

FAQ – Harmon Zoning Change Recommendations

The questions below were posed at the October 28, 2008 Village Board Work Session devoted to a presentation and discussion of the Harmon Zoning Recommendations. The Harmon Economic Development Committee prepared the answers below to help facilitate the community's discussion of the recommendations.

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Why not study the entire village and all 3 commercial districts?

This is a great idea that the Committee agrees with. The Committee had offered to study the Municipal Place Gateway and Upper Village, but the Mayor wanted the scope of our work limited to Harmon initially.

Why is there a housing component? Wasn't this about business development? Why a second or third story?

These questions are closely related, so we will answer them together. The committee began with the facts-on-the-ground, not with a notion about adding any housing. But the truth is that six existing buildings on these parcels already have ground floor office/retail/commercial with residential dwelling units on the second and third floors. Furthermore, the parcels whose buildings incorporated existing mixed uses do seem economically viable. The common thread for all parcels that are vacant or under transition is they all contain a single commercial use and do not offer the mixed use. The vacancy rate in Croton for residential property is far lower, and less risky, than the vacancy rate for commercial property.

Economic modeling of Harmon properties showed an average return of plus 1.5% for an all cash development project and minus 3% for an 80% financed development project at the current Floor Area Ratio. Commercial demand for new commercial space in Harmon was determined to be a modest 15,000 sq ft. So suggesting more commercial space than that would not have made sense.

Increasing the allowable building size to a maximum Floor Area Ratio of .8 and allowing a third story for residential use significantly improves financial returns, minimizes the effect of commercial vacancies, and diversifies income for property owners. Returns greater than that provided by U.S. Treasury Bonds are a necessary incentive and catalyst for positive change in Harmon. Village tax revenue will increase by 174% and school tax revenue will rise by 6% in the most likely build out scenario (123 one bedroom units, or fewer units if larger than one bedroom). Six existing buildings on these parcels already have residential dwelling units on the second and third floors.

It turns out that the dwelling units (whether apartments or condos) actually help subsidize the cost of construction and maintenance of the new commercial/office/retail spaces. The irony is that “affordable business space” would be made possible by the market rate housing built above it.

Why not allow office/studio on second floor too?

The village should definitely consider allowing office or studio use on the second floor of a mixed-use building. This is a great example of why the Committee was so eager for a televised Public Presentation for public input! This option will be incorporated into an amended set of recommendations that will incorporate all the public input.

Why 190+ new units (or is that the maximum number)?

Table 1 in the Siccardi and Schiff report answered the hypothetical question of what happens if every parcel builds out to 0.8 (regardless of its size, location, or inherent drawbacks). That this number was theoretical and extreme case was not obvious from all

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planning jargon in the S&S report. The district’s parcels could never reach this extreme, but that left unsaid in the report. For Table 1, S&S calculated what would happen if all 36 affected parcels were built out to 0.8 FAR, ignoring any other constraints (like parking or setback requirements). The total number of dwelling units would be 198 (Table 1). But 190+ is NOT a feasible maximum! Why? After subtracting parking, ingress/egress, setbacks, and open space requirements, very few of the parcels can actually meet the other mandatory requirements that would allow a new building footprint of 0.8 FAR. Keep in mind, we propose 0.8 floor to area ratio (FAR) as a new ceiling (maximum), not a new minimum or even average! ☑As such the larger parcels that have rear access are able to reach higher FARs, but never more than 0.8 FAR.

Table 2 in the Siccardi and Schiff study is the one based in the REALITY. Table 2 contains the most important data. In it the planners asked: what is the largest building that this site-specific location would accommodate after subtracting land for open space, parking, setbacks, ingress/egress, etc. as the new recommendations require. Here S&S found that the 123 dwelling units would be created on the 36 parcels, or less than 4 units per parcel. ☑☑

Today approximately 30 apartments of various sizes are located on these 36 affected parcels within the Harmon district. The actual new maximum of 123 dwelling units—if every parcel is redeveloped—would represent roughly 90 more dwelling units than are there now. Therefore, 93 residential units is the actual ”impact” number that should be used, not 193!

