

## Memo to the Board of Trustees from The Hastings on Hudson Land Use Task Force

February 16, 2016

To the Mayor and Board of Trustees of the Village of Hastings on Hudson and Village Manager Froebel,

The Land Use Task Force has been meeting since August 2014 and we wanted to take this opportunity to update the Mayor and Board of Trustees and Village Manager on the progress we have made on analyzing the procedures required of applicants to navigate and utilize the permitting and approvals process for construction and land use development. The proposed changes and clarifications we are presenting would typically affect the Building Department, the Planning Board (PB) and the Zoning Board of Appeals (ZBA) and Board of Trustees (BOT) review of projects. There are Code related issues to be considered as well.

Our Task Force is asking for review and input from the Board on the following items:

1. Create an HOH Building Department webpage accessible from the Village website (hastingsgov.org) with separate pages for the BD, PB and ZBA. There would be a FAQ section to educate the public and to reduce time spent answering the most repetitive questions being addressed by the Building Department staff as has been done by other Villages and Towns in Westchester. There would be a link to the ARB with their meeting schedule and "Design Guidelines" and a link to the "Green Code". The website could provide a "typical flowchart" for the review and approvals process for certain common applications. Among other items this site would identify what construction requires a "permit" or is "not permitted", what requires Planning Board, Zoning Board and / or Architectural Review Board review, what requires a SEQR Application and "What happens after the Permit is issued?" We would provide a list of definitions (or provide a link to the definitions in the code) to reduce confusion in the interpretation of the code.
2. Some current terminology in the Zoning Code is not well defined. For example the definition of: "structure", "apportionment or subdivision" and "re-subdivision" are open to interpretation and should be clarified. Our Task Force or the PB could do initial identification of the definitions to be reviewed and revised or clarified. We propose that visual diagrams be added to certain definitions for clarity (such as indicating where building height measurements should be taken or how to indicate "steep slopes"). Any changes to the Village Code would have to be formally approved by the BOT.
3. At some point in the past a chart identifying the Zoning Districts (District Regulation Summary Page in Sec. 295 of the Code) was removed from the code during an update because they were incomplete. We should correct and update this Zoning Chart and add it back into the Code. The chart would identify the various zones (R-10, CC, MR-0, etc.) and their parameters ("use" and dimensions). One problem with our code is that we have what is called Cascading Zoning; each zone not only allows certain Permitted Principal Uses but also allows all the permitted uses of more restrictive Districts "below" the one being identified. (For example the R-10 district allows all limitations found in the R-20 District. From Sec. 295-68 One-Family Residence (R-10) District: "Principal uses. The following uses are permitted principal uses in an R-10 District: any principal use permitted in an R-20 District as set forth in § [295-67A](#)

above.). This creates confusion when reviewing and identifying what is allowable in each district. We propose that the chart or perhaps the Code itself, identify ALL the permitted uses and limitations for each individual District without having to reference the other Districts. This chart would reference back to the actual Code, as the Zoning Code provides the controlling language..

