



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 Pozin, Planning Board Attorney
Dan Roemer, Building Inspector

DATE: March 29, 2024

RE: 99 Main Street

Michael Lewis Architects P.C. (the “Applicant” and “Contract Vendee”) is seeking Site Plan approval from the Village Board of Trustees for improvements to the existing basement and first floor in addition to the construction of three (3) additional floors of apartments above the existing footprint. The property is located at 99 Main Street, Section Block and Lot 3.80-40-9 (“Project Site”) and is in the DB, Downtown Business, zoning district. The Project will require referral to Westchester County Planning Board as it is within 500 feet the Old Croton Aqueduct State Trailway and is proposing over 5,000 sf of new or renovated floor area.

GENERAL AND PROCEDURAL COMMENTS

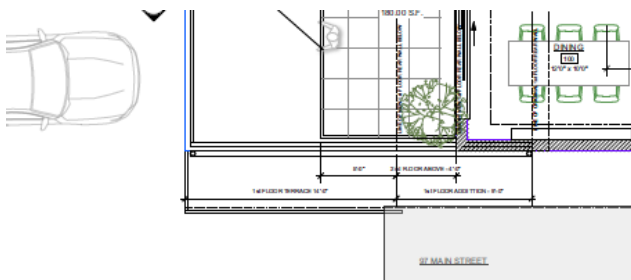
1. **Site Plan Approval.** This application requires Site Plan approval by the Village Board of Trustees and a recommendation from the Planning Board as per Section 300-52 of the Zoning and Land Use chapter.
2. **Architectural and Historic Review Board.** This application will require Architectural and Historic Review Board approval. The application will need to be consistent with the Downtown Design Guidelines provided in Appendix F of the Zoning Chapter. The AHRB will need to provide a recommendation to the Village Board of Trustees.
3. **Zoning.**
 - a. Bulk requirements. According to the bulk requirements outlined in Table B-8: Downtown Districts Dimensional Standards, the Applicant appears to comply with all required bulk requirements (see comment 3c for increased height allowance), except for minimum unit size. The minimum residential unit size permitted in the DB district

- is 600 sf. The Applicant is currently proposing a noncompliant studio apartment on the second floor with an interior floor area of 487 sq. ft. The Applicant will need to request a variance from the Zoning Board of Appeals or a waiver from this requirement, which the Village Board of Trustees may issue in accordance with §300-52E if they believe the waiver will be consistent with the purpose of promoting the health, safety or general welfare of the community and the purposes of the zoning code.
- b. **Uses.** The Project is located in the DB, Downtown Business zoning district. While the zoning code notes, “a mix of uses, including residential uses above nonresidential establishments, is encouraged,” the Applicant should provide more information related to the commercial use of the basement and first floor. The site plan shows office space in the basement, which is permitted in the DB zoning district. The first floor appears to also be an office use, which the Applicant should confirm and appropriately reference in the site plan. “Commercial use” is too vague because some commercial uses require a special permit in the DB district.
- c. **Fourth Floor.** According to §300-36E(1), the Board of Trustees has the discretion to permit a building higher than 40 feet but no higher than 45 feet in the DB zoning district only after a reasoned judgment setting forth the public benefits of the development. This judgment takes into account recommendations of the Planning Board/AHRB and consistency with the character of the individual building and surrounding buildings. The code also states the Project must meet the following two additional requirements:
- i. *To recede from the front facade, either within a sloping roof form or as a setback volume and the Applicant must use available techniques to minimize the visual impact of any such fourth story or increased height.* The Applicant is proposing a 12-foot setback of the proposed 4th floor.
 - ii. *The liveable floor area of the fourth story, if permitted, shall not comprise more than 50% of the total floor area of the story below.* It appears that the Applicant is not compliant with this requirement. The fourth floor has a proposed interior floor area of 812 sq.ft., which translates to approximately 80% of the total floor area of the third story (1,022 sq.ft.). The Applicant may need to seek a variance from the Zoning Board of Appeals or request a waiver from this requirement, which the Village Board of Trustees may issue in accordance with §300-52E if they believe the waiver will be consistent with the purpose of promoting the health, safety or general welfare of the community and the purposes of the zoning code.
4. **SEQR.** This application is categorized as an Unlisted Action under SEQR because it consists of the construction of apartments on top of an existing commercial use, establishing the building as a mixed-use building. It has been recommended that the Village Board declares its Intent to be Lead Agency. The Applicant has submitted a Part 1 Short Environmental Assessment Form.

5. **Local Waterfront Revitalization Consistency.** The Village 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, although one will need to be submitted with a signature.
6. **Ownership.** The Applicant and owner are not the same for this application. Please provide an owner's endorsement of the proposed Project.

SITE PLAN COMMENTS

1. **Plot Plan.** On sheet T-002.00 the Applicant has provided an annotated plot plan that appears to be from an original survey of the property. Please provide the survey this is from.
2. **Lighting.** The applicant has provided a lighting plan with this submittal; however there is no indication of the footcandles resulting from the proposed lighting. There is also mentioning of a flood light at the rear of the property but no detail has been provided.
3. **Payment in Lieu of Parking.** The Applicant has provided a parking analysis indicating the need for five (5) additional parking spots for the proposed residential additions. The Applicant may request a payment in lieu of parking per Section 300-48(H)(4). We also note the Applicant indicated two existing spots for the existing commercial use.
4. **Skylight.** The location of the skylights identified on the fourth floor and the roof do not seem to align. Please clarify.
5. **Fence and gate.** It appears the proposed fence and gate at the rear of the alley may be located on the adjoining property at 97 Main Street. Please clarify the location of the fence/gate in reference to the property line. See below.



SUBMISSION MATERIALS

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

- Land Use Approval Application, dated February 14, 2024
- Short Environmental Assessment Form Part 1, dated February 14, 2024
- LWRP Consistency review Coastal Assessment Form, unsigned and undated
- AHRB Application, dated March 11, 2024
- Letter from Michael B. Lewis for Proposed Project, dated March 12, 2024
- Plan Set, 12 sheets, from Michael Lewis Architects P.C., dated March 12, 2024 including:
 - T-001 Cover Sheet – Drawing List
 - T-002 Zoning, Notes, Plot Plan
 - T-003 Site Plans – Exterior Lighting
 - A-101 Basement Floor Plans – Existing and Proposed
 - A-102 1st Floor Plans - Existing and Proposed
 - A-103 Existing Roof Plan – 2nd Floor Plan Proposed
 - A-104 3rd and 4th Floor Plans Proposed
 - A-105 Roof Plan Proposed
 - A-106 All Floor Plans -1/8" Scale
 - A-501 Front + Rear Elevations – Existing and Proposed
 - A-502 South Side Section – Elevations
 - A-503 North Side Section – Elevations
 - A-504 Building Section – Looking North
 - A-505 AHRB – Streetscape – Existing and Proposed
 - A-506 AHRB – Materials – Elevations