Why apartments and not owner-occupied condos?

We think owner-occupied condominiums would be great for Harmon. The zoning recommendations do not favor rental units over for-sale units. Under the proposed zoning, a developer could propose and build luxury condos above a first floor of professional offices.

Why does the report mention 1 bedroom apartments?

To estimate the income from residential floors of a new development, we had to adopt a common metric. Since local realtors informed the committee that 1-bedroom condos and rentals “go like hot cakes” in Croton, we decided to use a one-bedroom unit as a basis for estimating monthly rent. In fact we underestimated likely income by using \$900 per month for 1 BR units, when the actual is almost \$200 higher. One-bedroom units also had lower vacancy rates in this area. Another reason to use this size as a stand-in for our purposes was that planners assign a common size of 1,000 square feet to each 1-BR condo or rental. This 1,000 sq ft includes floor areas outside the actual unit that are shared with others in the building, such as stairways, hallways, laundry or common rooms. And 1,000 sq ft was a nice round number for our calculation purposes.

But, of course, two or three bedroom units could be built as well under the proposed zoning. That would be up to the developer ideas about what would be marketable. The existing village code does not dictate specific sizes for residential units, except the limits on overall building size and footprint. So the committee was following the existing village code on this topic.

What additional village services would be needed by new residential and commercial space?

The most expensive residential development for the village is a detached single family home and the services that each home requires. The least service intensive development is multistory commercial building on an existing street block that is already provided with utilities, water, and sewer. From that perspective, concentrating development to an existing corridor on multiple floors has the lowest tax impact of any kind of development. This section of Harmon coincidentally also has newly renovated water mains with ample capacity for growth in water use.

What is the likely impact on school taxes if 40 new school age children arise from development?

Adding children to a school does add expense. But the school impact calculation is both quite complex and not necessarily linear. The 30 existing apartments on this section of S. Riverside now already send children to the schools.

The school expenses tend to rise for each group of 20 in a single age cohort that arrives: a handful of additional first graders get spread around, but 20 more means adding a first grade teacher. If all the parcels were built out to their maximum achievable size—adding 93 more residential units—and if each unit added 1 child, that would result in 93 more children in the school system. But, as school board members pointed out, the likelihood is very strong those children would be spread across the twelve grades and would enter the system over a number of different years. Meanwhile, the tax revenue of a full build out would be considerable and would accrue each year.

We have to keep this potential population impact in perspective. Throughout the school district, there several hundred single-family residential parcels that could be built on tomorrow as of right, yielding a much higher school impact than might be the case from these Harmon zoning changes. New single-family homes today contain at least 3 bedrooms and often 4 bedrooms and attract families with existing children. By contrast, apartments or condos typically attract younger couples who may not yet have started a family, or older couples how are downsizing as empty-nesters.

What are the state requirements for affordable housing?

The state has no requirements on workforce or affordable housing for Westchester County municipalities. Workforce housing bills have been introduced in Albany, where they have languished in committee for a very long time. A workforce housing bill was signed by the Governor for two counties on Long Island. But that bill is now heavily contested by one of the larger towns (Southampton) as unworkable and poorly conceived. Further, any state bill would have to gain the support of the Westchester County legislature, which at this point has expressed no interest in new unfunded or regulatory mandates from Albany, for housing or other housing related issues.

The simple truth is that someone could seek to build below-market rate housing using existing federal, state and county programs. But again, the fiscal realities here in Croton are that the developer would need the housing portion of project to support the ground floor commercial/office space, not the other way around. In other words, the pressure

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would be to build high-end housing (condo or rental) that brings in top dollar and to use the housing revenue to offset any sluggishness in the commercial rental spaces.

What about the homeowners on the blocks who abut the proposed district (lighting, screening, traffic, etc)?

