



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
WORKSHOP MEETING AGENDA

MEETING DATE: January 9, 2024

AGENDA ITEM SECTION: Discussions

AGENDA ITEM NO. : 3

AGENDA ITEM:

Proposed Zoning amendments:

- Topics include: Parking, Site Plan Review, Administration, District Regulations, Tree Preservation, Natural Scenic and Resource Protection (steep slopes), Stormwater Management, Erosion and Sediment Control, Procedure for Amendments

ITEM BACKUP DOCUMENTATION:

1. Memorandum dated January 3, 2023 from Valerie Monastra, AICP and Sam Justiniano/Planning Analyst to Mayor Rossillo and the Board of Trustees
2. The following documents from the July 11, 2023 Board of Trustees Public Hearing:
 - E-mail dated June 28, 2023 from Lori Lee Dickson/Attorney for the Village to Mayor Rossillo, the Board of Trustees, the Interim Village Administrator and Elizabeth Dreaper/Village Clerk
 - Current and existing Zoning Tables B-1 and B-2
 - Draft Introductory Local Law
 - Draft post Adoption legal notice
 - Draft resolution adopting local law
3. Village Code Chapter 300-48
4. Village Code Chapter 300-52



5. Village Code Article VIII – Administration
6. Village Code Article X – District Regulations, Use and Area Requirements
7. Redlined copy of Village Code Chapter 300-51- Tree Preservation
8. Redlined copy of Village Code Chapter 300-46 – Natural and scenic resource protection
9. Village Code Chapter 262 Stormwater Management and Erosion and Sediment Control
10. Redlined copy of Village Code Article XVII - Amendments



MEMORANDUM

TO: Mayor Rossillo and Members of the Village of Dobbs Ferry Board of Trustees

FROM: Valerie Monastra, AICP
Sam Justiniano, Planning Analyst

CC: Robert Yamuder, Village Administrator
Lori Lee Dickson, Esq., Village Attorney
Dan Roemer, Building Inspector

DATE: January 3, 2024

RE: Second Round of Zoning Revisions

At a workshop in September the Village Board agreed to move forward with updates to the Zoning and Land Use chapter of the Village Code.

The second round of edits to Zoning and Land Use chapter is provided in your packet. The list of changes for this month's discussion is listed below along with what to anticipate at the January 9th meeting.

Second round of edits

The second round of edits includes the following review and updates:

- Review the following sections within the Chapter 300:
 - Review the administration and process provisions throughout the chapter and suggest additional ways to streamline the application review process.
 - Review the LWRP consistency review provisions and make it better align with the State's model law.
 - Reviewed Articles X and XI which contain the supplementary and district regulations and provided suggestions on clarifications to assist applicants in understanding the zoning requirements.
 - Reviewed the PILOP and suggested revisions for broader applications within the Village (currently only allowed in a downtown zoning district). We also added modifications to the parking requirements.
 - Added a process for zoning text amendments. There currently is none in Chapter 300.
 - Revised stormwater requirements to provide for the review of applications for disturbance of less than one acre in accordance with common practice at the Planning Board.
 - Provided amendments to the tree preservation regulations based on recent comments from the Tree Commission and Building Department. We also created an administrative

permit process, which will hopefully allow for review of tree removal but speed up the process for certain situations, such as a downed tree.

- Revised the steep slopes regulations based on feedback we received from the Village Board and land use boards. (I will discuss pros and cons of adjustments to the net lot area and the proposed steep slope amendments at the meeting. Both are part of the packet for your reference.)

This work will be presented at the January 9th Village Board workshop and is part of the Board's packet.

Third round of edits

The third round of zoning updates will include slightly more in-depth work and discussion with the Village Board. The third round of edits includes the following:

- Review accessory apartment regulations and possible application to other zoning districts.
- Potential incentives to increase affordable housing options and supply in the Village.
- Potential provisions for solar and battery energy storage systems and incentives or regulations to promote the development of more energy efficient and green buildings, including looking at green parking standards.
- Review subdivision regulations to confirm it meets current Village law requirements and created an administrative process for minor lot line adjustments.

This work is anticipated to be presented at the February and March workshops.

From: Lori Lee Dickson

Sent: Wednesday, June 28, 2023 6:06 PM

To: Jessica Galen <TrusteeGalen@dobbsferry.com>; Lawrence Taylor (TrusteeTaylor@dobbsferry.com) <TrusteeTaylor@dobbsferry.com>; Matt Rosenberg (TrusteeRosenberg@dobbsferry.com) <TrusteeRosenberg@dobbsferry.com>; Mayor Vincent Rossillo (MayorRossillo@dobbsferry.com) <MayorRossillo@dobbsferry.com>; Michael Patino <TrusteePatino@dobbsferry.com>; Nicolle Sullivan (TrusteeSullivan@dobbsferry.com) <TrusteeSullivan@dobbsferry.com>; Shari Rosen Ascher (TrusteeAscher@dobbsferry.com) <TrusteeAscher@dobbsferry.com>; Village Administrator <villageadministrator@dobbsferry.com>; Liz Dreaper <ldreaper@dobbsferry.com>

Cc: Margaret Parr <mparr@dobbsferry.com>; Daniel Roemer <droemer@dobbsferry.com>; Valerie Monastra, AICP (vmonastra@nelsonpope.com) <vmonastra@nelsonpope.com>; Sarah Collins <scollins@dobbsferry.com>

Subject: Response to Comments on Procedural Matters - Local Law Zoning Code Amendments

Importance: High

I provide this e-mail in response to the procedural comments received during the public hearing on the introductory local law to amend the zoning code for clarification of the definition of lot size.

1. The Village's Code does not require review for compliance with the Local Waterfront Revitalization Program (LWRP) for zoning amendments, only land development applications (reference to the LWRP review is routinely included in your site plan approval resolutions).
2. Neither NYS law nor the Village Code require mandatory referral/recommendation to the PB for proposed zoning amendments (i.e. revisions to Chapter 300).
3. The Village has met its obligations under General Municipal Law 239 as far as referral to the County Planning Commission for any zoning code amendment. As I stated at the hearing, by law the Village cannot and will not be eligible to take action on the local law until (i) receipt of comments or (ii) expiration of 30 days from submission. Valerie has confirmed that the 30-day period will have expired by your July 11th meeting.
4. The Village has met its obligations under SEQRA to prepare an Environmental Assessment Form (EAF) based on the proposed action. A SEQRA determination of significance based on the information in the EAF will be included in the BOT's resolution and Liz will obtain the Mayor's signature on the EAF (consistent with procedures undertaken in the past).

I hope this follow up e-mail is helpful to your review of the introductory local law.



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ZONING AND LAND USE

300 Attachment 2

Village of Dobbs Ferry

**Appendix B:
Dimensional Tables**

Table B-1: OF Districts Dimensional Standards
[Amended 6-14-2011 by L.L. No. 6-2011; 7-13-2021 by L.L. No. 3-2021]

Zone	OF-6	OF-5	OF-4	OF-3	OF-2	OF-1
Minimum net lot area (square feet)	5,000	7,500	10,000	15,000	20,000	40,000
Minimum lot width (feet)	50	75	100	100	125	150
Minimum lot depth (feet)	100	100	100	100	125	150
Maximum lot coverage by buildings	27%	25%	22%	20%	18%	15%
Maximum lot coverage by impervious surfaces	54%	44%	40%	40%	40%	30%
Minimum front yard setback (feet)	20	25	25	30	30	40
Maximum front yard setback (feet)	prevailing	prevailing	prevailing	NA	NA	NA
Minimum rear yard setback	25	25	25	25	25	40
Minimum side yard setback (each) (feet)	10	10	12	15	20	20
Minimum side yard setback (both) (feet)	20	25	30	40	50	50
Maximum stories	2½					
Maximum height	As per Tables B-6 and B-7					

Note:

The net lot area is determined by deducting the adjustments specified in § 300-34A(2) from gross lot area.

DOBBS FERRY CODE

Table B-2: MDR, B and MF Districts Dimensional Standards
[Amended 6-14-2011 by L.L. No. 6-2011; 7-13-2021 by L.L. No. 3-2021]

Zone	MDR-1	MDR-2	MDR-H	B	MF-1	MF-2	MF-3	MF-4
Minimum net lot area (square feet)	5,000	5,000	10,000	5,000	20,000	20,000	20,000	20,000
Minimum lot area per dwelling unit (square feet)	2,500	800	2,500	800	6,000	3,500	2,500	1,750
Minimum lot width (feet)	50	50	50	50	100	100	100	100
Minimum lot depth (feet)	100	100	100	100	100	100	100	200
Maximum lot coverage by buildings	27%	40%	30%	30%	30%	30%	40%	40%
Maximum lot coverage by impervious surfaces	54%	60%	60%	60%	60%	60%	60%	60%
Minimum front yard setback (feet)	20	15	20	prevailing	25	25	50	10
Minimum rear yard setback (feet)	25	25	25	25	30	30	30	30
Minimum side yard setback (each) (feet)	10	10	10	10	25	25	25	10
Minimum side yard setback (both) (feet)	20	20	20	20	50	50	50	20
Maximum stories	2.5	3 ^(a)	3	3	3	3	4	3
Maximum height	As per Table B-6							

Notes:

The net lot area is determined by deducting the adjustments stipulated in § 300-34A(2) from gross lot area.

- ^(a) Third story must be set back five feet as measured from the front of the building at ground level. For buildings with a building width greater than 40 feet, the five-foot setback shall be measured from the front of the building at ground level within the first 40 feet of building width.

Abbreviations:

- *GP=Grade plane
- *R=Ridge
- *MP=Midpoint of sloped roof
- *TF=Top of flat roof
- *C=Curb

DRAFT

INTRODUCTORY LOCAL LAW

**AMENDING CHAPTER 300 “ZONING” OF THE VILLAGE OF DOBBS FERRY CODE TO
CLARIFY THE BASIS FOR CALCULATING LOT SIZE**

A LOCAL LAW to amend the parking provisions in Chapter 300 “Zoning” of the Dobbs Ferry Code.

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Legislative Intent and Purpose: To better serve the interest of the public and for the protection of public safety, the Village Board of Trustees proposes amendments to the Dobbs Ferry Zoning Code Chapter 300 to clarify the basis for calculating lot size in furtherance of the goal to protect environmentally sensitive lands, preserve the Village's natural resources and promote the orderly development of land through standards that acknowledge the varied topography in Dobbs Ferry.

Section 2. Sections 300-14 and 300-34 of the Code of Dobbs Ferry is hereby amended with the new matter underlined and deleted matter ~~struck~~ and in [brackets]:

§ 300-14 General terms.

BUILDING COVERAGE

The area of a lot covered by or permitted to be covered by principal and accessory building(s) and structures on the ground level. Percentage of building coverage is the area of principal and accessory building(s) at the ground level divided by the net lot area and expressed as a percentage of the net lot area.

IMPERVIOUS COVERAGE

The part of a lot that is covered by impervious surfaces, expressed as a percentage of the [gross] net lot area.

LOT COVERAGE

The amount of building coverage, impervious [surface] coverage, or a combination of the two, divided by the net lot area, and expressed as a percentage.

§ 300-34 Measurements and exceptions.

D. Impervious coverage. The maximum impervious coverage requirements of this chapter may be adjusted to acknowledge the use of semipervious materials in direct relation to the permeability of the material used and the coverage of that material relative to the [gross] net lot area.

DRAFT

Section 3. Chapter 300, Attachment 2, Table B-6 of the Code of Dobbs Ferry is hereby amended with the new matter underlined and deleted matter ~~struck~~ and in [brackets]:

Table B-6: Residential Building Height (Sliding Scale)¹

Roof Pitch (Rise/Run)	0 to 0.25	0.25 to 0.30	Greater Than 0.30	Maximum Height to Eave
<u>OF, MDR-1 and MDR-H Districts</u> <u>GP-R (feet)</u> [OF, MDR-1 and GP-R Districts (feet)]	30	33	35	28
<u>MF-1 and MF-2 Districts</u> <u>GP-MP/TF (feet)</u> [MF-1, MF-2 and GP-MP/TF Districts (feet)]	30	35	40	28
MF-3 District (feet)	40	N/A	N/A	N/A
MF-4 District (feet)	35	40	42	N/A
<u>MDR-2 District</u> <u>C-TF/MP (feet)</u> [MDR-2 and C-TF/MP Districts (feet)]	37	40	42	N/A
<u>B District</u> <u>C-TF/MP (feet)</u> [B and C-TF/MP Districts (feet)]	40	43	45	N/A

NOTES:

¹ Reference § 300-35(D)(8)(a) [1]-[2].

Section 4. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain unchanged.

Section 5. This Local Law shall take effect immediately upon filing with the Secretary of State and shall be published and posted by the Village Clerk as required by law, including NYS Village Law §7-706 applicable to zoning text amendments.



VILLAGE OF DOBBS FERRY
112 Main Street
Dobbs Ferry, New York 10522
TEL: (914) 231-8500 • FAX: (914) 693-3470

PLEASE TAKE NOTICE that on July 11, 2023, the Dobbs Ferry Village Board of Trustees adopted a Local Law XX-2023 which amended the Dobbs Ferry Zoning Code Chapter 300 to clarify the basis for calculating lot size in furtherance of the goal to protect environmentally sensitive lands, preserve the Village's natural resources and promote the orderly development of land through standards that acknowledge the varied topography in Dobbs Ferry.

In accordance with NYS Village Law §7-706, a copy of the Village Board resolution and Local Law **XXX**-2023 which sets forth the zoning amendments have been posted outside the Office of the Village Clerk, and copies may be obtained from the Village website www.DobbsFerry.com, or from Village Clerk Elizabeth Dreaper, RMC at Village Hall, 112 Main Street, Dobbs Ferry, NY 10522, ldreaper@dobbsferry.com or 914-231-8504.

BY ORDER OF THE BOARD OF TRUSTEES

Dated: _____ 2023

Elizabeth Dreaper
Village Clerk

**RESOLUTION ADOPTING LOCAL LAW XX-2023 TO AMEND THE DOBBS FERRY
ZONING PROVISIONS CLARIFYING THE BASIS FOR CALCULATING LOT SIZE**

WHEREAS, the Board of Trustees of the Village of Dobbs Ferry has been considering adoption of an Introductory Local Law which proposes amendments to the Dobbs Ferry Zoning Code Chapter 300 to clarify the basis for calculating lot size; and

WHEREAS, as required by NYS General Municipal Law §239, the draft was referred to Westchester County Planning which thereafter deemed the law was a matter of local concern and provided no substantive comments; and

WHEREAS, as with any proposed amendment to the Village's local zoning provisions, the Village Clerk provided written notice of the hearing on the Introductory Local Law as required by NYS Village Law 7-706; and

WHEREAS, for the purpose of receiving comment on the proposed local law, the Board of Trustees duly advertised and opened a public hearing meeting all requirements of Open Meetings Law on June 27, 2023, which was adjourned to July 11, 2023, and during which the public had the opportunity to be heard; and

WHEREAS, the matter was the topic of further discussion and deliberation by the Board at the public meeting after the close of the hearing on July 11, following which the Board determined there were no impediments to proceeding with adoption of the local law.

NOW, THEREFORE, BE IT RESOLVED, that, the Board of Trustees of the Village of Dobbs Ferry, in its role as Lead Agency for the review of the proposed Unlisted Action under the State Environmental Quality Review Act ("SEQRA), hereby adopts a Negative Declaration in connection with the proposed law based upon an evaluation of the Environmental Assessment Form prepared for this action; and

BE IT FURTHER RESOLVED, that, the Board of Trustees of the Village of Dobbs Ferry hereby adopts Local Law -2023 amending Dobbs Ferry Code Zoning Chapter 300 to clarify the basis for calculating lot size in furtherance of the goal to protect environmentally sensitive lands, preserve the Village's natural resources and promote the orderly development of land through standards that acknowledge the varied topography in Dobbs Ferry; and

BE IT FURTHER RESOLVED, that, the Village Board hereby directs the Village Clerk to file, publish, post and distribute said Local Law in accordance with applicable laws, including NYS Village Law §7-706 requiring publication of a post-adoption legal notice.

Motion By: _____ Seconded By: _____

Vote:

I hereby attest that the above Resolution was approved by the Board of Trustees at its _____, 2023 meeting, and that I have been authorized to sign this Resolution by decision of the Board of Trustees.

Elizabeth A. Dreaper
Village Clerk

Date

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 300-48 Parking.

