

Local Law #1\_\_\_of 2017

A Local Law to amend Zoning Code Article VI of the Zoning Ordinance of the Village of Chestnut Ridge entitled "Supplementary Regulations, to allow for an increase in Floor Area Ratio of residential Single-family detached homes under certain conditions.

A provision shall be added to Zoning Code Article VI, "Supplementary Regulations", as follows: (New text in italics)

*5. Modified Floor Area Ratio Requirement for Single-Family Detached Residences with Deep Cellars*

*A. Where a single-family detached home is proposed to be constructed with a cellar in an R-35, R-25, or R-15 zoning district, the Building Inspector shall increase the maximum required floor area ratio by 0.05 if the following conditions are met:*

*(1) The Cellar must be contained entirely within the first floor footprint;*

*(2) The Cellar ceiling must at no point be more than three feet above finished grade of the ground adjoining the building and the first floor elevation must at no point be more than four feet above finished grade of the ground adjoining the building, except that the installation of window wells and exterior stairwells is permitted so long as the finished grade of the ground adjoining the window wells and stairwells is no more than three feet lower than the ceiling of the basement at any point;*

*(3) The average finished grade adjoining the building may be no more than five feet higher than the lowest curb elevation adjoining the lot;*

*(4) The first floor of the residence must not contain more than 40% of the total gross floor area of the building;*

*(5) Any floor area in a structure added pursuant to the provisions of this section must fully comply with the provisions of the New York State Fire and Building Codes.*

This local law shall be effective immediately upon filing with the Secretary of State.



277 OLD NYACK TURNPIKE, CHESTNUT RIDGE, NY 10977 / 845-425-8283 / FAX 845-425-7199

PLANNING BOARD  
Allan Rubin, Chairman  
Marc Levine, Deputy Chairman  
Myrna Arin  
Antonio Luciano  
Jeff Wasserman

December 1, 2016

Hon. Rosario Presti, Esq., Mayor  
Hon. Members, Village Board of Trustees  
277 Old Nyack Turnpike  
Chestnut Ridge, NY 10977

RE: Proposed Local Law to Amend Zoning Code Definitions of "Cellar," "Story," and "Gross Floor Area"

Dear Hon. Madam and Sirs:

The Planning Board of the Village of Chestnut Ridge has reviewed the above referenced proposed local law #1 of 2016 referred via letter dated October 11, 2016. The Planning Board recommends AGAINST adoption of the proposed local law as currently drafted. While the Planning Board believes that in certain circumstances some limited relief is warranted to allow for slightly larger homes, the proposed code as currently drafted would require the Building Inspector to approve the construction of additions, alterations and new or replacement homes that could be grossly out of character with existing neighborhoods.

The Planning Board believes that the existing floor area ratio (FAR) of 0.2 in most residential zoning districts and 0.25 in the R-15 already allows very large homes relative to the average existing Village home. These existing FARs allow for 10,000 square foot homes on conforming minimum size lots in the RR-50, 8,000 square foot homes in the R-40; 7,000 square feet in the R-35; 5,000 square feet in the R-25 and 3,750 square feet in the R-15. Additionally, the Village contains a range of larger lots throughout all districts, which would permit even larger homes. For example, a 16,000 square foot home could be constructed on a two-acre lot in the R-35.

A reasonable mechanism to allow for larger homes for larger families may make sense under certain circumstances. However, the proposed amendments could result in unintended and potentially deleterious effects including but not limited to:

1. Individuals grading up the land around their homes to qualify existing ground floors as "cellars" in ways that look obviously artificial and out of character with the area topography;

2. Individuals adding an additional story(ies) to existing homes that do not match the architecture of the existing home resulting in odd or ungainly looking homes and contrasting significantly with the neighborhood;
3. Individuals expanding their home parallel to the road<sup>1</sup> so that these new structures are much longer along the street with smaller than typical side yards than existing structures, affecting the essential character of the neighborhood;
4. Individuals converting existing two-story homes into ranch-style homes over cellars, accommodating the full FAR within one-story with matching cellar space beneath, thereby essentially doubling the permissible square footage of the home<sup>2</sup>;

Given that the proposed amendments are integrated into the definitions of the code, future home expansion or construction will not require review by any land use Board with discretionary authority. Instead the Building Inspector will be required to approve any building permit that meets the proposed definition. This allows for no subjective determination to be made that the relief being given under this provision would not impact the neighborhood.

In summary, the Planning Board feels that persons with larger families are already able to find adequately sized lots in the Village that will allow adequately sized homes under current FAR standards. It is understood that zoning cannot foresee every potential application, and therefore the Zoning Board of Appeals offers some relief for larger homes to be built in unique circumstances. Finally, the Board believes that an alternative code provision that allows for larger home expansions subject to land use board review would be preferable to the proposed amendments, which provide no safeguard against unintended adverse impacts.

Very Truly Yours  
VILLAGE OF CHESTNUT RIDGE PLANNING BOARD



Allan Rubin, Chairman

cc:\ Walter Sevastian, Esq. - Village Attorney  
Paul Baum, Esq. - Planning Board Attorney  
Florence Mandel - Village Clerk

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<sup>1</sup> A residential building typically maintains one dimension at around 30 to 50 feet to allow all internal habitable spaces to have exterior window area to meet building code occupancy standards. This means that as buildings are increased in floor area, they are likely to grow in width or depth, but not both.

<sup>2</sup> For example a 5,000 square foot two-story home could add an additional story to increase size to 7,500 square feet, but it could also add an addition horizontally and adjust grades around the building to increase size to 10,000 square feet.