



## MEMORANDUM

**TO:** Peter Hofmann, Chair and Members of the Village of Dobbs Ferry Zoning Board of Appeals  
Stephen Hunter, Chair and Members of the Village of Dobbs Ferry Planning Board

**FROM:** Valerie Monastra, AICP

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

**DATE:** April 28, 2023

**RE:** 0 North Mountain Drive

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Tanya Giglio c/o Joseph LoCascio, Esq. (the “Applicant” and “Owner”) is seeking Site Plan approval to construct a single-family home. The property is located at 0 North Mountain Drive, Section Block and Lot 3.10-1-3 (“Project Site”) and is located in the OF-2, One Family Residential 2, zoning district. This application received a minimum lot area variance from the Zoning Board of Appeals at its April 12, 2023 meeting.

The Applicant’s building, as proposed, will require a variance of 9.46% for building coverage (using net lot area). The OF-2 zoning district allows for 18% lot coverage by buildings.

The Applicant asserts that the Building Inspector is incorrect in calculating building coverage using the net lot area if a site requires deductions for steep slopes. The Applicant provides a list of projects in a memorandum dated February 15, 2023. The Applicant asserts that the listed properties demonstrate that past practice calculated building coverage on gross lot area and not the net lot area.

A meeting was recently held with the Building Inspector where we reviewed the files for all properties listed in the February 15, 2023, memorandum. A summary of how these properties relate to the zoning requirements for building coverage using the net lot area is provided below.

## IDENTIFIED PROPERTIES

**Table 1. List of properties in the February 15, 2023, memorandum**

Tax ID	Address	Client	Year
1) 3.80-45-32	10 Tiernan's Lane	DePaola	1997
2) 3.160-140-7	41 Magnolia Drive	Berliner	2002
3) 3.60-23-18.2	93 Briary Avenue	Giuliano	2002
4) 15.P51-8	7 Myrtle Avenue	Fucci	2005
5) 28B.559-99-11	289 Clinton	Moretti	2005
6) 8. 10-419-14	19 McClelland Avenue	Hartnett	2007
7) 8.21-472-1	1 and 3 King Street	JAN Construction	2008
8) 8.16-445-29	27 Virginia Avenue	Rosenberg	2010
9) 8.19-458-6	Cyrus Place	Racanelli	2010
10) 3.100-98-47/48	60 Florence Avenue	Makan	2014
11) 3.50-16-14	82 Belden Avenue	Vuletic	2014
12) 3.50-16-36	31 Maple Street	Savage	2015
13) 3.100-94-5.2	26 Allen Street	Makan	2015
14) 3.80-36-5	130 Palisade Street	Noyes	2018
15) 3.50-17-9	1 Myrtle Avenue	Ostrow	2018
16) 3.90-52-4	40 Devoe	Lang	2019
17) 3.50-17-82	60 Washington Avenue	Weld	2022

1. **Properties numbered 1-7.** According to Section 300-3 of the Land Use and Zoning chapter, this chapter became effective on September 28, 2010. Properties 1-7 listed in Table 1 were approved before 2010. Therefore, any applications that were approved before that date are not related to the current zoning regulations and are not applicable.
2. **27 Virginia Avenue.** Based upon the regulations listed in Section 300-34(A)(2), this project did not require steep slope deductions. Therefore, the building coverage could be calculated with the gross lot area.
3. **60 Florence Avenue.** While the zoning table provides a building coverage that seems to be calculated on gross lot area, the files include steep slope calculations and when the net lot area is applied, the project meets the zoning requirements for building coverage.

4. **Cyprus Place.** The Section, Block, and Lot is incorrect.
5. **82 Belden Avenue.** Based upon the regulations listed in Section 300-34(A)(2), this project did not require steep slope deductions. Therefore, the building coverage could be calculated with the gross lot area.
6. **31 Maple Steet.** Based upon the regulations listed in Section 300-34(A)(2), this project did not require steep slope deductions. Therefore, the building coverage could be calculated with the gross lot area.
7. **26 Allen Street.** Based upon the regulations listed in Section 300-34(A)(2), this project had steep slope deductions applied to the site and its building coverage was calculated off the net lot area. The project complies with the zoning requirements for building coverage.
8. **130 Palisade Street.** Based upon the regulations listed in Section 300-34(A)(2), this project did not require steep slope deductions. Therefore, the building coverage could be calculated with the gross lot area.
9. **1 Myrtle Avenue.** This site is an oversized property (74,965 sq. ft.). When steep slopes are deduced per Section 300-34(A)(2) and the net lot area is applied, the project meets the zoning requirements for building coverage.
10. **40 Devoe.** Based upon the regulations listed in Section 300-34(A)(2), this project did not require steep slope deductions. Therefore, the building coverage could be calculated with the gross lot area.
11. **60 Washington Ave.** This site is an oversized property (74,000 sq. ft.). When steep slopes are deduced per Section 300-34(A)(2) and the net lot area is applied, the project meets the zoning requirements for building coverage.

In conclusion, none of the applicable properties listed in the February 15, 2023, memorandum contradict the interpretation of the current Building Inspector regarding the calculation of building coverage when steep slope deductions were required for a site.

The Applicant submitted a subsequent memorandum dated April 14, 2023, in which many of same properties from the February 15, 2023, memorandum are listed as well as a few others. If the Board wishes us to review the additional properties, we can, and any additional work that you wish us to undertake regarding this issue can be finalized at the May Planning and Zoning Board meetings.