- A. Purpose. This section is intended primarily to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists and transit users. Parking areas are typically accessory to the principal land use on the site. Even in the case of a parking area that serves as the principal use on a lot, it is still secondary to the surrounding context that it is serving. As such, parking area design should reflect that relationship, reducing the visual prominence of the parking area while emphasizing the primary buildings and orienting pedestrians toward the principal entranceways and walkways. Standards in this section addressing the location and design of parking areas are intended to meet this purpose. A secondary purpose of this section is to address the quantity of parking provided. Minimum standards are provided for each use type, with the amount of parking for special permit uses to be determined through the site plan review process. Flexibility is provided in meeting these parking standards through alternative parking provisions.
- B. Applicability. The parking requirements of this section shall apply to new development, expansions and increases in building size or density, and changes of use, as follows:
- (1) New development. Unless otherwise expressly stated, the parking standards of this section apply to all new development.
 - (2) Expansions and increases in building size or density.
 - (a) Nonresidential uses.
 - [1] Unless otherwise expressly stated, the parking standards of this section apply when an existing nonresidential building or nonresidential use is expanded or enlarged by 15% or more. This provision applies to the addition of floor area or seating capacity, whichever is used for establishing the off-street parking requirements for the use.
 - [2] ~~The Planning Board has the authority to waive the on-site parking for nonresidential uses with a floor area of 1,000 square feet or less may be waived by the Village approving authority during the review and approval process.~~(Reserved)
 - [3] If the expansion of a nonresidential building or use triggers requirements for additional parking, such additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use.
 - (b) Residential uses. The parking standards of this chapter apply whenever additional dwelling units are added to an existing parcel or to a newly created parcel. In all such cases, additional off-street parking is required only to serve the additional dwelling units. Existing off-street parking deficits are not required to be reduced or eliminated when additional dwelling units are added to an existing parcel. However, existing accessory parking may not be reduced to be less than, or if already less than, may not be reduced further below, the minimum required parking standards set forth in Table C-1, Minimum Parking Required. The intent of this provision is to ensure both that existing parking deficits in residential buildings are not increased as a result of additions and that existing deficits are not a deterrent to investment in existing properties.
 - (3) Change of use.
 - (a) When the use of a lot or building changes, additional off-street parking facilities must be provided when the number of parking or loading spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the building, based on the

minimum parking standards of this chapter. In other words, the owner must provide parking equal to the difference between the parking requirement for the existing use and the parking requirement for the new nonresidential use, not the difference between the actual existing parking and the parking requirement for the new nonresidential use.

C. General regulations.

- (1) All off-street parking areas and driveways, except those serving one-family houses, must be constructed with a suitably paved surface. Both impervious paving and pervious paving, such as pavers, pervious asphalt, and similar surfaces which allow some percolation of stormwater may be permitted. Loose gravel is not permitted except in OF Zones.
- (2) The storage of merchandise, materials, equipment, refuse containers, obsolete or junk vehicles or the major repair of vehicles in public and private parking lots is prohibited.
- (3) Except for the purpose of making local deliveries or pickups, vehicles other than passenger vehicles and one light-weight van which could be registered as a passenger vehicle may not be parked or stored in any residential zoning district.
- (4) All required parking spaces shall be suitably drained. No required parking space or loading space shall exceed a grade of 5%, unless specifically permitted by the Planning Board.
- (5) No required parking spaces except in OF Districts shall be nearer than 10 feet to:
 - (a) The wall of any building, except a building that is served by the parking or loading spaces.
 - (b) A side or rear property line.
 - (c) The boundary line of any adjoining areas zoned for residential use.
 - (d) A street curbline or edge of street paving, when there is no curb.
 - (e) Enclosed parking within primary and accessory buildings shall be exempt from this restriction.
- (6) Except for on-street parking that is permitted to satisfy parking requirements, no off-street parking spaces shall be located within a public right-of-way.
- (7) Any parking lot adjacent to a residential zoning district shall provide:
 - (a) A five-foot-tall screening device on the property line abutting the residential zoning district; and
 - (b) A ten-foot-wide landscaped buffer with trees located at a maximum 30 feet on center. The wall or fence described in Subsection C(7)(a) above may be within the ten-foot buffer area.
- (8) The maintenance of screening, landscaping and paving may be required by the approving authority, including the posting of a maintenance bond or cash deposit in an amount determined by the Land Use Officer and in a form acceptable to the Village Attorney, as a condition of site plan approval.

D. Parking area design.

- (1) Location. Off-street parking spaces must be located on the same lot as the use served except as allowed in Subsection H, Alternative parking requirements, below. Where practicable, parking

should be located behind the front facade of the principal building on a lot.

(a) Downtown Districts. No parking shall be located between the front facade of the principal building and the adjacent street in the DB and DT Districts. To the maximum extent practicable, parking in the DG District should be focused to interior portions of a site, away from public streets.

- (2) Parking dimensions. Each off-street parking space for nonresidential use shall measure a minimum of nine feet in width by 18 feet in length. Each off-street parking space for residential use shall measure a minimum of eight feet six inches in width by 18 feet in length. Accessible parking spaces shall meet standards of the Americans with Disabilities Act.
- (3) Parking aisles. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below, with varying aisle widths based on the angle of the parking stalls and the direction of traffic on the aisles.

Parking Angle	One-Way Aisle Width	Two-Way Aisle Width
(degrees)	(feet)	(feet)
90°	24	24
60°	18	22
45°	13	20
30°	12	20
0° (parallel)	12	20

- (4) Screening devices. Any surface parking visible from a public street shall be screened by a thirty-inch- to forty-eight-inch-tall screening device. For the purposes of this section, "screening device" shall mean: a continuous masonry wall constructed of brick, stone or split-face concrete block; a combination masonry pier and decorative iron railing; other durable and decorative screening device that is consistent with the materials of the building facade (such as concrete or stucco); a solid, evergreen hedge; or a combination of the above. Chain link, wood or vinyl picket fencing are not appropriate screening devices.
- (5) Paving materials for parking areas must be distinct from the paving material used for an adjacent sidewalk.

E. Parking area landscaping.

- (1) Purpose. Parking lot landscaping is intended to break up expanses of pavement, create shade, buffer views of parking lots from adjacent streets and buildings, and enhance the overall appearance of development projects.
- (2) Applicability. All parking lots with 12 or more parking spaces in total or eight or more spaces in a single row shall be subject to the requirements of this section.

(3) Perimeter landscaping.

- (a) The view of parking areas from all abutting streets must be visually screened by permitted buildings, fences, walls, hedges, or by a combination thereof. Each fence, wall or hedge shall be not less than 2.5 feet in height and not more than four feet in height. This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings reasonably necessary for access drives and walkways.
- (b) Where a parking area is located adjacent to a residential use, residential zoning district, clubhouse, community center, place of worship, day care, nursery school, educational use, hospital, or public park or open space, the screening requirement shall be met by a combination of building, fence, wall or hedge not less than five feet in height and not more than six feet in height. However, no fence or wall shall exceed the height limitations set forth under § 300-42.

(4) Interior landscaping. All parking areas subject to this subsection shall include interior landscaping according to the following standards:

- (a) Landscaped islands with a minimum width of eight feet and surrounded by a minimum six-inch curb shall be provided to direct the flow of traffic and to provide a place for shade trees to be planted.
- (b) At least one tree per 10 spaces shall be provided within the parking lot. No more than 12 contiguous spaces shall be permitted in a row without a landscaped interruption of at least five feet including curbing.
- (c) Additional landscaping, including shrubs and ground cover, may be required by the Planning Board through the site review process.

F. Minimum off-street parking standards.

- (1) Purpose. The minimum parking standards are intended to lead to the creation of enough off-street parking to accommodate most of the demand for parking generated by the range of uses on a site, particularly in areas where sufficient on-street parking is not available. They are also intended to lead to the creation of enough parking on a site to prevent parking for nonresidential uses from encroaching into adjacent residential neighborhoods.
- (2) Uses subject to special permit. The actual amount of parking required for any use subject to special permit shall be established by the Planning Board and the decisionmaking body for the application.
- (3) Rules for computing minimum parking requirements.
 - (a) Where a fractional space results, the number of parking spaces required is the closest whole number. A half space will be rounded up.
 - (b) In the case of mixed uses, the number of parking spaces required is equal to the sum of the requirements for the various uses computed separately, except for reductions allowed under the subsection entitled "alternatives to minimum parking requirements," below.

G. Minimum parking required. Off-street parking spaces shall be provided in accordance with Table C-1, Minimum Parking Required, except as modified by Subsection H, Alternative parking standards, or as determined by the Planning Board during the site plan review.

H. Alternative parking standards. Properties located in nonresidential zoning districts are eligible for modifications to the parking requirements of Table C-1 per the following standards. In each case, an

appropriate reduction in parking shall be determined by the Planning Board as part of the site review process, with the standards below provided as a guide. In some cases, additional parking reductions may be appropriate; in other cases, lesser reductions may be necessary in order to minimize impacts on surrounding properties and the Village as a whole.

- (1) On-street parking. At the discretion of the Planning Board, the minimum required parking spaces required by Table C-1 may be reduced by one space for every 25 feet of linear building frontage abutting a public right-of-way (not including alleys) with legal on-street parking. A fractional space of 0.6 or greater shall equal a single public parking space. **[Amended 6-14-2011 by L.L. No. 6-2011]**
- (2) Cooperative parking. Cooperative parking represents an arrangement in which two or more uses provide their required off-street parking in the same parking lot, thereby reducing the number of individual parking lots and the number of curb cuts required to serve such lots. Reduced off-street parking requirements are available as an incentive for providing cooperative parking, and cooperative parking may be necessitated in some instances when new curb cuts are prohibited by other provisions of this chapter.
 - (a) Calculation of cooperative parking reductions. The Planning Board or Village Board approving authority may ~~is authorized to~~ approve an adjustment allowing a reduction in the number of off-street parking spaces required when multiple users provide their off-street parking in the same parking lot, as follows:
 - [1] Up to a twenty-percent reduction may be approved when four or more commercial users are involved;
 - [2] Up to a fifteen-percent reduction may be approved when three commercial users are involved; and
 - [3] Up to a ten-percent reduction may be approved when two commercial users are involved.
 - (b) Location of cooperative parking facility. A use for which an application is being made for cooperative parking must be located within 1,250 feet walking distance of the cooperative parking, measured from the entrance of the use to the nearest parking space within the cooperative parking lot, subject to adjustment by the Planning Board or Village Board approving authority.
 - (c) Agreement. An agreement providing for cooperative use of parking must be approved by the Village Attorney and filed with the Land Use Officer. Cooperative parking privileges shall continue in effect only as long as the agreement remains in force. Agreements must guarantee long-term availability of the parking commensurate with the use served by the parking. In granting approvals for a use that will rely upon a cooperative parking agreement, the Planning Board may make the use contingent upon the agreement such that the permitted use would terminate if the agreement lapsed and alternative parking arrangements acceptable to the Planning Board could not be secured. If the agreement is no longer in force, all uses shall be considered nonconforming as to parking until additional parking is provided consistent with the standards of § 300-48.
- (3) Shared parking. Shared parking represents an arrangement in which two or more uses located on the same property with different peak parking demands (hours of operation) use the same off-street parking spaces to meet their off-street parking requirements.
 - (a) Shared parking reductions criteria. Shared parking may be eligible for a reduction in the total amount of required off-street parking, subject to the following criteria:
 - [1] The provided parking serves uses with different hours of operation.

- [2] All uses served by the shared parking are located within 1,250 feet of the parking facility
- (b) Calculation of shared parking reduction. The aggregate amount of parking required by Table C-1 for all uses sharing a parking facility may be reduced according to the standards below:
- [1] If an office use and a general sales and service use share parking, the parking requirement for the general sales and service use may be reduced by 20%, provided that the reduction shall not exceed the minimum parking requirement for the office use.
- [2] If a residential use shares parking with a general sales and service use, the parking requirement for the residential use may be reduced by 30%, provided that the reduction shall not exceed the minimum parking requirement for the general sales and service use.
- [3] If an office and a residential use share parking, the parking requirement for the residential use may be reduced by 50%, provided that the reduction shall not exceed the minimum parking requirement for the office use.
- [4] If two uses that have different hours of operation (typically one requiring parking during daytime hours and one requiring parking during nighttime hours) share parking, the total parking provided must equal the standard for the use with the higher parking requirement. The applicant shall be required to demonstrate that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.
- (4) Payment in lieu of parking (PILOP) program. A payment in lieu of parking for development located within ~~a downtown~~ the Downtown Business (DB), Downtown Transition (DT), Downtown Gateway (DG), Mixed Density Residential 1 (MDR-1), Mixed Density Residential 2 (MDR-2), and Broadway (B) zoning districts may be accepted by the Board of Trustees to satisfy the off-street parking requirement as long as the following standards are met:
- (a) Amount. In developments where the off-street parking requirement may be provided via a payment in lieu, the applicant shall make a one-time-only payment to the Village, in an amount established by the Board of Trustees per parking space. The fee is based on a review of cost studies and standards in other similar communities, balanced with an interest in providing both an attractive option to pursue PILOP and the need to provide a reasonable fee that allows for additional parking construction.
- (b) Time of payment. The payment in lieu of parking fee shall be due and payable prior to the issuance of a certificate of occupancy. All funds shall be collected by the Building Department and transferred to the Village Treasurer for deposit in a separate interest-bearing account.
- (c) Use of funds. Monies in the account shall be used solely for the construction of a parking facility, transportation improvements, including vehicle or station improvements, transportation demand management facilities or programs, shared automobiles or programs, improvements to pedestrian facilities to make the Village more walkable, and similar transportation or mobility-related facilities or programs.
- (d) Periodic review of rate. In order to ensure that the payment-in-lieu rate(s) is fair and represents current cost levels, it shall be reviewed periodically.
- (e) Waiver of required parking spaces. A waiver for all or part of the required on-site parking, subject to all fees below, will be considered only wherein the Board of Trustees determines that development of the required parking on site or through use or expansion of cooperative or shared parking arrangements as detailed in Alternative Parking Standards of the Zoning Ordinance is not practicable and/or creates undesirable visual or other impacts.

(f) Payment in lieu of parking fee schedule.

- [1] Developments requiring a waiver for one to five additional parking spaces shall make a payment of \$5,000 per required parking space.
- [2] Developments requiring a waiver for six to ten parking spaces shall make a payment of \$10,000 per required parking space.
- [3] Developments requiring a waiver for more than 10 additional parking spaces as above shall make a payment of \$15,000 per required space.
- [4] Developments that are potentially eligible to request payments in lieu of parking as above may receive a fifty-percent payment reduction where the Board of Trustees determines that the proposed development includes the offer of donated land or easement to the Village which provides improved access or development potential in the Downtown Village.

(5) Required parking in Downtown Business (DB), Downtown Transition (DT), Downtown Gateway DG, Mixed Density Residential 1 (MDR-1), Mixed Density Residential 2 (MDR-2), and Broadway (B).

(a) Notwithstanding Table C-1, in the Downtown Business (DB), Downtown Transition (DT), Downtown Gateway DG, Mixed Density Residential 1 (MDR-1), Mixed Density Residential 2 (MDR-2), and Broadway (B), the minimum number of required off-street parking spaces for the following uses shall be set forth below:

<u>Use</u>	<u>Minimum Parking Requirement</u>
<u>Mixed-use structure</u>	<u>Same as the requirements for commercial area plus 1 space per dwelling unit</u>
<u>Multifamily dwelling</u> <u>Multifamily housing complex</u>	<u>1 space per dwelling unit</u>

(b) For all other uses, the minimum required number of off-street parking spaces shall be set forth in Table C-1

(6) Electric Vehicle Charging Stations.

(a) The Planning Board may approve the use of Electric Vehicle Charging Stations (EV in lieu of the required parking spaces set forth in this section and Table C-1 if the following requirements are also met:

- [1] Each EV station shall be provided with a charging space the dimensions, access, and design of which shall comply with the zoning requirements and design standards of a standard parking space.
- [2] There shall be no limit to the number of charging stations.
- [3] The use shall comply with all other zoning requirements applicable.

Commented [A1]: We will need to add definition to the zoning

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§ 300-52 **Site plan review and waiver.**

A. When required.

- (1) Site plan review shall be required for all building permit applications that meet one or more of the following criteria:
 - (a) Excavation or filling involving more than 300-500 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, as defined in Tables A-1, A-2 and A-3, of more than 1,000 square feet in an existing building.
- (2) Site Plan Waiver. The Planning Board and/or the Village Board of Trustees may waive the requirements of site plan review.

B. Review of site plan applications by the Board of Trustees and Planning Board.

- (1) The Board of Trustees shall be responsible for final review and approval of applications for site plan approval for the following zoning districts:
 - (a) Waterfront A;
 - (b) Waterfront B;
 - (c) Chauncey Park;
 - (d) Downtown; and
 - (e) Educational/Institutional District.
- (2) Application referral from Land Use Officer.
 - (a) The Land Use Officer shall refer all applications in these districts, as well as any application in another district involving at least one acre of land and/or any application that impacts at least one acre of land, to the Board of Trustees for site plan approval in accordance with this section.
 - (b) The Board of Trustees shall have final site plan approval authority for all applications set forth in Subsection B(1)(a) through (e) above and for any application that impact at least one acre of land, after referral to the Planning Board for recommendation. The Board of Trustees shall have the option to retain final site plan approval authority in all other districts if the site plan impacts, in any way, at least one acre of property. The Board of Trustees shall have 30 days to decide whether it desires to retain final site plan approval in districts where a proposed site plan impacts at least one acre of property, after referral from the Land Use Officer.

