



VILLAGE OF DOBBS FERRY

112 Main Street

Dobbs Ferry, New York 10522

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RESOLUTION 4-2020

**RESOLUTION OF THE VILLAGE OF DOBBS FERRY PLANNING BOARD
SITE PLAN APPROVAL
23 Manor Place**

WHEREAS, Pisa Financial Services LLC (“Owner”), is the owner of 23 Manor Place, Dobbs Ferry, New York, which property is shown on the tax assessment map of the Village of Dobbs Ferry as Section 3.100, Block 69, Lot 6, and located in the OF-6 zoning district (the “Property”), and

WHEREAS, in or about August 2016, Owner applied to the Planning Board to subdivide the Property into two (2) lots, which application provided for, among other things, the use of an existing demapped paper street running along the southerly boundary of the Property (the “Paper Street”) as access for both proposed lots to and from the public road known as Temple Place, which application, according to Owner’s counsel was held in abeyance when litigation ensued between Owner and an adjacent property owner; and

WHEREAS, said litigation commenced by Owner in Supreme Court, Westchester County (Index No. 61743/2016) against the owners of the adjacent 14 Temple Road (the “Temple Property”) was brought to maintain Owner’s access over a portion of the Paper Street lying adjacent to the Temple Property; and

WHEREAS, by a Stipulation of Settlement between the parties, it was agreed that each party would be permitted to use the Paper street for ingress and egress subject to the terms of a certain Shared Driveway Agreement dated February 3, 2018 (the “Shared Driveway Agreement”); and

WHEREAS, the Village of Dobbs Ferry is not a party to either the Litigation or the Shared Driveway Agreement and the Planning Board does not take any position as to either; and

WHEREAS, Owner thereafter applied for site plan approval to

“pave [a] gravel/dirt driveway with asphalt and to reestablish access to the [P]roperty from the Temple Road via paper road. A portion of this paper road is already used by the adjacent property, so it will need to be extended and turned into a shared driveway at the Property.”

hereinafter, the “Application”; and

WHEREAS, the Application was discussed at pre-submission conferences held by the Planning Board on August 8, 2019, and December 5, 2019¹; and

WHEREAS, the Planning Board opened a public hearing on January 9, 2020 to review the following application materials submitted in connection with the Application:

- Site Plan Application dated 12/9/19,
- Sheet 1 of 2 entitled “Site Plan” prepared by TJ Engineers, LLC and bearing last revision date of 7/2/20
- Sheet 2 of 2 entitled “Details”, prepared by TJ Engineers, LLC and bearing last revision date of 7/2/20
- LWRP Consistency Review Coastal Assessment Form, dated 12/9/19
- Short Environmental Assessment Form, undated
- Stormwater Management Report, prepared by TJ Engineers, LLC, bearing last revision date of 6/18/20

collectively, the “Plans”; and

WHEREAS, the public hearing was adjourned to February 6, 2020, March 5, 2020, May 7, 2020, and June 4, 2020, at which latter date, the public hearing was closed; and

WHEREAS, over the course of the Planning Board’s review of the Application, the Village’s Planning Consultant, James J. Hahn Engineering, P.C. prepared review memoranda dated June 4, 2019, November 22, 2019, January 9, 2020, January 31, 2020, February 20, 2020 and May 12, 2020, and engaged in numerous email communications with Owner’s engineer, Tessa Jucaite, P.E. of TJ Engineering, LLC (“Owner’s Engineer”); and

WHEREAS, Owner’s Engineer submitted memoranda responding to and otherwise refining the Application, dated November 14, 2019, December 4, 2019, January 14, 2020, and February 6, 2020, March 2, 2020 as well as numerous email communications with the Village’s Planning Consultant; and

WHEREAS, owners of property in the immediate vicinity of the Paper Street raised concerns with respect to the aforementioned subdivision application, and requested that the Planning Board seek Owner’s agreement to place on the Property a declaration of covenants and restrictions limiting Owner’s use of the Paper Street to the existing single family house on the Property, which such agreement was rejected by Owner; and

WHEREAS, the Planning Board takes no position with regard to the legal status of the Paper Street or the legal status of any rights to utilize and improve same but notes that there is a sewer lateral located within the Paper Street which must be protected and maintained both during and after any construction activity authorized pursuant to this Resolution; and

WHEREAS, during the pendency of the public hearing, the Planning Board received written and oral comments from the public; and

¹ The Application was scheduled for additional pre-submission conferences before the Planning Board to be held on June 6, 2019, July 11, 2019, and September 5, 2019, but neither the Applicant nor any representatives attended.