The current situation for abutting homeowners is not good. Several of the buildings on S. Riverside whose rear face Young Avenue now have virtually no screening to protect the homes and backyards on Young Avenue. The Comprehensive Plan (2001, 2003) and Gateway (2005) regulations call for more robust setbacks and better screening. The Gateway regulations only applied to the block between Benedict and Croton Point Avenue. Since no redevelopment has taken place, these new requirements have not been put into action. Therefore, under the new Harmon zoning recommendations, the better protections under the Gateway would be extended further north along S. Riverside to help more homeowners on abutting parcels. The traffic impact is worthy of study. But again, this has to be considered in perspective. The prior use of one large corner site as an automobile dealership and repair facility had a long-term negative impact on traffic and parking in the neighborhood.

What does shared parking mean?

There are two kinds of shared parking in this area now. When multiple uses exist on a parcel, they can share the parking over the course of a day. The “within” lot parking is where the committee concentrated its efforts. Parking is also shared between two adjoining parcels. This “between” lot parking arrangements exist now for numerous Harmon owners, now by written agreement between those parties.

The committee’s recommendations sought to maximize the parking within each parcel. Residential parking needs peak from 6 pm to 8 am. Commercial/retail/office parking needs typically peak between 8 am and 6 pm. Therefore, when commercial and residential uses overlap on a parcel, the same parking spot may be occupied by a condo owner overnight and a customer during the day. Hence the committee is proposing that one of each two residential parking spaces could be counted toward one commercial parking space in a mixed-use building. Reducing the number of driveways onto Riverside will also increase the land available for parking. Placing parking in the rear and sharing side access will also increase the number of parking spots on the affected parcels. All of these measures are included to limit the impact of parking spilling out onto the nearby residential streets.

The hypothetical ‘rear alley’ suggestion in the committee’s report would be one example in which ‘within lot’ parking numbers are determined as minimums and the ‘between lot’ solution is the rear access alley to increase the space available on the affected lots for parking.

What about adding park area or visual improvements for the new residents?

The Village could consider imposing a special improvement district charge against new construction and renovations with change of use. A charge of 0.5% of construction costs for a District Improvement Fee for all building permits issued in the district could provide the funding for adding recreation, park or sidewalk amenities. The Visual Environment

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Board or other advisory board could recommend how these funds be used directly to the Village Board. One caveat is that such required additional upfront fees may negatively affect the prospects for redevelopment.

In the long run, a host of physical improvements in the district may be desirable, including enhanced streetscape (paving, street trees and other plantings, benches, planters, trash and recycling containers, pedestrian lighting, signage), roadway improvements (pedestrian striping, curbs for neck down areas), and other infrastructure (sewer, drainage).

Is this way too big?

Six existing buildings on these parcels already have approximately 30 residential dwelling units, most on second and third floors.

The real number is a net possible gain of 93 dwelling units of 1,000 square feet each—if every parcel builds out to maximum potential. If we assume 3 people per unit, the 93 units result in 270 people living in the new units. If we subtract the number of people living in the existing apartments already—conservatively 30 apartments with 3 people each or 90 people—the net impact in population is about new 180 people.

Keep in mind the total square footage of dwelling units is capped by virtue of the floor to area ratio. If a developer has a ceiling of 5000 sf available for residential, he could carve those square feet up anyway he wants: as one huge 5 BR unit, as three 2 BR units, or as five 1 BR units.

Won't apartments “attract more mattresses” than we think?

What will really “attract mattresses” is if properties in Harmon (or elsewhere) continue to suffer lack of investment. It may be possible to institute maximum occupancy caps, for example, a 3 occupant maximum for 1 bedroom units and 2 occupant maximum for each additional bedroom. The committee will suggest the village explore such possibilities. This “many mattress” problem is social and economic condition stemming from underlying causes (such as a low wage economy which fails to provide health care or lift workers out of poverty). More and better local jobs helps people climb out of these situations.

How was the existing comprehensive plan taken into consideration in these recommendations?

