



MEMORANDUM

TO: Stephen Hunter, Chair and Members of the Village of Dobbs Ferry Planning Board

FROM: Valerie Monastra, AICP
Sam Justiniano, Planning Analyst

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

DATE: February 29, 2024

RE: 125 Bellair Drive

Niall Cain (the “Applicant” and “Contract Vendee”) is seeking Site Plan approval for various improvements to the property including a widening of the existing driveway, terraced stone retaining walls, entry paving to curb, deck, stone terrace with retaining wall, plantings and exterior lighting. The property is located at 125 Bellair Drive, Section Block and Lot 3.120-114-1 (“Project Site”) and is in the OF-5, One-Family Residential 5, zoning district.

GENERAL AND PROCEDURAL COMMENTS

1. **SEQR.** This application is categorized as a Type II action under SEQR. No additional SEQR review is necessary.
2. **Site Plan Approval.** This application requires Site Plan approval by the Planning Board per Section 300-52 of the Zoning chapter. A public hearing will be required for Site Plan approval.
3. **Zoning.** The project site is in the OF-5, One-Family Residential 5, Zoning District and the proposed work will meet the zoning requirements.
4. **Architectural and Historic Review Board.** This application will require Architectural and Historic Review Board approval.
5. **Local Waterfront Revitalization Consistency.** The Planning Board will need to make a consistency determination with the Village’s LWRP per §300-52 (D) as part of its final Site Plan approval. The Applicant has provided a Coastal Consistency Form.

6. **Village Board Approval.** The Applicant is proposing to undertake work within the Village right-of-way. Approval from the Village Board will be required to undertake this work. At its February 13th meeting, the Board of Trustees was in favor of approving a license agreement for the encroachment but referred the application back to the Planning Board for Site Plan Approval before issuing the license agreement.

SITE PLAN COMMENTS

1. **Lighting.** All lighting must meet the requirements of §300-41.
2. **Trees.** The Applicant is proposing the removal of several trees.
 - a. **Removal.** The total aggregate diameter of trees proposed for planting is less than 50% of the total aggregate diameter of trees proposed to be removed. According to § 300-51(2) “tree replacement shall be required on site unless the approving authority determines that, because of site constraints, it is impracticable or impossible to fully meet this mitigation requirement on site. In such case, the approving authority may consider payment of a fee in lieu of planting into the Village Tree Fund to satisfy the unmet portion of the tree replacement requirement.” While the Applicant has requested a waiver from the required replacement plantings and the fees, there is no waiver process within § 300-51. Therefore, the Applicant is required to meet the replanting requirements or request payment to the tree fund. This requirement will be reflected in the resolution.
 - b. **Public protected trees.** According to § 300-51J, the Tree Commission must provide the Village Board with a recommendation in support of the removal of public protected trees, such as those located in the ROW. This requirement will be reflected in the resolution.

SUBMISSION MATERIALS

The following materials were submitted by the Applicant and examined by our office for the preparation of this review:

- Planning Board Presentation Package
- Response to Planner’s Site Plan Review Comments by Niall Cain, dated February 21, 2024
- Response to Engineer’s Site Plan Review Comments by Nial Cain, dated February 21, 2024
- Topographic Map and Slope Analysis Map dated October 17, 2022
- Site Plans by NcCstudio, dated September 20, 2023, last revised February 21, 2024, including the following:

- A001 General Notes Zoning Legends
- S100 Site Plan Stormwater Plan
- L100 Landscape Plan
- L200 Landscape sections deck struct plan
- L201 Landscape Sections
- L300 Landscape Details