Brookby	2nd ZBA	Approved
			11 Seneca Rd	2nd ZBA	Approved
			7 Seneca Rd	2nd ZBA	Held Over
			48 Ogden Rd	1st ZBA	Approved
			41 Hampton Rd	1st ZBA	Approved
			59 Franklin Rd	1st ZBA	Approved
			15 Oak Way	1st ZBA	Approved
			8 Dunham Rd	1st ZBA	Held Over
			1 Obry Dr	1st ZBA	Held Over
October 12,2022	13	4	7 Seneca Rd	3rd ZBA	Held Over
			8 Dunham Rd	2nd ZBA	Held Over
			1 Obry Dr	2nd ZBA	Approved
			35 Birchall Dr	1st ZBA	Held Over
			30 Murray Hil Rd	1st ZBA	Approved
			10 Pinecrest Rd	1st ZBA	Approved
			7 White Birch Ln	1st ZBA	Approved
November 9,2022	8	1	7 Seneca Rd	4th ZBA	Adjourned
			35 Birchall Dr	2nd ZBA	Approved
			57 Church Lane	1st ZBA	Approved
December 14,2022	8		7 Seneca Rd	5th ZBA	Adjourned
			32 Secor Rd	1st ZBA	Approved
			79 Griffen Ave	1st ZBA	Held Over
			15 Gate House Rd	1st ZBA	Approved
<b>TOTAL</b>	<b>118</b>	<b>49</b>			

**Scarsdale Zoning Restrictions**

ZONE	LOT SIZE (SQ.FT)	BUILDING COVERAGE	LOT COVERAGE	FAR (W/O BONUS)	FAR EXCLUDED GARAGE AREA (Amended 8-10-2021)	FAR EXCLUDED GARAGE AREA Previous Code	FAR EXCLUDED GARAGE AREA (Amended 8-10-2021)	FAR BONUS SIDE YARD SETBACK (Amended 8-10-2021)	FAR BONUS SIDE YARD SETBACK Previous Code	FAR BONUS SIDE YARD SETBACK
A-1	43,560	4,642 (10.6%)	13,100 (30%)	6,769 (15.5%)	400	400	400	840	1200	840
A-2	20,000	3,700 (18%)	6,000 (30%)	5,200 (26%)	400	400	400	490	700	490
A-2A	15,000	3,100 (20%)	5,250 (35%)	4,350 (29%)	400	400	400	490	700	490
A-3	10,000	2,500 (25%)	4,000 (40%)	3,500 (35%)	400	400	400	490	700	490
A-4	7,500	2,100 (28%)	3,000 (40%)	2,925 (39%)	250	250	250	280	400	280
A-5	5,000	1,500 (30%)	2,250 (45%)	2,150 (43%)	250	250	250	280	400	280
	Less than 5,000	30%	45%	0.43 (43%)	250	250	250			

Table 1:

Front Yard Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	75	50	40	40	30	30	30
Bronxville	N/A	N/A	N/A	25	N/A	N/A	N/A
Larchmont <sup>(a)</sup>	N/A	N/A	30	30	30	30	30
Harrison	75	40	30	N/A	N/A	30	25
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(a)</sup>	N/A	N/A	40	35	35	N/A	20
City of Rye <sup>(b)</sup>	N/A	35	35	N/A	30	N/A	25

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Front Yard averaging is permitted in Scarsdale, Larchmont, and Pelham. (Scarsdale: 310-15; Larchmont: see dimensional table in appendix; Pelham: 210-33A)
- (b) In the City of Rye, wherever a required yard abuts a street less than 50 feet wide, the minimum yard dimension(s) are measured from a line 25 feet from the center line of said street. (see dimensional table in appendix)

Graph 1:

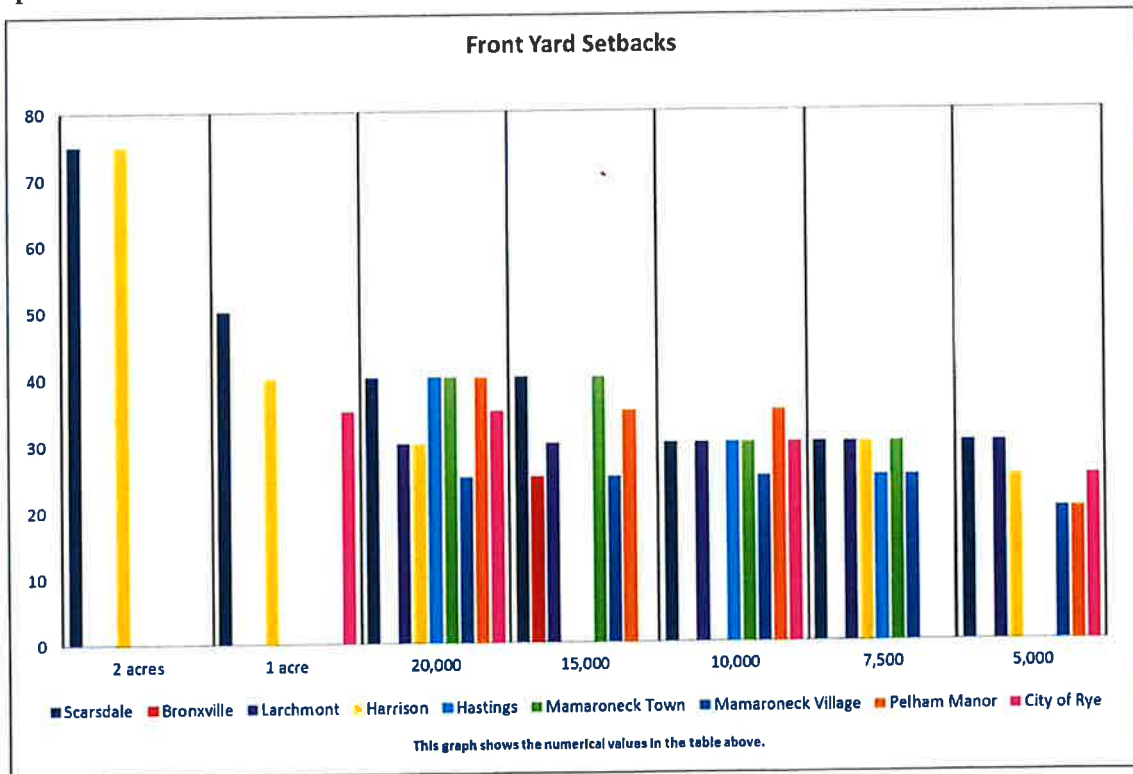


Table 2:

Rear Yard Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale (1 Story)	25	25	25	25	25	25	25
Scarsdale (2 Story) <sup>(a)</sup>	30	30	30	30	30	30	30
Bronxville	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(b)</sup>	N/A	N/A	40	30	25	25	25
Harrison	100	50	25	N/A	N/A	25	30
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	25	25	25	N/A
Mamaroneck Village	N/A	N/A	30	30	30	30	25
Pelham Manor	N/A	N/A	25	25	25	N/A	25
City of Rye	N/A	60	50	N/A	30	N/A	30

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale requires a greater rear yard setback for a two story structure. (310-43)
- (b) Larchmont has a height-setback ratio. (381-34 C)

Graph 2:

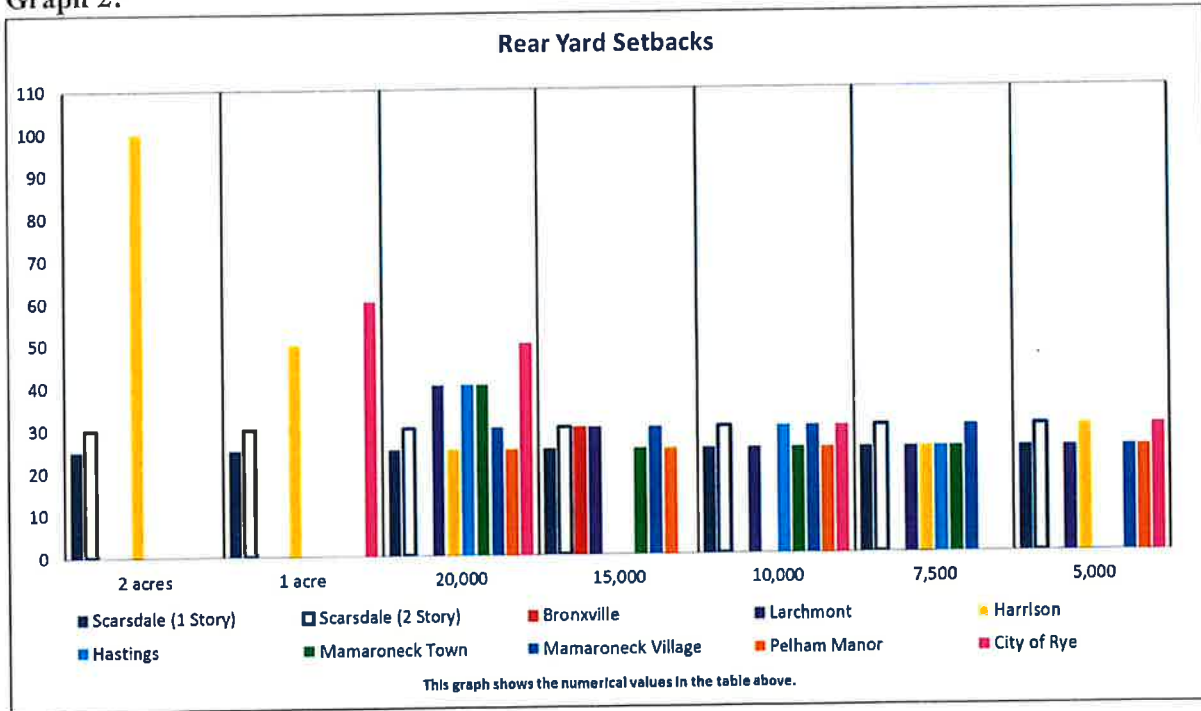


Table 3:

		2 acres		1 acre		20,000		15,000		10,000		7,500		5,000	
		Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total
Scarsdale (a)(c)		30	60	20	40	15	30	15	30	10	20	10	20	10	20
Bronxville (a)		N/A	N/A	N/A	N/A	N/A	N/A	15	30	N/A	N/A	N/A	N/A	N/A	N/A
Larchmont (b)		N/A	N/A	N/A	N/A	12	30	10	25	10	25	10	22	6	16
Harrison		50	100	20	40	15	30	N/A	N/A	N/A	N/A	10	20	5	15
Hastings		N/A	N/A	N/A	N/A	20	50	N/A	N/A	12	30	8	20	N/A	N/A
Mamaroneck Town		N/A	N/A	N/A	N/A	15	40	10	30	10	25	10	20	N/A	N/A
Mamaroneck Village		N/A	N/A	N/A	N/A	20	45	15	35	10	25	8	20	6	14
Pelham Manor (a)		N/A	N/A	N/A	N/A	15	30	10	20	10	20	N/A	N/A	10	20
City of Rye		N/A	N/A	20	50	15	40	N/A	N/A	10	25	N/A	N/A	8	20

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale, Bronxville and Pelham Manor have minimum setbacks for each side. For the purposes of comparison the minimum is multiplied by 2 to create a total setback requirement.
- (b) Height setback ratio (381-34 C)
- (c) Side yard setback bonus (310-104)

Graph 3:

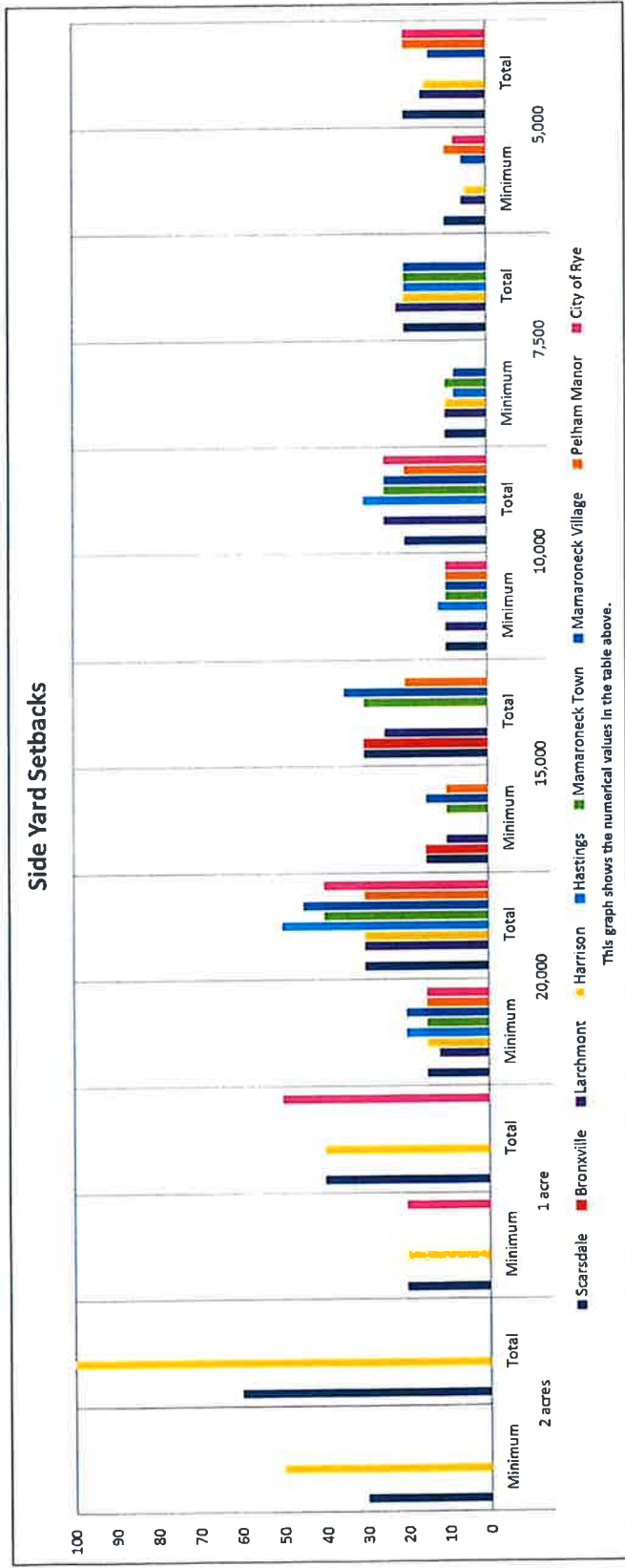


Table 4:

Side on Corner Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	65	40	30	30	20	15	15
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(c)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(c)</sup>	50	40 <sup>(d)</sup>	30	N/A	N/A	15	15
Hastings <sup>(d)</sup>	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town <sup>(d)</sup>	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village <sup>(e)</sup>	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(f)</sup>	N/A	N/A	25	25	25	N/A	25
City of Rye <sup>(g)</sup>	N/A	35	35	N/A	30	N/A	25

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Owner chooses which will be front and the side on corner (310-53)
- (b) One side not less than 30' and the other not less than 15'. (310-9 D(1))
- (c) Contextual approach or same as front yard setback. (see dimensional tables in appendix)
- (d) Same as front yard. Owner chooses which is the rear yard. (Hastings:295-20 F; Mamaroneck Town: 240-54)
- (e) Same as front yard setback or owner can choose to use contextual approach. (342-15.1)
- (f) One side not less than 15' and the other not less than 25' (210-34 B)
- (g) At least 1/5 the lot width but not more than the front yard setback. (see dimensional table in appendix)

Graph 4:

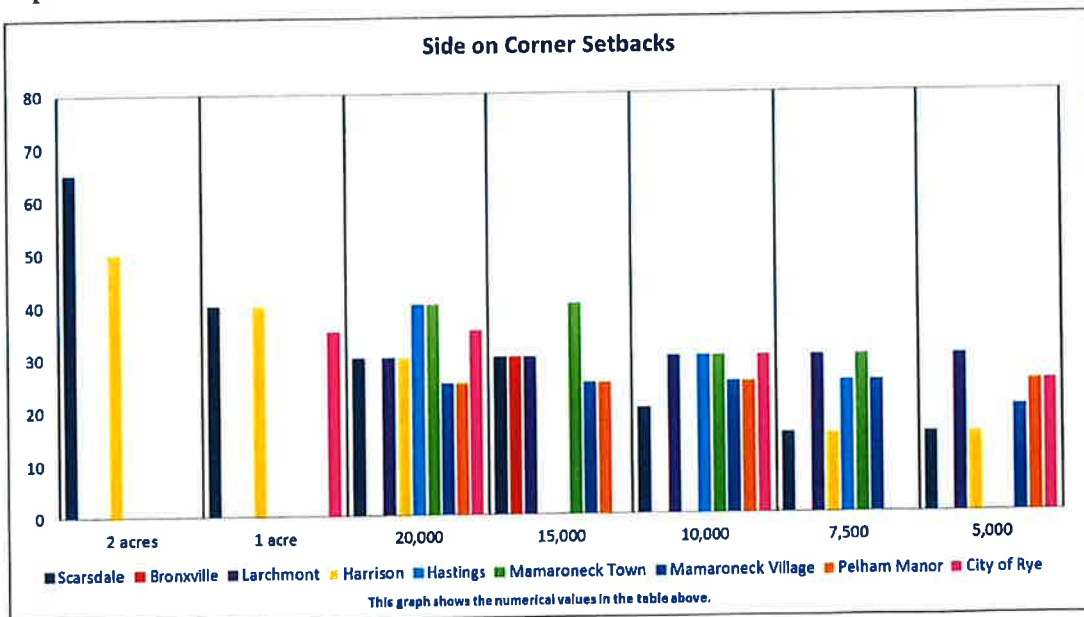


Table 5:

Height							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	35	35	35	35	35	35	35
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	35	N/A	N/A	N/A
Larchmont <sup>(g)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(d)</sup>	30	30	30	N/A	N/A	30	30
Hastings <sup>(e)</sup>	N/A	N/A	35	N/A	35	35	N/A
Mamaroneck Town <sup>(c)</sup>	N/A	N/A	35	35	35	35	N/A
Mamaroneck Village <sup>(f)</sup>	N/A	N/A	35	35	35	35	35
Pelham Manor <sup>(e)</sup>	N/A	N/A	35	35	35	N/A	35
City of Rye <sup>(c)</sup>	N/A	32	32	N/A	28	N/A	28

