



## MEMORANDUM

**TO:** Chairman Stephen Hunter and Members of the Village of Dobbs Ferry Planning Board

**FROM:** Valerie Monastra, AICP

**Re:** Current and Proposed Application Review Process for Planning and Architectural and Historic Review Boards

**DATE:** July 28, 2022

**CC:** Dan Roemer, Building Inspector  
Anthony Oliveri, P.E., Village Engineer  
Dan Pozin, Village Attorney

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Due to the review requirements of the Architectural and Historic Review Board (AHRB) and Planning Board, many applicants are required to obtain approvals from two different boards. If approval from the Village Board is also required, then an applicant must appear before three boards before their project is approved. Some of the projects that appear before the Planning Board are small and have minor site plan matters that need review. As a result, when an applicant appears before the Planning Board, the discussion on the minor site plan applications tends to revolve around architecture. At times it can be difficult for an applicant to understand how to respond to two boards providing feedback on the massing and architecture of a project. This redundancy has been a concern of the Building Department for several years. In addition, the AHRB has recently been experiencing difficulties maintaining a quorum for its meetings. Meetings have been held with the Building Department, Village Administrator, Village Attorney, representatives from the Board of Trustees, and the Chairs of the Planning and AHRB Boards to discuss the situation and possible solutions. This memorandum provides information on the current review requirements and the proposed restructuring of the two Boards.

### **Current Review Requirements of the Planning Board and Architectural and Historic Review Board (AHRB)**

#### **Planning Board**

Section 300-52(A)(1) of the Zoning and Land Use chapter requires site plan approval for the following types of projects:

- a. Excavation or filling involving more than 300 cubic feet of earth.
- b. The disturbance of more than 2,000 square feet of land.
- c. The construction of a new building with more than 500 square feet of floor area.
- d. The expansion of any existing building by more than 500 square feet of floor area.
- e. The expansion or reduction of an existing one- or two-family structure by more than 500 square feet, by more than 10 feet horizontally, or by more than 10 feet vertically.
- f. A change of use of more than 1,000 square feet in an existing building.

### Architectural and Historic Review Boards (AHRB)

Section 300-18 of the Zoning and Land Use chapter requires AHRB design review and approval for the following types of projects:

- a. The construction, reconstruction, or exterior alteration of any structure.
- b. Applications requiring site plan review.
- c. Signs.

Section 300-19(A) of the Zoning and Land Use chapter requires AHRB historical review and a Certificate of Appropriateness for the following types of projects:

- a. Construction, reconstruction, exterior alteration, or demolition of properties which are one or more of the following:
  - Deemed to be contributing properties located in locally designated historic districts.
  - Locally designated as historic landmarks or scenic landmarks.
  - Designated on the state or national registers of historic places or located within historic districts on the state or national registers of historic places.
  - Listed as eligible for inclusion on the state or national registers of historic places as of the effective date of this section.

### **Proposed Reorganization of the Planning Board and AHRB**

The AHRB has the ability, by resolution, to adopt rules and regulations for operation (§300-17(D)(1)). The following are recommended procedures that will provide an applicant with a more efficient review and approval process.

1. The functions of the AHRB would be transferred to the Planning Board. The Village would no longer have a separate AHRB Board; rather the Planning Board would concurrently serve on the AHRB and Planning Board.
2. All applicants that require Planning Board site plan approval and architectural review approvals would only need to appear before one board. The Planning Board will review and approve the architecture when rendering its final determination on the associated site plan/subdivision/special permit.
3. Current AHRB façade change, porch, canopies, or deck applications that do not require Planning Board approval would be reviewed by a subcommittee of the Planning Board. This would increase the efficiency in the review of AHRB applications before the Planning Board. The members of the subcommittee could rotate or be assigned for a period of time as the Planning Board so chooses. The process of the subcommittee would be as follows:
  - a. The subcommittee would meet once per month to review these applications.
  - b. Once their review is complete, the subcommittee will send their recommendations to the full Planning Board. At the first Planning Board meeting, after the subcommittee completes its review, the Planning Board will conduct its review of the application.
4. All other AHRB applications would no longer be required to seek board approvals. This would include replacing windows and doors, installing fences, walls, signs (not located in a historic district), and awnings (not located in a historic district). Instead, these applications would be

processed within the Building Department, similar to the process established for fences. The process would be as follows:

- a. All applications will be reviewed based on the established guidelines of the district or §§300-50, and 300-18(B)(2) of the Zoning and Land use Chapter.
  - b. The Building Department will require any applicant seeking replacement of windows and doors or installation of fences, walls, signs (not located in a historic district), and awnings (not located in a historic district) to send out neighbor notifications of the project with the ability to provide objections on the project.
  - c. The Building Department will be able to send any applications that received objections or applications that do not meet the established guidelines of the district or Section 300-50 of the Zoning and Land use Chapter to the Planning Board for ARB approval.
  - d. The Building Department will also be able to obtain recommendations from the Planning Board as needed.
  - e. Any applications processed within the Building Department would be able to appeal any decision of the Building Department through the Zoning Board of Appeals.
5. The Planning Board, functioning as the AHRB, would review and approve all applications that require historical review and approval. The Planning Board would be able to retain additional professional expertise for any application that requires a Certificate of Appropriateness review. This would be coordinated at the Planning Board meetings.
  6. Consolidating the AHRB and Planning Board functions would not require a change in the Planning Board makeup. Currently, the Planning Board is a five-member Board. New York State Village Law allows a Planning Board to have up to seven members. If the Village wants to offer any current AHRB members an opportunity to continue serving, the Village could consider expanding the current number of members from five to seven. The two additional members could also assist with the work of the AHRB subcommittee.

The Table below identifies the average number of applications that would be anticipated based on the new procedures. On average, if the new procedures are implemented, it is anticipated that the Planning Board functioning as the AHRB would receive between one or two additional applications each month for AHRB review.

**Table 1: Number of Applications Based on New Procedures**

| <b>Proposed Procedures</b>   | <b>Number of Applications before AHRB over a Two-year period</b> | <b>Average Number of Applications per month</b> |
|--|--|---|
| <b>AHRB/PB – Site Plan/Subdivision/Special Permit</b>                                | 34   | 1.42  |
| <b>AHRB Sub Committee- (façade changes, porch, canopies, or deck)</b>                | 37   | 1.54  |
| <b>Administrative Building Department (signs, doors, windows, fences, and walls)</b> | 45   | 1.88  |
| <b>AHRB Historic</b>   | 1  | 0.04  |

### **Next Steps**

Consolidating the Board functions will require an amendment to the Zoning and Land Use chapter of the Village Code, as outlined in the attached documents. In addition, final details on the administrative process will need to be established for the other AHRB applications detailed in bullet #4 above and adopted by the AHRB/Planning Board. Finally, a process for the AHRB subcommittee will also need to be established and adopted by the AHRB/Planning Board.