(c) If the Board of Trustees decides not to be responsible for final review and approval of a site plan application, such review and approval shall become the responsibility of the Planning Board, subject to this section.

(d) The Planning Board shall be responsible for review and approval of site plan applications for properties not set forth in Subsection B(1)(a) through (e) above and where the Board of Trustees does not retain final site plan approval authority for any application that impact at least one acre of land.

- (3) In considering applications for site plan approval in which the Board of Trustees is responsible for final review and approval of the site plan, the Board of Trustees shall refer the application to the Planning Board, which shall make recommendations with regard to environmental impacts. The Planning Board shall recommend approval, approval with modifications or disapproval, and the matter shall then be heard and determined by the Board of Trustees.

C. Applications for site plan review. Each application shall be accompanied by the following:

- (1) Proof of ownership of the land to be subdivided, in a form approved by the Village Attorney, and authorization by the owner that the application may be submitted if the applicant is not the owner.
- (2) The requisite number of copies of the site plan drawings and support documents.
- (3) A properly completed application form provided by the Land Use Officer and a filing fee in an amount as set from time to time by the Board of Trustees.
- (4) An environmental assessment form (EAF) properly completed.
- (5) A coastal assessment form (CAF) properly completed.

~~(6) All additional submittal requirements cited in Appendix D.~~

D. Criteria for approval. The Board of Trustees and/or the Planning Board shall evaluate each application for site plan based on the purposes and standards of this chapter, adopted design guidelines, and adopted plans, including the Vision Plan and the Local Waterfront Revitalization Plan for only Unlisted or Type 1 Actions under SEQR, as well as the finding of the environmental quality review for the application. In addition, each application shall meet the following standards:

- (1) Siting of buildings and other improvements to the maximum extent practicable shall avoid environmentally sensitive areas and features, including rock outcrops, steep slopes and highly erodible soils. In the event that such environmentally sensitive features are present and will be altered or otherwise affected by the proposed building or other improvements, an erosion and sediment control plan shall be provided in supplement to the site plan and shall be subject to approval by the Board of Trustees and/or the Planning Board. The erosion and sediment control plan shall be prepared by a competent professional and shall be consistent with the provisions of the New York State Department of Environmental Conservation Manual for Erosion and Sediment Control, as amended from time to time.
- (2) Siting of buildings and other improvements shall include adequate stormwater and surface water drainage facilities on site to ensure no net increase in stormwater runoff from the site as a result of the proposed development. Roof leaders, etc., must be directed to appropriate drainage control structures on site and specifically may not be directed uncontrolled to Village streets.
- (3) Siting of buildings and other improvements shall provide for adequate screening and minimizing noise and lighting impacts upon surrounding property owners.
- (4) Siting of buildings, walkways, driveways, roads and other improvements shall provide for safe, adequate and convenient pedestrian and vehicular traffic circulation, both on the site and in the

surrounding streets. Excessive grades in the design of roads and/or driveways shall be avoided.

- (5) Siting of buildings and other improvements shall minimize disturbance to open space and natural features located on publicly owned lands adjacent to the site, including, but not limited to, parkland, wildlife habitat and scenic views.
 - (6) Buildings and other proposed improvements shall conform to the height, bulk and other requirements of this chapter, except as adjusted by variances granted by the Zoning Board of Appeals, or otherwise modified or waived by the Board of Trustees and/or the Planning Board.
 - (7) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter **262** of the Village of Dobbs Ferry Village Code shall be required for site plan approval. The SWPPP shall meet the requirements of § 262-7 and the performance and design criteria and standards in § **262-8** of the Village of Dobbs Ferry Code.
- E. Modifications and waivers. In order to permit a site-specific plan that is equal to or better than the strict application of the standards of this chapter, the Board of Trustees and/or the Planning Board may waive or modify applicable provisions of this chapter, except as provided in Subsection **F** below, if in its judgment such waiver or modification will be consistent with the purpose of promoting the health, safety or general welfare of the community and the purposes of this chapter. The decisionmaking body shall set appropriate conditions on any modification or waiver.
- F. Variances. Except as provided in Subsection E of this section, in any case where the site plan submitted by the applicant indicates that a variance will be required in order to use the premises as shown on the site plan, the applicant shall submit an application to the Zoning Board of Appeals simultaneously with the filing of the application for approval of the site plan with the Building Inspector. The Building Inspector may require the application to first obtain a referral from the Town Board and/or Planning Board to the Zoning Board of Appeals prior to submitting an application to the Zoning Board of Appeals. Upon adoption by the Zoning Board of Appeals of a resolution granting the application for the variance, after public hearing, said variance shall be deemed to be incorporated into the site plan submitted by the applicant. A copy of the action taken by the Board of Appeals shall be furnished to the Board of Trustees and/or the Planning Board.
- G. Time for decision. The Board of Trustees and/or the Planning Board shall grant, deny, grant subject to conditions, or make recommendations in accordance with applicable law, subject to such extensions of time as may be required to obtain further information, to complete the environmental quality review process, complete required reviews, or for the applicant to submit amendments to the application. Any decision shall contain written findings explaining the rationale for the decision in light of the criteria specified at § **300-52C** and **D** above.
- H. Procedures following site plan approval.
- (1) 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.
 - (2) The site plan submitted for stamping shall conform strictly to the site plan approved by the Board of Trustees and/or the Planning Board, except that it shall further incorporate any required revisions or other modifications and shall be accompanied by the following additional information:
 - (a) Record of application for and approval status of all necessary permits from federal, state and county officials.
 - (b) Detailed sizing and final material specification of all required improvements.

- (c) An estimated project construction schedule. If a performance guaranty is to be provided by the applicant for all or some portion of the work, a detailed cost estimate shall be included.
 - (d) Proof of payment of the costs of consultants retained by the Village for review.
- (3) Upon stamping and signing the site plan, the Board of Trustees and/or the Planning Board shall forward a copy of the approved site plan or subdivision to the Land Use Officer and the applicant. Once the site plan is duly filed in the office of the Westchester County Clerk Land Records, the Land Use Officer may then issue a building permit or certificate of occupancy, provided that the project conforms to all other applicable requirements.
- I. Performance guaranty. 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.
- J. Reservation of parkland.
- (1) Findings.
 - (a) The provision of adequate park and recreational facilities for both active and passive recreational pursuits by existing and future residents of the Village is necessary and appropriate to their health, safety and well-being.
 - (b) New residential development may create additional demand for both active and passive recreational facilities and areas, and new facilities and areas for recreation will need to be established to meet the growing and increased needs of residents for each new dwelling unit constructed in the Village.
 - (c) It is fair and appropriate that the developers and owners of new residential developments and units be responsible for addressing the impact of their project on the recreational facilities in the Village from both an operational and capital perspective.
- (2) Dedication and reservation of parks and open space. In order to meet the new demand on recreational facilities, land suitable for recreational and park use by the residents of the Village of Dobbs Ferry shall be required for each new dwelling unit. If the Board of Trustees and/or the Planning Board finds that no suitable parkland exists as part of the site plan and/or subdivision, a payment in lieu of parkland shall be required for each new dwelling unit constructed in accordance with the Village of Dobbs Ferry Code.
- (3) Disposition of funds. Any monies required by the Village for park, playground or other recreational purposes, pursuant to the provisions of this section and any other provision of the Village of Dobbs Ferry Code, shall be deposited in the Village trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property. Such payment shall be a condition of site plan and/or subdivision approval and shall be assessed in accordance with the recreation fee schedule established under Chapter 175, Fees, in the Village Code or other relevant fee established by the Board of Trustees in conjunction with the site-specific findings made by the Board of Trustees. For homes in a site plan and/or subdivision, no certificate of occupancy shall be granted by the Village unless such payment has been received. A note so stating shall be affixed to the site plan or subdivision plat filed with the Westchester County Clerk's office (Division of Land Records). When deemed appropriate by the Board of Trustees, the payment of recreation fees may be required prior to the issuance of a building permit for the

project.

§ 300-53 **Special use permits.**

- A. Applicability. All applications for special permits shall be referred to the Planning Board for decision, except that, in accordance with § **300-22B**, any application to alter, enlarge or extend a nonconforming site, structure or sign shall be referred to the Zoning Board of Appeals for decision.
- B. Criteria for approval. In authorizing the issuance of a special permit, the reviewing board shall take into consideration the public health, safety and welfare and the purposes of this chapter. In addition, each special permit use shall be:
 - (1) Consistent with the use-specific standards provided in Article **XIII** of this chapter, if applicable;
 - (2) Consistent with the adopted guidelines, the Vision Plan, and the Local Waterfront Revitalization Plan ~~for all Unlisted and Type I Actions under SEQR. and the findings of the environmental quality review, if applicable;~~
 - (3) Of such character, size and location that it will be in harmony with the orderly development of the area and will not be detrimental to the orderly development of adjacent districts; and
 - (4) Located as so not to impair the use, enjoyment and value of adjacent residential properties and be of such nature as not to create undue traffic hazards or need for parking facilities or be hazardous or detrimental to the prevailing residential character of the neighborhood.
- C. Time for decision. The Planning Board and/or Zoning Board of Appeals shall approve, approve subject to conditions and/or modifications, or deny the application in accordance with applicable law, subject to such extensions of time as may be required to obtain further information, to complete the environmental quality review process, or for the applicant to submit amendments to the application. Any decision shall contain written findings explaining the rationale for the decision in light of the criteria specified at § **300-53B** above within 30 days of any decision of said board.
- D. Post-approval procedure. If the application for which the special permit was granted requires additional approvals pursuant to this chapter, the board shall refer the special permit application, together with a resolution detailing the conditions of approval, to the appropriate agency. If the special permit application does not require additional approvals, the board shall refer the application, together with a resolution detailing the conditions of approval, to the Land Use Officer.
- E. Time limits. In granting a special permit, the approving agency may impose time frames and/or time limits on the special permit either stipulating the date and time upon which the special permit expires or setting forth the requirements for an extension of the special permit. The approving agency, if it so deems it to be necessary, may also stipulate the details, conditions and requirements for renewal.

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Article VIII Administration

§ 300-25 **Land Use Officer.**

There is hereby established in the Village of Dobbs Ferry the position of Land Use Officer, to be appointed by the Mayor subject to the approval of the Board of Trustees. The Board of Trustees may assign the duties of Land Use Officer to a duly appointed employee of the Village, and such employee shall carry out the duties of the Land Use Officer as set forth herein. The Land Use Officer shall have the following powers and duties:

- A. To assist the public and the Village government in complying with this chapter by providing application forms and explanatory materials to applicants and ensuring that application forms and other materials are delivered in a timely fashion to reviewing boards and agencies.
- B. To call to the attention of the Mayor and Board of Trustees any application for site plan review that may be appropriate for consideration under the provisions of Article **XII**.
- C. (Reserved)
- D. To evaluate applications for development in order to determine their completeness and compliance with the provisions of this chapter for the purpose of referring applications to the appropriate reviewing board.
- E. (Reserved)
- F. To enforce this chapter pursuant to the terms of § **300-29** of this chapter, including but not limited to, the issuance of stop-work or cease-and-desist orders and/or the institution of an appropriate legal action or proceeding to prevent, restrain, correct or abate any violation of this chapter, to prevent the occupancy of premises, or to prevent any activity, business or use that violates this chapter.
- G. To review site plans and subdivision plats submitted pursuant to this chapter and to inspect premises which have obtained one or more approvals pursuant to this chapter to ensure that said plans and premises comply with the approvals granted.
- H. To issue, upon request of a property owner or other interested party, certifications for nonconforming uses, buildings, structures and lots that may lawfully continue in accordance with the provisions of this chapter. Said certifications shall specify the date of establishment or construction and the legality of such nonconforming use, building or structure and/or lot, and shall specify individually each element of nonconformity.

§ 300-26 **(Reserved)**

§ 300-27 **Procedures common to all board meetings.**

- A. General requirements. The Planning Board, Zoning Board of Appeals, Architectural and Historic Review Board and Conservation Advisory Board shall follow the following procedures for all meetings:
 - (1) All meetings and hearings of the Planning Board, Zoning Board of Appeals, Architectural and Historic Review Board and Conservation Advisory Board shall be held at the call of the Chair~~man~~ and at such other times as such board may determine, and shall be open to the public. The board shall fix a reasonable time for the hearing of an application or appeal; give due notice thereof to the applicant, the

Land Use Officer and the other persons affected; and decide the application or appeal within a reasonable time. Upon a hearing, any party may appear in person or by agent or by attorney. The Chair~~man~~ or, in his absence, the Acting Chair~~man~~ may administer oaths and compel the attendance of witnesses.

- (2) Every decision of the board shall be made by majority vote. In every case, the board shall state the reason or reasons for its decisions.
 - (3) The board shall keep minutes of its proceedings, showing the vote of each member upon every question/motion or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Said minutes and records shall be kept in the municipal offices and shall be open to public inspection.
 - (4) Every rule and regulation of the board and every amendment or repeal thereof shall be immediately filed in the Village Clerk's office and be a public record. A record of all orders, requirements and decisions of the board shall be kept in the office of the Village Clerk, and such record shall also be open to public inspection.
 - (5) Every board shall prepare a written description of the requirements for submission and the procedures for each application, setting forth in detail the sequence and the time requirements for each step in the process.
- B. Examinations, inspections and testimony. In addition to the above, the Planning Board, Zoning Board of Appeals, Architectural and Historic Review Board, and Conservation Advisory Board may exercise the following powers, when relevant or necessary to carry out the provisions of this chapter, to assist it in arriving at its decisions:
- (1) To conduct examinations and investigations.
 - (2) To hear testimony and take proof, under oath.

§ 300-28 Procedures common to all applications.

A. Applicability. The procedures contained herein apply to all applications.

B. Submission procedure.

- (1) All applications shall be submitted to the Land Use Officer for referral to the appropriate board.
- (2) Applications which require design review but not site plan approval, subdivision approval, variances or a special permit shall be referred to the Architectural and Historic Review Board by the Land Use Officer.
- (3) Applications requiring site plan review, subdivision approval, variances or special permits shall be submitted to the Land Use Officer.
- (4) Applications requiring site plan review located in the Waterfront (A); Waterfront (B); Chauncey Park; Downtown; or Educational/Institutional District, or involving more than one acre of land, shall be submitted by the Land Use Officer to the Board of Trustees.
- (5) Applications requiring a variance(s) shall be submitted by the Land Use Officer to the Zoning Board of Appeals.

C. Processing of applications.

- (1) General principles:

- (a) Where applications require review by more than one board, reviewing boards are encouraged to consider whether it will promote efficiency to schedule joint meetings or hearings, and to do so in appropriate cases.
- (b) Reviewing boards are required to schedule joint hearings where a reviewing body wishes to modify a condition imposed by a prior board. No prior condition shall be modified except at a joint hearing of the boards involved. Boards shall only place a condition on a project approval or recommendation if it is within its jurisdiction and authority to do so.
- (c) At any time during its consideration of an application, a reviewing board may forward the application to another board from which a subsequent approval is required if, in the opinion of the board, the application involves threshold issues which lie in the other board's area of expertise. The board to which the application is forwarded shall, within 45 days, review the application informally and make recommendations to the board from which it is forwarded, but it shall not hold a formal hearing on the application or grant or deny the application. In such cases, joint meetings are especially encouraged but not required.

(2) Determination of completeness.

- (a) No application shall be heard until it has been deemed complete with respect to application submittals by the Land Use Officer.
- (b) Appeals of the determination of completeness shall be made in accordance with § 300-23B of this chapter.

D. Submission requirements.

- (1) The Land Use Officer shall provide the applicant with application forms, including a checklist, which ~~shall stipulate, at minimum, the items required in Appendix D. The applicant shall submit this form~~ together with the application materials. The applicant may request on the form that one or more required items in the ~~checklist application forms~~ be waived. ~~Each request for a checklist waiver shall be accompanied by written documentation providing the reasons the waiver is being requested.~~
- (2) An application shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant ~~and shall include, at minimum, the information shown in Appendix D, along with any other requirements established by the Village.~~ Site plans shall be prepared by an engineer, architect, landscape architect, planner or other qualified professional.
- (3) Reviewing boards have the authority to deem specific information ~~shown in Appendix D~~ as not required for a particular application when, in the opinion of the reviewing board, the particular information is not pertinent to the application or its review.