WHEREAS, the Planning Board is familiar with the site and surrounding area and the proposed improvement plans, and

WHEREAS, the proposed construction of a driveway to serve a single-family house constitutes a Type II action under the State Environmental Quality Review Act (“SEQRA”) and is therefore exempt from further environmental review.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Village of Dobbs Ferry herein grants site plan approval for the subject application, conditioned on the following:

1. All applicable provisions of Village, County and State regulations shall be met.
2. Prior to the issuance of a Building Permit, and as conditions of this resolution:
 - a. Owner shall pay all required site plan and Village consultants’ review and legal fees. The applicant shall pay any inspection fees if the Village requires inspection of the improvements in the Paper Street.
 - b. As offered by Owner, Owner shall record the aforementioned Shared Driveway Agreement at its sole cost and expense with the Westchester County Clerk, Division of Land Records.
 - c. Owner shall obtain the approval of the Board of Trustees with regard to any alteration and/or work within the Paper Street in consideration of which, the Planning Board suggests that the Owner be required to
 - i. obtain approval from the Village’s Tree Commission for the removal of any trees on the Paper Street if necessary,
 - ii. maintain and repair the sewer lateral serving the Property as located within the Paper Street at its sole cost and expense,
 - iii. maintain and repair any portion of the subject driveway and related drainage infrastructure that may be located within the Paper Street at its sole cost and expense. This shall include any future improvements such as berms, swales or other drainage facilities as may be necessary to prevent water from entering adjacent properties.
 - d. As offered by the Applicant, the Applicant shall record against the Property with the Westchester County Clerk, Division of Land Records at its sole cost and expense a declaration in form reasonably satisfactory to the Building Inspector and Village Attorney by which the Applicant, its successors and assigns shall indemnify and hold harmless the Village, and its elected and appointed officials, employees, consultants, attorneys and agents with respect to all losses, damages, fines, penalties, costs and expenses and liabilities, including, but not limited to, costs and expenses of defending against any of the foregoing, arising from any claim, suit or action as a result of any injury to or death of any person, or damage to

property arising from the approvals granted herein.

3. The following Language shall be added to the Plans:

“Approved subject to all requirements and conditions of a June 4, 2020 resolution of the Planning Board of the Village of Dobbs Ferry, New York. Any change, erasure, modification, or revision of this plan, absent re-approval from the Planning Board, shall void this approval.”

4. The following shall be conditions of the approval granted herein.

- a. Owner shall plow the driveway and that portion of the Paper Street lying adjacent to the Property as frequently as needed to maintain a passable driveway for safety purposes (police and fire) at its sole cost and expense and shall not deposit any snow or other materials onto the Paper Street. The Village shall not be responsible for maintaining any portion of the Paper Street.
- b. There will be no refuse pickup within the Paper Street.
- c. To the extent that it is determined that any portion of the Paper Street may be owned by any other property owner in the area, this approval shall be strictly condition upon Owner’s obtaining a legal right of access over and through said portion of the Paper Street at Owner’s sole coast and expense to the extent required by law, and provide proof of same to the satisfaction of the Building Inspector and Village Attorney.
- d. Nothing in this Resolution shall be construed to approve or otherwise permit the use of any portion of the Paper Street as access to or from the Property or any additional or adjoining properties.

5. Nothing in this resolution shall be deemed to approve or authorize the use of the referenced Paper Street, or otherwise confirm ownership of same.

BE IT FURTHER RESOLVED that this Resolution shall have an effective date of July 2, 2020.

Motion By: Chairman Hunter

Seconded by: Ms. Haupt

CHAIRMAN HUNTER	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
STEPHEN BROSNAHAN	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
ROB LANE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
ALLEN HALE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
LAURA HAUPT	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
PETER WINDER, 1ST ALTERNATE MEMBER	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	<input type="text" value="5"/> AYE	<input type="text" value="0"/> NAY	<input type="text" value="1"/> ABSTAIN	<input type="text" value="0"/> RECUSE	<input type="text" value="0"/> ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

I hereby attest that the above Resolution was approved by the Planning Board at its July 2, 2020 meeting, and that I have been authorized to sign this Resolution by decision of the Planning Board.



 Chairman Hunter

July 2, 2020
 Date