

**VILLAGE OF DOBBS FERRY PLANNING BOARD  
RESOLUTION GRANTING SITE PLAN APPROVAL  
Property: 3 Crescent Avenue (Section Block and Lot 3.120-112-6 and OF-5 Zone)**

**Resolution of Planning Board Approval**

**Background**

WHEREAS, Richard and Cristina Lamendola (the “Owners”) are seeking Site Plan approval to replace an existing patio, build a masonry retaining wall, install a hot tub and stormwater management system, regrade the south side yard to level the property, and install landscaping. The property is located at 3 Crescent Avenue, Section Block and Lot 3.100-97-51 (“Project Site”) and is located in the OF-5, One family Residential, zoning district.

WHEREAS, the Planning Board confirms that the project is categorized as a Type II action under NYS DEC 617.5 (c) as it is the “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools”.

WHEREAS, the Applicant had made a preliminary presentation to the Planning Board on May 6, 2021 and, thereafter, the Planning Board conducted a duly noticed public hearing on June 3, 2021.

WHEREAS, The Planning Board has carefully examined the Application and the Applicant’s materials as follows:

1. Existing Conditions and Demolition Plan, Site Plan Zoning Table, Details, Notes, Erosion and Sediment Control and Drainage Plans, Landscape Plans and Details, Detail Sheets by Gotham Design last revised May 17, 2021
2. Topographic Survey (Draft Copy) by Summit Land Surveying P.C dated April 23, 2021
3. Planning Board application dated May 18, 2021
4. Coastal Assessment Form dated May 18, 2021

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

WHEREAS, the Planning Board closed the public hearing on June 3, 2021 and at the same meeting, the Board deliberated in public on the Applicant’s request for approval.

WHEREAS, the Board is familiar with the property and all aspects of the application and has determined that the proposal is consistent with the standards as set forth in the Village of Dobbs Ferry Zoning Chapter, Section 300-52.

### **Planning Board Determination**

NOW FOR IT BE RESOLVED, the Planning Board determines that based upon the findings and reasoning set forth below, the application for Site Plan Amendment is granted subject to the conditions set forth below.

#### **I. Findings**

1. The Planning Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 300, Zoning, of the Village Code.
2. The 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.
3. The Board considered, among other things, traffic access; circulation and parking; landscaping and screening; lighting; natural features; and whether these elements will exceed the capabilities of existing municipal roads or utility services.

#### **II. Approved Plan:**

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 as follows:

1. Existing Conditions and Demolition Plan (EC-1), Site Plan Zoning Table, Details, Notes (A-1), Erosion and Sediment Control and Drainage Plans (A1.1), Landscape Plans and Details, Detail Sheets (L-1) by Gotham Design last revised May 17, 2021

#### **III. General Conditions**

1. 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 a June 3, 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 and evidence of such must be submitted to the Village Building Department.
  - c. The Applicant must address to the full satisfaction of the Village Engineer, all outstanding storm water, and engineering issues raised in the hearings and documents submitted to the Board.
  - d. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- 2. 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 three copies 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.
- 3. 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.
- 4. 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.
- 5. 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.

Dated as of XX, 2021

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Chairman

Motion by:  
Seconded by:

In Favor:  
Opposed:  
Abstaining: