



VILLAGE OF DOBBS FERRY
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PLEASE TAKE NOTICE that a continuation of the public hearing will be held before the Board of Trustees of the Village of Dobbs Ferry, 112 Main Street, Dobbs Ferry, New York 10522 on March 22, 2011 at 7:30 p.m., for the purposes of consideration of the adoption of a Local Law amending the Land Use Regulations and Zoning Ordinance Article 2: DEFINITIONS §300-2.1 General Terms of the Village of Dobbs Ferry by adding or modifying definitions as follows:

PROPOSED LOCAL LAW NO. 3-2011

A Local Law amending the Land Use Regulations and Zoning Ordinance Article 2: DEFINITIONS §300-2.1 General Terms Village Code of the Village of Dobbs Ferry

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry hereby amends the Land Use Regulations and Zoning Ordinance Article 2: DEFINITIONS §300-2.1 General Terms of the Village of Dobbs Ferry Code to read as follows:

Chapter 300 Taxation Land Use Regulations and Zoning Ordinance

Article 2 : DEFINITIONS

§300-2.1 General Terms

Eave Height, Prevailing

Add the words “existing” and “neighborhood” and remove “on all lots” so that the first sentence reads: “The average eave heights of existing buildings located within the Neighborhood of, but not a distance greater than 200 feet from, the property being considered by the Architectural and Historic Review Board.”

At the end of the definition, add, “(Please refer to Section 300-4.1)”

Impervious Surface

Add “parking decks” to the list.

Mixed Use Building

Add definition. “A building containing more than one of the uses listed on Tables A1, A2, or A3.”

Multi-family Dwelling

Add definition. “A building containing three or more residential dwelling units.”

Multi-family Housing Complex

Add definition. “Two or more multi-family dwelling buildings in one development project.”

Neighborhood

Add definition. “A Neighborhood shall consist of all lots contiguous to a subject property, as well as all buildings fronting on the same street as the subject property within 200 feet of the subject property.

Ridge Height, Prevailing

This definition needs to be moved out from under “Signs” and alphabetically correct in the definitions section.

Add the words “existing” and “neighborhood” and remove “on all lots” so that the first sentence reads: “The average ridge heights of existing buildings located within the Neighborhood of, but not a distance greater than 200 feet from, the property being considered by the Architectural and Historic Review Board.”

At the end of the definition, add, “(Please refer to Section 300-4.1)”

Sky Exposure Plane

Add diagram provided by PP&G. Add “in OF and MDR-1 residential zoning districts” at the end of the first sentence so that it reads “A theoretical inclined plane, through which no part of a building may penetrate in OF and MDR-1 residential zoning districts.”

4.1.C.(1)

Add “(1) The Architectural and Historic Review Board has the right to refuse to hear applications that are not compliant with the provisions of this Code or that are not complete.”

Adding this paragraph requires each of the following paragraphs to increase by one in enumeration.

4.1.C.(1) (Old)

Remove “on a lot within two hundred (200) from the proposed site”. Replace with “on a lot fronting upon the same street and within two hundred fifty feet (250) of the proposed site”.

4.2.C.(2) (Old)

Remove “on a lot within two hundred (200) from the proposed site”. Replace with “on a lot fronting upon the same street and within two hundred fifty feet (250) of the proposed site”.

4.1.C.(3) (Old)

Change the word “In” to “For” and qualify the residential districts by adding “OF and MDR-1” to read “For any application in an OF or MDR-1 residential district

submitted...” The other residential districts are not subject to these restrictions.

4.1.C.(3)(i)

Remove”on lots within 200 feet of” and replace with “within the Neighborhood of, but not a distance greater than 200 feet from...” Add “Refer to Table B-7" at the end of the paragraph.

4.1.C.(3)(ii)

Remove “on lots within 200 feet of” and replace with “within the Neighborhood of, but not a distance greater than 200 feet from...” Add “Refer to Table B-7" at the end of the paragraph.

4.1.C.(3)(iii)

Delete the sentence at the end of the paragraph “The Architectural and Historic and Historic Review Board may modify...”

4.1.C.(3)(iv)

In front of the (A), (B), and (C) paragraphs, add “The Architectural and Historic Review Board may modify the limits above to accommodate a proposed building when the Architectural and Historic Review Board determines that:” This is then followed by the three paragraphs noted above.

4.1.C.(3)(iv)(B)

Remove the word “and” at the end of this paragraph.

4.1.C.(3)(iv)(C)

Add the word “and” at the end of this paragraph.

4.1.C.(3)(iv)(D) (new)

Add “The applicant has provided a written request for consideration acceptable to the Architectural and Historic Review Board outlining the conditions in (A), (B), and (C) above that justify such modification.”

4.1.C.(3)(v) (new)

Add “A table listing the eave heights and the ridge heights of all relevant buildings used in determining the prevailing eave and ridge heights shall be provided with the documents submitted to the Architectural and Historic Review Board for the application. The table shall show the prevailing eave height based on the calculation as per Table B-7.”

4.1.C.(3)(vi) (new)

Add “Diagrams showing the sky exposure plane relative to the proposed building shall be included on the drawings submitted for the application to the Architectural and Historic Review Board.”

4.1.C.(3)(vii) (new)

Add “For building designs that do not meet the standards stipulated in (A), (B), and (C) above, it is strongly recommended that the applicant submit massing diagrams that demonstrate why the project cannot comply or why the deviant design is preferable. The Architectural and Historic Review Board may require that these diagrams be submitted for its review. The burden of proof is on the applicant.”

4.1.C.(4) (new)

Add “The Neighborhood referred to in (1), (2), and (3) above shall be defined as all lots contiguous to a subject property, as well as all buildings fronting on the same street as the subject property within 200 feet of the subject property. The Architectural and Historic Review Board may also omit buildings within the 200 foot distance from the calculations that it determines are an anomaly within the Neighborhood.”

4.2. and 4.3

Switch with 4.2. and 4.3.

4.3.C. (Old)

Insert “the application within 45 days of the first meeting on the application,” between “...or approve” and “subject to conditions...”

10.1.D(1)

Add the word “either” and change the words “or” to “and and “zone” to “zoning” so that the statement reads “The minimum lot area shall be the greater of either the minimum stipulated in Table B-1 and B-2 (depending on the underlying zoning district, or the average...”

10.1.D(8)

Add the words “OF and MDR-1” in front of “residential districts shall...”, since all of the sub-paragraphs apply only to single-family buildings. Adjust the 200 foot distance for determining prevailing ridges and eaves to be consistent with the change proposed in 300-2.1., above.

10.3.A.(b)

Identify this as Waterfront District A, not just Waterfront District.

10.3.A.(3)(c)(iv)

Omit this, since it pertains to Waterfront District B, not A.

10.3.B.(1)(b)

Identify this as Waterfront District B, not just Waterfront District.

10.2.B.(3)(b)

Omit this, since it pertains to Waterfront District A, not B.

10.3.C.(6)

Add the word "and" between "'LWRP" and "the Vision Plan".

11.3.B.(4)(b)

Remove “equal to the cost of developing the required number of affordable housing units” and change “to be included in the schedule of fees adopted” to “determined” so that the sentence reads “(b) Require the applicant to pay a fee into a Special Affordable Housing Fund in an amount determined by the Board of Trustees.

11.5.A.(2)

In the last sentence, add the words "requiring a building permit" between "All retaining walls" and "shall be submitted..."

11.9.A.(4)

Change this to 11.9.B. PEDESTRIAN CONNECTIONS, with all subsequent letter paragraphs changed by one. In other words, B. becomes C. etc.

11.9.B.(1)

Add the word "particularly" to read "disturbance within areas of steep slopes, particularly on lots where it would otherwise be possible to avoid the steep sloped areas..."

11.9.C.(4)(c)

Move this paragraph to become (4) under Section 300- 11.9.B. STEEP SLOPES.

11.9.D.(2)(b)

Change the punctuation to read "...replacing damaged or destroyed landscaping, if the plantings are not completed within a period of one year from the date of issuance of the building permit. Any amount not so expended shall be returned..."

11.9.D.(3)(d)

The Sections 281-1 through 281-6 cited have been repealed.

11.11.H.(1)

Change the word “shall” to “may” in the first line and add “at the discretion of the Planning Board” at the end of that sentence. Delete the last sentence "This alternative shall not apply to property in residential zones." It is in conflict with other Sections which specifically permit this parking.

11.13.B.(5)(b)

Delete the last sentence "Internally lighted signs are prohibited." It is in direct conflict with Section 300.11.13.K.

11.13.E.(2) and (3)

These two paragraphs contradict one another as written. Combine so that signs have to be removed by June 1, 2011, unless the owner has complied with the conditions in (3), which would then allow the sign to remain until June 1, 2013.

12.1.A.(1)

Add “(f) A change of use, as defined in Tables A-1, A-2, and A-3, of more than 1,000 square feet in an existing building.”

12.1.A.(1)

Add the three paragraphs inadvertently deleted:

“(c) The construction of a new building with more than 250 square feet of floor area.

(d) The expansion of any existing building by more than 250 square feet of floor area.

(e) The expansion or reduction of an existing one or two family structure by more than 250 square feet, by more than ten feet horizontally, or by more than ten feet vertically.”

12.1.C.(4)

Move this item to Section 300-12.1.D.(7). Remove the word “draft” from the first sentence and change “preliminary subdivision plat approval” at the end of the first sentence to be “site plan approval”. Delete the last sentence “The approved preliminary subdivision plat shall be consistent with the provisions of this chapter.”

12.1.D.(4) (Old)

In the last sentence, insert the words, "and/or driveways" between "design of roads" and "shall be avoided."

12.1.E. (Old)

Modification of Waivers incorrectly cites subsection E. below. With the relettering of the paragraphs, it will now be G.

12.1.F. (Old)

Variances incorrectly identifies subsection D. above. With the relettering of the paragraphs, it will now be F.

12.1.H. (Old)

In (3), delete the words "or subdivision plat".

12.1.J.(1)(a) (Old)

Delete the last phrase "of the residents of the Village".

12.1.J.(1)(c) (Old)

At the end of the sentence, change “and” to “an”, so that it reads "...Village from both an operational and capital perspective".

13.1.N.

Delete “SURFACE” from the title. Add “or accessory” so that the sentence reads “Off-street parking as a principal or accessory use shall.”

13.1.F.(1)(f)

Insert the word "open" between "maximize" and "space."

13.1.N.(4) (Old)

Change the referenced Section from 300-11.13. to 300-11.11.

14.3.

Delete everything after the first sentence. In Dobbs Ferry, only the Planning Board acts on subdivision applications.

14.16.A.

Delete the words "time of" from between "After the" and "submission of the" in the first sentence.

14.20.

Delete “In the event the owner shall file only a section of such approved plat in the Westchester County Clerk’s office, the entire approved plat shall be filed within 30 days of the filing of such section with the Clerk.”

14.23.L.

End the first sentence after “...a civil engineer licensed by the State of New York.” Delete “the length of time devoted to supervision to be approved by the Land Use Officer and continue until the subdivision is finally approved.” Change the next sentence to read "...either employed or to be employed on the subdivision by the subdivider in order to avoid conflicts with the consultants selected by the Village." At the end of the paragraph add “The supervising civil engineer shall be present at the site, at all times as required by the Land Use Officer, until the subdivision work is completed and approved.”

Tables A-1, A-2, and A-3

In Household Living, remove the word “complex” from “Mixed- use building complex”, making it “Mixed-use building”.

Table A-2

Under DB in Household Living, change the one and two- or three-family dwelling categories from “N” to “SP”.

Table B-1 and B-2

Add the word “net” so that under the “Zone” column it reads “[Min. net](#) lot area (sq.ft.)*”

At the base of each Table add:

“* The net lot area is determined by deducting the adjustments stipulated in Section 300- 9.5.A.(2) from the gross lot area.”

Table B-7

Under Context Based Limits for Maximum Ridge Height and Maximum Eave Height, remove the word “of” and add “the neighborhood of, but not a distance greater than 200 feet from...” so that the two sentences read as follows:

“1.25 times the average ridge height of buildings on lots within the neighborhood of, but not a distance greater than 200 feet from the subject property.”

“1.15 times the average eave height of buildings on lots within the neighborhood of, but not a distance greater than 200 feet from the subject property.”

Table B-10

Eliminate “5 acres” under EI for Min. lot size.

Table B-10 Footnote 7

Make the word “district” plural in “with the exception of The WFB and CP districts”. Add “The footprint of open parking deck structures shall be included in the calculations for Maximum lot coverage by impervious cover, but not in the calculations for Maximum lot coverage by buildings.”

Table C-1

Under “Minimum Parking Required” for “Office, medical, and dental”, change “1 space for each 250 square feet of floor area” to “1 space for each 333 square feet of net floor area”. Add “net” to the categories of “Adult use” and “Manufacturing and production”.

Elizabeth A. Dreaper
Village Clerk