E. Approvals by other agencies.

- (1) Approval by the County Planning Board. Any application requiring referral to the County Planning Board pursuant to § 239-m or 239-n of the General Municipal Law shall be referred ~~to that Board by the Planning Board~~ prior to the scheduling of any public hearings by any Village review board. If an application requires referral to the County Planning Board, the procedures of the General Municipal Law at § 239-m or 239-n, as appropriate, shall be followed for the review and approval of such applications, in addition to those procedures set forth in this chapter.
- (2) The applicant shall be responsible for securing permits or approvals from any other state, federal or county agency as may be required. All such required approvals and permits from state, federal or county agencies shall either be obtained prior to approvals being granted or otherwise shall be required as a

condition of approval. The Land Use Officer or Building Inspector shall not grant a building permit until such permits and approvals have been secured.

F. Amendments to applications.

- (1) The applicant may submit an amended application at any time during the approval process, provided that the amended application conforms with all conditions imposed by prior reviewing boards and does not require additional approvals beyond those needed for the original application, except that, if the application is before the Zoning Board of Appeals or the Planning Board, the applicant may request additional or different variances in response to a recommendation made by the Board, provided that such variances do not violate any conditions imposed by a prior reviewing body.
- (2) If any reviewing board determines that an amendment: has substantially changed the nature of the application, may require approvals not needed for the original application, may no longer require an approval previously deemed necessary, and/or may require a supplemental environmental impact statement, the board shall refer the application to the Land Use Officer for referral to the appropriate board for review.

G. Public notice and hearing.

- (1) Public hearings are required for the following applications: (1) site plan review; (2) subdivision review; (3) variances; and (4) special permits. The reviewing board shall hold a public meeting on a complete application in accordance with applicable law. The relevant board shall give public notice of the initial public hearing by causing publication of a notice of such hearing in the official newspaper at least five days prior to the date thereof. The applicant shall be required to send notices of public hearings to owners of properties within 200 feet of the subject property by certified mailing and shall provide proof in the form of an affidavit that such notice has been given.
- (2) For all special permits, variances, site plans, subdivisions and for other matters as established by this chapter, including review of applications by the Historic and Architectural Review Board, the applicant shall also be required to post a notice on a sign provided by the Land Use Officer, stating that there is a pending application on the property and a telephone number to call for further information. This sign shall be posted in public view in a conspicuous location within three days after the application has been accepted by the Village and a meeting or hearing date scheduled. The sign shall remain in place until the day after the hearing is closed.
- (3) When a public hearing and/or public meeting is completed, the reviewing board shall decide by vote whether to approve, approve with conditions, or disapprove the application. The size of the majority required for approval shall be determined in accordance with the New York State Village Law. Within ~~30-60~~ days of a decision, the reviewing board shall set forth in writing a resolution of approval or disapproval describing the reasons therefor and any conditions attached to the approval.

H. Effect of approval or disapproval.

- (1) Approval of an application by any reviewing entity shall grant the applicant the right to proceed with the application, pursuant to the provisions of this chapter and other relevant chapters in this Code, for a period of one year. Additionally, such approval period shall be extended for the length of time required to obtain any subsequent approvals required by this chapter or by county, state or federal agencies.
- (2) If no zoning amendments or other changes to Village regulations affecting the subject property have been enacted in the interim, the Building Inspector shall authorize in writing the extension of the approval of an application by an additional one year; however, in no case shall an approval be extended for more than three additional years beyond the original expiration date.

- (3) Denial or disapproval of an application by any reviewing entity, except in the case of a nonbinding review, shall cause the application process to cease. The applicant may submit a new application at any time following a denial or the applicant may appeal the denial as set forth at § 300-23B of this article. Appeals of decisions for which there is no procedure set forth at § 300-23B may be made to the Supreme Court as provided at § 7-712-c of the Village Law.

§ 300-29 Enforcement.

- A. Violations. All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this chapter. Failure to comply with applicable provisions constitutes a violation of this chapter. Express violations include, but are not limited to, the following:
- (1) Using land or buildings in any way not consistent with the requirements of this chapter;
 - (2) Erecting a building or other structure in any way not consistent with the requirements of this chapter;
 - (3) Engaging in the development of land in any way not consistent with the requirements of this chapter;
 - (4) Installation or use of a sign in any way not consistent with the requirements of this chapter;
 - (5) Engaging in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this chapter without obtaining all such permits or approvals;
 - (6) Failure to comply with any permit or approval granted under this chapter;
 - (7) Failure to comply with any condition imposed on a permit or approval;
 - (8) Obscuring, obstructing, removing or destroying any notice required to be posted or otherwise given under this chapter; or
 - (9) Disobeying, omitting, neglecting or refusing to comply with or resisting the enforcement of any of the provisions of this chapter.
- B. Enforcement for violations on historic properties.
- (1) All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to the requirements expressly stated in the certificate or reasonably implied therefrom. It shall be the duty of the Building Inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event any requirement included in the certificate of appropriateness has not been met, or upon notification of that fact by the AHRB, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.
 - (2) Any owner or person in charge of a property who demolishes, alters, constructs, or permits an individual landmark, scenic landmark, or contributing property within an historic district to fall into a serious state of disrepair in violation of this chapter in the absence of a certificate of appropriateness or demolition permit or other approval by the AHRB may be required by the Board of Trustees to restore the property and its site to its appearance prior to the violation.
 - (3) If, in the judgment of the AHRB, a violation of this chapter exists that will result in a detrimental effect upon the life and character of an individual landmark, scenic landmark, property within an historic district or on the character of an historic district as a whole, the AHRB shall notify the Building Inspector. If, upon investigation, the Building Inspector finds noncompliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, or the affirmative

maintenance and repair requirement (§ 300-19E), or any other applicable law or regulation, the building inspector shall order such remedies as are necessary and consistent with this chapter and shall provide written notice thereof to the AHRB. Upon such notification, the AHRB may establish a reasonable time not less than 30 days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the AHRB shall hold a hearing at which the owner may appear and state his or her reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the AHRB's orders, the AHRB may recommend to the Board of Trustees that the required repairs be made at the expense of the Village, with the cost of labor and materials, as well as all other costs, including court costs and attorney's fees, to be placed as a lien against the property.

- (4) Nothing in this article shall prevent the Building Inspector to commence proceedings in local court for violation of the Village Code, and/or the Village from commencing any action in State Court to remedy any and all violations on the property.
- C. Liability. The property owner, tenant or occupant of any land or structure, or part thereof, or any design professional, builder, contractor, vendor or authorized agent who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter is jointly and severally liable for the violation and subject to all available penalties and remedies.
- D. Remedies and enforcement powers. The Village may use any lawful remedy or enforcement power, expressly including those described in this section.
 - (1) Withhold permit. Village officials may deny or withhold all permits or other forms of authorization for any land or structure for which there is an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit or other authorization previously granted by the Village. This provision applies regardless of whether the current property owner or the applicant is responsible for the violation in question.
 - (2) Permits with conditions. Instead of withholding or denying a permit or other authorization, Village officials may grant such authorization subject to the condition that the violation be corrected by a specified time. Village officials are also authorized to require adequate financial assurances that such correction will be made.
 - (3) Revoke permit.
 - (a) Any permit or other form of authorization required and issued under this chapter may be revoked when the Building Inspector determines that:
 - [1] There is departure from the plans, specifications or conditions required under terms of the permit;
 - [2] The development permit was procured by false representation or was issued by mistake; or
 - [3] Any of the provisions of this chapter and/or the Village Code are being violated.
 - (b) Written notice of revocation shall be served upon the property owner by certified mail and posted in a prominent location. Once notice of revocation is provided, all construction must stop.
 - (4) Stop work. Whenever development is occurring in violation of this chapter, the Building Inspector may order the work to be immediately stopped, in accordance with the following standards:
 - (a) The stop-work order must be in writing and directed to the person doing the work and/or the property owner; and
 - (b) The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

- (5) Injunctive relief. The Village may seek an injunction or other equitable relief in court to stop any violation of this chapter.
- (6) Abatement. The Village may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which it existed before the violation.
- (7) Remedial action. Any person who violates this chapter by alteration or modification of a structure to increase the number of dwelling units or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used, or by altering or modifying an office or commercial building to accommodate one or more uses not permitted by this chapter is required to remove those fixtures, electrical and plumbing connections, furnishings, partitions and non-load-bearing walls determined by the Building Inspector to constitute the violation. Failure to remove any of the foregoing constitutes a separate violation.
- (8) Penalties.
 - (a) Unless otherwise indicated, any violation of this chapter is punishable by a penalty of not more than \$350 for the first offense, \$750 for the second offense, and \$1,000 for the third and subsequent offenses. In addition to any penalties, all costs and expenses incurred by the Village in determining such violation may be collected.
 - (b) In addition, every violation of this chapter shall constitute disorderly conduct and every person violating the Zoning Ordinance shall be a disorderly person, subject to both a fine and imprisonment not in excess of the maximum fine and imprisonment prescribed by the Penal Law for such disorderly conduct.
 - (c) Each week such violation or failure to comply exists after notice constitutes a separate and distinct offense.
- E. Nothing in this chapter will be construed as depriving the Village of the right to apply for an injunction to prevent any violation or of employing any other remedies as allowed by law.
- F. Continuation of previous enforcement actions. Nothing in this chapter will be interpreted to prohibit the continuation of previous enforcement actions undertaken by the Village under previous valid ordinances and laws.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article X

District Regulations, Use and Area Requirements

§ 300-35 Residential districts.

A. District purposes.

- (1) General purposes of all residential districts. The residential zoning districts contained in this section are intended to:
 - (a) Provide appropriately located areas for residential development that are consistent with the Dobbs Ferry Vision Plan and with public health, safety, and general welfare;
 - (b) Allow for a variety of housing types and community amenities that meet the diverse physical, economic, and social needs of residents; and
 - (c) Respect the scale and character of existing residential neighborhoods and surrounding areas.
- (2) Specific purposes of residential districts.
 - (a) One-Family Residential (OF) Districts. The primary purpose of the OF Districts is to maintain the character and scale of established neighborhoods characterized by one-family houses on individual lots and to allow for the appropriate development and redevelopment of lots in those areas. Clustered development may be appropriate in some areas with OF designation. The Zoning Ordinance provides a range of OF Districts (OF-1 to OF-6) which are differentiated primarily on the basis of minimum lot area and coverage requirements.
 - (b) Mixed-Density Residential (MDR) Districts. The primary purpose of the MDR Districts is to maintain the character and scale of established neighborhoods characterized by a mixture of detached one-family houses, two- and three-family homes, and multifamily housing, often found in large, older buildings which have been reorganized into apartments, and to allow for the appropriate development and redevelopment of lots and existing buildings in those areas. The districts are also intended to provide a transition between OF Districts and higher-density apartment districts or commercial districts. The Zoning Ordinance includes three types of MDR Districts intended to address the current and desired character of different areas of the Village.
 - [1] MDR-1 allows for a mixture of one-, two- and three-family dwelling units and townhouses with a minimum lot area of 2,500 square feet per dwelling unit is required. See Appendix B, Table B-2.
 - [2] MDR-2 allows for a more intense mixture of dwelling units, including townhomes and small multifamily buildings with a maximum of eight units per building. A minimum lot area of 800 square feet per dwelling unit is required. See Appendix B, Table B-2.
 - [3] MDR-H is intended to reinforce the existing pattern of larger historic homes and estates that have been subdivided into multiple dwelling units while maintaining the exterior appearance of a single-family home. A minimum lot area of 2,500 square feet per dwelling unit is required. See Appendix B, Table B-2.
 - (c) Multifamily (MF) Districts. The primary purpose of the MF Districts is to maintain the character and scale of existing multifamily housing complexes. Although the districts accommodate a wide range of housing types, they are primarily intended to accommodate moderate- to high-density, multiunit residential buildings in areas where such development already exists. The Zoning Ordinance includes

four MF Districts (MF-1, MF-2, MF-3 and MF-4). These districts are differentiated primarily on the basis of allowed density (minimum lot area per unit).

- (d) **Broadway (B) District.** The purpose of the Broadway (B) District is to support the continued use of large homes, many built pre-1900, for multifamily and professional offices. Adaptive reuse that retains the historic character of the existing buildings is encouraged.

B. Conformance with design and character guidelines.

- (1) Conformance with the residential design guidelines, Appendix G, as adopted by the Board of Trustees, is encouraged where applicable and shall be considered as part of the site plan review criteria, as well as the basis for the Architectural and Historic Review Board's evaluation.
- (2) Conformance with the character guidelines for Palisades Street, Appendix H, as adopted by the Board of Trustees, is encouraged where applicable and shall be considered as part of the site plan review criteria, as well as the basis for the Architectural and Historic Review Board's evaluation.

C. Use requirements. Permitted uses and dwelling types in each residential district shall be as specified in Table A-1.

D. Area requirements.

- (1) **Minimum lot area.** The minimum lot area shall be the greater of either the minimum specified in Table B-1 or B-2 (depending on the underlying zoning district) or the average lot area of the existing lots within 400 feet of the subject property, not including any lands in the OS-3 Zoning District.
- (2) **Minimum lot area per dwelling unit — residential districts.** The minimum lot area per dwelling unit specified in Table B-2 shall be provided, regardless of whether multiple dwelling units are located on a single lot or on individual lots. No lot shall be subdivided to form two or more lots unless each and every resulting lot meets the minimum lot area per dwelling unit required by Table B-2.
- (3) **Minimum lot width, depth and coverage.** The minimum lot width and depth shall be the greater of the minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district) or the minimum specified in Table B-3.
- (4) **Minimum side yard setbacks.** The minimum side yard setbacks (individually and combined) shall be the greater of the minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district) or the minimum specified in Table B-4.
- (5) **Minimum front yard setback.** The minimum front yard setback shall be the lesser of:
 - (a) The prevailing front yard setback plus or minus 10% of the required minimum setback as defined by Table B-1 or B-2 (depending on the underlying zoning district); or
 - (b) The minimum specified in Tables B-1 or B-2 (depending on the underlying zoning district) or the minimum specified in Table B-5.
- (c) **For a building in the MDR-2 which has a building width greater than 40 feet as measured parallel to Palisade Street,** the portion of the building width that is greater than 40 feet shall have an additional five-foot front yard setback.
- (6) **Maximum front yard setback.** The maximum front yard setback shall be the prevailing front yard setback plus or minus 10% of the required minimum setback.
- (7) **Minimum rear yard setback.** The minimum rear yard setback shall be the greater of the minimum

specified in Tables B-1 or B-2 (depending on the underlying zoning district) or the minimum specified in Table B-5.

- (8) Maximum building height, ridge height, eave height and sky exposure plane. The maximum building height, maximum eave height, and massing of buildings in the OF and MDR-1 residential districts shall be controlled with context-based limits as described below and as specified in Table B-7.
 - (a) In single-family residential zoning districts, the maximum building height shall be the lesser of:
 - [1] The prevailing ridge height determined by multiplying the average existing ridge height of buildings on lots within the context limit area of the subject lot by 1.25; or
 - [2] The maximum building height specified in Table B-6 (depending on the underlying zoning district and roof pitch). In no event, however, shall the building be required to be less than 2 1/2 stories or less than 28 feet to the ridge.
 - (b) In single-family residential zoning districts, the eave height shall not exceed the prevailing height determined by multiplying the average existing eave height of buildings on lots within the context limit area of the subject lot by 1.15. In no event, however, shall the building be required to have an eave height of less than 22 feet or be permitted to have an eave height of more than 28 feet.
 - (c) Anomalies identified by the Architectural and Historic Review Board, consisting of existing buildings with unusually high or unusually low ridges and/or eaves, may be excluded from the calculations used to determine the average ridge or average eave heights above.
 - (d) In any residential district where the maximum building height is limited to 2 1/2 stories, no portion of the building, except for chimneys and dormers seven feet or less in width, not to exceed a total aggregate width of 33% of the overall length of the building wall below that roof on which the dormers sit, shall penetrate the sky exposure plane.
- (9) Maximum site coverage and impervious surface area. The maximum site coverage and impervious surface area shall be as specified in Table B-1, B-2 or B-3 (depending on the underlying zone district).

§ 300-36 **Downtown districts.**

A. District purposes.

- (1) General purposes of all downtown districts. The downtown districts are intended to accommodate retail, service, residential and commercial uses and to ensure that business and commercial-zoned areas are compatible with the character of existing neighborhoods. The downtown districts are also intended to ensure the preservation of the unique character and quality of life in the downtown area by encouraging compatible redevelopment and infill development.
- (2) Specific purposes of commercial districts.
 - (a) Downtown Business (DB) District. The purpose of the Downtown Business (DB) Zoning District is to maintain the existing character, scale and mix of uses in the downtown core that allow it to serve as the Village's meeting place while encouraging appropriate redevelopment that adds to the civic and economic vitality of the community. A mix of uses, including residential uses above nonresidential establishments, is encouraged. In order to encourage a pedestrian-friendly environment, flexible standards are provided for meeting parking requirements.
 - (b) Downtown Transition (DT) District. The purpose of the Downtown Transition (DT) Zoning District is to maintain the existing character, scale and mix of uses along Lower Main Street (below the Library) as a transition between the more intensive Downtown Business District and the

surrounding residential areas. Residential uses are permitted on both the ground floor and above nonresidential establishments. In addition, the DT Zoning District may be applied to other commercial areas that serve surrounding residential neighborhoods.