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale measures height from the proposed final grade or the existing grade, if that is lower, to the midpoint between the ridge and the top plate of the wall. (310-2)
- (b) Bronxville measures height from the average finished grade to the midpoint between the eaves and the highest point only from the grade facing the street. (310-3)
- (c) The City of Rye and Mamaroneck Town measure height from the average finished grade to the midpoint between the eaves and the highest point. (Rye: 197-1; Mamaroneck Town: 240-4)
- (d) Harrison measures height from the average finished grade, measured along a line offset 10 feet from the periphery, to the average height of a pitched roof. (235-4)
- (e) Hastings and Pelham Manor measure height from existing grade to the top of the structure. (Hastings: 295-5; Pelham: 210-15)
- (f) Mamaroneck Village measures height from the average existing grade to the midpoint between the eaves and the highest point. (342-3)
- (g) Larchmont measures height from preexisting or proposed grade, whichever is lower, to the average distance between the eaves and the ridge. Note there is a height setback ratio. (381-34)

Graph 5:

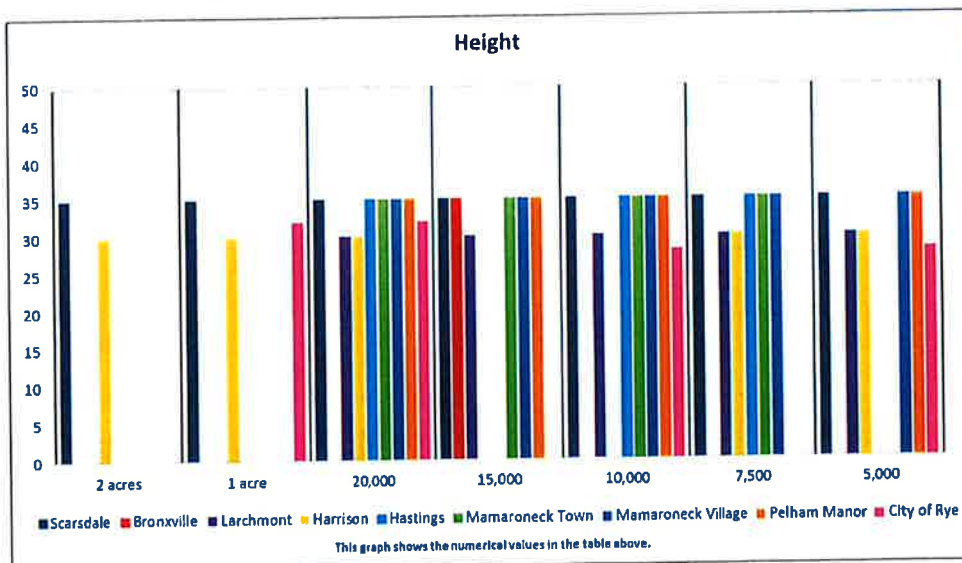


Table 6:

Lot/Development Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	20.00%	30.00%	30.00%	35.00%	40.00%	40.00%	45.00%
Bronxville <sup>(a)</sup>	N/A	N/A	N/A	50.00%	N/A	N/A	N/A
Larchmont	35.00%	35.00%	40.00%	45.00%	45.00%	47.50%	50.00%
Harrison <sup>(b)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hastings	N/A	N/A	25.00%	N/A	35.00%	40.00%	N/A
Mamaroneck Town	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Mamaroneck Village	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pelham Manor	N/A	N/A	30.00%	35.00%	40.00%	N/A	45.00%
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

Table 7:

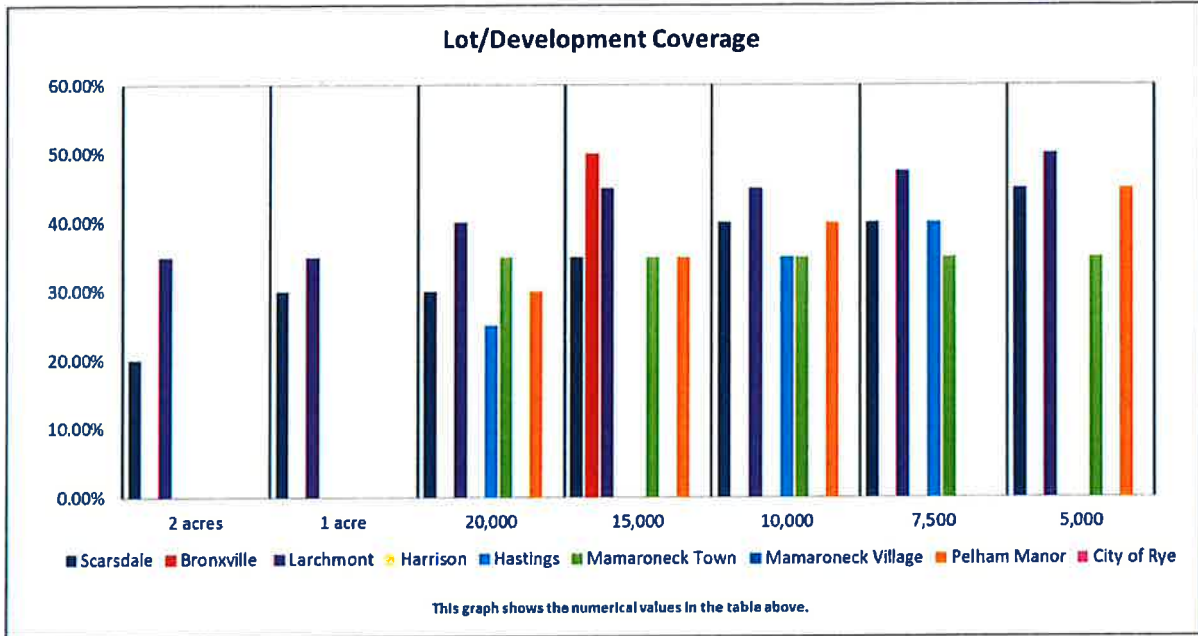
Building Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	7.33%	10.66%	18.50%	20.67%	25.00%	28.00%	30.00%
Bronxville	N/A	N/A	N/A	25.00%	N/A	N/A	N/A
Larchmont	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Harrison <sup>(b)</sup>	10.00%	15.00%	N/A	N/A	N/A	20.00%	25.00%
Hastings	N/A	N/A	15.00%	N/A	25.00%	30.00%	N/A
Mamaroneck Town	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mamaroneck Village	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

Notes:

- (a) Bronxville requires 50% of a lot to remain open space. (310-9 H)
- (b) Harrison defines lot coverage as building coverage. (see dimensional table in appendix)
- (c) Rye regulates lot coverage on floodplain properties. (197-13.1 B)

**Graph 6:**



**Graph 7:**

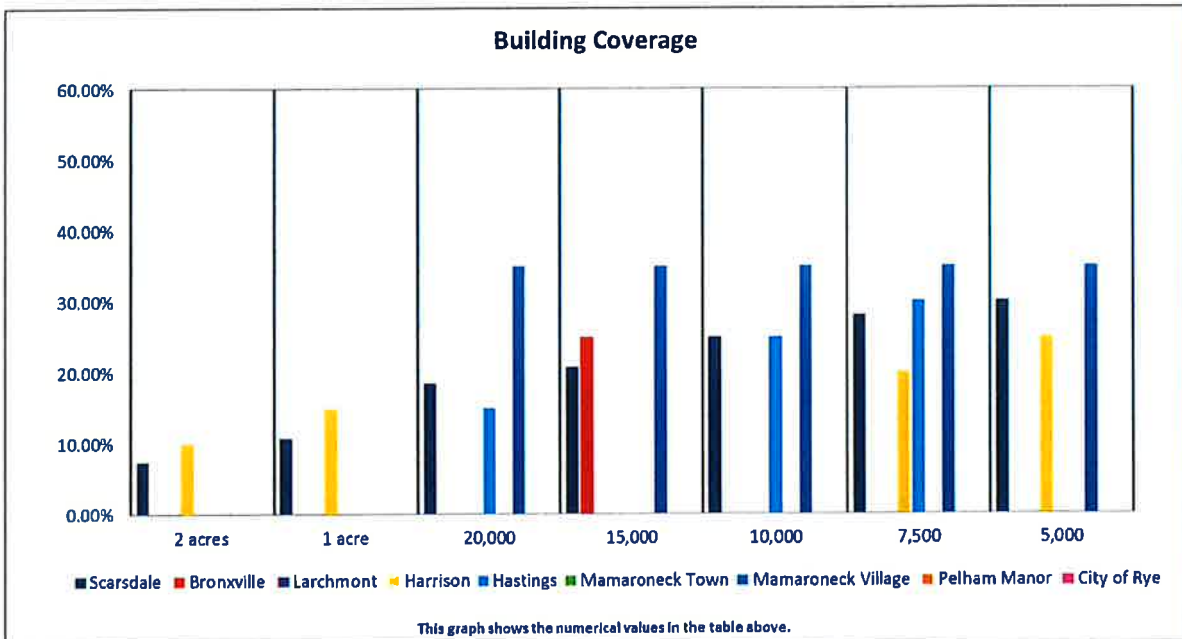


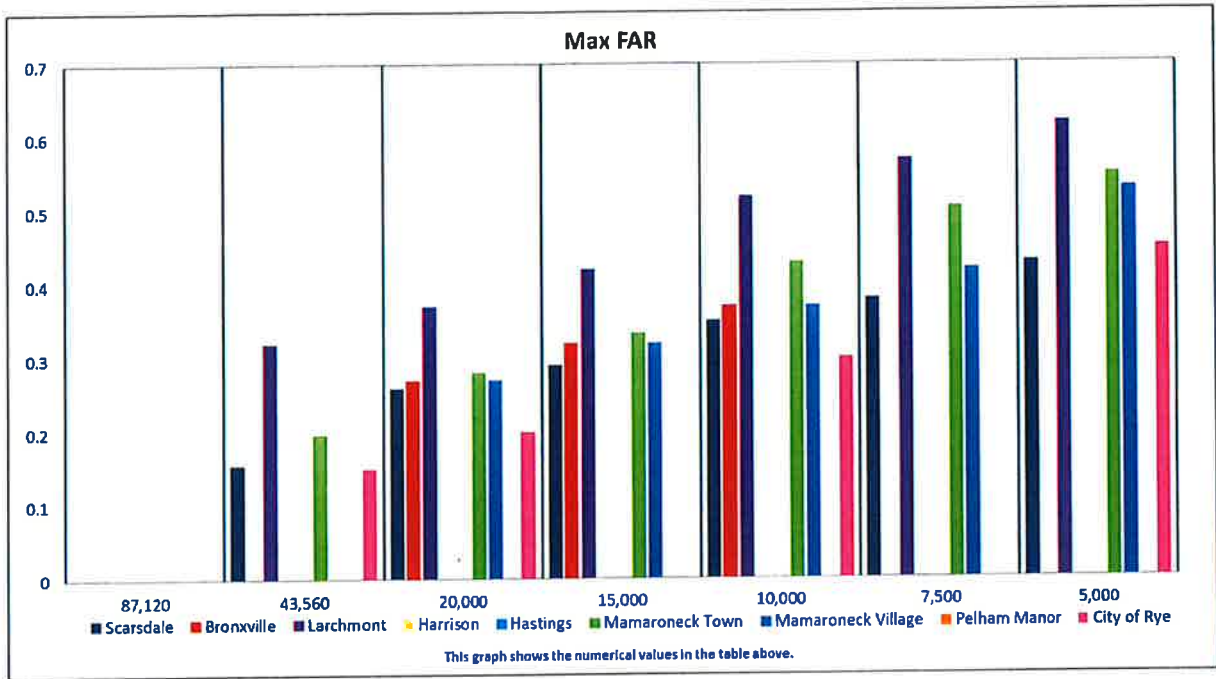
Table 8:

		FAR maximum													
		87,120		43,560		20,000		15000		10000		7500		5000	
	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Gross Floor Area
Scarsdale	N/A	N/A	0.1552	6760.5	0.26	5200	0.29	4350	0.35	3500	0.38	2850	0.43	2150	
Bronxville	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	N/A	N/A	N/A	N/A	
Larchmont	N/A	N/A	0.32	13939.2	0.37	7400	0.42	6300	0.52	5200	0.57	4270	0.62	3100	
Harrison	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Hastings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Mamaroneck Town	N/A	N/A	0.19661	9028	0.281	5620	0.334	5110	0.43	4340	0.505	3788	0.55	2750	
Mamaroneck Village	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	0.42	3150	0.53	2650	
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
City of Rye	N/A	N/A	0.15	6534	0.2	4000	N/A	N/A	0.3	3000	N/A	N/A	0.45	2250	

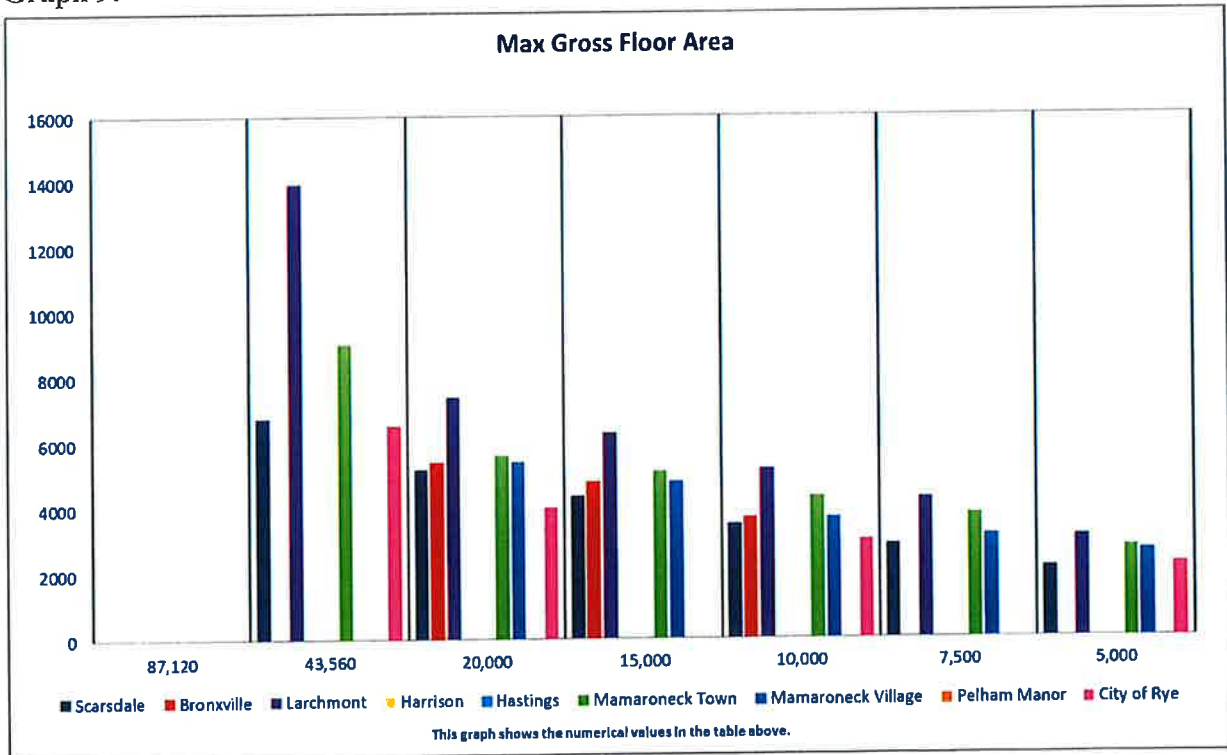
\*N/A means the municipality does not have FAR regulations or a regulation for a lot of this size

Note: see narrative for explanation on how each municipality is measured.

Graph 8:



Graph 9:

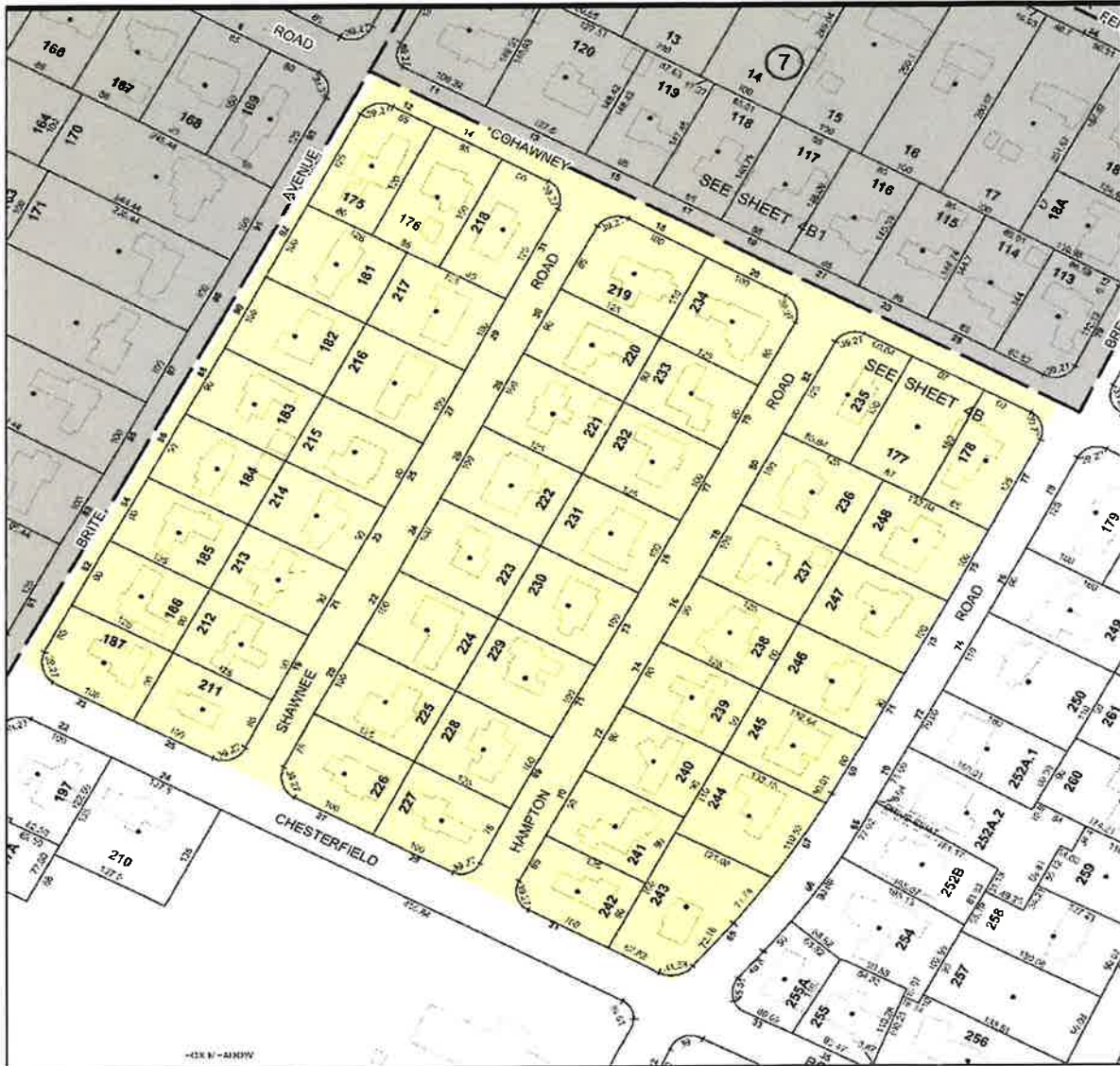


<b>2010 Census Data</b>		
	Population	Total Housing Units*
Scarsdale Village	17,166	5,647
Bronxville Village	6,323	2,430
Larchmont Village	5,864	2,215
Harrison Village	27,472	8,956
Hastings-on-Hudson Village	7,849	3,270
Mamaroneck Town	29,156	11,562
Mamaroneck Village	18,929	7,512
Pelham Manor Village	5,486	1,925
Rye City	15,720	5,957

