



## **Memo**

To: Mayor and Board of Trustees  
From: Greg Cutler, AICP- Village Planner  
CC: Dan Sarnoff- Acting Village Manager, Robert Spolzino-Village Attorney, Dan Gray- Building Inspector  
Date: 11/21/2018  
Re: PLL-V Regarding the definition of a Half Story

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### **Background**

This item was identified as a potential area of concern by the Building Inspector. The memo from the Building Inspector dated October 4, 2018 states the following:

When 342-3 was adopted, the state code required a minimum structural ceiling height of seven feet six inches for habitable space in a swelling unit. As a result, the code defined a “half story” as having not more than 50 percent of the area as having a ceiling height seven feet six inches, which was then the requirement for habitability. The latest version of the state code reduces the minimum ceiling height for habitable space to seven feet. As a result, a builder could now construct, lawfully under the Village code, a residence with a “half story,” all of which is habitable because it has a ceiling height of seven feet. By changing the definition of half-story to conform to the state code, a half story will continue to be what it was intended to be—a story that is half habitable.

The proposed local law would change the definition, as described in the memo quoted above, from seven feet six inches to seven feet. The change would also comport with the definition of Floor Area, Gross in the 342-3 which indicates that attic space with a floor-to-ceiling height of less than seven feet is excluded from the gross floor area, which is utilized to calculate floor area ratio (FAR).

### **SEQRA Analysis**

It is recommended that the proposal be treated as unlisted action under SEQRA. A review of the Type 1 and Type 2 actions was performed, and the action does not match the parameters outlined on the lists.

### **Referrals**

Required:

- GML and Westchester County Administrative Code- Westchester County Department of Planning

- Harbor and Coastal Zone Management Commission

Recommended:

- Planning Board
- Zoning Board of Appeals