- (c) Gateway (DG) District. The purpose of the Downtown Gateway (DG) Zoning District is to provide an appropriate location for community- and region-serving commercial within a mixed use environment near the intersection of Ashford and Broadway; to enhance the pedestrian environment; to reduce traffic conflicts; and to encourage development including residential uses with a quality of design appropriate for this highly visible location. Development should be focused to the major streets, with transitions in building scale, intensity and use adjacent to established residential neighborhoods.
- B. Downtown design guidelines. Conformance with the Downtown Design Guidelines in Appendix F, as adopted by the Board of Trustees, is encouraged and shall be considered as part of the site plan review criteria, as well as a basis for the Architectural and Historic Review Board's evaluation.
- C. Use requirements.
 - (1) Table of permitted uses. Permitted uses in the downtown zoning districts shall be as specified in Table A-2.
 - (2) Ground-floor uses restricted. In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses are prohibited along the entire length of the ground floor of the principal building adjacent to a public street in the DB and DG Districts. That nonresidential space shall be no less than 25 feet deep. Properties located in the DT District are exempt from this restriction.
- D. Area requirements. All structures in the downtown zoning districts shall meet the standards in Table B-8.
- E. The building design standards are intended to ensure compatibility with the historic character and design quality of the Village. These standards apply within all downtown zoning districts, except where specifically noted. The Board of Trustees on recommendation from the AHRB and the Planning Board may, at its sole discretion, waive or modify these standards through the site plan review. See Table B-8.
 - (1) Upper-story setbacks. The number of permitted stories in the DT, DG and DB Zones shall be three stories. The addition of a fourth story of any building and/or a building in excess of 40 feet in a DG and DB Zones or 35 feet in the DT Zone (up to 45 feet in the DB and DG zones or 40 feet in the DT Zone) may be permitted only at the discretion of the Board of Trustees as part of the site plan review application and only after a reasoned judgment setting forth the public benefits of the development which would warrant the Board of Trustees granting approval of a fourth story and an increase in height above 40 feet or 35 feet as the case may be. In determining the appropriateness of the fourth story and an increase in height above 40 feet in the DB or DG Zones or 35 feet in the DT Zone, the Board of Trustees shall take into consideration the recommendations of the Planning Board and the AHRB in considering impacts, including but not limited to viewsheds, solar access to the streetscape and surrounding buildings, use and enjoyment of the Old Croton Aqueduct (OCA) and consistency with the character of the individual building and surrounding buildings. Based on a review of potential impacts cited above, a fourth story and/or an increase in height above 35 feet or 40 feet, if approved, may be required 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. In addition, in the downtown districts, 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.

[Image]

- (2) Transparency. Blank street-facing facades are not permitted. For new construction and additions, except for structures used solely for residential occupancy, transparent glazing shall be integrated into the design of each facade facing a public street, with storefront windows on the ground floor. Window glazing shall be clear and shall transmit at least 65% of visible daylight (visible transmittance shall be 0.65 or greater). Glazing must be maintained without interior or exterior obstructions that limit visibility, including, but not limited to, window signs, interior shelving, or window coverings during hours of business operation for a minimum distance of three feet from the interior face of the glass.
- (3) Building articulation. Buildings shall be designed to reduce apparent mass and reflect historic patterns by including a clearly identifiable base, middle and top, with horizontal elements separating these components.
- (4) Building entrances.
- (a) Buildings shall have one or more pedestrian entrances located on the front facade and facing the street. A building located on a corner may have an angled entrance at the corner of the two streets. The pedestrian entrance(s) shall be operable during normal hours of business operation.
- (b) Building entrances shall be emphasized through the use of architectural treatments.

[Image]

- F. Site development standards. The site development standards are intended to ensure compatibility with the historic character and design quality of the Village.
- (1) Pedestrian access. Sites must be designed to promote safe and convenient pedestrian, bicycle and vehicular circulation according to the following standards:
 - (a) To establish and maintain a continuous streetscape, curb cuts allowing access to parking areas and service entrances shall be limited within the DB District to one curb cut for every 75 linear feet of street frontage. In no case shall a curb cut exceed 18 feet in width. Existing curb cuts shall be replaced with curbing when redevelopment of a property makes them unnecessary or inconsistent with the intended character of the zoning district.
 - (b) Pedestrian routes must be continuous, clear of obstructions, and easily identifiable as protected pedestrian routes. Landscaping, curbing, raised paving, bollards, distinctive paving materials, and other similar means may be used to separate and protect pedestrian routes from vehicular traffic.
 - ~~(2) Parking. THIS IS BEING MOVED TO THE PARKING REQUIREMENTS SECTION OF THE ZONING CHAPTER~~
 - ~~(a) The Planning Board has the authority to waive the on-site parking for nonresidential uses with a floor area of 1,000 square feet or less.~~
 - ~~(b) No parking shall be located between the front facade of the principal building and the adjacent street in the DB and DT Districts. To the maximum extent practicable, parking in the DG District should be focused to interior portions of a site, away from public streets.~~
 - ~~(c) Any surface parking visible from a public street shall be screened by a thirty-inch to forty-eight-inch-tall screening device. For the purposes of this section, "screening device" shall mean: a continuous masonry wall constructed of brick, stone or split-face concrete block; a combination masonry pier and~~

~~decorative iron railing; other durable and decorative screening device that is consistent with the materials of the building facade (such as concrete or stucco); a solid, evergreen hedge; or a combination of the above. Chain link, wood or vinyl picket fencing are not appropriate screening devices.~~

~~(d) Any parking lot adjacent to a residential zoning district shall provide:~~

~~[1] A five-foot-tall screening device on the property line abutting the residential zoning district; and~~

~~[2] A ten-foot-wide landscaped buffer with trees located at a maximum 30 feet on-center. The wall or fence described in Subsection F(2)(d)[1] above may be within the ten-foot buffer area.~~

~~(e) Paving materials for parking areas must be distinct from the paving material used for an adjacent sidewalk.~~

~~(f) The maintenance of screening, landscaping and paving may be required by the Planning Board, including the posting of a maintenance bond or cash deposit in an amount determined by the Land Use Officer and in a form acceptable to the Village Attorney, as a condition of site plan approval.~~

§ 300-37 **Special districts.**

A. Waterfront A (WF-A) District.

(1) District purpose.

- (a) The purpose of the Waterfront District A is to permit and encourage water-dependent and water-related uses of the area in a manner consistent with the vision and priorities expressed in the Village's Local Waterfront Revitalization Plan (LWRP).
- (b) The Waterfront District A designation permits recreational, open space, commercial and business uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area. This district is designed to protect the sensitive aesthetic, recreational, historic and environmental features that exist along the shoreline, to promote and encourage public access to the shoreline and enjoyment of these features, to encourage appropriate water-oriented uses of this area, to preserve and enhance mixed commercial use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy and bring people to the waterfront area and to ensure appropriate density of commercial development.

(2) Permitted uses.

- (a) Uses are permitted in the Waterfront A Zoning District in accordance with Table A-3.
- (b) Any and every use allowed by this subsection is subject to and conditioned upon site plan review by the Board of Trustees and Planning Board pursuant to Article XII, except the following uses when they are located in structures existing on site as of September 23, 2003:
 - [1] Restaurants.
 - [2] Retail sales and service uses, sales-oriented.
 - [3] Studios for artists and craftspersons.
 - [4] Educational enterprises devoted to teaching arts, crafts, theater, music, yoga, martial arts, or any similar discipline, or to continuing educational enterprises for people of all ages whether engaged in the profit or not-for-profit sector.

(3) Special permit conditions and procedures.

- (a) Uses within the Waterfront District A shall be subject to the issuance of special permits as described below and site plan review, in accordance with § 300-53.
- (b) In considering any application for a special permit in the Waterfront District A, the Planning Board shall be guided by the general provisions pertaining to the issuance of special permits set forth in § 300-53.
- (c) In addition to those general conditions, the Planning Board may condition the grant of a special permit on compliance with any reasonable requirements or conditions that are directly related and/or incidental to the proposed use so as to ensure that it will be in harmony with and further the objectives of the LWRP. These objectives include but are not limited to preservation and enhancement of the unique aesthetic, recreational, historic and environmental qualities and features of this district for the maximum benefit and enjoyment of the entire community. Requirements or conditions under this provision may include or relate to any or all of the following:

- [1] Maximizing and facilitating public ingress, egress, access to and enjoyment of the riverfront area and shoreline;
- [2] Providing amenities, services and attractions that will draw people to the riverfront and encourage public use and enjoyment of the area;
- [3] Requiring the use of best management practices with respect to protection of water quality, stormwater management, erosion and sediment control;
- [4] Preserving the viewshed for maximum enjoyment and benefit of the community as a whole;
- [5] Protecting streams and watercourses leading into the Hudson River;
- [6] Ensuring appropriate location and screening of parking, utility installations and accessories, lighting and sign locations; and
- [7] Supporting water-dependent and water-enhanced uses and activities.

- (d) In granting a special permit under this subsection, the Planning Board shall make specific findings that set forth the manner in which the proposed use and special permit conditions are directly related and/or incidental to the proposed use so as to ensure that it will be in harmony with and further the objectives of the LWRP and, in particular, the preservation and enhancement of the unique aesthetic, recreational, historic and environmental qualities and features of this district for the maximum benefit and enjoyment of the entire community.
- (4) Dimensional standards. All structures in the waterfront zoning districts shall meet the standards in Table B-9.
- (5) Bulk and density computations. No portion of any lot or parcel in the Village that lies beneath the mean high water mark may be used or taken into consideration in calculating the permissible yield, density, bulk, lot coverage or site coverage of all or any part of the upland portion of the lot of which the underwater portion is a part.

B. Waterfront B (WF-B) District.

(1) District purpose.

- (a) The purpose of the Waterfront District B is to permit and encourage uses of the area in a manner

consistent with the vision and priorities expressed in the Village's Local Waterfront Revitalization Plan (LWRP).

- (b) The Waterfront District B designation permits recreational, open space, commercial, business and residential uses that will benefit from and, in turn, enhance the unique aesthetic, recreational, historic and environmental qualities of the waterfront area. This district is designed to protect the sensitive aesthetic, recreational, historic and environmental features that exist along the shoreline, to promote and encourage public access to the shoreline and enjoyment of these features, to preserve and enhance mixed commercial use of old industrial buildings that bring creative small businesses, artisans and entrepreneurs to the community and support the Village's economy and bring people to the waterfront area and to ensure appropriate mixed-use density of both commercial and residential development.
- (2) Permitted uses.
- (a) Uses are permitted in the Waterfront B Zoning District in accordance with Table A-3.
 - (b) Any and every use allowed by this subsection is subject to and conditioned upon site plan review by the Board of Trustees and Planning Board pursuant to Article XII, except the following uses when they are located in structures existing on site as of September 23, 2003:
 - [1] Retail sales and service uses, sales-oriented.
 - [2] Studios for artists and craftspersons.
 - [3] Educational enterprises devoted to teaching arts, crafts, theater, music, yoga, martial arts, or any similar discipline, or to continuing educational enterprises for people of all ages whether engaged in the profit or not-for-profit sector.
- (3) Bulk and density computations. In applying the dimensional standards set forth in Table B-9, in addition to any other applicable adjustment required by this chapter, an area equivalent to 140% of the footprint of any existing building or structure scheduled to remain shall be subtracted from the total lot area before the permissible bulk or density limits are derived. **[Amended 6-14-2011 by L.L. No. 6-2011]**
- (4) Dimensional standards. All structures in the WF-B Zoning District shall meet the standards in Table B-9.
- (5) Development incentive density bonuses in Waterfront District B. In order to further the objectives of the LWRP and the Vision Plan, the Board of Trustees in consultation with the Planning Board may increase the permissible density of development in the Waterfront District B as set forth below:
- (a) The Board of Trustees may provide density bonuses in accordance with this subsection in exchange for an applicant providing one or more of the following facilities or amenities:
 - [1] Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A by the construction of a pedestrian esplanade way along the river shore in Waterfront District B as a contiguous portion of a larger Village riverwalk, such as is proposed in the LWRP;
 - [2] Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A by shoreline stabilization and bulkhead restoration projects, construction of piers, launching facilities or other recreational waterfront or shoreline amenities;
 - [3] Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A and providing linkage between the waterfront and the rest of the Village by creating and/or restoring, maintaining and making available to the public one or more means of

access over the railroad right-of-way and ensuring public access thereto over and across property within the Waterfront Zoning District B;

- [4] Committing a significant portion of land in Waterfront A and B Districts to park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants, deed restrictions and conservation easements.
 - [5] Providing publicly accessible open space and/or recreational areas in Waterfront A and B Districts and providing access to Waterfront District A from Waterfront District B;
 - [6] Protecting steep slopes and environmentally sensitive features;
 - [7] Providing public access to the Metro North Station and encouraging the use of mass transit;
 - [8] Preserving a significant portion of the existing structures in Waterfront A or B District for uses described in § 300-37B(2);
 - [9] Providing a mix of residential unit sizes (e.g., one-bedroom, two-bedroom) in development to be constructed in Waterfront District B that is consistent with the needs of the Village; and
 - [10] Achieving a LEED rating for the development within the Waterfront District B to the greatest extent possible.
- (b) For applicants who provide or make provision for amenities and facilities listed in § 300-37B(5)(a) above, the Board of Trustees may, at its discretion, award bonuses by increasing the density ratios in Waterfront District B up to a maximum of 20%. A bonus awarded under this provision may be in any increment between 0% and 20% in proportion to the degree to which the proposed amenities confer benefits identified in § 300-37B(5)(a) above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a bonus of 10% were allowed, permissible density would be calculated based on a reduction of the minimum lot per family from 2,500 square feet to 2,250 square feet. The bonus permitted under this section is a bonus in permissible density only and does not authorize any enlargement of the permissible bulk or lot coverage of buildings to be constructed.
- (c) In awarding a density bonus under this subsection, the Board of Trustees shall make specific findings that set forth in detail the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP and the Vision Plan and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and historic qualities and features of this district for the maximum benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community. The finding shall also set forth in detail the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus.
- (6) General requirements and restrictions.
- (a) All lighting must comply with the standards of § 300-41.
 - (b) In addition to the standards set forth in §§ 300-38A and 300-46C, there shall be no construction on or regrading of steeply sloped areas greater than 25% unless the Planning Board and/or the Board of Trustees makes a specific finding that such construction or regrading is warranted by considerations that make alternative approaches less desirable in view of overall planning considerations (including the overall objectives of the LWRP) and will be carried out in a manner consistent with best management and engineering practices for such construction or regrading.

C. Chauncey Park (CP) District.

- (1) District purpose. The purpose of the Chauncey Park (CP) Zoning District is to facilitate redevelopment opportunities in the area of the Village bordering the Saw Mill Parkway immediately north and south of Lawrence Street. The area was originally a small hamlet served by the Putnam train line with a station at Lawrence Street. Because of its remote location relative to the remainder of the Village and its excellent access to the regional roadways, the area is particularly appropriate for larger-scale redevelopment as a mixed use center with substantial employment and mid- to high-density residential opportunities. New construction in the CP District shall meet standards for cluster development, with a site design that is sensitive to the environmentally sensitive features in the area, including wetlands and watercourses, steep slopes, and woodland areas, and that takes advantage of opportunities for trail connections, sidewalks and greenbelts. In addition, building design should reflect the modernist architectural style of existing buildings. As the area represents a prime development opportunity in the Village, all plans will be held to the highest standards of site design, architecture and green building.
- (2) Cluster development mandated. In order to allow for additional flexibility in site and building design while ensuring the highest quality development with significant community benefits, any redevelopment of portions or the entirety of the CP zoned property that includes the subdivision of properties or the development of new structures shall be consistent with the standards for cluster development in Article XIII, § 300-54F.
- (3) Permitted uses. Permitted uses in the Chauncey Park (CP) Zoning District shall be as specified in Table A-3.
- (4) Dimensional standards. Dimensional standards in the Chauncey Park (CP) Zoning District shall be as specified in Table B-10.
- (5) Base density. The base density for development within the Chauncey Park District is one unit per 1,800 square feet of gross site area. The density may be increased according to the bonuses set forth in Subsection C(6) below and the standards set forth in "Clustered development" in Article XIII, § 300-54F.
- (6) Development incentive bonus in the Chauncey Park District. In order to further the objectives of the LWRP and the Vision Plan, the Board of Trustees in consultation with the Planning Board may increase the permissible density of development in the Chauncey Park District as set forth below:
 - (a) The Board of Trustees may provide, in its sole discretion, density bonuses in accordance with this subsection in exchange for an applicant providing one or more of the following facilities or amenities:
 - [1] Preserving environmentally sensitive features such as steep slopes, rock outcroppings, watercourses and stands of trees;
 - [2] Implementing stormwater management measures that improve the water quality in wetlands and help prevent flooding of the Saw Mill River Parkway;
 - [3] Committing a significant portion of land in the Chauncey Park District to park or open space use, either by conveying the land in the Chauncey Park District to the Village for such purposes or by other means, such as covenants, deed restrictions, and/or conservation easements;
 - [4] Promoting walking and biking trails that help connect sidewalks and off-site trails through the Chauncey Park District to neighboring communities' parkland, the Putnam bike trail, and Hillside Park;

- [5] Improving vehicular traffic patterns and connections to adjacent street networks through the Chauncey Park District to reduce congestion;
 - [6] Encouraging the use of mass-transit for people visiting, working or living in the Chauncey Park District;
 - [7] Providing a shuttle bus system connecting the Chauncey Park District to the downtown portions of the Village of Dobbs Ferry and the Metro North Station;
 - [8] Preserving a significant portion of the existing structures in the Chauncey Park District;
 - [9] Providing a mix of residential unit sizes (e.g., one-bedroom and two bedroom units) in development to be constructed in the Chauncey Park District that is consistent with the needs of the Village; and
 - [10] Achieving a LEED-ND rating for the development within the Chauncey Park District, although actual certification is not required.
- (b) For applicants who provide or make provision for amenities and facilities listed in § 300-37C(6)(a) above, the Board of Trustees may, at its discretion, award bonuses by increasing the density ratios in Chauncey Park District up to a maximum of 20%. A bonus awarded under this provision may be in any increment between 0% and 20% in proportion to the degree to which the proposed amenities confer benefits identified in § 300-37C(6)(a) above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a bonus of 10% were allowed, permissible density would be calculated based on a reduction of the minimum lot per family from 1,800 square feet to 1,620 square feet. The bonus permitted under this section is a bonus in permissible density only and does not authorize any enlargement of the permissible bulk or lot coverage of buildings to be constructed.
- (c) In awarding a density bonus under this subsection, the Board of Trustees shall make specific findings that set forth in detail the amenities to be provided by the applicant, how those amenities further the purposes of the LWRP and the Vision Plan and, in particular, how they preserve and enhance the unique aesthetic, recreational, environmental and historic qualities and features of this district for the maximum benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community. The findings shall also set forth in detail the relationship between the amenities being provided and the bonus being awarded and shall specify the rationale supporting the proportionality of the amenities to the bonus.
- D. Educational/Institutional (EI) District.
- (1) District purpose. The purpose of the EI District is to accommodate the development of public or quasi-public facilities or private facilities of a noncommercial character, including churches, hospitals, schools and cultural facilities in a campus-like setting with substantial open space. The Ardsley Country Club, while an existing private facility, is included within this district because of similar land use impacts and the campus-like setting of the facility. The Dobbs Ferry Hospital, while it does not include substantial open space, is included within this EI District specifically because it is a large public facility with a property that is incongruent with its surrounding residential neighbors, requiring better control of the uses of that property and their impacts on the surrounding community. Because of the size of the EI zoned lands and the potential for significant impacts on surrounding properties and the community as a whole, redevelopment and subdivision applications shall meet the cluster development standards. In order to permit a comprehensive understanding and review of future development potential, a plan illustrating the property owner's development and disposition plans for the site should accompany any such application.

- (2) Cluster development mandated. In order to allow for additional flexibility in site and building design while ensuring the highest quality development with significant community benefits, any redevelopment of portions or the entire parcel in the EI zone that includes the subdivision of properties or the development of new structures shall be and are mandated to be consistent with the standards for cluster development in Article **XIII**, § **300-54F**.
- (3) Development plan required. Any application for subdivision or development shall include a graphic plan and accompanying text illustrating the property owner's long-term plan for the development and disposition of the site. Such plan should, at a minimum, indicate proposed roadway and pedestrian path alignments, open space and sensitive natural areas/features, areas identified for disposition, and proposed uses, densities and building heights. Where a rezoning application is anticipated for a portion or the entirety of the site, the preferred zoning designation should also be indicated. Such plan shall not constitute an application for rezoning.
- (4) Permitted uses. Permitted uses in the EI Zoning District shall be as specified in Table A-3.
- (5) Dimensional standards. Dimensional standards in the EI District shall be as specified in Table B-10.
- (6) Base density. The base permitted density for development within the EI District is per 40,000 square feet. That density may be increased according to the standards for cluster development at Article **XIII**, § **300-54F**, and the findings of the site plan review.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 300-51 Tree preservation.

[Amended 4-26-2022 by L.L. No. 1-2022]

A. Tree preservation; legislative intent.

- (1) The Village of Dobbs Ferry finds that the existence of trees within the Village makes a fundamental contribution to the health, safety and general welfare of Dobbs Ferry citizens and the community at large. Trees, in addition to their aesthetic benefits, are essential to riparian habitat, wildlife, energy conservation, temperature moderation and the healthy ecology of the area; trees help improve air quality and reduce global warming. These benefits to the community and environment increase as trees mature. Maturation of trees protects surface water quality, provides shade, offers windbreaks, controls water pollution by reducing soil erosion and flooding, offers a natural barrier to noise, yields advantageous microclimates and fundamental ecological systems. Trees, together with shrubs, contribute to property values of residential and commercial establishments, and preserve and enhance the natural beauty and appearance of the Village and its historic, non-urban character.
- (2) Our community's investment in its tree resources has accrued over many years. This investment can be rapidly squandered by indiscriminate damage to and destruction of trees, especially mature and/or specimen trees and shrubs. Unregulated destruction of trees and unacceptable pruning practices cause barren and unsightly conditions, increase municipal expense to control drainage and soil erosion problems, impair the stability and value of developed and undeveloped property and negatively impact the health, safety, environment, ecosystems and general welfare of the inhabitants of the Village of Dobbs Ferry.
- (3) The Village hereby establishes policies, regulations and standards necessary to ensure that the community will continue to realize the benefits provided by our trees. The provisions of this section are enacted to:
 - (a) Control and regulate the indiscriminate cutting and destructive or excessive pruning of trees.
 - (b) Increase species and age diversity of our tree population to provide long-term stability of the aggregate canopy and ecosystem by requiring replanting when trees are removed.
 - (c) Preserve our trees and the non-urban appearance of our Village by encouraging owners of existing homes, vacant lands and commercial parcels to save or replace mature tree species when developing their parcels.
 - (d) Protect public trees in municipal parks and easements.
 - (e) Facilitate Village stewardship of air, water, land and living resources, to sustainably protect the environment for the use of this and future generations.

B. Supplementary definitions. The following are intended to supplement definitions found in § 300-14, or elsewhere in the Code.

CERTIFIED ARBORIST

An individual who has obtained knowledge and competency in arboriculture or forestry through an accredited body such as the International Society of Arboriculture (ISA) arborist certification program, the American Society of Consulting Arborists, the New Jersey Society of Certified Tree Experts, the State of Connecticut Department of Environmental Protection or the New York State Cooperating Consultant Forester Program.

CERTIFIED ARBORIST REPORT

A report prepared by a certified arborist containing specific information on the tree(s) and/or shrubs to be removed, including, but not limited to: species, size, location, condition, structure, height, crown integrity, crown spread, age, pruning history and presence of pests or disease. The report shall include the arborist's name, address, business affiliation, certification information and signature.

CLEAR-CUTTING

The cutting of five or more trees with a diameter of six inches or more at a height of 54 inches (diameter at breast height or DBH) above the natural grade on a given lot within a twelve-month period.

CRITICAL ROOT ZONE (CRZ)

The area containing the volume of roots necessary for maintenance of tree health and stability. The CRZ is determined as a circle with a diameter calculated from the diameter at breast height (DBH) using the equation: $(DBH \times 1.5) \times 2$, which typically extends beyond the dripline of the tree (as defined below).

DBH (DIAMETER AT BREAST HEIGHT)

A standard measurement of tree size taken by measuring the diameter of the trunk at a height of 4.5 feet (54 inches) above ground level. Guidelines for determining DBH in some of the more complicated situations are as follows:

- (1) If the tree has branches, bumps or forks that interfere with DBH measurement, measure below that point and record the height at which DBH was determined.
- (2) If the tree is growing vertically on a slope, measure DBH from the uphill side of the slope.
- (3) If the tree is leaning, measure DBH in the direction of the lean.
- (4) If the tree splits into several trunks close to the ground (i.e., has a multistemmed or low-branched habit), the DBH of the tree is the sum of the DBH of each trunk.

DESTRUCTIVE PRUNING PRACTICES

Pruning of a mature tree in ways that are in violation of best practices, as defined by the American National Standards Institute Guidelines for Tree Pruning (ANSI A300 Part 1) destructive pruning practices include, but are not limited to, tree topping, defined as cutting back large-diameter branches to stubs, and removal of more than 25% of a tree's canopy.

DOWNED TREE

A tree that has fallen over or is broken and is lying on the ground or on a structure.

DRIPLINE

The outermost limit of the canopy of a tree as delineated by the perimeter of its branches and which, extended perpendicularly to the ground, encloses the tree.

GIRDLING

An activity that removes or injures the bark of a tree trunk, typically extending around much of the tree's circumference.

HAZARDOUS TREE

A tree that exhibits serious defects, that is, obvious and visible signs that the tree is failing and that it presents an imminent threat to the health and safety of persons, property, power lines or places where people gather. Examples of serious defects include, but are not restricted to, one or more of the following conditions:

- (1) Excessive damage by an act of God, usually a weather event such as windstorm, lightning strike or flooding, with major broken branches, split trunk, large cracks or other defects that cannot be corrected by pruning.
- (2) Severe cracks in the main stem or in branch unions that penetrate deeply into the wood of the tree.
- (3) Advanced decay associated with cracks, branch unions, cavities in the tree or root flares and buttress roots. Evidence of fungal activity including mushrooms, conks, and brackets growing on root flares, stems, or branches can be indicators of advanced decay.
- (4) Leaning beyond 45° from vertical with evidence of recent root exposure, soil movement or soil mounding.
- (5) Supported solely by the action of another tree or object.

PROTECTED TREE

Any of the following:

- (1) A tree with a DBH of ~~eight~~six inches or more, regardless of location.
- (2) A tree with a DBH of three inches or more located in a wetland, watercourse buffer or watershed buffer (as defined elsewhere in Village Code).
- (3) A tree with a DBH of three inches or more located on a slope of 25% or greater.
- (4) A tree that has been planted as a specific requirement of site development plan approval or as part of a previous replanting or restoration agreement.
- (5) A tree of historic or unique value to the Village (as defined herein).
- (6) A tree with a DBH of three inches or more designated by the New York State Department of Environmental Conservation as a protected native plant for our region.

PUBLIC PROTECTED TREE

Any of the following:

- (1) A tree with a DBH of ~~eight~~six inches or more located on lands owned by the Village or land upon which property rights such as easements are imposed for the benefit of the Village.
- (2) A tree, regardless of size, planted in a designated tree well or curbside in the public right-of-way.

REPLANTING AGREEMENT

A written agreement between the property owner and the Village specifying types and sizes of trees and/or shrubs to be planted as replacements for those that have been removed.

TREE COMMISSION (TC)

As defined in Article VI of this section.

TREE FUND

A special purpose fund into which shall be deposited any penalties for violations or payments in lieu of restoration/replanting which shall be used at the discretion of the Village Board of Trustees to promote the intent and purpose of this section, including the purchase and maintenance of trees, shrubs, plants and green spaces. The Board of Trustees may request ~~from~~, and/or consider a written recommendation ~~initiated by~~, from the Tree Commission and/or the Conservation Advisory Board as to the use of the

funds. The Village Board of Trustees shall establish any fee or basis of payments in lieu of replanting and same shall be included in the master fee schedule and be revised in accordance with Chapter 175.

TREE OF HISTORIC OR UNIQUE VALUE

A tree with unique or noteworthy characteristics or intrinsic value, including, but not limited to, species, age, location, historical significance, ecological value, or incomparable or irreplaceable aesthetic benefit to the community or environment. Examples include:

- (1) "Champion" tree listed on an accredited tree registry or shown to be of comparable size to such listed tree.
- (2) Rare or endangered species on federal or state lists.
- (3) Specimen tree exhibiting qualities such as noteworthy leaf color or shape, peeling bark, floral display, fruit, overall form or habit, unique wildlife habitat support, or rarity.

TREE REMOVAL (TR) APPLICATION

A completed form entitled "Tree Removal Permit Application" available from the Building Department or the Village website, to be submitted [to the Building Department](#) by any party [seeking a permit, including an administrative permit, to engage wishing to in any tree removal activity which is subject to the provisions remove one or more protected trees as](#) outlined herein.

TREE REMOVAL PERMIT

A permit approved and duly issued pursuant to the terms of this section. The permit consists of a written document in form determined by the Building Department acknowledging which trees have been approved for removal and, [if appropriate to the circumstances](#), -is accompanied by a permit sign to be posted publicly. The permit may also include additional compliance requirements such as a replanting agreement or landscape plan [in accordance with the provisions herein](#).

TREE REMOVAL PERMIT, ADMINISTRATIVE

[That form of written approval issued by the Building Department for the conduct of a tree removal regulated activity in accordance and with § 300-51\(E\).](#)

TREE RISK ASSESSMENT

A determination of the extent to which a tree is hazardous using an industry-wide rating scale taken from "A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas" published by the International Society of Arboriculture. Risk is rated by evaluating the probability of failure of the tree, its size and the targets that could be damaged if it fails.

UTILITY DISTRIBUTION LINE VEGETATIVE MANAGEMENT

The procedure by which electrical utility companies manage potential or existing conflict between power lines and vegetation, thereby minimizing tree-related power outages. While most vegetative management involves tree trimming, trees that pose hazards to power lines because of ill health, proximity to the lines or other problems may be determined to be hazardous by the utility's arborist and be removed.

C. Allowable activities. Tree removal permit is not required for:

~~(1) Removal of any tree not regulated by this section.~~

~~(2) Removal of a downed tree.~~

~~(3)~~ Routine pruning or trimming of a tree to maintain health and natural habit.

- ~~(4) Removal of any tree that has been found to be dead, dying, insect-infested or otherwise hazardous as determined in writing on business letterhead of a certified arborist and submitted to the Building Inspector.~~
- ~~(5) Protected trees presenting an unacceptable risk to the person or property of the owner, to the public, to public property or to the person or property of an adjoining property owner. A tree risk assessment should be performed and documented by a certified arborist. Circumstances must be such that defects cannot be remedied by reasonable pruning or cabling of the tree.~~

D. Prohibited activities. No person, firm or corporation shall purposely, carelessly or negligently take any action that will result in killing, destroying or significantly degrading the immediate or long-term viability of any protected tree. Such actions include, but are not limited to:

- (1) Removal of a protected tree without a permit.
- (2) Clearcutting.
- (3) Destructive pruning practices.
- (4) Girdling or partial girdling or other significant bark damage.
- (5) Compaction of CRZ due to construction or other activity. Disallowed activity within the CRZ includes: traversal, access or parking by construction vehicles; manual construction activities excluding landscaping (unless specifically authorized by an approved site development plan); excavation and stockpiling of materials.
- (6) Installation of impervious surfaces over more than 25% of root zone.
- (7) Severing or trenching through more than 25% of the root zone.
- (8) Grade change exceeding three inches within the CRZ.
- (9) Poisoning or application of chemicals causing a failure to thrive.

E. Tree removal ~~Regulated activities requiring an administrative tree removal permit.~~

(1) An administrative tree removal permit is required for the following activities:

(a) Removal of downed trees.

(b) Removal of any tree that has been found to be dead, dying, insect-infested or otherwise hazardous as determined in writing on business letterhead of a certified arborist and submitted to the Building Inspector.

(c) Protected trees presenting an unacceptable risk to the person or property of the owner, to the public, to public property or to the person or property of an adjoining property owner. A tree risk assessment should be performed and documented by a certified arborist. Circumstances must be such that defects cannot be remedied by reasonable pruning or cabling of the tree.

(2) An application for an administrative tree permit shall be filed with the Building Department, including all materials, information, reports and plans as set forth in § 300-51(H) of this chapter, unless waived by the Building Department.

(1) The Building Department may conduct a site inspection and may require the applicant to stake or otherwise locate in the field all pertinent locations of a proposed activity.

(2) The Building Department may conduct periodic site inspections during the implementation of the tree removal, to ensure that all granted permits are being completed in accordance with the provisions of this chapter and the issued permit approval.