\*Includes single and multi family units

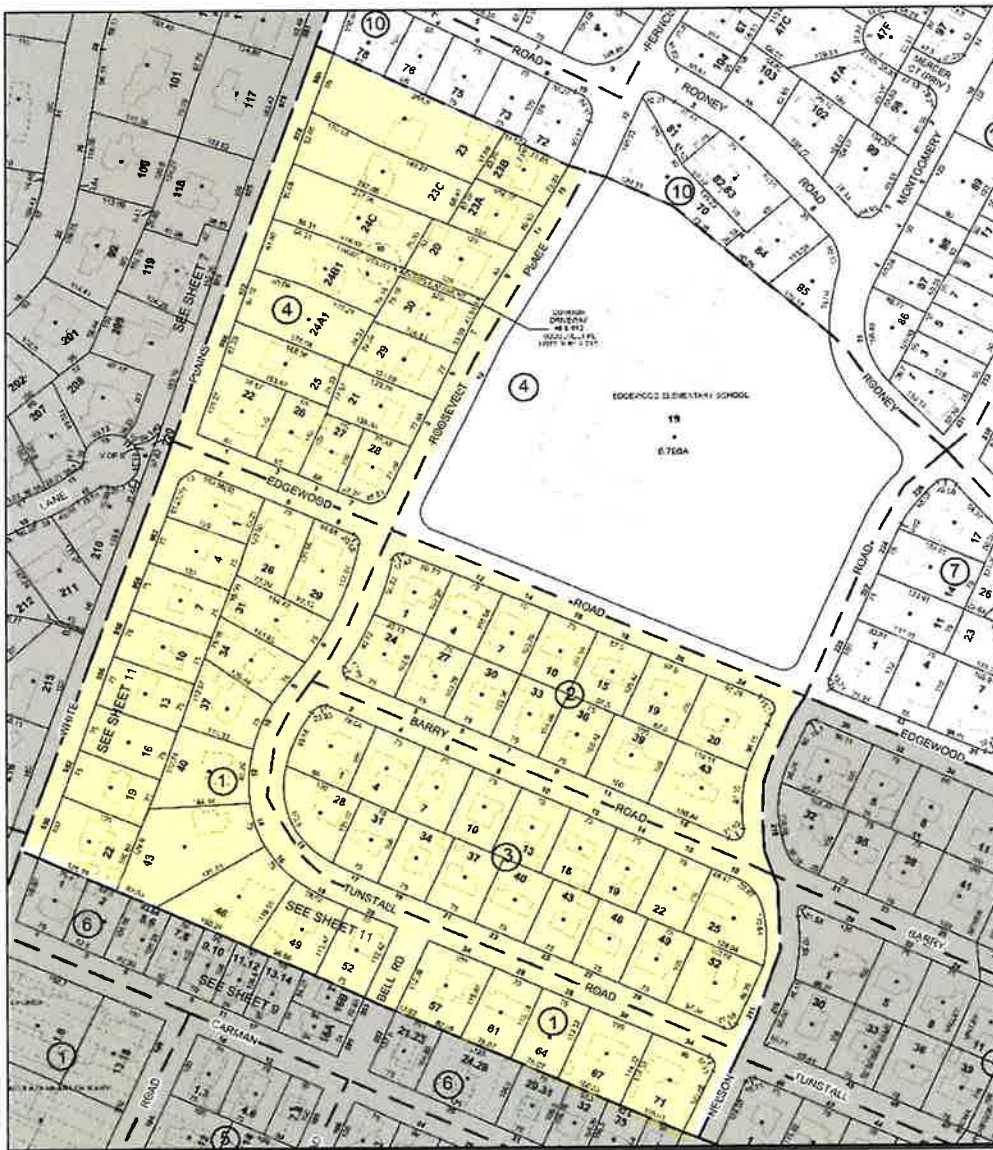
**ZONE A-3 FOX MEADOW  
SAMPLE BLOCK CALCULATION**

	MINIMUM REQUIRED	AVERAGE
FRONTAGE	70'	102'
LOT SIZE	10,000	12,852
FRONT SET BACK	30'	32'
SIDE SET BACK	10'	15.4'
REAR SET BACK	30'	42'



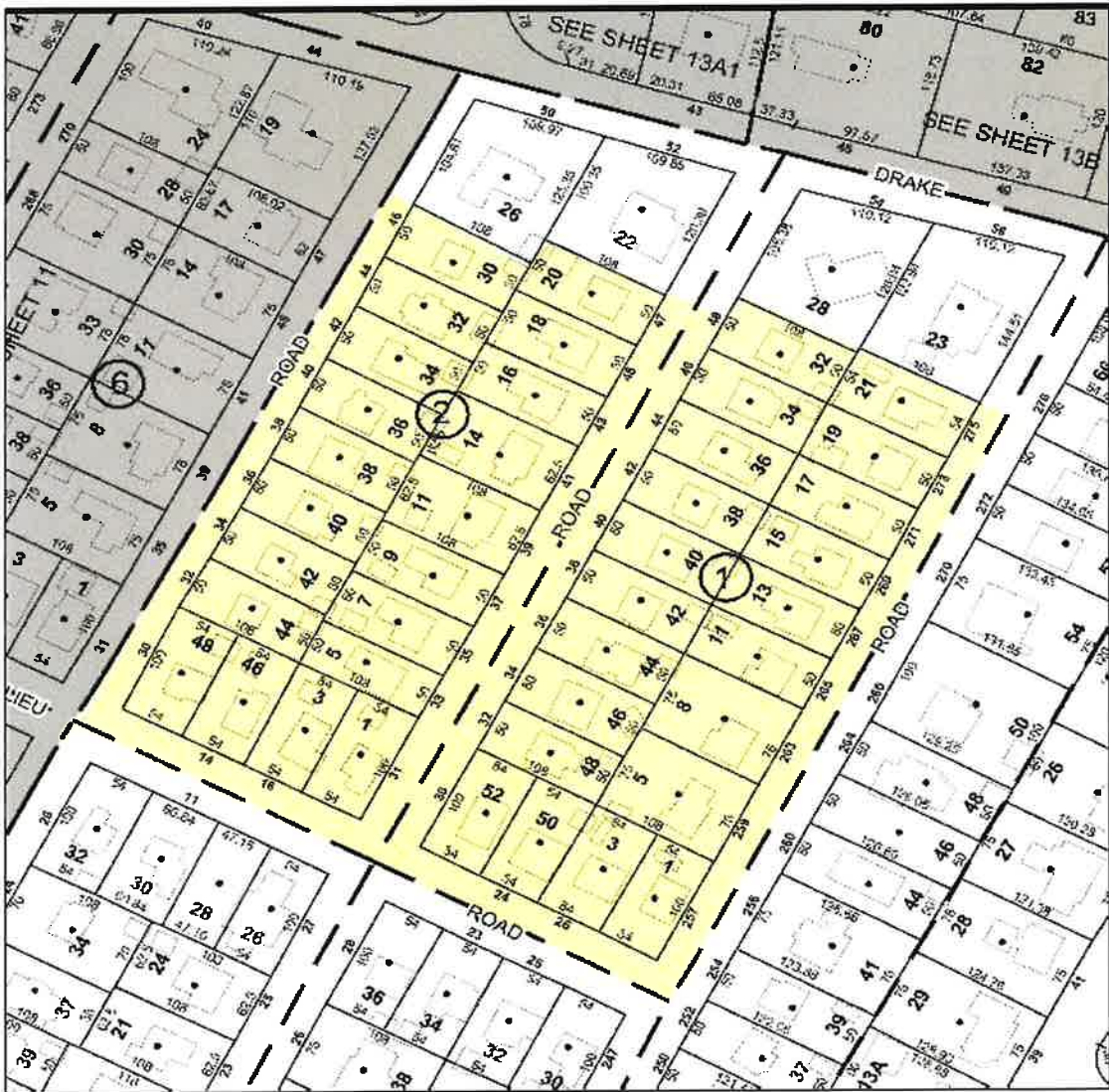
Map dated 9/1/2010  
Data does not reflect recent additions, new construction or changes.

<b>ZONE A-4 - EDGEWOOD</b>		
<b>SAMPLE BLOCK CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	75'	78'
<b>LOT SIZE</b>	7,500	9,594
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	16'
<b>REAR SET BACK</b>	30'	(some w/ detached garages 5' or less) 35'



Map dated 9/1/2010  
 Data does not reflect recent additions, new construction or changes.

ZONE A-5 EDGEWOOD		
SAMPLE SECTION CALCULATIONS		
	MINIMUM REQUIRED	AVERAGE
FRONTAGE	50	53'
LOT SIZE	5,000	5,618
FRONT SET BACK	30'	30'
SIDE SET BACK	10'	(Some 6'-8' one side) 10'
REAR SET BACK	30'	(with detached garage 5' or less) 36'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web: www.choura.com

<b>SUBDIVISIONS 2022-2023</b>		
<b>YEAR</b>	<b>ADDRESS</b>	
2022	112 Lee Road	Lot line adjustment
2022	33 Park and 6 Eton	Lot line adjustment (no new construction)
2022	28 Aspen Road	Subdivision
2022	29 Church Lane	Subdivision
2022	40 Mamaroneck Road	Subdivision
2023	46 Lincoln and 101 Carthage	Proposed, not approved, Subdivision and lot line adjustment (2 lots into 3)
2022	80 Garden Road	Proposed, not approved, nine-lot subdivision

## Christine Sciandra

---

**From:** Jeff Krafchick <jeffkrafchick@gmail.com>  
**Sent:** Sunday, December 24, 2023 7:59 AM  
**To:** Public Comments  
**Subject:** Re: Land Use Moratorium

---

**CAUTION:** External sender.

---

Just adding some additional comments as we've seen the debate evolve.

As a resident, it's important to remember that a small group of vocal developers can skew the narrative as they have much more time, energy, and resources than the average resident in the village to show up at meetings and argue against these much needed changes. While most residents likely do not have nearly as much time and energy as developers to voice their discontent with overdevelopment and environmental concerns, that doesn't mean that residents aren't very much in favor of the moratorium and these changes. It is residents, and not developers, who pay taxes and should be the voice of the ultimate decision, not the developers who have no stake in the village and the few residents with active projects who are much more incented to show up with a loud voice. Just something everyone should remember. We should do what's best for residents, not developers.

On Tue, Nov 21, 2023 at 4:31 PM Jeff Krafchick <[jeffkrafchick@gmail.com](mailto:jeffkrafchick@gmail.com)> wrote:

Hi,

I live at 27 Rugby Lane in a modest 1920s home. I am very much in favor of the land use moratorium being discussed. I think it's a great idea to stop projects until new rules can be updated to reflect environmental concerns and the aesthetic reality that there has been a lot of new construction undermining the historical charm of the village.

We have noticed a significant increase in flooding events in the past few years — even on similar sized storms as in the past. The overall development in the area seems to be increasing the problem. At best, it certainly isn't helping the issues and it's responsible to investigate further before continuing to permit more construction.

Further, we moved to Scarsdale for its charm. I'm not against development but the recent development has been problematic. The architecture style of many new houses is overly modern and doesn't fit with the look of the village. I would go so far as to say many of the new houses are downright ugly and tacky but that's subject to opinion. However, it is disturbing to see such large footprint houses on small lots, which is harming the feel of the village and creating the environmental concerns I mentioned above.

Best,  
Jeff

## Christine Sciandra

---

**From:** Choura Architecture, PC <chouraarch@yahoo.com>  
**Sent:** Tuesday, December 26, 2023 1:47 PM  
**To:** Alexandra Marshall; Public Comments; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Whitestone; Trustee Mazer; Mayor Justin Arest; Clerk's Department  
**Cc:** Choura Architecture PC  
**Subject:** SWEC analysis prepared by Rob Frangione Hydraulic engineer  
**Attachments:** Scarsdale Building Moratorium Letter.pdf

**CAUTION:** External sender.

Dear Mayor and Board of Trustees,

Attached please find a letter prepared by Mr. Rob Frangione our Hydraulic engineer one of our consultants who has been working extensively in Scarsdale preparing SWEC applications for many of our applications. He is very familiar with Scarsdale and many neighboring municipalities.

Thank you for taking the time to review his analysis.

Best regards,

Bana Choura AIA



63 Church Lane  
Scarsdale, NY 10583  
Phone: 914 686-7774  
<http://www.choura.com/>

**WINNER OF THE 2017-2018 - Best Architect Award by "Westchester Home" Magazine.**



Frangione Engineering, LLC  
15 Snowberry Lane  
New Canaan, CT 06840  
Phone: 203.554.9551  
Web: [www.frangione.net](http://www.frangione.net)

December 23, 2023

Village of Scarsdale Board of Trustees  
Village Hall  
1001 Post Road  
Scarsdale, NY 10583

Re: Pending Land Development Moratorium

Dear Members of the Board:

I am a Licensed Professional Engineer who, for the past twenty-five-plus years, has represented many clients before the Building and Engineering Departments in the Village of Scarsdale ("the Village"). I have designed drainage plans for single-family residential homeowners who have suffered from flooding in their homes, and have worked for developers on new construction teardowns as well as renovations and additions. I am writing in regard to the pending vote on the imposition of a six-month moratorium on building and land use applications in town, and ask that it be turned down. This moratorium will do nothing to solve the drainage problems in the Village.

One of the many reasons cited for this moratorium is all of the flooding in town. Your Village Attorney, Nicholas Ward-Willis has been quoted as saying:

"The improvements, subdivision and redevelopments on single-family lots have created a number of pervasive adverse impacts including but not limited to...negative environmental impacts such as increased flooding and the destruction of mature trees and natural habitats. These impacts are resulting from, among other things, the rapid pace of demolitions and replacement of older homes, additions being built on single-family properties, the construction of accessory structures, and the subdivision and redevelopment of residential lots. Such development activities create new impervious surfaces thereby diminishing the natural drainage and flood mitigation provided by mature trees and open space."

This sentiment, which is forming the basis for this proposed moratorium, appears to be rooted in unfamiliarity with regards to the Village's Stormwater and Erosion Control ("SWEC") Permit Requirements. Per Chapter 254 of the Village Code, any land disturbance activity, which includes additions and teardowns alike, requires a SWEC Permit. Scarsdale is one of the most stringent towns in New York in this regard. We as engineers are tasked with comparing existing runoff from the property to what will be generated under proposed conditions, and must take all proposed impervious surfaces (roofs, driveways, patios, pools, etc.) into account when making this comparison. Under existing conditions analyses, all existing impervious areas must be treated as "unimproved" land; that is, we cannot factor the existing building, driveway, patio areas, etc. when calculating how much water comes off a property in any given storm – the whole parcel must be treated as vegetated. In reality, there is generally two- to three times more water coming off a property under existing conditions (because of the existing impervious areas) than what we model.

We then compare the runoff from the totality of the proposed developed site to the artificially-depressed original conditions amount and must detain the increase in runoff. In cases where the property lies in a Sensitive Drainage Area ("SDA") runoff from all impervious surfaces, even those that have existed for decades, must be captured to the greatest extent possible and detained on-site.

So when a property gets developed in the Village, because of the SWEC Permit process, there is LESS runoff coming off the site after development than there was before development. The professional staff at the Building and Engineering Departments have been fastidious in implementing and enforcing the SWEC Permit process and conditions.

In my professional opinion, the Village's drainage problems are not due to development run amok. Instead, the drainage issues can be attributed to:

1. Poor native soil conditions;
2. Insufficient capacity of the Village Drainage System;
3. Climate change.

### **1. Poor Soil Conditions**

Before I prepare a site drainage plan, I first perform deep soil tests on the property to determine the depths to groundwater and ledge rock, so that a stormwater detention system may be designed to be above that restrictive layer. This soil testing is also mandated as part of the SWEC Permit process. Based on my decades of experience digging test holes in the Village, in a majority of areas there are layers of well-draining soils to a depth of three- to four feet, and then we encounter a poorly-drained, gray mottled silt layer (more colloquially referred to as "clay" or "hardpan".) Of course, there are exceptions to this generalization. Some areas of the Village have deep deposits of well-draining soils. But in many more areas of the Village there are layers of miscellaneous fill atop the hardpan layer, in which case there is very little infiltration of rainfall into existing vegetated areas. This rainfall then almost immediately becomes runoff, as it cannot infiltrate into these existing, poorly-drained soils and impervious areas. The natural groundwater layer is typically coincident with the hardpan layer. Many houses in the Village have basements that are four- to six-feet deep into the groundwater level, which means these houses either have footing drains that remove the groundwater by gravity, or have sump pumps that pump the groundwater out from the basement level and onto the surface.

So combine rainfall falling onto poor soils, which generates runoff naturally regardless of development, with water coming from basements, and there is a lot of water coming off of properties for decades and not just because of all this "new development". The solution is not to ban new development or prohibit basements from being built or re-built; the solution is to address the capacity of the Village Drainage System to accommodate the flows as outlined below.

### **2. Insufficient capacity of the Village Drainage System ("VDS")**

The catch basins and drainage pipes that the Village uses to direct runoff to natural waterways are mostly decades, if not a century-plus, old. Many are 12" Reinforced Concrete Pipes ("RCP") which are not as hydraulically efficient as modern PVC or HDPE pipes. In simple terms, a PVC or HDPE pipe can transmit greater water flow than an RCP of the same size and slope. When was the last time the Village upgraded the VDS with larger diameter pipe than existing?