4. Require drawing standards for all submissions, which would include; a chart with zoning information (existing and proposed), property information, title block info and lettering standards, aerial map of the site, etc. The Building Department would provide a list of items to be required. Requiring this information on every submission would allow the Building Inspector and the reviewing Boards a complete picture without having to analyze each project for missing information. This would give the applicant an updated “check list” of requirements and clarification on the submittal. It would help to avoid “rejection” by the Boards and BD due to an incomplete application.
5. Review fee structure for applications. For example; currently there is no fee imposed for Steep Slopes or View Preservation review if there are no other PB or ZBA review requirements. These reviews require a considerable time expenditure from the Building Department and the review Boards. In addition we should compare our current Building Department fee structure to those of other communities. Our fees may be low compared to other similar communities.
6. View Preservation review currently requires PB and ZBA approval. The BOT should consider requiring approval only by the PB as a means of streamlining the review process for the applicant.. This should be discussed with the reviewing Boards and Building Inspector. The View Preservation Waiver should remain under Building Inspector, PB and ZBA review.
7. Review how the 2500 s.f. parking exemption for businesses is applied in the CC and MR-C District. The Village needs to clarify if the code exemption applies to the property (entire building), occupant (each tenant within a building larger than 2500 s.f.) and/or use (similar uses such as several commercial tenants or different uses within the space such as a restaurant on the ground floor and business on an upper level).
8. Eliminate the \$10,000.00 construction cost / 30,000 cubic foot limit for projects that do not require a set of signed and sealed Architectural Plans to be reviewed by the Building Department. (Code ref. 295-101(7)). The dollar value of a project does not correlate with the degree of complexity or potential danger from construction without plans. An example might be the construction of an above grade deck not being properly designed and built to satisfy the current code.
9. Upon receipt of plans the Building Department will review and if necessary, issue a “Denial Letter” identifying Zoning Variances that are required. This letter will be included in the project file for future reference and will be provided with the ZB Application..
10. Formal Resolutions passed by the PB and ZBA during their review of a project need to be documented and included in written form within the project file. Currently you need to identify and review the entire transcript of a meeting to ascertain the decision.
11. Review “Noticing” requirements for projects. Our committee identified some issues that require more in depth discussion. The Village may want to consider notification by using “proof of Mailing” *only* to save the applicant funds.
12. We recommend a Green Code review and update. (This review is appropriate with any new law).

Other communities such as White Plains, Harrison Dobbs Ferry and Rye have adopted some of the items we have identified and we can use their work to inform the changes we are looking to implement.

The Land Use Task Force respectfully requests that we present these items at a Board of Trustee meeting for public input and further discussion.

Respectfully,

Hastings on Hudson Land Use Task Force

Jamie Cameron

Michael Lewis

Christina Griffin

Jim Metzger

Charles Minozzi Building Inspector

Linda Whitehead Village Attorney

We have attached sample Tables and Charts to illustrate the items identified above. Please note that we will shortly have additional illustrations for your review.

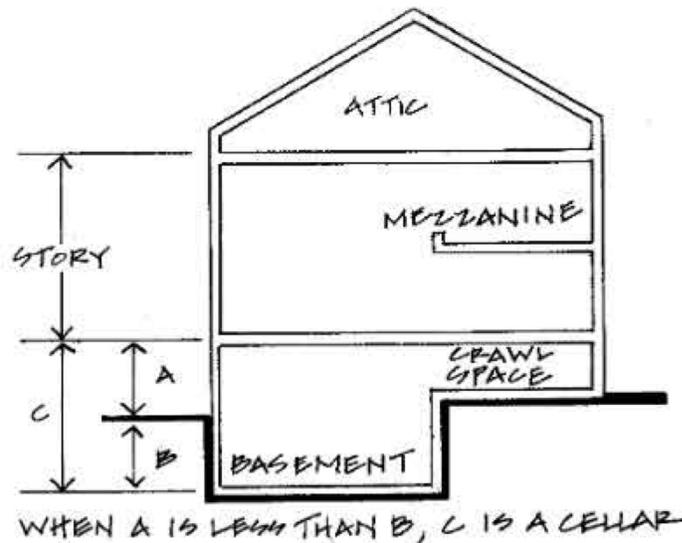
<b>ZONING DISTRICT: R-7.5</b>			
<b>Property: 99 Hastings Street, Hastings-on-Hudson, New York, 10706</b>			
Section: 9.99			
Block: 999			
Lot: 99 & 100			
x			
	<b>REQUIRED/ALLOWED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
<b>LOT AREA</b>	7,500 SF	5,262 SF	NO CHANGE
<b>LOT WIDTH</b>	75'0"	51'0"	NO CHANGE
<b>LOT DEPTH</b>	NA	100'0"	NO CHANGE
<b>BUILDING COVERAGE</b>	30% / 1,578 SF	885 SF	1185 SF
<b>DEVELOPMENTAL COVERAGE</b>	40% / 2,104 SF	2,110 SF	2,099 SF
BUILDING AND SHED		885 SF	1,185 SF
TERRACES, WALKWAYS, WALLS & STEPS		752 SF	502 SF
DRIVEWAY		473 SF	412 SF
<b>MAIN BLDG HEIGHT</b>	35'0" - 2 1/2 STORIES	26'6" - 2 STORIES	NO CHANGE
<b>FRONT YARD</b>	25'0"	25'3"	NO CHANGE
<b>REAR YARD</b>	25'0"	37'2"	33'1"
TO UNCOVERED DECK			22'1"
<b>SIDE YARD</b>	8'0"	13'2"	NO CHANGE
<b>BOTH SIDE YARDS (COMBINED TOTAL)</b>	20'0"	27'1"	NO CHANGE

**SAMPLE OF A ZONING TABLE TO BE SUBMITTED WITH A SITE PLAN**

## ATTIC

That part of a building which is immediately below, and wholly or partly within, the roof framing. (See Illustration No. 4.)

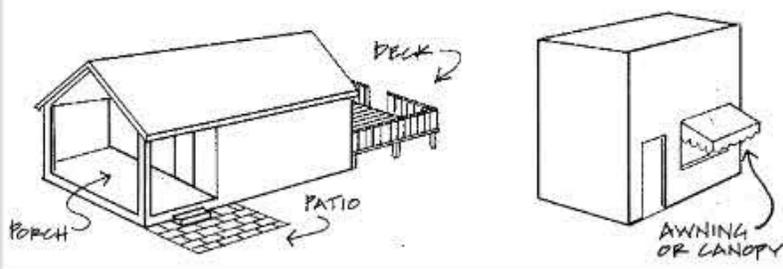
ILLUSTRATION 4: ATTIC, BASEMENT, CELLAR AND MEZZANINE



## AWNING OR CANOPY

A roof-like cover made of canvas or similar material that permanently projects from the wall of a building for the purpose of shielding a doorway or window from the elements, not including a marquee. (See Illustration No. 5.) In residential districts, awnings and canopies shall be deemed structural projections. (See § 43-33P of this chapter.)

ILLUSTRATION 5: AWNINGS OR CANOPIES, DECKS PATIOS AND PORCHES



## BUILDING COVERAGE

The horizontal area measured within the outside of the exterior walls on or above the ground floor of all principal and accessory buildings on a lot expressed as a proportion or percentage of the lot area upon which it is situated. (See Illustration Nos. 6 and 13.)

ILLUSTRATION 10: BUILDING SETBACKS, BUILDING SETBACK LINES, BUILDING COVERAGE, STREET RIGHT-OF-WAY AND STREET RIGHT-OF-WAY LINES

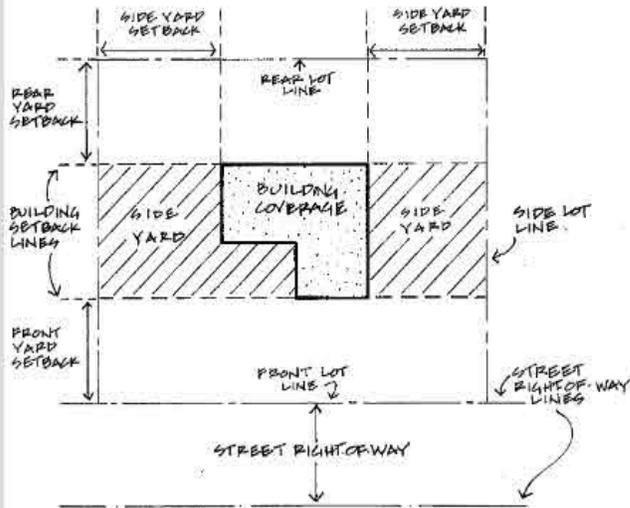
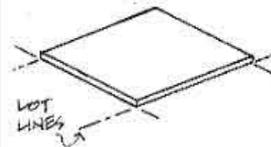


ILLUSTRATION 13: FLOOR AREA RATIO AND BUILDING COVERAGE

$$\text{FLOOR AREA RATIO (FAR)} = \frac{\text{GROSS FLOOR AREA}}{\text{LOT AREA}}$$

