

**PROPOSED LOT COVERAGE AMENDMENTS**

The following are responses provided by the Village staff and Frederick P. Clark Associates to the questions and concerns raised by the public during the Board of Trustees meeting on September 21, 2015 regarding the proposed amendment of the definition of impervious surfaces in Article IV, Lot Area Coverage of the Village Zoning Code:

1. The proposed amendments would take away the property rights of present and future lot owners.

**The Board of Trustees has the discretionary power to enact legislation it believes to be in the public interest, as in this case. The amendments proposed do not constitute a taking of property rights, as property owners may still develop their properties. The amendments protect the ratio of built areas to green open space on lots, which is part of the neighborhood character. The intent is to balance the rights of individual property owners with the rights of the community to continue to enjoy the traditional character of their neighborhoods.**

2. Why is the Board using the definition of impervious surfaces to address lot coverage?

**The proposed revision to the zoning definition of impervious surfaces is the simplest way to amend the code and will update the definition to be consistent with the definition of impervious in the Village stormwater regulations. Current civil engineering knowledge that forms the basis for standards used by NYSDEC and local municipal engineering departments throughout Westchester County, including Scarsdale, all include gravel as an impervious surface. Since the current definition provides a way to increase lot coverage when gravel paving is proposed, amending the definition will affect the maximum allowable lot coverage.**

3. Gravel, used to pave driveways, parking courts, patios and walkways is permeable.

**Although gravel, by itself, is permeable, gravel used for surface paving, laid over clay soil and/or rock or a compacted base, does not effectively percolate stormwater into the soil below and increases runoff on properties. More importantly, gravel, pervious or impervious, is lot coverage, a developed surface, not open space.**

4. The proposed amendments would create an unworkable burden for the Trustees and the Building Department.

**There may be an increase in applications seeking lot coverage variances if the proposed amendments are enacted. However, the magnitude of the increase remains to be seen. Currently 75% of all applications meet the lot coverage regulations.**

5. The amendments would foster more applications asking for garages facing the street and will bring houses closer to the street.

**Applications will continue to be reviewed by the Board of Architectural Review, which discourages front facing garages. The current front yard setback requirements will not change.**

6. There would be more applications to tear down existing homes on smaller lots with longer than average driveways, discouraging renovation and preservation of older homes.

**New applications for additions and renovations to older homes will balance site coverage with the desire for modern first floor living spaces that may include a family room and a larger building footprint. However, it may be economics, more than lot coverage that pushes a homeowner or developer to tear down, rather than renovate an older home.**

7. Amending the definition of impervious surfaces would cause uncertainty and delays for property buyers and sellers.

**Applications seeking lot coverage, or other variances, may experience uncertainty regarding approval of the variances sought, and a lengthened review process, the extent of which remains to be seen. However, a home built "as of right," which currently is 75% of recent Stormwater and Erosion control permit applications, would not incur any uncertainty or increase in the time needed for review and approval.**

8. The amendments do not deal with the trend of larger homes, which is an issue related to FAR, not lot coverage.

**Concurrently with looking at the issue of lot coverage, the Board of Trustees is has been reviewing the FAR in the Residence A District. The impervious surface definition amendments are not meant to affect the trend for large homes, rather the lot coverage amendments would help maintain the traditional balance of built space to green open space on lots, protecting neighborhood character.**