Despite the Department of Public Works' best efforts, the VDS only works if the catch basins and pipes of which it is comprised are clear of debris. Have you ever noticed during a rainstorm a pile of leaves on the uphill side of a catch basin which blocks the flow of water and prevents that runoff from getting into the drain? That water instead gets diverted around the catch basin grate and flows to unintended places. The water isn't even getting into the VDS to be sent to natural drainage ways; instead it is getting diverted to other people's property. Many catch basin grates throughout the Village are old and undersized – the slightest leaf cover can clog them and lead to flooding in unnatural areas.

The Village needs to invest in its drainage infrastructure. Pipe sizes and catch basin grates need to be systematically replaced with larger and more hydraulically efficient materials. That investment will vastly improve the majority of residents' drainage situations and experiences.

### **3. Climate Change**

Climate change is real. People can argue ad nauseum as to the cause of climate change, but the reality is it's here. For over a century, engineers have been able to depend on predictable weather patterns and rainfall distribution models within minimal statistical outliers. We have relied on the US Department of Agriculture - Natural Resources Conservation Service's rainfall distribution models to design stormwater management systems based on a 24-hour rainfall distribution. That is, runoff rates are calculated based on a 24-hour duration of a storm of the 1- to 100-Year magnitude. The bulk of the rain for these design storms occurs within the middle seven to eight hours of the

storm. But with climate change, the rainfall events such as the 25-Year Storm are occurring in a span of two to four hours. That means the runoff is being generated so quickly the VDS (as well as existing homeowners' drainage systems) can't handle this "quick burst" of rainfall and concomitant runoff.

In the next 6 months, the Village of Scarsdale is not going to develop a better system of rainfall analysis than the US Department of Agriculture. And the solution is not to mandate that drainage engineers use a four-hour rainfall distribution model. For one thing, that would fly in the face of the requirements of the New York State Stormwater Design Manual. For another, it would result in pipe sizes needing to be three- to four times larger than they are now, which would drive up the costs of all construction – both new construction and retrofits of existing, failing systems on homeowners' property. If a shortened rainfall duration is mandated by the Village, it should lead by example and size its VDS for the reduced duration first before imposing it on the individual property owners.

### **Conclusion**

It's easy to blame the Village's drainage woes on the development community. But in my professional opinion, the development community is the one entity doing the MOST to improve stormwater issues, because of the copious amount of drywells being installed on properties during the development process. These drywells are oftentimes storing more runoff within the parcel than was allowed to flow off prior to construction. A moratorium on development, no matter how short, will do nothing to solve the Village's drainage problems and thus a major basis of the moratorium is flawed. I therefore respectfully request that the Board not impose a moratorium on development based on stormwater issues.

I would be happy to discuss any of the above. Feel free to reach out to my office. Thank you very much for your time and consideration.

Sincerely,  
Frangione Engineering, LLC

A handwritten signature in black ink, appearing to read 'R. Frangione', written over a faint circular stamp.

Robert M. Frangione, P.E.  
Owner & Chief Engineer

# ROSAMUND YOUNG ARCHITECTURE P.C.

6 Norwood Road  
Scarsdale NY 10583  
TEL 914.419-6616  
EMAIL [Rozyoung@icloud.com](mailto:Rozyoung@icloud.com)

To the Mayor and Board of Trustees  
Village of Scarsdale  
1001 Post Road, Scarsdale NY 10583

December 28, 2023

RE: Proposed Building Moratorium

Dear Mayor and Trustees,

## **I SUPPORT CODE REVIEW ...NOT A MORATORIUM**

I refer to the comprehensive documents and supporting letter submitted by architect Bana Choura last Friday 12/22/23. I endorse and agree with her position 100% (as per the title above).

In response to the last BOT meeting on 12/19/23 please consider the following additional recommendations and comments:

### **ACTION NOW**

1. **NO:** to a Moratorium or Temporary Rules & Exemptions, for all the reasons stated in my letter 12/12/23.  
The goal should be to get to updated Permanent rules in place fast.  
Utilize current codes up to that point.
2. **YES:** to form a Committee asap and set a schedule and deadline for a thorough Village Code review and amendment as necessary, for example in maximum 4 months for adoption 5/1/24.  
Ms. Choura illustrates for us how fast the data and resources can be compiled for review.
3. **NO:** to hasty generalized Zoning code changes on 1/9/24, without the benefit of thorough review of our Existing Code.  
For example:  
The BOT suggested possible 5% FAR and COVERAGE reductions which will not fix the current disparity of development rights between Small and Large Lots.  
The smaller the lot the larger the % of development is allowed!

Note also the disparity in the FAR Side Yard Bonus areas between Additions and New Homes...This bonus should be the same or none for all properties.  
Note the disparity of creating non-conformity where homes conformed before.  
And the difficulty of incurring more Variance Applications.

4. NO: to hasty code changes on 1/9/24 before reviewing the extensive Zoning Analysis prepared by former Planning Board Chair Liz Marinen in 2018:  
Note the valuable detail and data reflecting careful studies and comparisons to our neighboring Municipalities, and comparisons within our own Zones.

#### IDEAS FOR YOUR CONSIDERATION ADDRESSING THE 4 MAJOR COMPLAINTS THAT PROMPTED THE MORATORIUM PROPOSAL

##### BULK

1. Pause on Sub-Division Applications until 5/1/24 (suggested Code Amendment Deadline).
2. Establish Committee asap to review Zoning Codes: FAR, Coverage and Setbacks.
3. Provide more Training and Criteria Clarity for the 4 Village Boards, so as to better evaluate the approx 60 Applications coming before them each month.  
Tougher scrutiny can be instituted now on a case by case basis. All additions and new homes are reviewed by (at least) one or more of the Boards.
4. Recognize and reinforce the power of the BAR to evaluate the proportion and bulk of each Project.  
Provide more specific Guidelines and Policy.
5. Consider reducing the max (midpoint) height requirement or adding an overall ridge height maximum. Perhaps set different maximum heights for each Zone, for example, a 50' frontage house should not be as tall as a 150' frontage house.
6. Add Streetscape requirements for Applications for Additions, not only for new houses.
7. Consider that skilled Architecture can provide the best defense against Bulky Buildings. It's much easier and cheaper to build a box with a lid, than a complex shape with multiple rooflines.

##### TREES

1. Pause on Tree Permits associated with past or pending Sub-Division Applications until 5/1/24. (suggested Code Amendment Deadline)  
The total clearing of newly created corner lots seem to be the most offensive.
2. Add Landscape requirements for Applications for Additions, not only new houses.
3. Village to provide more resources for the enforcement of the Existing Tree code: it is extremely detailed and specific regarding removals and procedures.
4. See the existing Replacement Tree section, can it move closer to 100% replacement?

5. Multiple Arbrovite may be effective in rear and side yards, but their use in front yards should be more closely scrutinized by the BAR.
6. Arbrovite should not be considered a replacement tree.

#### FLOODING

1. Please see the detailed report submitted 12/23/23 by Engineer Rob Frangione explaining how SWEC works and how drainage problems derive. Permitted projects with compliant SWEC are in fact providing the most improvements against runoff and flooding in the Village.
2. We know that the Village is actively researching “Flooding” and has already identified several Drainage Projects within the Village for consideration. Great! When can these be started?
3. The new Buffer Rule requires early SWEC compliance, grading and tree documentation, all under the purview of the Planning Board. Great!
4. Projects applications seeking to “finish” basements that include Sump Pumps should require a Generator and SWEC as part of the application.
5. Village to enforce and fine illegal practices, for example pumping Stormwater into Sewers.
6. Village to provide more resources for the enforcement of existing SWEC Codes.
7. Home Owners electing to install Stormwater measures (independent of any other work on their house) should be incentivized: no Permit Fees and/or tax rebate.

#### MAINTAINING VILLAGE IN THE PARK

1. All applications involving Exterior Work are required to go before one to four of the Village Boards: CHP, PLANNING, ZBA, and BAR. These Boards have the power to approve or disapprove each Project. Great!
2. Provide more specific Guidelines and Policy for each Board.
3. The Street Scape requirement on new homes should be required for all Additions.
4. The Landscape requirement on new homes should be required for all Additions and Sitework.

Sincerely,

Rosamund A. Young AIA  
*Architect*



## ROSAMUND YOUNG ARCHITECTURE P.C.

6 Norwood Road  
Scarsdale NY 10583  
TEL 914.419-6616  
EMAIL [Rozyoung@icloud.com](mailto:Rozyoung@icloud.com)

To the Mayor and Board of Trustees  
Village of Scarsdale  
1001 Post Road, Scarsdale NY 10583

December 28, 2023

RE: Proposed Building Moratorium

Dear Mayor and Trustees,

### **I SUPPORT CODE REVIEW ...NOT A MORATORIUM**

I refer to the comprehensive documents and supporting letter submitted by architect Bana Choura last Friday 12/22/23. I endorse and agree with her position 100% (as per the title above).

In response to the last BOT meeting on 12/19/23 please consider the following additional recommendations and comments:

#### **ACTION NOW**

1. NO: to a Moratorium or Temporary Rules & Exemptions, for all the reasons stated in my letter 12/12/23.  
The goal should be to get to updated Permanent rules in place fast.  
Utilize current codes up to that point.
2. YES: to form a Committee asap and set a schedule and deadline for a thorough Village Code review and amendment as necessary, for example in maximum 4 months for adoption 5/1/24.  
Ms. Choura illustrates for us how fast the data and resources can be compiled for review.
3. NO: to hasty generalized Zoning code changes on 1/9/24, without the benefit of thorough review of our Existing Code.  
For example:  
The BOT suggested possible 5% FAR and COVERAGE reductions which will not fix the current disparity of development rights between Small and Large Lots.  
The smaller the lot the larger the % of development is allowed!

Note also the disparity in the FAR Side Yard Bonus areas between Additions and New Homes....This bonus should be the same or none for all properties.  
Note the disparity of creating non-conformity where homes conformed before.  
And the difficulty of incurring more Variance Applications.

4. NO: to hasty code changes on 1/9/24 before reviewing the extensive Zoning Analysis prepared by former Planning Board Chair Liz Marinen in 2018:  
Note the valuable detail and data reflecting careful studies and comparisons to our neighboring Municipalities, and comparisons within our own Zones.

#### IDEAS FOR YOUR CONSIDERATION ADDRESSING THE 4 MAJOR COMPLAINTS THAT PROMPTED THE MORATORIUM PROPOSAL

##### BULK

1. Pause on Sub-Division Applications until 5/1/24 (suggested Code Amendment Deadline).
2. Establish Committee asap to review Zoning Codes: FAR, Coverage and Setbacks.
3. Provide more Training and Criteria Clarity for the 4 Village Boards, so as to better evaluate the approx 60 Applications coming before them each month.  
Tougher scrutiny can be instituted now on a case by case basis. All additions and new homes are reviewed by (at least) one or more of the Boards.
4. Recognize and reinforce the power of the BAR to evaluate the proportion and bulk of each Project.  
Provide more specific Guidelines and Policy.
5. Consider reducing the max (midpoint) height requirement or adding an overall ridge height maximum. Perhaps set different maximum heights for each Zone, for example, a 50' frontage house should not be as tall as a 150' frontage house.
6. Add Streetscape requirements for Applications for Additions, not only for new houses.
7. Consider that skilled Architecture can provide the best defense against Bulky Buildings. It's much easier and cheaper to build a box with a lid, than a complex shape with multiple rooflines.

##### TREES

1. Pause on Tree Permits associated with past or pending Sub-Division Applications until 5/1/24. (suggested Code Amendment Deadline)  
The total clearing of newly created corner lots seem to be the most offensive.
2. Add Landscape requirements for Applications for Additions, not only new houses.
3. Village to provide more resources for the enforcement of the Existing Tree code: it is extremely detailed and specific regarding removals and procedures.
4. See the existing Replacement Tree section, can it move closer to 100% replacement?

5. Multiple Arbrovite may be effective in rear and side yards, but their use in front yards should be more closely scrutinized by the BAR.
6. Arbrovite should not be considered a replacement tree.

#### FLOODING

1. Please see the detailed report submitted 12/23/23 by Engineer Rob Frangione explaining how SWEC works and how drainage problems derive. Permitted projects with compliant SWEC are in fact providing the most improvements against runoff and flooding in the Village.
2. We know that the Village is actively researching “Flooding” and has already identified several Drainage Projects within the Village for consideration. Great! When can these be started?
3. The new Buffer Rule requires early SWEC compliance, grading and tree documentation, all under the purview of the Planning Board. Great!
4. Projects applications seeking to “finish” basements that include Sump Pumps should require a Generator and SWEC as part of the application.
5. Village to enforce and fine illegal practices, for example pumping Stormwater into Sewers.
6. Village to provide more resources for the enforcement of existing SWEC Codes.
7. Home Owners electing to install Stormwater measures (independent of any other work on their house) should be incentivized: no Permit Fees and/or tax rebate.

#### MAINTAINING VILLAGE IN THE PARK

1. All applications involving Exterior Work are required to go before one to four of the Village Boards: CHP, PLANNING, ZBA, and BAR. These Boards have the power to approve or disapprove each Project. Great!
2. Provide more specific Guidelines and Policy for each Board.
3. The Street Scape requirement on new homes should be required for all Additions.
4. The Landscape requirement on new homes should be required for all Additions and Sitework.

Sincerely,

Rosamund A. Young AIA  
*Architect*



## Christine Sciandra

---

**From:** rozyoung@icloud.com  
**Sent:** Thursday, December 28, 2023 3:30 PM  
**To:** Clerk's Department; Alexandra Marshall; Public Comments  
**Cc:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone  
**Subject:** Architects letter in response to 12/19/23 BOT Meeting  
**Attachments:** BOT Letter Moratorium 1226.pdf

**CAUTION:** External sender.

Dear Mayor and Board of Trustees, please see my letter attached, thank you.

**Rosamund A. Young AIA**

914-419-6616

*rozyoung@icloud.com*

*www.rosamundyoung.com*

## ROSAMUND YOUNG ARCHITECTURE P.C.

6 Norwood Road  
Scarsdale NY 10583  
TEL 914.419-6616  
EMAIL [Rozyoung@icloud.com](mailto:Rozyoung@icloud.com)

To the Mayor and Board of Trustees  
Village of Scarsdale  
1001 Post Road, Scarsdale NY 10583

December 28, 2023

RE: Proposed Building Moratorium

Dear Mayor and Trustees,

### **I SUPPORT CODE REVIEW ...NOT A MORATORIUM**

I refer to the comprehensive documents and supporting letter submitted by architect Bana Choura last Friday 12/22/23. I endorse and agree with her position 100% (as per the title above).

In response to the last BOT meeting on 12/19/23 please consider the following additional recommendations and comments:

#### **ACTION NOW**

1. **NO:** to a Moratorium or Temporary Rules & Exemptions, for all the reasons stated in my letter 12/12/23.  
The goal should be to get to updated Permanent rules in place fast.  
Utilize current codes up to that point.
2. **YES:** to form a Committee asap and set a schedule and deadline for a thorough Village Code review and amendment as necessary, for example in maximum 4 months for adoption 5/1/24.  
Ms. Choura illustrates for us how fast the data and resources can be compiled for review.
3. **NO:** to hasty generalized Zoning code changes on 1/9/24, without the benefit of thorough review of our Existing Code.  
For example:  
The BOT suggested possible 5% FAR and COVERAGE reductions which will not fix the current disparity of development rights between Small and Large Lots. The smaller the lot the larger the % of development is allowed!

Note also the disparity in the FAR Side Yard Bonus areas between Additions and New Homes....This bonus should be the same or none for all properties.  
Note the disparity of creating non-conformity where homes conformed before.  
And the difficulty of incurring more Variance Applications.

4. NO: to hasty code changes on 1/9/24 before reviewing the extensive Zoning Analysis prepared by former Planning Board Chair Liz Marinen in 2018:  
Note the valuable detail and data reflecting careful studies and comparisons to our neighboring Municipalities, and comparisons within our own Zones.

#### IDEAS FOR YOUR CONSIDERATION ADDRESSING THE 4 MAJOR COMPLAINTS THAT PROMPTED THE MORATORIUM PROPOSAL

##### BULK

1. Pause on Sub-Division Applications until 5/1/24 (suggested Code Amendment Deadline).
2. Establish Committee asap to review Zoning Codes: FAR, Coverage and Setbacks.
3. Provide more Training and Criteria Clarity for the 4 Village Boards, so as to better evaluate the approx 60 Applications coming before them each month.  
Tougher scrutiny can be instituted now on a case by case basis. All additions and new homes are reviewed by (at least) one or more of the Boards.
4. Recognize and reinforce the power of the BAR to evaluate the proportion and bulk of each Project.  
Provide more specific Guidelines and Policy.
5. Consider reducing the max (midpoint) height requirement or adding an overall ridge height maximum. Perhaps set different maximum heights for each Zone, for example, a 50' frontage house should not be as tall as a 150' frontage house.
6. Add Streetscape requirements for Applications for Additions, not only for new houses.
7. Consider that skilled Architecture can provide the best defense against Bulky Buildings. It's much easier and cheaper to build a box with a lid, than a complex shape with multiple rooflines.

##### TREES

1. Pause on Tree Permits associated with past or pending Sub-Division Applications until 5/1/24. (suggested Code Amendment Deadline)  
The total clearing of newly created corner lots seem to be the most offensive.
2. Add Landscape requirements for Applications for Additions, not only new houses.
3. Village to provide more resources for the enforcement of the Existing Tree code: it is extremely detailed and specific regarding removals and procedures.
4. See the existing Replacement Tree section, can it move closer to 100% replacement?

5. Multiple Arbrovite may be effective in rear and side yards, but their use in front yards should be more closely scrutinized by the BAR.
6. Arbrovite should not be considered a replacement tree.

#### FLOODING

1. Please see the detailed report submitted 12/23/23 by Engineer Rob Frangione explaining how SWEC works and how drainage problems derive. Permitted projects with compliant SWEC are in fact providing the most improvements against runoff and flooding in the Village.
2. We know that the Village is actively researching “Flooding” and has already identified several Drainage Projects within the Village for consideration. Great! When can these be started?
3. The new Buffer Rule requires early SWEC compliance, grading and tree documentation, all under the purview of the Planning Board. Great!
4. Projects applications seeking to “finish” basements that include Sump Pumps should require a Generator and SWEC as part of the application.
5. Village to enforce and fine illegal practices, for example pumping Stormwater into Sewers.
6. Village to provide more resources for the enforcement of existing SWEC Codes.
7. Home Owners electing to install Stormwater measures (independent of any other work on their house) should be incentivized: no Permit Fees and/or tax rebate.

