



VILLAGE OF DOBBS FERRY
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Dobbs Ferry, New York 10522
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RESOLUTION X-2021

**VILLAGE OF DOBBS FERRY PLANNING BOARD RESOLUTION
GRANTING SITE PLAN APPROVAL**

**Property: 18 Fairlawn Avenue
(Section Block and Lot 3.80-45-30 and OF-6, One-Family Residential 6 Zoning District)**

Background

WHEREAS, Thomas Wares (the "Applicant") is seeking Site Plan approval to install a pool, spa, and patio ("Project"). The subject property is located at 18 Fairlawn Avenue, Section Block and Lot 3.80-45-30 ("Project Site"). The Project Site is located in the One-Family Residential 6 (OF-6) Zoning District.

WHEREAS, the Project will result in the construction, expansion, or placement of minor accessory/appurtenant residential structures, including patios and swimming pools, and is classified under the State Environmental Quality Review Act (SEQRA) implementing regulations as a Type II Action, in accordance with 6 NYCRR § 617.5(c)(12); and

WHEREAS, pursuant to Sections 239 L and M of the New York State General Municipal Law, the Planning Board referred the application materials to the Westchester County Department of Planning for their review and comments; and

WHEREAS, the Planning Board conducted a duly noticed public hearing on September 9, 2021, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on December 9, 2021; and

WHEREAS, The Planning Board has carefully examined and considered the materials submitted by the Applicant in support of the Project as follows:

1. Site Plans prepared by Hudson Engineering last revised November 17, 2021
2. Stormwater Management and Drainage Analysis by Hudson Engineering, revised November 17, 2021
3. Planning Board application received July 14, 2021
4. Coastal Assessment Form received July 14, 2021

WHEREAS, the Planning Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting engineer and planner; and

WHEREAS, all testimony provided at the public hearing was carefully considered, and the Planning Board deliberated in public on the Applicant's request for approval of the Project; and

Planning Board Determination

WHEREAS, the Planning Board is familiar with the Project Site and the general vicinity and has reviewed the application in accordance with Chapter 300, Zoning and Land Use, of the Village Code; and

WHEREAS, Planning Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 300-52(D) of the Village Code including consistency with the Village's Local Waterfront Revitalization Plan; and

WHEREAS, the Planning Board considered, among other things, traffic access; walkways; circulation and parking; stormwater; landscaping and screening; lighting; noise; natural and environmentally sensitive features; and whether the proposed project will exceed the capabilities of existing municipal roads or utility services; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board determines that pursuant to Section 300-52 (E) of the Zoning and Land Use chapter of the Village Code the Applicant's requested waiver from the requirements of Chapter 300 will be consistent with the purpose of promoting the health, safety or general welfare of the community and said chapter, and hereby grants the following:

1. A waiver from a maximum impervious coverage of 54% (Table B-1, Dimensional Tables) to allow for a maximum coverage of 66%; and

BE IT FURTHER RESOLVED, the Planning Board of the Village of Dobbs Ferry determines that based upon the findings and reasoning set forth below the application for Site Plan approval is granted subject to the conditions:

1. Approved Plans. Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board as follows:
 - a. Site Plans prepared by Hudson Engineering:
 - i. C-1 Stormwater Management Plan dated November 17, 2021
 - ii. C-2 Proposed Pool and Patio dated November 17, 2021
 - b. Stormwater Management and Drainage Analysis by Hudson Engineering, revised November 17, 2021
2. The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
 - a. The following Language shall be added to the plan: "Approved subject to all requirements and conditions of December 9, 2021, 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."
 - b. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans. Evidence of compliance with conditions and any such approvals must be submitted to the Village Building Department.
 - c. The Applicant must address to the full satisfaction of the Village Engineer, all outstanding stormwater, stormwater maintenance agreement, and engineering issues raised in the hearings and

documents submitted to the Board, including the December ____, 2021, engineering letter.

- d. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this application.

3. Force and Effect:

- a. No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the final site plan is signed by the chair of the Planning Board and (3) the final site plan signed by the Planning Board has been filed with the Land Use Officer.
- b. Within 180 days after receiving approval of a site plan, with or without modifications, the applicant shall submit two paper copies and one electronic copy of the site plan to the Board of Trustees and/or the Planning Board for stamping and signing. This time frame may be extended for a maximum of two ninety-day periods.

- 4. Landscaping: In accordance with §300-44, required landscape improvements shall be installed prior to issuance of a certificate of occupancy for all structures. However, if the landscaping is not able to be installed prior to a certificate of occupancy being issued due to winter weather or other site limitations, the property owner shall post a financial guarantee for the improvements equal to 115% of the cost of improvements so that the certificate can be issued. Installation of the landscape improvements shall then be completed before June 30 of the following year. This guarantee shall be released upon acceptance by the Village of the completed landscaping.

- 5. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. The Project must adhere to all applicable State and Village Codes.

- 6. Issuance of Certificate of Occupancy: No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The performance guaranty shall be posted in accordance with the procedures specified in Village Law §7-725-a or 7-730, as applicable. The amount and sufficiency of such performance guaranty shall be determined by the Land Use Officer. The amount of such guaranty shall be in the form of 95% surety and 5% cash.

Motion By:

Seconded by:

CHAIRMAN HUNTER	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
STEPHEN BROSNAHAN	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
ROB LANE	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
ALLEN HALE	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
LAURA HAUPT	<input 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 type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
RESULT:	MOTION:				

I hereby attest that the above Resolution was approved by the Planning Board at its October 7, 2021 meeting, and that I have been authorized to sign this Resolution by decision of the Planning Board.

Chairman Hunter

Date