The Village Comprehensive Plan set the stage for all the work the committee undertook. A number of the committee members played active roles in the deliberations that lead the adoption of the Comprehensive Plan. The committee’s liaison the Village Board is Ann Gallelli, who chaired the village’s Comp Plan committee for its entire duration. Keep in mind that the Comp Plan is set of general principles. What the Declaration of Independence is the Constitution, the Comp Plan is to the actual subsequent revisions of the village code to make those principles come alive. The Gateway legislation adopted in 2005 is a direct result of the 2003 Comp Plan. Today’s Harmon zoning recommendation goes even further and is built specifically upon the Gateway zoning enacted three years ago. In short, the values embodied in the Harmon zoning recommendations are fully

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compatible with the Comprehensive Plan. These specifically include improved sidewalk safety, enhanced landscaping, generous but more uniform setbacks for buildings, parking on site, reduction of curb cuts, and revitalization of the commercial district itself as a gateway to the village.

Is a mansard roof acceptable?

Yes, we showed traditional dormers in a sketch, but a mansard style dormered roof for the third story would be perfectly acceptable. The key point is the maximum building height in the district now is 35 feet and this height limit would NOT change if the recommendations were adopted.

What effect do these sidewalks setbacks and first floor window requirements have?

Riverside Drive is no longer a four lane state highway. The district's shopkeepers would benefit from window shoppers traveling at 3 miles an hour (walking) versus 30 miles an hour (driving). Four general conditions create the best three general conditions: (1) sidewalks that are wide enough to accommodate two or three people walking side by side (this already exists on the west side of Riverside Drive between Benedict and Onieda, and needs to be created on the east side as well); (2) buildings that are 'side by side' and a roughly similar distance from their façade to the street, in other words, that the sidewalk space is wide and stays roughly uniformly wide all the way down the block); (3) as few driveways as possible that interrupt the pedestrian zone; (4) views into the front windows of the first floor shops and offices (aka maximize window shopping). The zoning recommendations are designed to improve these four "walkability conditions."

What are backgrounds of Harmon Economic Development Committee?

Kieran Murray, Committee Chair, Business Consultant, Real Estate Developer

Joseph Biber, Urban Planning Consultant, Chair COH Conservation Advisory Council

Julie Evans, AIA, Julie D. Evans Design and Architecture

Jeremy Ezra, Retail Real Estate Consultant

Rob Luntz, AIA, Resolution:4 Architecture

Douglas Wehrle, Senior VP New York State Empire Development Corporation, Chair COH Advisory Board on the Visual Environment

Leo Wiegman, Environmental Consultant, former Village Trustee

Liaison: Ann Gallelli, Village Trustee, and President, Westchester Municipal Planning Federation.

What would the impact be for properties on Young Ave. with back yards abutting proposed shared parking on Riverside?

Most of the back yards on Young between Benedict and Oneida already abut commercial or multifamily or mixed use properties with parking towards the back. Street lights & traffic from Riverside is visible now through the significant gaps between buildings on Riverside. Many of the commercial properties on this block of Riverside already have a 15' wide or wider buffer zone with trees at the rear. A similar buffer would be required

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for all properties along that block. The proposed plan would keep the mixed used buildings at a more consistent distance (and in many cases greater distance) from back yards on Young than exists presently. The difference will be some new buildings on Riverside will be taller than existing, but with a maximum height of 35' at the ridge (this is *lower* the maximum height allowed for single family homes since that calculation uses the average roof height), and there will be some thru traffic to access rear parking.

What architectural controls can the village have for new buildings in this district?

We recommend architectural review of both the front *and* back sides of any new buildings in this district, as all sides will be visible and impact the existing neighborhood. Minimum glass area facing the street for the first floor of mixed use is recommended in the report. We would recommend limiting exterior lighting angles, especially for the shared parking zone abutting yards on Young. As for prescribing architectural style or colors or materials, the village code does not have such requirements in other commercial districts. The village currently has architectural review within the planning bd. process, and visual and environment board reviewing signage and commercial facades.