#### MAINTAINING VILLAGE IN THE PARK

1. All applications involving Exterior Work are required to go before one to four of the Village Boards: CHP, PLANNING, ZBA, and BAR. These Boards have the power to approve or disapprove each Project. Great!
2. Provide more specific Guidelines and Policy for each Board.
3. The Street Scape requirement on new homes should be required for all Additions.
4. The Landscape requirement on new homes should be required for all Additions and Sitework.

Sincerely,

Rosamund A. Young AIA  
*Architect*

## Christine Sciandra

---

**From:** Choura Architecture, PC <chouraarch@yahoo.com>  
**Sent:** Wednesday, January 3, 2024 11:55 AM  
**To:** Clerk's Department; Alexandra Marshall; Public Comments  
**Cc:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone  
**Subject:** Comments on the revised proposed moratorium  
**Attachments:** Letter to BOT 1.3.2024.pdf; BOT revised law 1.3.2024.pdf; ZONE A-3 LOT ANALYSIS rev.12.21.2023.pdf; ZONE A-4 LOT ANALYSIS rev.1.3.2024.pdf; ZONE A-5 LOT ANALYSIS rev.12.21.2023.pdf

---

**CAUTION:** External sender.

---

Dear Mayor and Board of Trustees,

Thank you again for considering our opinion and suggestions and your effort and time spent on revising the term of the Moratorium.

I still object to the idea of a Moratorium as a rule since I do not consider the building industry in Scarsdale is in crisis. What we have is good and working and it can certainly be improved without a moratorium.

Please see attached letter and documents regarding the revised proposed moratorium.

Thank you for your time to review and consideration.

Best Regards,  
Bana Choura, AIA



63 Church Lane  
Scarsdale, NY 10583  
Phone: 914 686-7774  
<http://www.choura.com/>

**WINNER OF THE 2017-2018 - Best Architect Award by "Westchester Home" Magazine.**

# ChouraArchitecture PC

Architecting from the inside out

January 3,2024

Mayor Justin Arest  
And Members of the Board of Trustees  
Village of Scarsdale  
1001 Post Road  
Scarsdale, New York 10583

Dear Mayor Arest and Members of the Board of Trustees:

Thank you again for considering our opinion and suggestions and your effort and time spent on revising the term of the Moratorium.

I still object to the idea of a Moratorium as a rule since I do not consider the building industry in Scarsdale is in crisis. What we have is good and working and it can certainly be improved without a moratorium.

I will address the changes made to the first draft and in particular Section 7. I think all suggestions listed in the different divisions of Section 7 might be valuable and might have a positive effect on the village in general, but the reality is we do not know as studies have not been made specifically for these recommendations. Without studies no one will be sure about the negative impact, nor how many households will be adversely impacted.

Temporary rules followed by exceptions and hardships will slow things down, involve BOT members in the day to day life of all the village departments. It will require establishing new committees to analyze the new rules and perhaps engaging consultants at the applicants expense. The question is, what do we achieve by that?

## **Section 7La.**

A quick look at the 5% reduction on FAR and 5% foot print of building both applied to the same property will result in a loss of at least one bedroom and bath potential expansion; a compromise will have to be made if a family needs the fourth bedroom. This negative impact will be especially felt in A-4 and A-5 zones where several family buy in that area with one or two children, but then decide to stay in the same school district and neighborhood and opt to add a small addition for additional bedroom and bath to accommodate a family of four and home office option. Just as a reference a 12'X12' standard bedroom with 8'X5' bathroom and corridor is about 200 sqft. which is the reduction 5% will affect this property on two floors. See attached chart we prepared showing what these reduction will translate into real space. While these reductions however small will not impact the architectural style or bulk it will simply make it so hard

Scarsdale Office: 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com  
Web:www.choura.com

to achieve the goals of young families in these Zones. The impact on bulk is almost nonexistent and if anything this will result in more vertical structures.

### **Section 7Lb.**

Side setbacks increase will result in so many nonconformities at least on one side. See attached Sample block analysis of setbacks and frontages. At a quick glance at these charts at least 70% of the houses as they existed on 2010 tax map will become nonconforming at least on one side. This will also add to the lot coverage reduction of the foot print as two or three feet will be multiplied by the depth of the house and deducted.

This will also contribute to weird architecture as 2nd floor additions, allowed during the Moratorium, will have to conform with the temporary rules of the side setbacks two feet increase in side setback will result in offset second floor by that amount on each side. This is more complicated and expensive structure as the walls are not on top of each other and will require beams and modification to the first floor structure.

The main impact of this rule is on the frontage and front façade of the house. For example in A-5 Zones where the frontages are 50' with 20' side current setbacks total that leaves 30' for a house which will have a 12' one car garage, 7' hallway and the remaining 11' for a front room where shall we take the 2 extra feet from? This is also true for A-4 where frontage is 60' and here the recommendation is to reduce it by 3'-0" total. This will keep the detached garages where they are on the property line in most cases with roofs and gutters going directly on the grass on the next door neighbors on four corners. None of these small changes will improve the main problem of drainage or reduction of bulk

The most impacted zones will be A-4 and A-5 and majority of A-3. It will make expanding any existing house in A-5 zone impossible.

in A-4 expansions to add the fourth bedroom/bath will be a miracle and in A-3 adding the 5th grandparents bedroom/office super challenging.

People at this time and in this economy, especially after the last exodus from the city, want to stay and improve their homes; limiting that is economically unfair. People do not want to move or finance bigger homes. A moratorium in any form at this stage and in this scale is simply non productive. All the studies can be made without a moratorium as the research and data are readily available.

We urge you not to adopt the moratorium. Please continue the good work without a moratorium. What we have is good and working, it can be certainly improved with time and good research. Many adjustments have been made very recently and were implemented and adopted very quickly.

Thank you for your consideration.  
Bana Choura, AIA

Scarsdale Office: 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com  
Web:www.choura.com

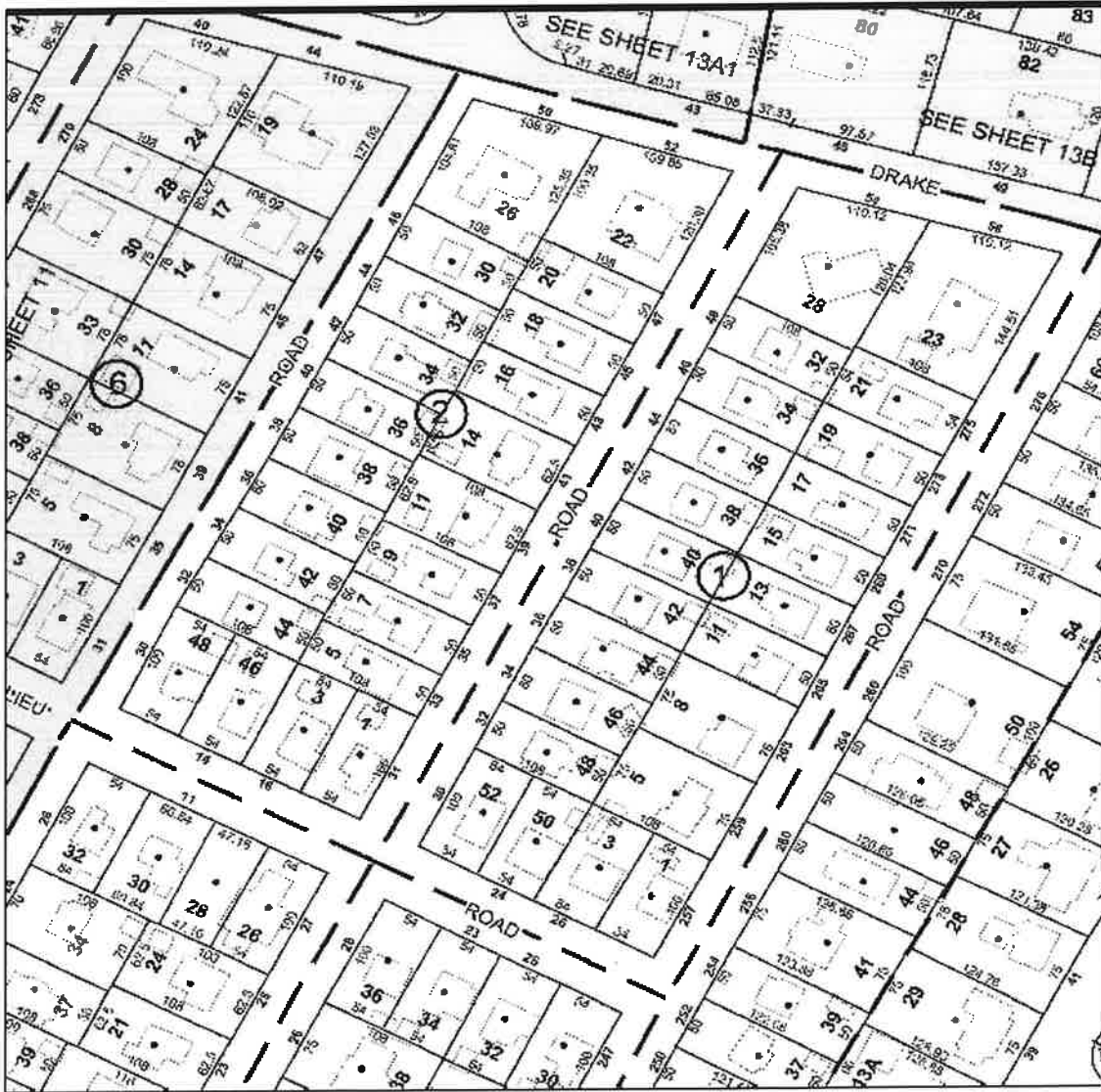
<b>ZONE A-4 - EDGEWOOD</b>		
<b>SAMPLE BLOCK CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	60'	78'
<b>LOT SIZE</b>	7,500	9,594
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	16'
<b>REAR SET BACK</b>	30'	(some w/ detached garages 5' or less) 35'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

<b>ZONE A-5 EDGEWOOD</b>		
<b>SAMPLE SECTION CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	50	53'
<b>LOT SIZE</b>	5,000	5,618
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	(Some 6'-8' one side) 10'
<b>REAR SET BACK</b>	30'	(with detached garage 5' or less) 36'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

<b>ZONE A-3 FOX MEADOW</b>		
<b>SAMPLE BLOCK CALCULATION</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	70'	102'
<b>LOT SIZE</b>	10,000	12,852
<b>FRONT SET BACK</b>	30'	32'
<b>SIDE SET BACK</b>	10'	15.4'
<b>REAR SET BACK</b>	30'	42'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

# ChouraArchitecture PC

Architecting from the inside out

January 3, 2024

## BOT Revised Law

### FAR Reduction

A-2 Reduction 5% = 260 sq.ft  
A-2A Reduction 5% = 217.5 sq.ft  
A-3 Reduction 5% = 175 sq.ft  
A-4 Reduction 5% = 146 sq.ft  
A-5 Reduction 5% = 107.5 sq.ft  
Most impacted zone: A-4 & A-5

### Building Coverage

A-2 Reduction 5% = 185sq.ft	370 sq.ft on 2 floors
A-2A Reduction 5% = 155 sq.ft	310 sq.ft on 2 floors
A-3 Reduction 5% = 125 sq.ft	250 sq.ft on 2 floors
A-4 Reduction 5% = 105 sq.ft	210 sq.ft on 2 floors
A-5 Reduction 5% = 75 sq.ft	150 sq.ft on 2 floors

Most impacted zone: A-4 & A-5

### Lot Coverage

A-2 Reduction 10% = 600 sq.ft  
A-2A Reduction 10% = 525 sq.ft  
A-3 Reduction 10% = 400 sq.ft  
A-4 Reduction 10% = 300 sq.ft  
A-5 Reduction 10% = 225 sq.ft  
Most impacted zone: A-4 & A-5

Side set back increase will result in existing non conformity, based on 2010 tax map.  
On Sample A-3 - 60% non conforming  
On Sample A-4 - 40% non conforming  
On Sample A-5 - 70% non conforming

## Christine Sciandra

---

**From:** Choura Architecture, PC <chouraarch@yahoo.com>  
**Sent:** Wednesday, January 3, 2024 12:14 PM  
**To:** Clerk's Department; Alexandra Marshall; Public Comments  
**Cc:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone  
**Subject:** Summary - Proposed Moratorium  
**Attachments:** Summary 12.22.2023.pdf; BAR applications 2022 12.21.2023.pdf; BAR applications 2023 12.21.2023.pdf; ZBA applications 2022 12.20.2023.pdf; ZBA applications 2023 12.20.2023.pdf; Scarsdale zoning restrictions 12.21.2023.pdf; Subdivisions 2022-2023.pdf; Schedule & Graph from Scarsdale Munciple Zoning Survey.pdf; ZONE A-3 LOT ANALYSIS rev.12.21.2023.pdf; ZONE A-4 LOT ANALYSIS rev.1.3.2024.pdf; ZONE A-5 LOT ANALYSIS rev.12.21.2023.pdf

---

**CAUTION:** External sender.

---

Dear Mayor and Board of Trustees,

As a follow up to the letter and statistics we provided previously regarding the proposed moratorium, please see attached summery and documents.

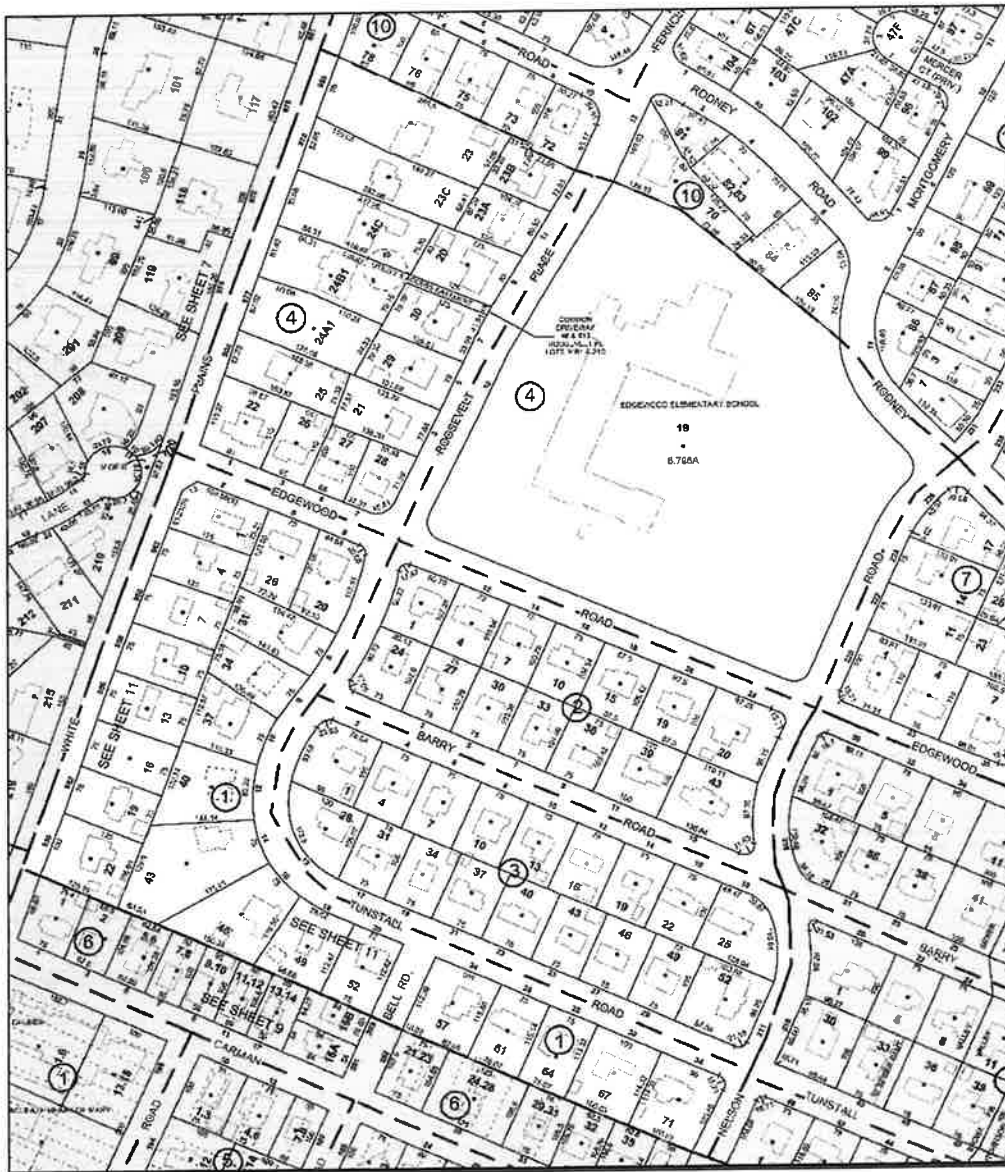
Best Regards,  
Bana Choura AIA



63 Church Lane  
Scarsdale, NY 10583  
Phone: 914 686-7774  
<http://www.choura.com/>

**WINNER OF THE 2017-2018 - Best Architect Award by "Westchester Home" Magazine.**

<b>ZONE A-4 - EDGEWOOD</b>		
<b>SAMPLE BLOCK CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	60'	78'
<b>LOT SIZE</b>	7,500	9,594
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	16'
<b>REAR SET BACK</b>	30'	(some w/ detached garages 5' or less) 35'



Map dated 9/1/2010  
 Data does not reflect recent additions, new construction or changes.