F. Regulated activities; permit required for removing protected trees.

- (1) Protected tree. No person, firm or corporation shall purposely, carelessly or negligently cut down any protected tree or take any action that will result in the cutting down of any protected tree unless a tree removal permit is obtained, as provided in this section.
- (2) Clearcutting. A TR permit application is required if an aggregate of five or more trees (as defined in this section, six inches or more DBH) are being removed on any single lot within any given twelve-month period.
- (3) Notwithstanding any other provision of this section, where protected tree or clearcutting removal is proposed in connection with any site plan or subdivision application submitted to the Planning Board or Village Board for approval, protected trees may be removed from the affected property only in conjunction with and subsequent to the approval of a final subdivision plat or final site development plan and are subject to the requirements of § 300-51J, Tree valuation.

GF. Granting of tree removal permits.

- (1) Permits for the removal of protected trees may be granted if the protected trees are healthy but cause undue hardship by substantially interfering with a permitted and intended use of the property. No report from a certified arborist is required for a healthy tree. However, the applicant should supply a description of the intended use and why the protected trees present an undue hardship.
- (2) A replanting agreement for the replacement of 50% of the total aggregate diameter of trees proposed for removal as regulated under this section with new trees or other appropriate vegetation such as shrubs in accordance with tree valuation criteria (see §§ 300-51J, Tree valuation) is required for any tree removal permit.

HG. Procedural requirements for ~~tree removal~~ TR permits:

- (1) All TR Applications for tree removal activity permits shall be filed with the Building Department which shall review for completeness. Once deemed complete, all TR applications shall be reviewed by the Building Department for the purpose of determining if the requested permit action is (i) a regulated activity which requires an administrative, or (ii) regulated. All permit actions determined as tree removal permit as issued by the Building Department; or is a regulated shall be referred to the TC for review in accordance with this section. activity which requires a tree removal permit as issued by the TC, then and hen determined as complete shall be referred to the TC for its review. The Building Department and or TC have the authority to request additional information from the application which is deemed to be necessary for application review of any TR application or to for rendering its of any decision. The Building Department and the TC may retain the services of a certified arborist at the applicant's expense and an escrow account shall be established for purpose of reimbursement for such services.
- (2) TR applications must be made in writing on forms provided by and in accordance with according to rules and regulations set forth by the Building Department. A permit and escrow fee shall be established by resolution and may be adjusted from time to time by the Board of Trustees and included in the Fee Schedule in accordance with Chapter 175. The permit fee shall be remitted with the application.
- (3) TR applications must include a Ttree removal plan indicating the trees that are proposed to be removed.

- (4) If appropriate under the provisions herein, TR applications must include a landscape plan showing the locations, quantities, species, varieties and sizes of trees and/or shrubs to be planted. The plan may also include the locations of existing trees and other landscape features per the requirements of § 300-51J, Tree valuation, must also be attached to the application.
- (5) The TR application shall contain an acknowledgement by the property owner that members of the TC approving authority may require access to the property to inspect protected trees. Advanced notification of inspection visits will be provided unless specifically waived by the property owner. ~~TC-The approving authority members~~ may be accompanied by a certified arborist and other consultants and photos may be taken for purposes of site documentation.
- (6) The Building Department or the TC as appropriate to the permit shall document any decision and comments on an application for TR permit in writing, a copy of which will be provided to the property owner by the Building Department.
- (7) If the ~~TC approves the TR tree removal permit or administrative tree permit is approved~~, in addition to the any applicable written decision ~~of the TC~~, the Building Department will issue both the permit and a permit sign for public posting on the site at a location clearly visible from the street. The sign must be posted at least three days before tree removal begins. Permits must be available on site for presentation to Building Inspector, code enforcement officer or other enforcement officer upon request while the removal is in progress. The tree must be tagged with a clearly visible ribbon or blaze during the period of notice.
- (8) If applicable, the aApplicant will be required to sign the replacement agreement ~~upon~~ before receipt of the TR permit.
- (9) Tree removal must be completed 90 days after the approval date of the TR permit. If appropriate, tFree permit for replanting will expire six months after the approval date. ~~Tree removal permits expire upon the expiration of six calendar months after the approval date.~~

IH. Emergency removal of protected trees.

- (1) The provisions of § 300-51HG above shall not apply for the removal of a hazardous tree under the following emergency procedure:
 - (a) A TR application designated as an emergency removal shall be filed with the Building Department which contains a certification by a certified arborist as to the need for the emergency removal.
 - (b) Within five business days of any emergency tree removal conducted prior to issuance of a tree removal permit, the property owner must submit a TR application after the fact which contains written statement by a certified arborist of the need and circumstances for the immediate emergency removal for safety reasons and such other documentation of the emergency event, including photographic documentation of tree before and after removal.
- (2) Removal of a protected tree without adherence to the emergency procedure shall be a violation of this section.
- (3) The emergency procedure will be waived:
 - (a) When a tree is determined to be dangerous by a police officer, firefighter, Public Works official or civil defense official acting in their professional capacity during or in the aftermath of catastrophic events or states of emergency.
 - (b) When tree removal is determined to be necessary by fire department personnel actively engaged in

fighting a fire.

J. Tree valuation.

- (1) In the case of non-violation conditions, "tree valuation" is defined as "equivalent diameter inches," i.e., a twenty-inch DBH tree would be deemed equivalent to up to twenty-inch-caliper of replacement trees.
- (2) In connection with all tree permits, subdivision, and site plan applications, the project shall meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees in accordance with the approved plan for tree replacement. 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.

K. Public protected trees; utility distribution line management.

- (1) Public protected trees may be removed only by a Village employee, or by a firm or individual retained or duly authorized by the Village. Removal of or damage to a public protected tree by any other person, firm or corporation is a violation of this section.
- (2) A TC application is not required for the Village to remove a public protected tree, but a recommendation to the Village Board from the TC is required. Information such as a certified arborist report and any test results leading to the Village's decision for tree removal shall be made available upon request. Documentation of public protected trees that have been removed shall be forwarded to the TC.
- (3) In the case of tree removal as a part of utility distribution line vegetation management, performed by the utility company's contractors, TC applications and permit signs are not required. A list of trees slated for removal by the utility shall be submitted to the Building Department with a copy forwarded to the TC before tree removal begins.

L. Penalties for violations.

- (1) Penalties. In addition to any penalty or fine provisions elsewhere in the Code, including § 300-29D(8), and any available remedy at law or equity, any person or entity removing or causing the removal of one or more protected trees without first obtaining the required tree removal permit, or causing significant or irreparable damage to a protected tree, or otherwise violating this section shall be subject to penalties including:
 - (a) Mechanical damage to a public protected tree, such as knocking over, breaking or uprooting the tree, bark tearing, limb breakage, tree well damage or damage to the tree roots caused by a vehicle: up to \$500 per violation.
 - (b) Violations affecting a protected tree or ~~public protected tree~~: up to \$500 per violation.
 - (c) Violations affecting a protected tree within a conservation easement, wetland, watercourse or designated buffer area: up to \$1,000 per violation.
 - (d) Violations affecting a tree of historic or unique value: up to \$2,000 per violation.
 - (e) Other violations, including, but not limited to, the removal of five or more trees without a permit: up to \$2,000 per violation.
 - (f) Each tree may be considered a separate violation and a penalty shall be assessed accordingly.

- (2) Upon receipt, such penalty amounts shall be deposited into the special purpose fund as established herein known as the Tree Fund to be used at the discretion of the Village Board of Trustees to promote the intent and purpose of this section. The Board of Trustees may request from, and/or consider a written recommendation initiated by the TC as- & Conservation Advisory Board as to the use of said funds.
- (3) Any person or entity violating the tree provisions in this section may be required to enter into a binding and enforceable restoration agreement with the Village in addition to any other penalties or fines associated with the violation. The Village Administrator is authorized to execute such agreement on behalf of the Village.
 - (a) The Building Inspector has the sole discretion to determine the need for a restoration agreement based on the particulars of the violation at issue.
 - (b) A restoration agreement shall include enforceable provisions for replanting of replacement trees and/or other vegetation on the property, the totality of which must be comparable in value (e.g., species, quality, quantity, size), based on a valuation analysis (See § **300-51J**, Tree valuation) and the particulars of the violation at issue. The restoration agreement shall include a detailed landscape plan which must be reviewed and approved by the Village. The Building Inspector shall refer the proposed landscape plan for review and written recommendation, the expense of which shall be the sole responsibility of the violator, by either a qualified consultant retained directly by the Village, or by the TC which may also obtain the services of a qualified consultant.
 - (c) Should on-site restoration be determined by the Village's qualified consultant or the TC to be impractical and/or undesirable in full or in part, an equivalent monetary value amount shall be deposited into the Tree Fund.
 - (d) To assist the Village in determining the elements of the restoration agreement, the services and reporting of an arborist or horticultural consultant, or other qualified consultant, may be required. Any expense associated with obtaining such services will be the sole responsibility of the violator. The Village may require the deposit of funds into escrow for use in the payment of consultants. Any escrow fee shall be established by resolution and adjusted from time to time by the Board of Trustees and included in the Fee Schedule in accordance with Chapter **175**.
 - (e) Restoration shall be completed within six months of execution of the restoration agreement and the Building Department shall be notified within 10 business days after restoration work has been fully completed so that a final site inspection may be conducted. If seasonal planting requirements prevent the timely completion of restoration, the timeline may be extended in writing by the Building Inspector.
 - (f) No certificate of occupancy shall be issued by the Building Inspector until the restoration work is completed to the reasonable satisfaction of the Building Inspector, subject to conditions as Building Inspector may prescribe.
 - (g) If trees or other specified vegetation included in the restoration agreement fail to survive for a period of two calendar years following planting, they shall be replaced by the party to the agreement with identically specified items unless a modification of the restoration agreement is obtained from the Building Department. Said replacement shall be within 60 days following written demand from the Building Inspector for such replacement, or within an extended period of time as may be specified. Should the party to the agreement fail to replace the trees or vegetation pursuant to demand within the required period of time, the party to the agreement may be subject to further penalties, fines or other enforcement actions.

- (1) Applicants may appeal any final decision of the Tree Commission, in writing, to the Zoning Board of Appeals. Such written appeal is to be filed with the Building Department on forms to be provided by and in accordance with rules and procedures adopted for this purpose. Said appeal shall state specifically the location of the trees in relation to roads, structures and adjoining properties and shall further state the reasons why the permit application should have been decided differently. The appeal should refer to the criteria for granting permits noted in Subsection XX above. The ZBA may engage with one or more consultants, the costs for which shall be borne by the appealing party in accordance with escrow procedures established by this Code.
- (2) Appeal of decisions as to tree removal and restoration by the Board of Trustees and Planning Board shall be made according to the standard appeal provisions for those boards and approval processes.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 300-46 Natural and scenic resource protection.

The purpose of this section is to protect and enhance the natural and man-made features that contribute significantly to the Village's scenic quality and character, including: varying topography and hillsides, floodplains, wetlands, significant trees, view corridors, and steep slopes ~~historic sites and areas~~.

A. General site design guidelines.

- (1) To the maximum extent practicable, where significant natural features ~~or areas of historic or cultural value~~ exist on a property or ~~an~~ adjacent to the property, an applicant shall affirmatively provide protection of give priority to their preservation the features by locating new development construction in such a way to avoid away from impacts to those features ~~or areas~~;
- (2) Priority for protection shall be given to the features listed below. These features have not been listed in any order of significance. The relative significance of individual features identified in connection with the application shall be determined by the Planning Board board having approval jurisdiction during the review process.
 - (a) ~~Slopes of greater than 25% 15% but less than 35%;~~
 - (ba) Views to the Hudson River and other significant view corridors;
 - (eb) Mature trees, specimen trees, and significant stands of trees and vegetation, especially native species;
 - (dc) Floodplains, watercourses and natural drainage ways;
 - (ed) Wetlands; and
 - (f) ~~Historic, cultural or archaeological sites, buildings, or areas recognized by the Village or another government agency as significant; and~~
 - (gf) Other significant and/or unique features.
- (3) Land use, site design and development shall be designed reviewed and approved -in a manner that preserves the natural topography of the site and minimizes the use of cut and fill, as determined by the board having approval jurisdiction Planning Board through the site review process.

B. Pedestrian connections. To the maximum extent practicable, where opportunities exist to connect or complete ~~planned non-vehicular pedestrian~~ connections such as pedestrian sidewalks along the property frontage and trails or paths illustrated in the Vision Plan, Local Waterfront Revitalization Plan or other plans and policies adopted by the Village, such as initiatives to facilitate the safe shared-use of travelways, an applicant shall provide for such facilities and connections, or reserve lands rights for the future completion construction of such facilities and connections.

C. ~~Steep slopes~~. Protection of steep slopes is a matter of concern to the entire Village. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and general welfare. Experience has demonstrated a need for effective protection of steep slopes, including careful review and regulation and the implementation of stringent mitigation measures where, in the opinion of the approving authority, no practicable alternative to such disturbance exists.

(1) Development on any area measuring an area of 1,000 square feet or more with slopes of greater than 15% but less than 35%. To mitigate the potential adverse impacts of development on steep slopes, the approving authority should seek the permanent preservation of such areas by such means as the use of innovative site design or if no practicable alternative to such disturbance exists, the minimum disturbance necessary shall be permitted by the approving authority to ensure the property owner a reasonable use of their property.

(2) Development shall not be permitted in any area measuring 1,500 square feet or more with a slope of 35% or greater, subject to the following exceptions based on one of the following findings by the approving authority:

(a) The Board of Trustees' and the Planning Board's justification for the board having approval jurisdiction to permit allowing development and/or disturbance within areas of steep slopes, particularly on lots where it would otherwise be possible to avoid the steep sloped areas, should be the protection and/or preservation of other environmentally sensitive features or the reduction of adverse environmental impacts on neighboring properties, provided that:

(1) In considering disturbance and development within steep sloped areas, t~~The board having approval jurisdiction Board of Trustees and the Planning Board~~ shall require the implementation of appropriate engineering methodologies to prevent slope instability, erosion and/or sedimentation.

(2) The board having approval jurisdiction Board of Trustees and the Planning Board may ~~permit allow~~ a driveway to cross an area with a ~~thirty five percent~~ 35% or greater slope to facilitate access to a developable portion of a site when no other reasonable alternative exists.

(b) The property cannot be reasonably developed without the disturbance of steep slopes of 35% or greater. The Planning Board may only permit the disturbance of steep slopes of 35% or greater if in doing so adverse environmental impacts can be mitigated to the extent acceptable to said Board.

(3) -A site plan or subdivision application seeking approval to permit development and/or disturbance within areas of steep slopes of 15% or greater, shall prepare a site plan by a landscape architect, architect, professional engineer or other qualified-duly licensed person and showing the following information:

(a) The location of existing or proposed structures, and driveways.

(b) The location of the proposed area of disturbance and its relation to neighboring properties.

(c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet.

(d) The location and size of areas of steep slopes, under existing and proposed conditions, in the area of proposed disturbance.

(e) The proposed final contours of the disturbed area at a maximum contour interval of two feet and proposed surface materials or treatment.

(f) An erosion and sedimentation control plan.

(g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.

(2) ~~Building in areas with more than twenty five percent slope or areas containing slide potential and other~~

D. View protection.

- (1) Purpose and intent. The Village of Dobbs Ferry finds that the natural landscape and visual quality of the community provides a sense of pride and individuality, setting it apart from other places. Special vistas, views and scenic areas contribute significantly to the quality of life, add to the value of property, and enhance the desirability and livability of the community. When development occurs on or in the vicinity of a well-recognized landmark or outstanding view it can have a dramatic negative effect upon the general character of the community. As part of the Vision Plan process, the Village has identified significant scenic views and view corridors from selected viewing places throughout the community. Views to the Hudson River, from both public and private property, are particularly important and demand consideration in the review of development applications. The purpose of these standards are to preserve the scenic quality of these resources and thereby promote a high quality of life, preserve property values, and promote sustainable economic development by limiting development that would reduce their visual integrity and to ensure that development does not block observation of a scenic view from delineated public viewing places.
- (2) Applicability. These view protection standards and guidelines shall apply to all development within the Village subject to site plan review.
- (3) View analysis.
 - (a) Analysis required. Each development project with the potential to impact the visibility of the Hudson River or with the potential for visibility from any established viewing platform shall be subject to a view analysis during site plan review. (For purposes of this subsection, "potential" is defined as capable of being seen from a viewing platform if trees or large shrubs are removed, significantly pruned, or impacted by construction.)
 - (b) Analysis methodology. The applicant shall be required to demonstrate the visibility (or lack thereof) of the proposed development. Methods for demonstrating visibility may include scale drawings, photo simulations, scale models, or three-dimensional digital models. At the discretion of the Planning Board, the applicant may be required to install "story poles" or balloons to identify the proposed building envelope and height. When story poles or balloons are used, the applicant shall take photographs of the project from appropriate established viewing platforms that clearly show the story poles and/or house and subject property.
 - (c) Locations of viewing platforms. The locations of the public viewing platforms are established by the map included as Appendix E. The Planning Board shall have the ability to amend that map from time to time as necessary to add or remove locations.
 - (d) Views from other locations. While the focus of this subsection is on impacts to views from the established viewing platforms, the Planning Board and other reviewing boards shall consider impacts to views from private property as well in determining the overall impact on views of a development application.
- (4) Standards.
 - (a) Visibility of a building or portion of a building from a viewing platform or other location shall not, in and of itself, be reason for denial of an application. However, the visual impact of buildings or portions of buildings that can be seen shall be mitigated to the maximum extent practicable by reducing the height of the building or moving the structure to another location

on the site. Providing landscape screening is not an alternative to reducing building height or selecting a less visible site.

