

Stephen C. Effler
274 North Ridge Street
Rye Brook, NY 10573



December 13, 2016

Rye Brook Board of Trustees
938 King Street
Rye Brook, NY 10573

Re: 259 North Ridge Street Zoning Change Application

Lady and Gentlemen:

This is in response to the "Memorandum" from Dean Santon. Since he did not give contact information, I have not sent him a copy.

I understand his point about NIMBY and resent his ugly implications. However, NYS Village Law 7-708 specifically recognizes the compelling interest of nearby neighbors in authorizing a super-majority petition as does our code in section 250-26.1 F 3 (b) relating to numerous considerations as to the substantial impairment of property value.

In addition, the First Amendment to the US Constitution as well as the 8th & 9th sections of Article 1 of the NYS Constitution secure our rights to protest and to petition our governments. If Mr. Santon wishes to travel to Rye Brook to protest, I will respect his right to do so, even though I disagree with his point of view.

Mr. Santon never really deals with the issues that this lot is not suitable for FAH development (assuming that it is suitable for any development at all). For example, look at the flat, apparently dry lot on Bowman Avenue which is presently being developed. It is one block from two Rye Ridge Shopping Centers, two blocks from the stores at the intersection of Bowman and Westchester and about three blocks from the Washington Park Plaza shopping mall on South Ridge. There is more shopping on South Ridge Street and yet more on Regent Street, a few blocks away.

It is one block from public transportation on Westchester Avenue. It is two blocks from Port Chester Middle School and about four blocks from Port Chester High School. Since the neighborhood is multiple dwelling and commercial, the property values of neighbors should not be materially impaired.

259 North Ridge is steep, wet, distant from shopping and transportation, distant from two out of three schools, and located in a one family residential district.

Mr. Santon makes extensive comments about other multi-family developments. I submit that prior decisions do not mandate current decisions. Land is recognized in law as a

unique asset. If the Board is not going to disregard Mr. Santon's opinion, then I would ask the Board to evaluate the other lots as compared to 259.

Mr. Santon also criticizes the fact that Ms Lanosa and Ms Katz have obtained Board approval for variances for their own residences. This does not appear to me to be relevant to the current administrative proceedings. It seems that Mr. Santon approves of Board actions if they agree with his opinion (various multi-family developments that he listed) and disapproves of others.

Mr. Santon, previously the leading conservationist in Rye Brook, assures us that the majority of the trees will not be cut down. Since the lot is almost four acres, mostly unbuildable, I am sure that he is right. The new buildings will total about 6,000 square feet in footprint, plus driveways, parking lots and retaining walls. Certainly these areas would not contain the majority of the trees on the lot, but contain is no small number of trees.

Mr. Santon cites theories that runoff is under control. Local residents tell me emphatically that it is not.

I am pleased that Mr. Santon is leaving issues of wetlands and runoff to professionals. He could have included steep slopes, too. Of course, I don't see that he has the authority to choose to leave or control these issues. I believe that they all have to be referred to the Planning Board with or without Mr. Santon's control or input.

I am no expert in this field of law, but it seems to me that, the proposed multi-family "box" building*, and other parts of the proposal are not in compliance with the present R-15 Zoning with Scenic Overlay. I see issues of bulk, harmony, quality of life, health and safety, impairment of value, minimum modification, parkland to be donated, usable space, R15 setback(40 ft.), scenic overlay setback(60 ft), vegetative setback and height to setback ratio. I am sure that a review of Robert Gaudio's letter will disclose even more problems.

My wife, Debby, and I have lived here for 39 years. Approximately the southern 50 feet of our property is directly across the street from the Northern portion of 259. It is often difficult to get in or out of our driveway, despite the fact that we have about a 70 foot better line of site than the driveway to the proposed multi-family "box" building and hundreds of feet more than the other two proposed lots. Mr. Santons argument that there are other dangerous areas does not convince me that the Board should go out of its way to make a new one. Also, I submit that a driveway coming from a one-family house is 80% less dangerous than a driveway coming from a 5 unit multi-family "box" building.

I also note that 250-26.1 F 3 (b) 6 & 8, although frequently or generally in conflict, work together in this case. During one Planning Board meeting the Architect, representing the builder, in front of myself and many other witnesses, said that the builder will not make a profit on the FAH units. He will make his profit on the market rate houses. Therefore, the "...modification or waiver [which] is the minimum necessary to maintain the

economic viability of the development proposal." is no modification, leave the property R-15. Also, by doing so, the project will not ".. substantially impair the value thereof [referring to adjacent land and buildings].

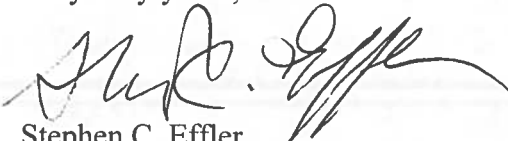
Mr. Santon's chart, in section 3 C, showing a 4270 average square feet is captioned "Sampling of Homes in the Area. However it has been achieved by cherry-picking larger homes farther away than my computed average of 2174 square feet. My chart used all the homes on North Ridge Street and one on West Ridge Drive that are near the project. Please compare my methodology to the requirements of Village law 7-708.

If I had wanted to make a deceptive chart, I could have included the smallest homes from the R-7 or R-5 zones and come up with a much smaller number. Since the buildings are proposed to be closer to the Ridge Street side of the lot, I did not include Eagles Bluff. I calculate that the inclusion of the Katz and Lanosa houses raises the average from 2171 to 2299 square feet. Therefore, instead of being 2.95 times bigger than average, the proposed multi-family "box" building is "only" 2.78 times bigger than average. Note it is even 1.5 times bigger than the cherry-picked average. I know that the Architect would consider this similar, but I do not.

Mr. Santon's chart in section E is similarly deceptive. Besides cherry-picking and distance, it is incorrect as to the size of 270 North Ridge Street (one of the only three close ones, and right across from the proposed multi-family "box" building location). According to three separate real estate websites, Trulia, Zillow and Realtor, our next door neighbor's house, 270, is 2480 square feet, not 3705. Also, note that the huge BOCES headquarters was a 1926 one-family private mansion that is now operated by a governmental unit.

Please include this letter in the administrative record for this application.

Very truly yours,



Stephen C. Effler

*In deference to Mr. Santon, I will not call it an apartment building even though both Webster's and Dictionary.com agree with me.