<b>ZBA APPLICATIONS 2022</b>					
<b>ZBA DATE</b>	<b># OF APPS.</b>	<b>POOLS</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 12,2022	17	12	2 Dickel Road	1st ZBA	Approved
			14 Chesterfield	1st ZBA	Approved
			21 Rectory Lane	1st ZBA	Approved
			11 Oak Lane	1st ZBA	Approved
			12 Whig Rd	1st ZBA	Approved
			31 Taunton Rd	1st ZBA	Approved
			3 Normandy Ln	1st ZBA	Approved
			59 Stratton Rd	1st ZBA	Approved
			15A Richbell Rd	1st ZBA	Approved
			28 Heathcote	1st ZBA	Held Over
			6 Obry Drive	1st ZBA	Approved
			49 Sheldrake Rd	1st ZBA	Approved
February 9,2022	7	4	28 Heathcote	2nd ZBA	Approved
			2 Windward Ln	1st ZBA	Approved
			15 Wildwood Rd	1st ZBA	Approved
			13 Circle Rd	1st ZBA	Held Over
			2 Carstensen Rd	1st ZBA	Held Over
March 9,2022	10	5	13 Circle Rd	2nd ZBA	Approved
			2 Carstensen Rd	2nd ZBA	Held Over
			20 Sherbrook Rd	1st ZBA	Approved
			38 Sage Terrace	1st ZBA	Approved
			34 Sheldrake Rd	1st ZBA	Approved
			50 Harvest Dr	1st ZBA	Approved
			20 Cayuga Rd	1st ZBA	Held Over
April 13,2022	13	6	2 Carstensen Rd	3rd ZBA	Approved
			20 Cayuga Rd	2nd ZBA	Approved
			17 Oak Lane	1st ZBA	Held Over
			70 Morris Ln	1st ZBA	Approved
			2 Mohican Rd	1st ZBA	Approved
			18 Stonewall Rd	1st ZBA	Approved
			44 Colby Ln	1st ZBA	Held Over
			52 Paddington Rd	1st ZBA	Held Over
May 11,2022	8	3	44 Colby Ln	2nd ZBA	Held Over
			50 Greendale Rd	1st ZBA	Approved
			2 Cooper Rd	1st ZBA	Approved
			69 Morris Lane	1st ZBA	Held Over
June 18,2022	7	5	44 Colby Ln	3rd Zba	Held Over
			69 Morris Lane	2nd ZBA	Held Over
			12 Stonewall Lane	1st ZBA	Held Over
			21 Griffen Ave	1st ZBA	Approved
			49 Sheldrake Rd	2nd ZBA	Approved
July 20,2022	11	3	69 Morris Lane	3rd ZBA	Approved
			12 Stonewall Lane	2nd ZBA	Approved
			37 Brookby	1st ZBA	Held Over

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

			11 Seneca Rd	1st ZBA	Held Over
			7 Seneca Rd	1st ZBA	Held Over
September 14,2022	16	6	37 Brookby	2nd ZBA	Approved
			11 Seneca Rd	2nd ZBA	Approved
			7 Seneca Rd	2nd ZBA	Held Over
			48 Ogden Rd	1st ZBA	Approved
			41 Hampton Rd	1st ZBA	Approved
			59 Franklin Rd	1st ZBA	Approved
			15 Oak Way	1st ZBA	Approved
			8 Dunham Rd	1st ZBA	Held Over
			1 Obry Dr	1st ZBA	Held Over
October 12,2022	13	4	7 Seneca Rd	3rd ZBA	Held Over
			8 Dunham Rd	2nd ZBA	Held Over
			1 Obry Dr	2nd ZBA	Approved
			35 Birchall Dr	1st ZBA	Held Over
			30 Murray Hil Rd	1st ZBA	Approved
			10 Pinecrest Rd	1st ZBA	Approved
			7 White Birch Ln	1st ZBA	Approved
November 9,2022	8	1	7 Seneca Rd	4th ZBA	Adjourned
			35 Birchall Dr	2nd ZBA	Approved
			57 Church Lane	1st ZBA	Approved
December 14,2022	8		7 Seneca Rd	5th ZBA	Adjourned
			32 Secor Rd	1st ZBA	Approved
			79 Griffen Ave	1st ZBA	Held Over
			15 Gate House Rd	1st ZBA	Approved
<b>TOTAL</b>	<b>118</b>	<b>49</b>			

<b>ZONE A-3 FOX MEADOW</b>		
<b>SAMPLE BLOCK CALCULATION</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	70'	102'
<b>LOT SIZE</b>	10,000	12,852
<b>FRONT SET BACK</b>	30'	32'
<b>SIDE SET BACK</b>	10'	15.4'
<b>REAR SET BACK</b>	30'	42'



Map dated 9/1/2010

Data does not reflect recent additions, new construction or changes.

<b>BAR APPLICATIONS 2022</b>					
<b>BAR DATE</b>	<b># OF APPS.</b>	<b>NEW HOUSES</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 10,2022	17	2	54 Park Rd	1st BAR	Resubmit
			237 Nelson Rd	2nd BAR	Approved
			56 Greendale Rd	1st BAR	Resubmit
			17 Rural Dr	2nd BAR	Approved
January 24,2022	13	1	2 Mayflower Rd	2nd BAR	Approved
			59 Franklin Rd	1st BAR	Resubmit
			5 Quaker Center	2nd BAR	Held Over
February 7,2022	13	2	56 Greendale Rd	2nd BAR	Approved
			17 Crossway	1st BAR	Resubmit
			34 Springdale Rd	1st BAR	Resubmit
			1 Quaker Center	2nd BAR	Approved
			5 Quaker Center	3rd BAR	Approved
February 28,2022	11	2	10 Mayflower Rd	1st BAR	Resubmit
			6 Old Lyme Rd	2nd BAR	Denied
			7 White Birch Lane	1st BAR	Resubmit
March 14,2022	18	1	59 Franklin Rd	2nd BAR	Approved
			17 Crossway	2nd BAR	Approved
			54 Park Rd	2nd BAR	Approved
			16 Myrtledale Rd	1st BAR	Resubmit
			7 White Birch Lane	2nd BAR	Approved
March 28,2022	11	1	54 Shel Drake Rd	1st BAR	Resubmit
			10 Mayflower Rd	2nd BAR	Approved
April 18,2022	10	1	16 Myrtledale Rd	2nd BAR	Held Over
			6 Old Lyme Rd	1st BAR	Resubmit
May 9,2022	17	4	260 Madison Rd	1st BAR	Resubmit
			2 Ardmore Rd	1st BAR	Resubmit
			26 Overhill Rd	1st BAR	Resubmit
			24 Overhill Rd	1st BAR	Resubmit
			16 Myrtledale Rd	2nd BAR	Approved
			54 Shel Drake Rd	2nd BAR	Approved
May 23,2022	16		34 Springdale Rd	2nd BAR	Approved
			6 Old Lyme Rd	2nd BAR	Approved
June 6,2022	7	1	2 Ardmore Rd	2nd BAR	Approved
			17 Lenox Pl	1st BAR	Resubmit
June 27,2022	3	0			
July 11,2023	11	2	17 Lenox Place	2nd BAR	Approved
			44 Fayette Rd	1st BAR	Resubmit
			92 Carthage Rd	1st BAR	Resubmit
			24 Overhill Rd	2nd BAR	Approved
			26 Overhill Rd	2nd BAR	Held Over
July 25,2022	2	0			
August 15,2022	7		44 Fayette Rd	2nd BAR	Approved
			92 Carthage Rd	2nd BAR	Approved

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

			26 Overhill Rd	3rd BAR	Approved
September 12,2022	CANCELLED				
October 3,2022	17	1	8 Barker Lane	1st BAR	Resubmit
October 17, 2022	8	0			
November 7,2022	9		8 Barker Lane	2nd BAR	Approved
		1	160 Nelson Rd	1st BAR	Resubmit
November 21,2022	10	1	16 Butler Rd	1st BAR	Resubmit
December 12,2022	9		160 Nelson Rd	2nd BAR	Held over
<b>TOTAL</b>	<b>209</b>	<b>20</b>			

<b>BAR APPLICATIONS 2023</b>					
<b>BAR DATE</b>	<b># OF APPS.</b>	<b>NEW HOUSES</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 9,2023	10	1	18 Stonehouse	1st BAR	Resubmit
			16 Butler	2nd BAR	Approved
January 23,2023	12	2	160 Nelson	3rd BAR	Approved
			27 Church (subdivison)	1st BAR	Resubmit
			29 Church (subdivison)	1st BAR	Resubmit
February 6,2023	4	1	21 Straton	1st BAR	Resubmit
			18 Stonehouse	2nd BAR	Approved
February 27,2023	15	1	31 Butler	1st BAR	Resubmit
			27 Church	2nd BAR	Approved
			29 Church	2nd BAR	Approved
March 13,2023	8		21 Straton	2nd BAR	Resubmit
March 27,2023	7	1	4 Cohawney	1st BAR	Resubmit
April 17,2023	8		4 Cohawney	2nd BAR	Approved
May 1,2023	17	1	228 Rock Creek Lane	1st BAR	Resubmit
			31 Butler	2nd BAR	Approved
May 15,2023	6	0			
June 5,2023	8		228 Rock Creek Lane	2nd BAR	Approved
June 26,2023	9	1	22 Rural	1st BAR	Resubmit
July 10,2023	14		19 Dolma Rd	2nd BAR	Approved
July 24,2023	6	0			
August 14,2023	15	4	22 Rural	2nd BAR	
			241 Nelson	1st BAR	Resubmit
			233 Nelson	1st BAR	Resubmit
			26 Aspen	1st BAR	Resubmit
			28 Aspen	1st BAR	Resubmit
September 11,2023	11	0			
October 2,2023	11	1	2 Cooper (subdivison)	1st BAR	Resubmit
October 23, 2023	11	2	26 Aspen rd	2nd BAR	Resubmit
			28 Aspen	2nd BAR	Resubmit
			41 Wildwood	1st BAR	Resubmit
			85 Spier	1st BAR	Resubmit
November 6,2023	14	1	Blackhawk	1st BAR	Resubmit
			2 Cooper	2nd BAR	Approved
			85 Spier	2nd BAR	Approved
November 20,2023	13	0	41 Wildwood	2nd BAR	Approved
			75 Brown Rd	3rd BAR	Approved
			28 Aspen	3rd BAR	Approved
			26 Aspen	3rd BAR	Approved
December 4,2023	8	1	16 Lebanon	2nd BAR	Approved
			6 Cooper (subdivison)	1st BAR	Resubmit
			69 Greendale	2nd BAR	Approved
			19 Black Hawk	2nd BAR	Approved
<b>TOTAL</b>	<b>207</b>	<b>17</b>	<b>3 new lots/households added</b>		

CHOURA ARCHITECTURE 63 Church Lane Scarsdale NY 10583

Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com Web:www.choura.com

<b>ZONE A-5 EDGEWOOD</b>		
<b>SAMPLE SECTION CALCULATIONS</b>		
	<b>MINIMUM REQUIRED</b>	<b>AVERAGE</b>
<b>FRONTAGE</b>	50	53'
<b>LOT SIZE</b>	5,000	5,618
<b>FRONT SET BACK</b>	30'	30'
<b>SIDE SET BACK</b>	10'	(Some 6'-8' one side) 10'
<b>REAR SET BACK</b>	30'	(with detached garage 5' or less) 36'



Map dated 9/1/2010  
 Data does not reflect recent additions, new construction or changes.

**Table 1:**

<b>Front Yard Setbacks</b>							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	75	50	40	40	30	30	30
Bronxville	N/A	N/A	N/A	25	N/A	N/A	N/A
Larchmont <sup>(a)</sup>	N/A	N/A	30	30	30	30	30
Harrison	75	40	30	N/A	N/A	30	25
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(a)</sup>	N/A	N/A	40	35	35	N/A	20
City of Rye <sup>(b)</sup>	N/A	35	35	N/A	30	N/A	25

**\*N/A means the municipality does not have a zoning district of this size**

Notes:

- (a) Front Yard averaging is permitted in Scarsdale, Larchmont, and Pelham. (Scarsdale: 310-15; Larchmont: see dimensional table in appendix; Pelham: 210-33A)
- (b) In the City of Rye, wherever a required yard abuts a street less than 50 feet wide, the minimum yard dimension(s) are measured from a line 25 feet from the center line of said street. (see dimensional table in appendix)

**Graph 1:**

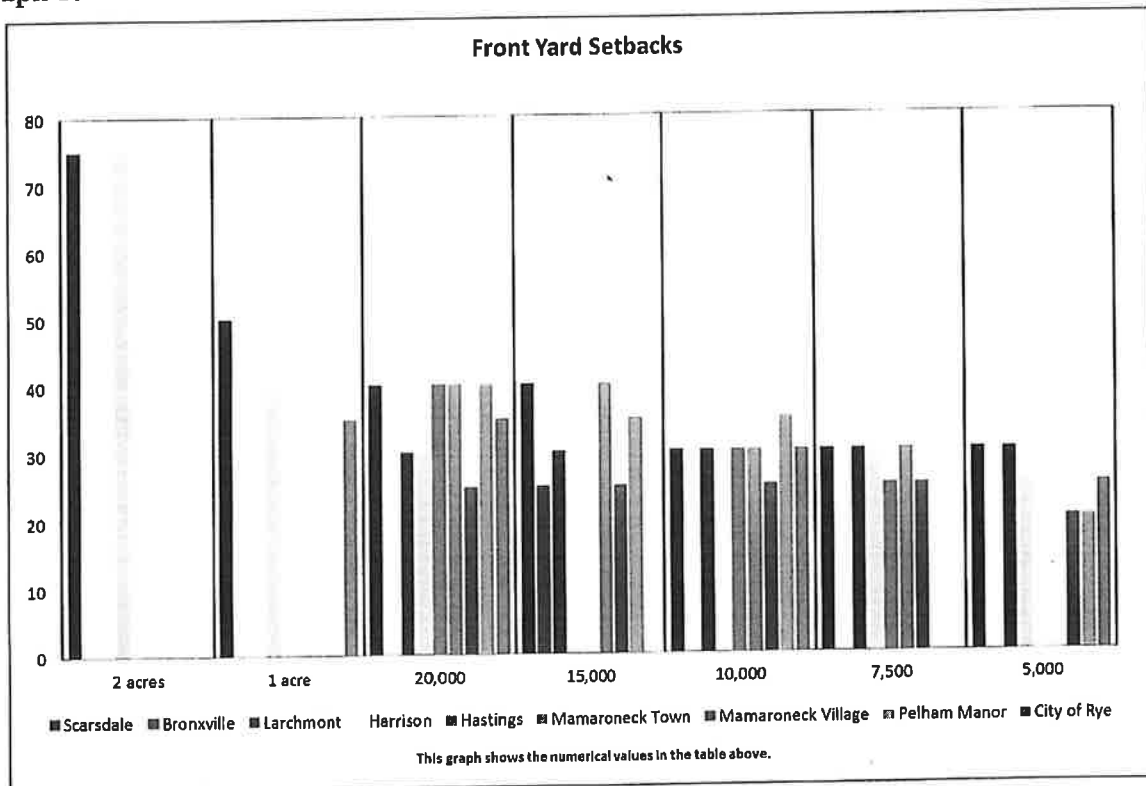


Table 2:

Rear Yard Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale (1 Story)	25	25	25	25	25	25	25
Scarsdale (2 Story) <sup>(a)</sup>	30	30	30	30	30	30	30
Bronxville	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(b)</sup>	N/A	N/A	40	30	25	25	25
Harrison	100	50	25	N/A	N/A	25	30
Hastings	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town	N/A	N/A	40	25	25	25	N/A
Mamaroneck Village	N/A	N/A	30	30	30	30	25
Pelham Manor	N/A	N/A	25	25	25	N/A	25
City of Rye	N/A	60	50	N/A	30	N/A	30

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale requires a greater rear yard setback for a two story structure. (310-43)
- (b) Larchmont has a height-setback ratio. (381-34 C)

Graph 2:

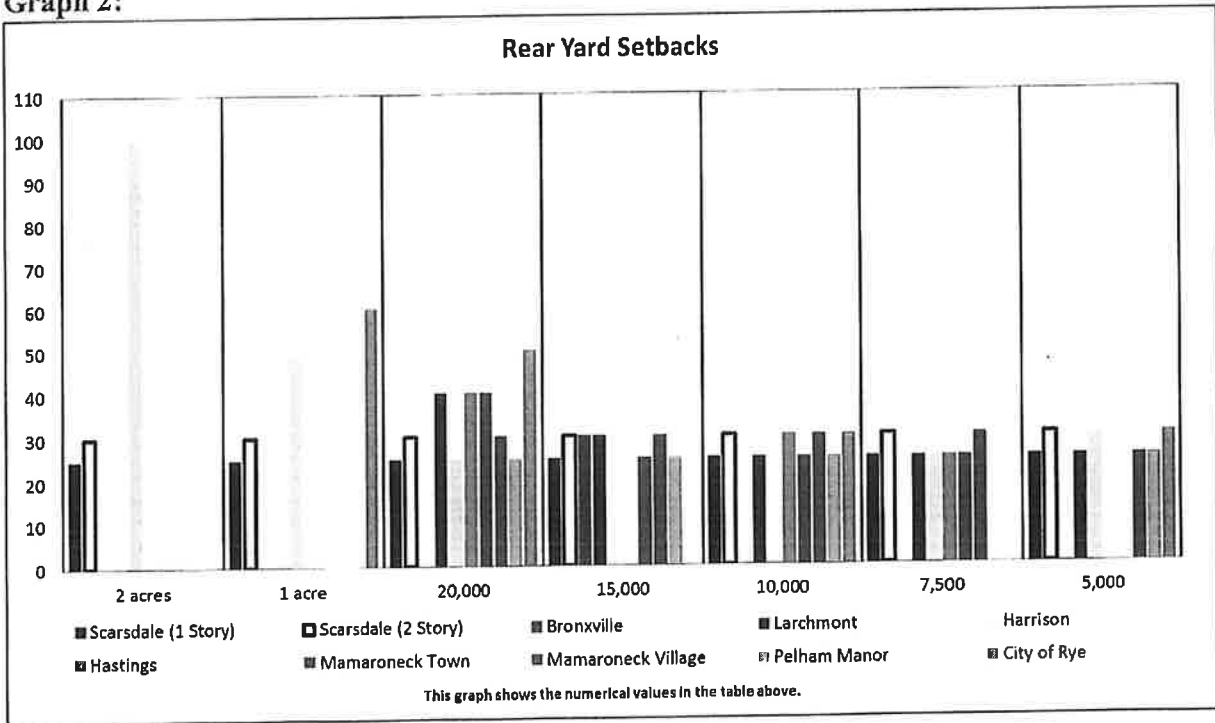


Table 3:

		2 acres		1 acre		20,000		15,000		10,000		7,500		5,000	
		Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total	Min.	Total
Scarsdale (a)(c)		30	60	20	40	15	30	15	30	10	20	10	20	10	20
Bronxville (a)		N/A	N/A	N/A	N/A	N/A	N/A	15	30	N/A	N/A	N/A	N/A	N/A	N/A
Larchmont (b)		N/A	N/A	N/A	N/A	12	30	10	25	10	25	10	22	6	16
Harrison		50	100	20	40	15	30	N/A	N/A	N/A	N/A	10	20	5	15
Hastings		N/A	N/A	N/A	N/A	20	50	N/A	N/A	12	30	8	20	N/A	N/A
Mamaroneck Town		N/A	N/A	N/A	N/A	15	40	10	30	10	25	10	20	N/A	N/A
Mamaroneck Village		N/A	N/A	N/A	N/A	20	45	15	35	10	25	8	20	6	14
Pelham Manor (a)		N/A	N/A	N/A	N/A	15	30	10	20	10	20	N/A	N/A	10	20
City of Rye		N/A	N/A	20	50	15	40	N/A	N/A	10	25	N/A	N/A	8	20

