

M E M O

TO: Mayor Mark and Honorable Trustees
FROM: Paul Diamond, Claremont Road Properties
DATE: May 5th 2016
RE: Subdivision Recreation Fee 20 Claremont Road; Section 6, Block 6, Lot 7
Attachments: 2

Dear Mayor Mark and Honorable Trustees;

At the April 27th Planning Board meeting, Joshua Grauer, Esq. of Cuddy & Feder LLP had provided a letter dated April 20th (attached) for the planning board to consider in the hopes that it would also be reviewed by yourselves.

I am writing this memo in the hopes that you will consider a recreation fee based on a 4% tax on the average lot value for Claremont Road of \$807,000. I feel that the attached letter from Joshua Gruaer, Esq. supports a decision in this direction and is in consideration of the Village fee schedule (also attached).

As you consider the subdivision recreation fee for the subdivision of 20 Claremont Rd., please consider the above request as you finalize your decision.

Thanks in advance for your consideration.

Sincerely,



Paul Diamond, President
Claremont Road Properties, Ltd



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Joshua J. Grauer
Jgrauer@cuddyfeder.com

April 20, 2016

BY HAND DELIVERY

Planning Board
Village of Scarsdale
Village Hall
Scarsdale, NY 10583

Re: Subdivision Recreation Fee
Premises: 20 Claremont Road

Dear Chairman Blum and Members of the Board

We are in receipt of the Planning Board notes with the April 27, 2016 date.

This letter is to provide information to the board to consider when making a recommendation to the Board of Trustees regarding the recreation fee assessment for the 20 Claremont Road subdivision.

In reviewing the recreation fee schedule, it states that the lot values are based on:

1. lot values estimated by the assessor;
2. that a building lot is relatively level;
3. that the lot has adequate frontage; and
4. that public utilities are available.

1. Assessor Lot Value: Claremont is below average

Although the estimated lot value for A-3 is stated as \$825,000, it should be noted that Claremont Road values are well below. A review of 17 land values of properties on Claremont Road, ranging from \$709,000 - \$861,000 reveals an average lot value of **\$807,182** (analysis is based on lots at no. 10, 11, 13, 14, 15, 19, 22-34 –note the only omission is for the largest and “double lots” valued over \$900,000 – which is not the case in the creation of this new lot). Based on the aforementioned we urge the board to consider using the lowest value possible.

2. Building Lot is Level: Building lots are not level

A visit to the site and a review of the topographic survey reveals that the building lots are hilly and rocky (and, as a corollary to the amount of site work needed, there are a significant number of trees [18] that are in very poor condition and will need to be taken down). It was agreed by two engineers that we may be removing some 300-500 cubic yards of rock. Only following a tremendous amount of site work – probably around \$160,000 - \$185,000 worth of work,

requiring the removal of rock and the building of retaining walls, the removal of old diseased trees and the planting of replacement trees will the properties be at 65% level and meet a definition of a buildable lot that is “relatively” level (--please recall that a significant hilly, rocky buffer will stay in place at the rear and side of the lot. Until this work is done, we feel that the lot value is diminished to \$647,182 (\$807,182 - \$160,000) or more.

3. That the lot has adequate frontage

Both lots have adequate frontage to meet the requirements, however, it should be noted that one lot appears to have more frontage but then cuts back very quickly, making for the required quadrilaterals for building that are near to the minimum for each lot.

4. That public utilities are available

Public utilities are not available for both lots – a new connection to the Village sewer and water will need to be made, as well as establishing new connections with ConEd for gas and electric. All these connections bear tremendous expense to the owner.

Additionally, we would hope that the board would consider the following activities that are above and beyond typical as of right subdivisions:

During the three Planning Board meetings there were concerns regarding our arborist report, our engineers representation about the amount of rock removal and the time needed to remove the rock from the site, concerns over site distance, and concerns over storm-water. As such, we had to provide a tremendous amount of additional reports/documentation, including; (1) Village requiring that we pay \$4,000 for the Village to hire an outside Engineer to examine the site and rock, who, in essence, confirmed that the report about rock removal provided by our local and reputable Engineer was in fact confirmed through this peer review process; (2) site distance reports by our Engineer were updated and reviewed multiple times to resolve additional questions; and, (3) storm water plans were updated and reviewed multiple times, including a separate drainage analysis that was provided. On top of this, and in good faith, we hired another consultant (JMC) known for landscape design to comment on the plan and make recommendations that were incorporated. And finally, the Village assigned an arborist to review and report on the status of the trees who, in essence, provided a report confirming what our arborist had stated.

Summary and Recommendation

Addressing the above concerns added significant time and expenses that are above and beyond the majority of subdivision requests here in Scarsdale. Thankfully the conclusion of the planning board at the end of the review process supported our initial position: that we had a lot that met zoning requirements for two lots, that a tremendous amount of site work needs to be done to provide for a building lot that will meet the standards of today and allow for a modest level yard.



04/20/16
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Based on the standards that are used to evaluate the recreation fee, we feel that the lot in question is a minimal lot in need of much improvement and would urge the Board to recommend that the recreation fee be assessed at the lowest level on the rate sheet of 4%. Further we would urge consideration of an additional reduction in land value to account for the fact that the lot is below Scarsdale average assessment standards and in recognition of the tremendous amount of work that will have to be done to make the lot a viable building lot.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Joshua J. Grauer".

Joshua J. Grauer

**RECREATION FEE IN LIEU OF LAND FOR EACH NEW BUILDING LOT ESTABLISHED IN
A SUBDIVISION**

ZONING DISTRICT	MINIMUM LOT AREA (sq.ft.)	Value of Minimum Lot Area (sq.ft.)*	Lot Value	**4% of Value	**5% of Value	**6% of Value
AA-1	87,120	\$28.70	\$2,500,000	\$100,000	\$125,000	\$150,000
A-1	43,560	42.50	1,850,000	74,000	92,500	111,000
A-2	20,000	67.50	1,350,000	54,000	67,500	81,000
A-2a	15,000	60.00	900,000	36,000	45,000	54,000
A-3	10,000	82.50	825,000	33,000	41,250	49,500
A-4	7,500	100.00	750,000	30,000	37,500	45,000
A-5	5,000	100.00	500,000	20,000	25,000	30,000

* Figures rounded to \$0.05

** Fees established for each subdivision lot based on a range from 4% through 6% of the identified Lot Values for the applicable zoning district.

NOTES:

The Lot Values are based on estimates made by Village Assessor, Nanette J. Albanese, on 11/20/06 and are based on the assumption that a building lot is relatively level, has adequate road frontage and public utilities are available. Individual lot values may vary depending on locational and neighborhood factors, i.e. a busy street, overall higher/lower neighborhood property values, etc.