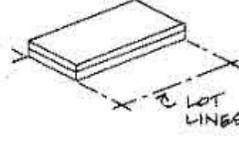
1 STORY BUILDING

100% BUILDING COVERAGE  
FLOOR AREA RATIO: 1.0



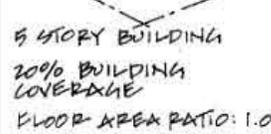
2 STORY BUILDING

50% BUILDING COVERAGE  
FLOOR AREA RATIO: 1.0



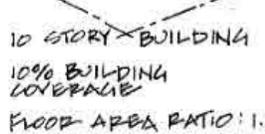
5 STORY BUILDING

20% BUILDING COVERAGE  
FLOOR AREA RATIO: 1.0



10 STORY BUILDING

10% BUILDING COVERAGE  
FLOOR AREA RATIO: 1.0



PROPOSED DIAGRAMS TO ILLUSTRATE DEFINITIONS

ZONING AND LAND USE

**Table B-3: Residential Lot Dimensions and Coverage (Sliding Scales)**

<b>Lot area</b>	<b>Less Than 7,500 Square Feet</b>	<b>At Least 7,500 Square Feet but Less Than 10,000 Square Feet</b>	<b>At Least 10,000 Square Feet but Less Than 20,000 Square Feet</b>	<b>At Least 20,000 Square Feet but Less Than 40,000 Square Feet</b>	<b>40,000 Square Feet or Greater</b>
Minimum lot width (feet)	Lot area/100	Lot area/100	100	100	150
Minimum lot depth (feet)	100	100	100	125	150
Maximum lot coverage by buildings	27%	22%	20%	18%	15%
Maximum lot coverage by impervious surfaces	54%	44%	40%	40%	30%

**Table B-4: Residential Side Yard Setbacks (Sliding Scales)**

<b>Lot width</b>	<b>Less Than 75 Feet</b>	<b>Less Than 100 Feet but At Least 75 Feet</b>	<b>Less Than 125 Feet but At Least 100 Feet</b>	<b>Less Than 150 Feet but At Least 125 Feet</b>	<b>150 Feet or Greater</b>
Minimum side yard setback (each) (feet)	10	10	12	15	20
Minimum side yard setback (both) (feet)	20	25	30	35	50

**Table B-5: Residential Front and Rear Yard Setbacks (Sliding Scales)**

<b>Lot Depth</b>	<b>Less Than 125 Feet</b>	<b>Less Than 150 Feet but at Least 125 Feet</b>	<b>150 Feet or Greater</b>
Minimum front yard setback (feet)	Lot depth/4	30	40
Minimum rear yard setback (feet)	25	40	40

ZONING AND LAND USE

300 Attachment 1

Village of Dobbs Ferry

Appendix A  
Permitted Use Tables

**Table A-1: Residential Zoning Districts  
[Amended 6-14-2011 by L.L. No. 6-2011]**

**KEY:**

PP = Permitted

SP = Special Permit Required

N = Prohibited

PA = Permitted (Accessory)

Use Category	Use Type	OF <sup>1</sup>	MDR-1	MDR-2	MDR-H	B	MF
<b>Residential</b>							
Group living	Group home	N	PP	PP	PP	PP	PP
	Retirement home, nursing home, or assisted-living facility	N	N	N	SP	SP	PP
	Dormitory	N	N	N	N	N	N
Household living	Cluster development	PP	PP	PP	PP	PP	PP
	Mixed-use building	N	N	PP	N	PP	N
	Multifamily dwelling	N	N	PP	PP	PP	PP
	Multifamily housing complex	N	N	SP	SP	PP	PP
	One-family dwelling	PP	PP	PP	PP	PP	PP
	Townhouse	N	PP	PP	PP	PP	PP
	Two- or three-family dwelling	N	PP	PP	PP	PP	PP
<b>Commercial</b>							
Adult uses		N	N	N	N	N	N
Animal-related uses	General	N	N	N	N	N	N
	Intensive	N	N	N	N	N	N
Bar or tavern		N	N	N	N	N	N
Country club		N	N	N	N	N	N
Entertainment or recreation uses	Indoor	N	N	N	N	N	N
	Outdoor	N	N	N	N	N	N
Lodging	Bed-and-breakfast	N	SP	SP	PP	PP	PP
	Inn	N	N	PP	PP	PP	N
	Hotel	N	N	N	N	N	N

SAMPLE CHART TO ILLUSTRATE ZONING DISTRICT USES (SIMILAR FOR ALL DISTRICTS)