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale, Bronxville and Pelham Manor have minimum setbacks for each side. For the purposes of comparison the minimum is multiplied by 2 to create a total setback requirement.
- (b) Height setback ratio (381-34 C)
- (c) Side yard setback bonus (310-104)

Graph 3:

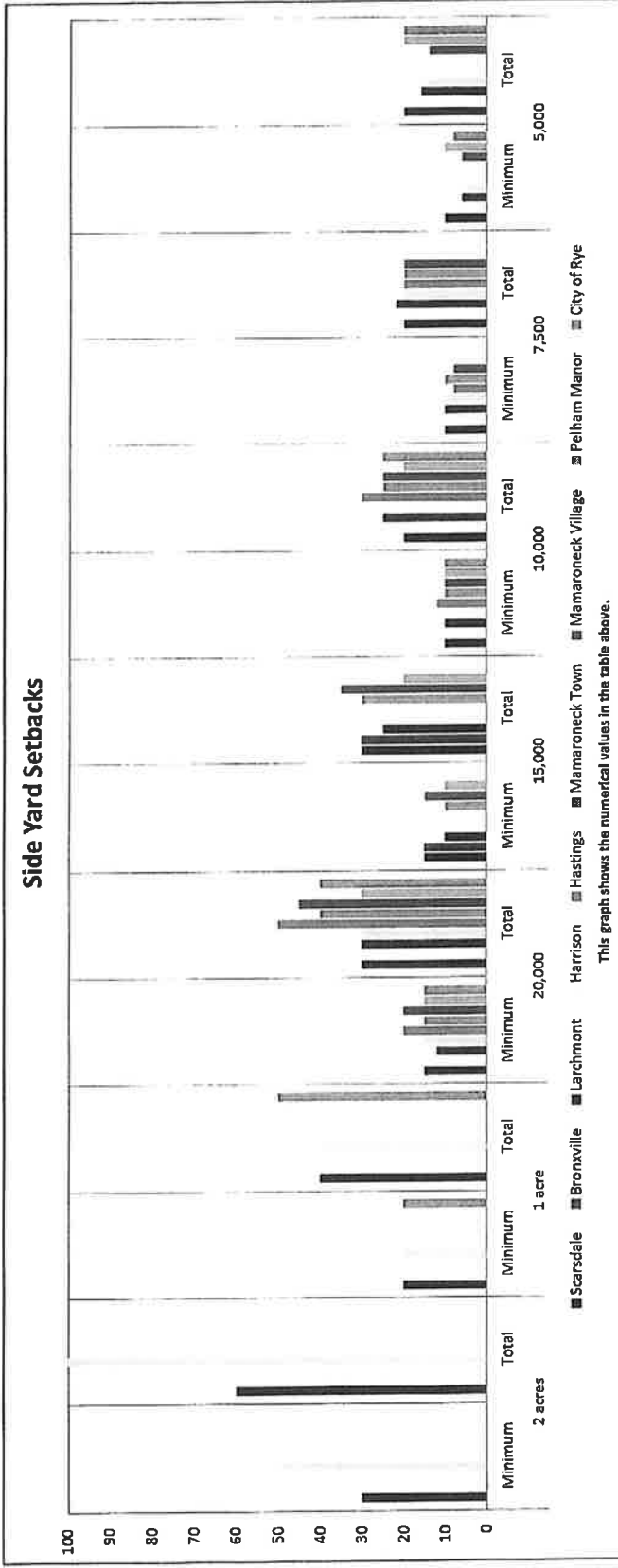


Table 4:

Side on Corner Setbacks							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	65	40	30	30	20	15	15
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	30	N/A	N/A	N/A
Larchmont <sup>(c)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(c)</sup>	50	40 <sup>(d)</sup>	30	N/A	N/A	15	15
Hastings <sup>(d)</sup>	N/A	N/A	40	N/A	30	25	N/A
Mamaroneck Town <sup>(d)</sup>	N/A	N/A	40	40	30	30	N/A
Mamaroneck Village <sup>(e)</sup>	N/A	N/A	25	25	25	25	20
Pelham Manor <sup>(f)</sup>	N/A	N/A	25	25	25	N/A	25
City of Rye <sup>(g)</sup>	N/A	35	35	N/A	30	N/A	25

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Owner chooses which will be front and the side on corner (310-53)
- (b) One side not less than 30' and the other not less than 15'. (310-9 D(1))
- (c) Contextual approach or same as front yard setback. (see dimensional tables in appendix)
- (d) Same as front yard. Owner chooses which is the rear yard. (Hastings:295-20 F; Mamaroneck Town: 240-54)
- (e) Same as front yard setback or owner can choose to use contextual approach. (342-15.1)
- (f) One side not less than 15' and the other not less than 25' (210-34 B)
- (g) At least 1/5 the lot width but not more than the front yard setback. (see dimensional table in appendix)

Graph 4:

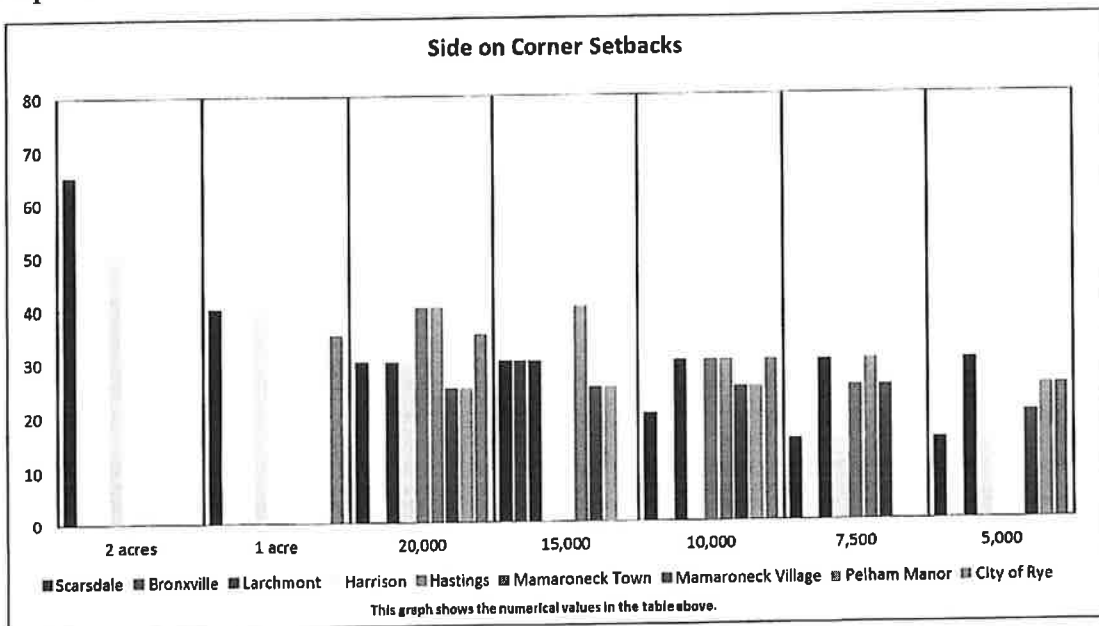


Table 5:

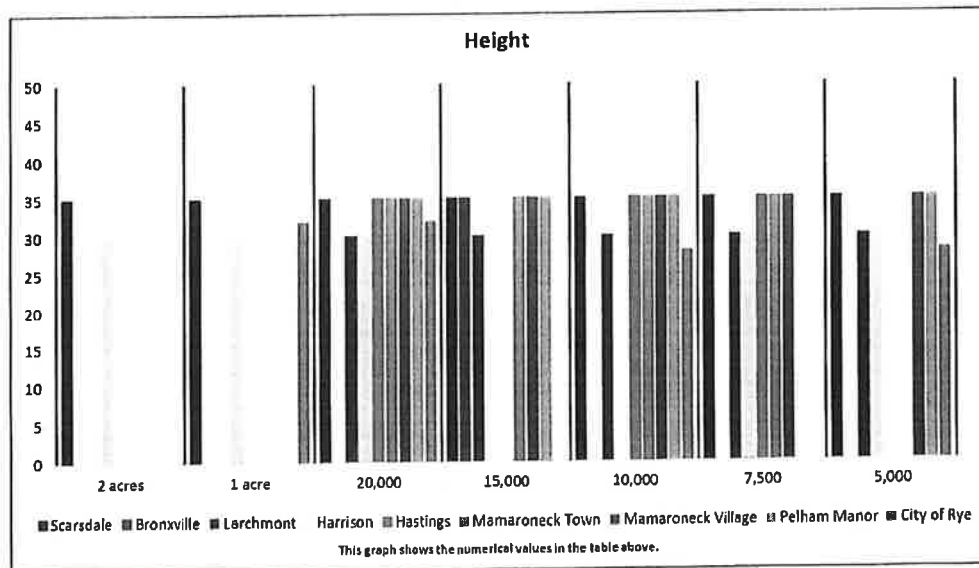
Height							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale <sup>(a)</sup>	35	35	35	35	35	35	35
Bronxville <sup>(b)</sup>	N/A	N/A	N/A	35	N/A	N/A	N/A
Larchmont <sup>(g)</sup>	N/A	N/A	30	30	30	30	30
Harrison <sup>(d)</sup>	30	30	30	N/A	N/A	30	30
Hastings <sup>(e)</sup>	N/A	N/A	35	N/A	35	35	N/A
Mamaroneck Town <sup>(c)</sup>	N/A	N/A	35	35	35	35	N/A
Mamaroneck Village <sup>(f)</sup>	N/A	N/A	35	35	35	35	35
Pelham Manor <sup>(e)</sup>	N/A	N/A	35	35	35	N/A	35
City of Rye <sup>(c)</sup>	N/A	32	32	N/A	28	N/A	28

\*N/A means the municipality does not have a zoning district of this size

Notes:

- (a) Scarsdale measures height from the proposed final grade or the existing grade, if that is lower, to the midpoint between the ridge and the top plate of the wall. (310-2)
- (b) Bronxville measures height from the average finished grade to the midpoint between the eaves and the highest point only from the grade facing the street. (310-3)
- (c) The City of Rye and Mamaroneck Town measure height from the average finished grade to the midpoint between the eaves and the highest point. (Rye: 197-1; Mamaroneck Town: 240-4)
- (d) Harrison measures height from the average finished grade, measured along a line offset 10 feet from the periphery, to the average height of a pitched roof. (235-4)
- (e) Hastings and Pelham Manor measure height from existing grade to the top of the structure. (Hastings: 295-5; Pelham: 210-15)
- (f) Mamaroneck Village measures height from the average existing grade to the midpoint between the eaves and the highest point. (342-3)
- (g) Larchmont measures height from preexisting or proposed grade, whichever is lower, to the average distance between the eaves and the ridge. Note there is a height setback ratio. (381-34)

Graph 5:



**Table 6:**

Lot/Development Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	20.00%	30.00%	30.00%	35.00%	40.00%	40.00%	45.00%
Bronxville <sup>(a)</sup>	N/A	N/A	N/A	50.00%	N/A	N/A	N/A
Larchmont	35.00%	35.00%	40.00%	45.00%	45.00%	47.50%	50.00%
Harrison <sup>(b)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hastings	N/A	N/A	25.00%	N/A	35.00%	40.00%	N/A
Mamaroneck Town	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Mamaroneck Village	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pelham Manor	N/A	N/A	30.00%	35.00%	40.00%	N/A	45.00%
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

**Table 7:**

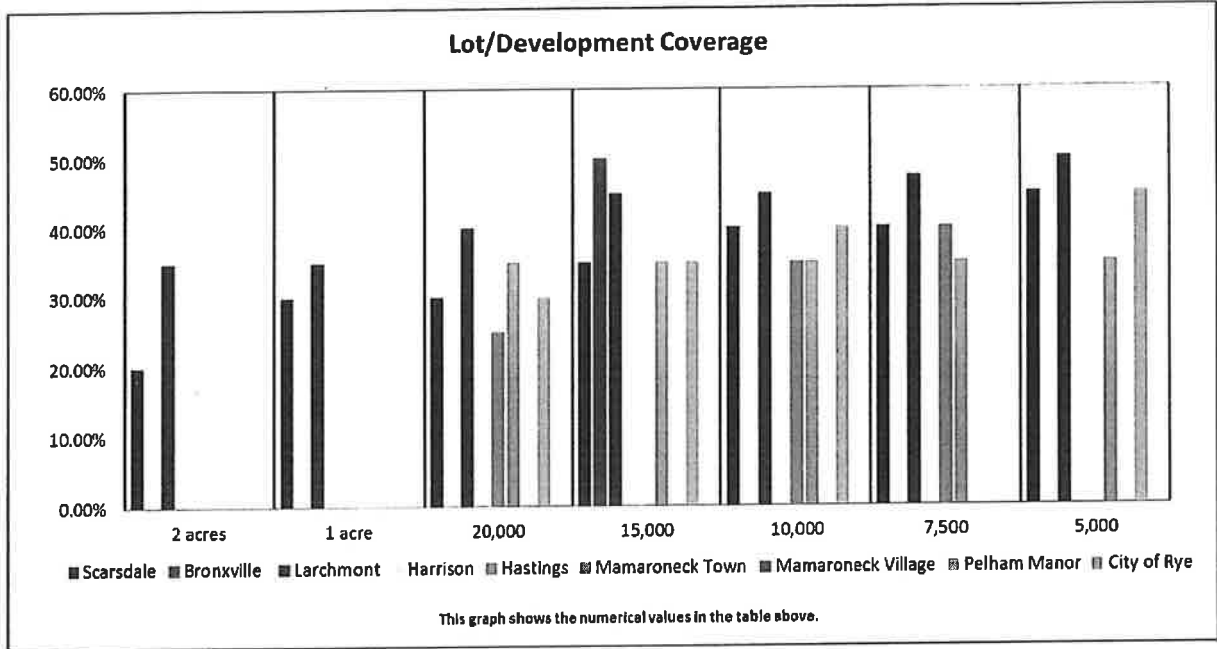
Building Coverage							
	2 acres	1 acre	20,000	15,000	10,000	7,500	5,000
Scarsdale	7.33%	10.66%	18.50%	20.67%	25.00%	28.00%	30.00%
Bronxville	N/A	N/A	N/A	25.00%	N/A	N/A	N/A
Larchmont	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Harrison <sup>(b)</sup>	10.00%	15.00%	N/A	N/A	N/A	20.00%	25.00%
Hastings	N/A	N/A	15.00%	N/A	25.00%	30.00%	N/A
Mamaroneck Town	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mamaroneck Village	N/A	N/A	35.00%	35.00%	35.00%	35.00%	35.00%
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A
City of Rye <sup>(c)</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\*N/A means the municipality does not have coverage regulations or a regulation for a lot of this size

Notes:

- (a) Bronxville requires 50% of a lot to remain open space. (310-9 H)
- (b) Harrison defines lot coverage as building coverage. (see dimensional table in appendix)
- (c) Rye regulates lot coverage on floodplain properties. (197-13.1 B)

**Graph 6:**



**Graph 7:**

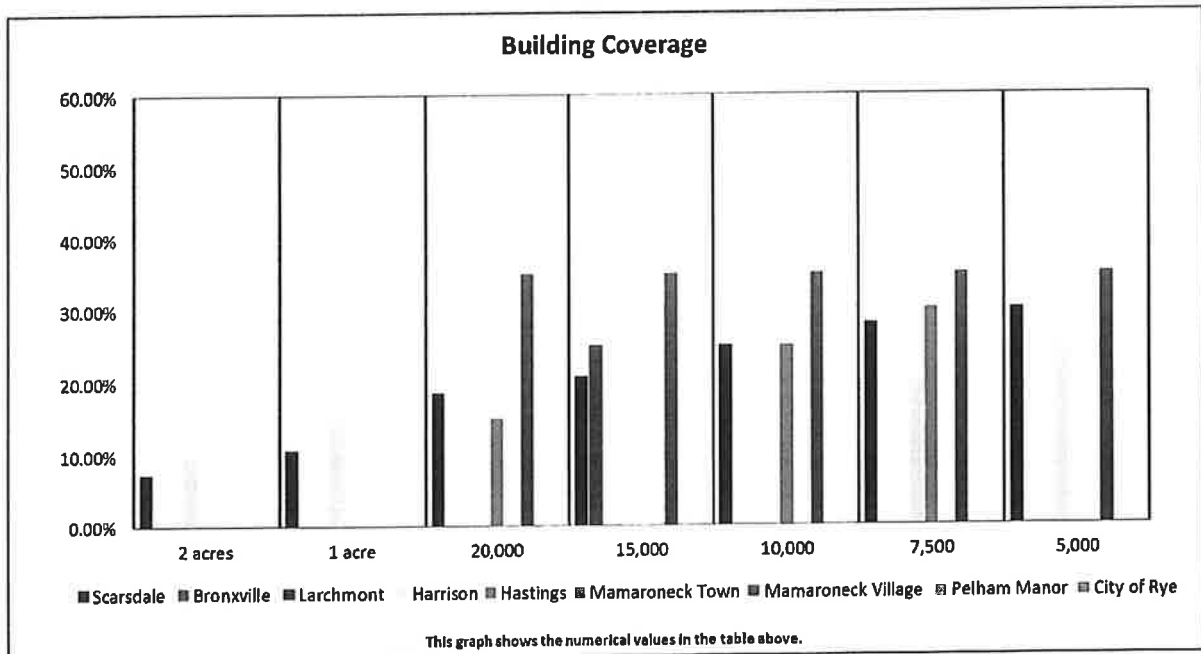


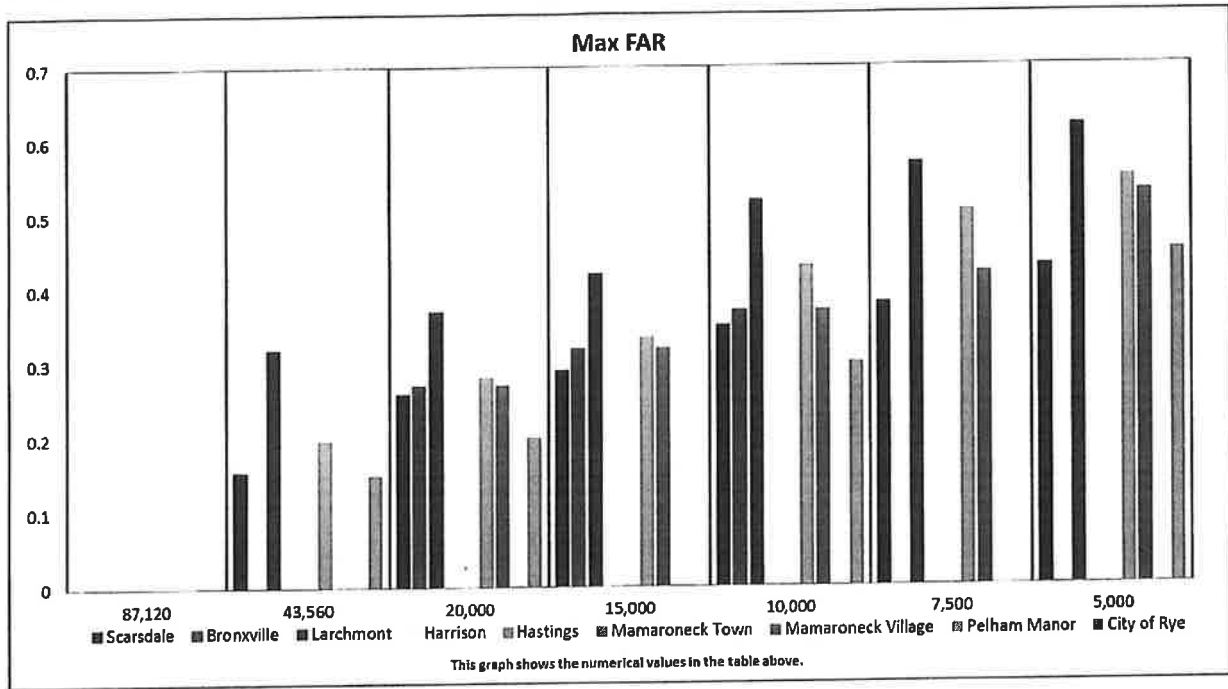
Table 8:

		FAR maximum													
		87,120		43,560		20,000		15000		10000		7500		5000	
	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Max FAR	Gross Floor Area	Gross Floor Area
Scarsdale	N/A	N/A	0.1552	6760.5	0.26	5200	0.29	4350	0.35	3500	0.38	2850	0.43	2150	
Bronxville	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	N/A	N/A	N/A	N/A	
Larchmont	N/A	N/A	0.32	13939.2	0.37	7400	0.42	6300	0.52	5200	0.57	4270	0.62	3100	
Harrison	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Hastings	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Mamaroneck Town	N/A	N/A	0.19661	9028	0.281	5620	0.334	5110	0.43	4340	0.505	3788	0.55	2750	
Mamaroneck Village	N/A	N/A	N/A	N/A	0.27	5400	0.32	4800	0.37	3700	0.42	3150	0.53	2650	
Pelham Manor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
City of Rye	N/A	N/A	0.15	6534	0.2	4000	N/A	N/A	0.3	3000	N/A	N/A	0.45	2250	

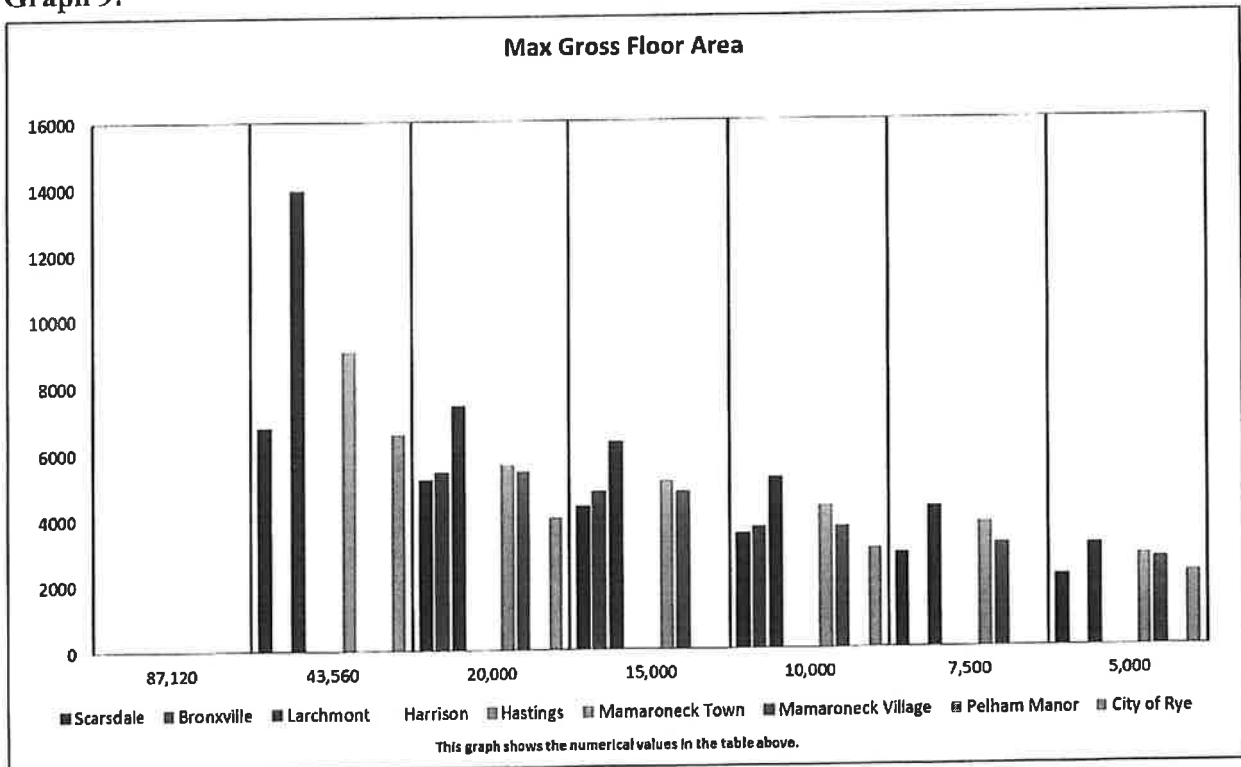
\*N/A means the municipality does not have FAR regulations or a regulation for a lot of this size

Note: see narrative for explanation on how each municipality is measured.

Graph 8:



Graph 9:



<b>2010 Census Data</b>		
	Population	Total Housing Units*
Scarsdale Village	17,166	5,647
Bronxville Village	6,323	2,430
Larchmont Village	5,864	2,215
Harrison Village	27,472	8,956
Hastings-on-Hudson Village	7,849	3,270
Mamaroneck Town	29,156	11,562
Mamaroneck Village	18,929	7,512
Pelham Manor Village	5,486	1,925
Rye City	15,720	5,957

\*Includes single and multi family units

<b>SUBDIVISIONS 2022-2023</b>		
<b>YEAR</b>	<b>ADDRESS</b>	
2022	112 Lee Road	Lot line adjustment
2022	33 Park and 6 Eton	Lot line adjustment (no new construction)
2022	28 Aspen Road	Subdivision
2022	29 Church Lane	Subdivision
2022	40 Mamaroneck Road	Subdivision
2023	46 Lincoln and 101 Carthage	Proposed, not approved, Subdivision and lot line adjustment (2 lots into 3)
2022	80 Garden Road	Proposed, not approved, nine-lot subdivision

<b>ZBA APPLICATIONS 2023</b>					
<b>ZBA DATE</b>	<b># OF APPS.</b>	<b>POOLS</b>	<b>ADDRESS</b>	<b>PRESENTATION</b>	<b>STATUS</b>
January 11,2023	10	5	7 Seneca Rd	1st ZBA	Adjourned
			79 Griffen Ave	1st ZBA	Held Over
			31 Murray Hill Rd	1st ZBA	Approved
			125 Birchall Dr	1st ZBA	Approved
			31 Taunton Rd	1st ZBA	Approved
February 8,2023	6	1	7 Seneca Rd	2nd ZBA	Adjourn
			79 Griffen Ave	2nd ZBA	Held Over
			114 Birchall Dr	1st ZBA	Held Over
March 8,2023	5		7 Seneca Rd	3rd ZBA	Approved
			79 Griffen Ave	3rd ZBA	Approved
			114 Birchall Dr	2nd ZBA	Adjourned
April 13,2023	6	2	114 Birchall Dr	2nd ZBA	Adjourned
			8 Barker Lane	1st ZBA	Approved
			5 Paddington Rd	1st ZBA	Approved
May 10,2023	3		114 Birchall Dr	3rd ZBA	Adjourned
			31 Murray Hill Rd	2nd ZBA	Approved
June 14,2023	6	2	114 Birchall Dr	4th ZBA	Remove
			23 Autenrieth Rd	1st ZBA	Approved
			180 Rock Creek Lane	1st ZBA	Held Over
July 19,2023	8		180 Rock Creek Lane	2nd ZBA	Approved
			28 Garden Rd	1st ZBA	Held Over
			45 Church Lane	1st ZBA	Held Over
			54 Sheldrake Rd	1st ZBA	Approved
			7 Wheelock Rd	1st ZBA	Held Over
September 13,2023	13	6	28 Garden Rd	2nd ZBA	Approved
			45 Church Lane	2nd ZBA	Approved
			7 Wheelock Rd	2nd ZBA	Approved
			17 Morris Lane	1st ZBA	Approved
			17 Horseguard Rd	1st ZBA	Approved
			86 Spier Rd	1st ZBA	Held Over
			23 Wynmor Rd	1st ZBA	Approved
			28 Fenimore Rd	1st ZBA	Approved
			2 Reimer Rd	1st ZBA	Approved
October 11,2023	4	2	86 Spier Rd	2nd ZBA	Approved
			1 Quaker Center	1st ZBA	Approved
			5 Quaker Center	1st ZBA	Approved
November 8,2023	4	2	62 Franklin Rd	1st ZBA	Approved
			1154 Post Rd	1st ZBA	Denied
December 13,2023	5		12 Innes Rd	1st ZBA	Held Over
			324 Heathcote Rd	1st ZBA	Approved
<b>TOTAL</b>	<b>70</b>	<b>20</b>			

**Scarsdale Zoning Restrictions**

ZONE	LOT SIZE (SQ.FT)	BUILDING COVERAGE	LOT COVERAGE	FAR (W/O BONUS)	FAR EXCLUDED GARAGE AREA (Amended 8-10-2021)	FAR EXCLUDED GARAGE AREA Previous Code	FAR EXCLUDED GARAGE AREA (Amended 8-10-2021)	FAR BONUS SIDE YARD SETBACK (Amended 8-10-2021)	FAR BONUS SIDE YARD SETBACK Previous Code
A-1	43,560	4,642 (10.6%)	13,100 (30%)	6,769 (15.5%)	400	400	840	1200	
A-2	20,000	3,700 (18%)	6,000 (30%)	5,200 (26%)	400	400	490	700	
A-2A	15,000	3,100 (20%)	5,250 (35%)	4,350 (29%)	400	400	490	700	
A-3	10,000	2,500 (25%)	4,000 (40%)	3,500 (35%)	400	400	490	700	
A-4	7,500	2,100 (28%)	3,000 (40%)	2,925 (39%)	250	250	280	400	
A-5	5,000	1,500 (30%)	2,250 (45%)	2,150 (43%)	250	250	280	400	
	Less than 5,000	30%	45%	0.43 (43%)	250	250	250		

# ChouraArchitecture PC

Architecting from the inside out

December 21, 2023

Mayor Justin Arest  
And Members of the Board of Trustees  
Village of Scarsdale  
1001 Post Road  
Scarsdale, New York 10583

As a summary to our multiple letters and previous suggestions and comments regarding the moratorium we see no reason to have any kind moratorium. We think the current code in place is strong and working, improvement and changes can be done without a moratorium.

See attached different studies and surveys already completed to support our opinion.

## **FAR**

The FAR was added to the village code in 3/26/2002 ,amended in 10/14/2003, 12/11/2007 5/13/2008, 8/10/2021. Why does it need to be amended again?

## **Zoning**

We have provided you with information regarding zoning where multiple studies already took place. The most recent Municipal Zoning Survey completed in 2018.

We did a sample survey on three different Scarsdale village zones **A-3, A-4, A-5**. to show the impact of any change on existing setbacks.

## **Tree Removal and Replacement**

The village has extensive and complicated code already in place.

## **Drainage**

The Village is already undertaking a large study underway

**BAR** has well detailed guidelines as per Chapter A321 of the Scarsdale Code.

**CHP** has revised their code criteria in 20

**Planning Board** has now received amendment to their code for activities in the buffer in 2023.

Scarsdale Office: 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com  
Web:www.choura.com

See attached schedules and surveys to support this conclusion.  
Many of the concerns and complains received we think were exaggerated and not proven by actual studies or data therefore we urge you to not implement any moratorium. We appreciate all work to improve what we have while keeping the Building process running the normal course.

Thank you for your consideration,  
Bana Choura, AIA

**Attachments:**

See attached BAR Applications List we compiled for 2022 and 2023.  
See attached ZBA applications list we compiled for 2022 and 2023  
See attached Scarsdale Zoning Restrictions we prepared combining three different schedules we use showing past and present requirements  
See attached subdivision list 2022-2023  
See attached Schedules of Scarsdale Municipal Zoning Survey 2018  
See attached Zone A-3 Fox Meadow study, Zone A-4 and ,Zone A-5 Edgewood study.

Scarsdale Office: 63 Church Lane Scarsdale NY 10583  
Tel 914.686.7774 Fax 914.686.7555 Email: chouraarch@yahoo.com  
Web:www.choura.com

## Christine Sciandra

---

**From:** Heedan Chung Jessica Zellner <lwvsresident@gmail.com>  
**Sent:** Tuesday, December 12, 2023 11:22 PM  
**To:** Mayor Justin Arest; Trustee Ahuja; Trustee Brew; Trustee Gans; Trustee Gruenberg; Trustee Mazer; Trustee Whitestone; Public Comments; Clerk's Department  
**Subject:** LWVS Board Statement Re Proposed Village Governance Code Amendments

---

**CAUTION:** External sender.

---

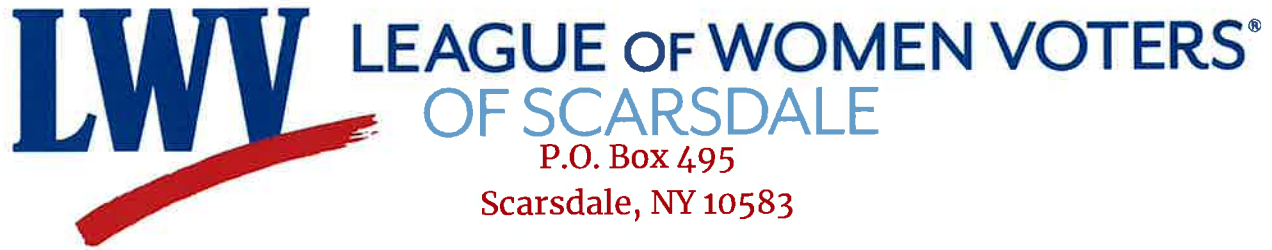
Dear Mayor and Board of Trustees:

Attached please find a written copy of the letter that the Board of the League of Women Voters of Scarsdale read tonight at the Village meeting.

 **LWVS Board Statement re Proposed Village Govern...**

Thank you,

Heedan Chung & Jessica Zellner  
Co-Presidents  
The League of Women Voters of Scarsdale



December 12, 2023

**Executive Committee**

**Co-Presidents**

Heedan Chung and  
Jessica Zellner

**First Vice President**

Jenny Simon Tabak

**Second Vice President**

Anne Lyons

**Recording Secretary**

Diane Baylor

**Corresponding Secretary**

Dana Matsushita

**Treasurer**

Erika Rublin

Mayor Arest & Village Board of Trustees  
Scarsdale Village Hall  
1001 Post Road  
Scarsdale, NY 10583

**Also sent via email to:** [PublicComments@scarsdale.com](mailto:PublicComments@scarsdale.com),  
[clerk@scarsdale.com](mailto:clerk@scarsdale.com)

Re: Proposed Amendment to Village Code

Dear Mayor and Board of Trustees,

**Board of Directors**

Donna Conkling  
Kathy Gray  
Dalya Khan  
Susan Lee  
Nan Eileen Mead  
Debbie Miller  
Diksha Mudbhary  
Kitt Rosenthal  
Abigail Ruane  
Jyoti Ruta  
Rachana Singh  
Shilpa Spencer  
Cindy Yau

The Board of the League of Women Voters of Scarsdale (LWVS) thanks the Mayor and the Village Board of Trustees for their dedicated volunteer service to the Village of Scarsdale as public officials. We appreciate all the hard work you put in serving our community.

We are writing with regard to the proposed legislation to amend Chapter 57 of the Scarsdale Village Code, which concerns the Village Manager's Office. At the time that former Manager Rob Cole resigned, Mayor Arest announced that the Village Board and the Village Attorney were working on an amendment to the Village Code to incorporate the current language in Chapter 57 and Section A318, a codification of a 1962 Village Board resolution, and that further clarification would be provided to the public. At that time, the Mayor and Board of Trustees stated that nothing would change with regard to Village operations.

Upon consulting with a professional organization, we have reason to believe that the proposed legislation may limit the authority of the Village Manager relative to certain personnel decisions and direct supervisory authority over certain department heads in a way that changes how the Village government has operated, in practice, since 1941. The LWVS Board is poised to undertake further study of this issue and is also concerned that the community may not have had sufficient notice, time, nor opportunity to weigh in on the proposed changes.

Because of the significance of the potential changes to Village governance, the LWVS Board respectfully requests that the Mayor and Village Board pause on any action until the public has had the opportunity to learn more about the proposed amendments and to ask questions about them.

Sincerely,

Handwritten signatures of Heedan Chung and Jessica Zellner in black ink.

Heedan Chung and Jessica Zellner  
Co-Presidents, League of Women Voters of Scarsdale

**Christine Sciandra**

---

**From:** proscars@aol.com  
**Sent:** Friday, December 22, 2023 11:45 AM  
**To:** Ann Scaglione; Mayor Justin Arest; Clerk's Department; Manager's Department  
**Subject:** Investment of Scarsdale Unassigned Fund Balance

---

**CAUTION:** External sender.

---

To All :

As we have stated at public Scarsdale Village Board meetings we urge the Board to extend the maturity of investments for its unassigned fund balances to 9 months to one year as interest rates will be coming down during 2024. Lock in higher rates for the benefit of Scarsdale Taxpayers. Thank you,

The Scarsdale Taxpayer Alert

Bob Harrison, Chairman

65 Fox Meadow Road

Scarsdale , NY 10583

914 646-4054 cell