- (b) Existing natural features shall be retained to the maximum extent practicable and integrated into the development project. Site conditions such as existing topography, drainage courses, rock outcroppings, trees, significant vegetation, wildlife corridors, and important views will be considered as part of the site analysis and will be used to evaluate the proposed site design.

~~E.—Tree protection.~~

~~(1) Legislative intent; authority. The Village of Dobbs Ferry finds that trees contribute in many ways to the health, safety and general welfare of all Dobbs Ferry citizens. Trees, in addition to their aesthetic benefits and temperature moderation, are of benefit to riparian habitat, wildlife, energy conservation and the ecology of the area. Trees protect surface water quality, provide shade, offer windbreaks, reduce soil erosion and flooding, offer a natural barrier to noise and enhance the beauty and appearance of the Village. Conversely, indiscriminate and excessive cutting of trees and damage to trees can result in barren and unsightly conditions, increase surface drainage problems, increase municipal expense to control drainage, and impair the stability and value of developed and undeveloped property. Section 96-b of the General Municipal Law specifically empowers municipalities to provide for the protection and conservation of trees and related vegetation. The Village, having been given the authority pursuant to the Municipal Home Rule Law to amend or supersede provisions of state law relating to its property and affairs of government, intends by this section to promote the preservation of a healthy tree population throughout the community by means consistent with the reasonable use of private property. The Board of Trustees hereby amends the Village Code pursuant to the power vested in the Municipal Home Rule Law as follows.~~

~~(2) Tree protection requirements.~~

- ~~(a) Tree protection required. The owner of any premises shall exercise all reasonable care to preserve all specimen trees, significant stands of trees, or rare or endangered trees on the site during the course of development or redevelopment. In the event any such tree is damaged to the extent that it may die, in the opinion of the Land Use Officer, it shall be removed and replaced at the owner's cost and expense.~~
- ~~(b) Financial guarantee. As a condition of site plan approval and prior to the issuance of a building permit, the owner may be required to deposit a financial guarantee in cash with the Village in an amount deemed sufficient to replace all specimen trees, significant stands of trees, or rare or endangered trees on the site. In addition, an agreement must be executed authorizing the Village to use that sum for the purpose of replacing damaged or destroyed landscaping if the plantings are not completed within a period of one year from the date of the issuance of the building permit. Any amount not so expended to be returned to the owner. Upon installation, all plantings are to be maintained and renewed by the owner as directed by the Land Use Officer. [Amended 6-14-2011 by L.L. No. 6-2011]~~

~~(3) Tree removal requirements.~~

- ~~(a) Private property; undeveloped or subdividable lots. No person shall cut down, kill or otherwise destroy or commit any act which may lead to the destruction or eventual destruction of any tree, as defined in 300-2, on any undeveloped or subdividable lot, unless said person shall have obtained approval pursuant to this section.~~
- ~~(b) Private property; developed lot. No person shall cut down, kill or otherwise destroy or commit any act which may lead to the destruction or eventual destruction of any protected tree, significant stand of trees or rare or endangered tree, as defined in § 300-14, on any developed property, unless said person shall have obtained approval pursuant to this section.~~

~~(c) Nuisance. Any tree or shrub growing on private property that is diseased or that is endangering or in any way may endanger the security or usefulness of a public street, public sewer or other public space shall be considered a public nuisance.~~

~~(d) Powers of the Superintendent of Public Works. Nothing in this section will take away the powers of the Superintendent of Public Works dealing with public tree preservation. [Amended 6-14-2011 by L.L. No. 6-2011]~~

E. Floodplains. As part of a site plan review procedure, the Planning Board shall ensure that the requirements of state and federal floodplains regulatory provisions, as well as the local requirements of Chapter 186 of the Code of the Village of Dobbs Ferry, are complied with where applicable, and shall take into account the presence of floodplains and other watercourses in the approval and assignment of conditions for approval of an application.

F. Wetlands. As part of a site plan review procedure, the Planning Board shall ensure that the requirements of state and federal wetlands regulatory provisions are complied with where applicable, and shall take into account the presence of any water features below the state and federal regulatory thresholds. In the case of wetlands greater than 4,000 square feet, the Planning Board is authorized to require a mitigation plan prepared by an environmental scientist, and the Planning Board may impose minimum buffer areas between the proposed disturbance and the edge of the mapped wetland.

~~H. Historic, cultural or archaeological sites. As part of a site plan review procedure, the Planning Board shall consider the impact of any application on historic, cultural or archaeological sites or features designated by the Village of Dobbs Ferry as landmarks or within historic districts, or designated or eligible for designation on a state or federal register of historic places.~~

Chapter 262

Stormwater Management and Erosion and Sediment Control

[HISTORY: Adopted by the Board of Trustees of the Village of Dobbs Ferry 3-27-2007 by L.L. No. 2-2007 (Ch. 263 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 127.

Flood damage prevention — See Ch. 186.

Storm sewer system — See Ch. 220.

Streets and sidewalks — See Ch. 264.

Zoning — See Ch. 300.

§ 262-1 Findings of fact.

It has been determined by the New York State Department of Environmental Conservation (NYSDEC) that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the state;
- G. Stormwater runoff, soil erosion and nonpoint-source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint-source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and

- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 262-2 Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing within the Village and to address the state's findings of fact in § 262-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of New York State's SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised;
- B. Require land development and redevelopment activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP-02-01, or as amended or revised;
- C. Minimize increases in stormwater runoff from land development and redevelopment activities in order to reduce flooding, siltation, increases in stream temperature and stream bank erosion, and maintain the integrity of stream channels, watercourses or waterways;
- D. Minimize increases in pollution caused by stormwater runoff from land development and redevelopment activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development and redevelopment to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint-source pollution, wherever possible, through stormwater management practices, devices and/or structures, and to ensure that these management practices, devices and/or structures are properly maintained and eliminate threats to public safety.

§ 262-3 Statutory authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Village Board of Trustees of the Village of Dobbs Ferry has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Dobbs Ferry and for the protection and enhancement of its physical environment. The Village Board of Trustees of the Village of Dobbs Ferry may include in any such local law provisions for the appointment of any municipal officer, employees or independent contractor to effectuate, administer and enforce such local law.

§ 262-4 Applicability.

- A. This chapter shall be applicable to all land development and redevelopment activities as defined in § 262-6 herein.
- B. The Village shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the Village Board of Trustees. The Stormwater Management Officer may: 1) review the plans; 2) upon approval by the Village Board of Trustees of the Village of Dobbs Ferry, engage the services of a licensed/certified professional to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or 3) accept the certification of a licensed professional that the plans conform to the requirements of this Code.

- C. All land development or redevelopment activities subject to review and approval by the Village of Dobbs Ferry Planning Board, the Village of Dobbs Ferry Zoning Board of Appeals and/or the Village of Dobbs Ferry Board of Trustees under subdivision, site plan and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.
- D. All land development activities not subject to review as stated in § 262-4C of this chapter shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter.
- E. No person shall commence or carry out any development or land-disturbing activity on any lot in the Village of Dobbs Ferry, except those activities exempted in § 262-5 of this chapter below, without first obtaining a stormwater management and erosion and sediment control permit from the Village Clerk upon approval of it by the SMO, and thereafter complying with the requirements of this chapter.

§ 262-5 Exemptions.

The following activities are exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter.
- B. Silvicultural activity, except that landing areas and log haul roads are subject to this chapter.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of the project.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has received final approval by the Village on or before the effective date of this chapter.
- F. Land development or redevelopment activities for which a building permit has been approved on or before the effective date of this chapter.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles.
- I. Emergency activities immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.

§ 262-6 Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings as set forth in this section.

AGRICULTURAL ACTIVITY

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development or redevelopment activity.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property, and occupying more than 100 square feet of area.

CLEAN WATER ACT (CWA)

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CLEARING

Any activity that removes the vegetative surface cover.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation.

DESIGN MANUAL

The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

EPA

Environmental Protection Agency.

EROSION

The removal of soil particles by the action of water, wind, ice or other geological agents.

EROSION CONTROL MANUAL

The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly known as the "Blue Book."

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT

A state pollutant discharge elimination system permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT/REDEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development or redevelopment activities may take place at different times on different schedules.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LICENSED/CERTIFIED PROFESSIONAL

A person currently licensed to practice engineering in New York State or a certified professional in erosion and sediment control (CPESC).

MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

NYSDEC

New York State Department of Environmental Conservation.

NONPOINT-SOURCE POLLUTION

Pollution from any source other than from any discernible, confined and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

PLANNING BOARD

The Planning Board of the Village of Dobbs Ferry.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT

Land development or redevelopment activity.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES, GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS, GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA and/or NYSDEC established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Rainwater, surface runoff, subsurface drainage and snowmelt.

STORMWATER HOT SPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO)

The Village Engineer of the Village of Dobbs Ferry (or the person serving in the capacity of the Village Engineer) or his/her authorized deputies, agents or representatives, including employees of other Village departments, as appropriate, or any other duly authorized individual designated by the Village Board of Trustees. The SMO is designated by the Village to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SWMPS)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point-source or nonpoint-source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STREAM CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water. (See also "watercourse," "waterway.")

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

VILLAGE

The Village of Dobbs Ferry, New York.

VILLAGE BOARD OF TRUSTEES

The Board of Trustees of the Village of Dobbs Ferry, New York.

VILLAGE ENGINEER

The Village Engineer of the Village of Dobbs Ferry, New York.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. (See also "stream channel," "waterway.")

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain. (See also "stream channel," "watercourse.")

ZONING BOARD OF APPEALS

The Village of Dobbs Ferry Zoning Board of Appeals, New York.

§ 262-7 Stormwater pollution prevention plans.

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development or redevelopment activity as defined herein or site plan approval as defined in §300-52 of the Land Use and Zoning chapter of the Village Code shall be approved until the Planning Board, Zoning Board of Appeals, Village Board of Trustees, or SMO has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter. This shall include applications for site plan approval with clearing, grading, excavating, soil disturbance or placement of fill activities that results in land disturbance less than one acre.
- B. Contents of stormwater pollution prevention plans.
 - (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project;

- (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s). The site map should be at a scale no smaller than one inch equals 100 feet;
 - (c) Description of the soil(s) present at the site;
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (f) Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;
 - (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (j) Temporary practices that will be converted to permanent control measures;
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (m) Name(s) of the receiving water(s);
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Land development or redevelopment activities as defined in § 262-6 of this chapter and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in § 262-7B(3) below, as applicable:
- (a) Condition A. Stormwater runoff from land development or redevelopment activities discharging a pollutant of concern to either an impaired water identified as part of the Department's list of impaired

waters pursuant to Clean Water Act § 303(d) or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

- (b) Condition B. Stormwater runoff from land development or redevelopment activities disturbing five or more acres.
- (c) Condition C. Stormwater runoff from land development or redevelopment activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(d) Condition D. This project will result in storm water runoff from land development or redevelopment activity disturbing less than one acres of land that has been identified by the Stormwater Management Officer as being necessary to include water quantity or quality controls during the course of the project, even if the project is not increasing impervious cover.

(3) SWPPP requirements for Conditions A, B, ~~and C~~, and D:

- (a) All information in § **262-7B(1)** of this chapter;
 - (b) Description of each post-construction stormwater management practice;
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions;
 - (f) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § **262-9** of this chapter; and
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.
- C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development or redevelopment activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development or redevelopment activity: "I certify

under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- (2) The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development or redevelopment activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 262-8 Performance and design criteria for stormwater management and erosion and sediment control.

All land development or redevelopment activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:
 - (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 262-8A of this chapter, and the SWPPP shall be prepared by a licensed professional. See Schedule A for acceptable stormwater practices.
- C. Water quality standards. Any land development or redevelopment activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 262-9 Maintenance, inspection and repair of stormwater facilities.

- A. Maintenance and inspection during construction.
 - (1) The applicant or developer of the land development or redevelopment activity or his representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) For land development or redevelopment activities as defined in § 262-6 of this chapter and meeting Condition A, B C, or DE in § 262-7B(2) of this chapter, the applicant shall have a qualified professional engineer or certified professional in erosion and sediment control (CPESC) conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be

maintained in a site log book.

- (3) The applicant or developer or his representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the Village Clerk and the office of the Westchester County Clerk after approval by the Village Attorney.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also include, as a minimum, the following:
 - (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the SWMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 262-8C of this chapter.
- D. Maintenance agreements. The Village shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Village Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." The Village, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 262-10 Construction inspection.

- A. Erosion and sediment control inspection.
 - (1) The Village's SMO may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village enforcement official at least 48 hours before any of the following, as required by the SMO:
 - (a) Start of construction;
 - (b) Installation of sediment and erosion control measures;
 - (c) Completion of site clearing;
 - (d) Completion of rough grading;

- (e) Completion of final grading;
 - (f) Close of the construction season;
 - (g) Completion of final landscaping;
 - (h) Successful establishment of landscaping in public areas.
- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the SMO.
- B. Stormwater management practice inspections. The Village's SMO is responsible for conducting inspections of stormwater management practices (SWMPs). Inspections may be performed by Village staff or the Village's SMO may designate an inspector required to have a professional engineer's (PE) license or certified professional in erosion and sediment control (CPESC) certificate, as long as the designated inspector is required to submit a report. All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NYSDEC SPDES general stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- D. Submission of reports. The Village's SMO may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 262-10C.

§ 262-11 Performance guarantee.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village in its approval of the stormwater pollution prevention plan, the Village may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village as the beneficiary. The security shall be in an amount equal to 20% of the anticipated cost of the work covered by the permit issued for the project, not to exceed \$5,000, or in an amount to be determined by the Village based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in

accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

- B. **Maintenance guarantee.** Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. **Recordkeeping.** The Village may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 262-12 Enforcement and penalties.

- A. **Notice of violation.** When the Village determines that a land development or redevelopment activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
 - (1) The name and address of the landowner, developer or applicant;
 - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the land development or redevelopment activity into compliance with this chapter and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - (6) A statement that the determination of violation may be appealed to the Village by filing a written notice of appeal within 15 days of service of notice of violation.
- B. **Stop-work orders.** The Village may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development or redevelopment activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village confirms that the land development or redevelopment activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. **Violations.** Any land development or redevelopment activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. **Penalties.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense;

for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- E. Withholding of certificate of occupancy. If any building or land development or redevelopment activity is installed or conducted in violation of this chapter, the SMO may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 262-13 Fees for services.

- A. The Village may require any person undertaking land development or redevelopment activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections or SWMP maintenance performed by the Village or performed by a third party for the Village.
- B. Fees for the filing of an application for a stormwater management and erosion and sediment control permit and the required inspections are set forth in Chapter 175, Fees, of the Village Code of the Village of Dobbs Ferry.

Attachments:

262a Schedule A

262b Schedule B

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article XVII Amendments

§ 300-91 **Procedure for amending chapter.**

This chapter, or any part thereof, may be amended, supplemented or repealed from time to time by the Village Board on its own motion or upon recommendation by the Planning Board. Prior to the public hearing specified in Subsection C, every proposed amendment shall be referred by the Village Board to the Planning Board for a written response which shall be rendered no later than 62 days following ~~of~~ such referral.

- A. Response from the Planning Board. When reviewing a proposed amendment, the Planning Board shall consider the criteria specified below:
- (1) In connection with a proposed amendment to or change in the text of this chapter:
 - (a) Whether such change is consistent with the aims and principles embodied in the law as to the particular districts concerned.
 - (b) Which areas, land uses, buildings and establishments in the Village will be directly affected by such change and in what way they will be affected.
 - (c) The indirect implications of such change in its effect on other regulations.
 - (d) Whether such proposed amendment is consistent with the aims of the Vision Plan of the Village and the LWRP.
 - (2) In connection with a proposed amendment involving a change in the Zoning Map:
 - (a) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - (b) Whether adequate public school facilities and other public facilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of any additional dwellings or other uses likely to be constructed as a result of such change.
 - (c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - (d) The effect of the proposed amendment upon the growth of the Village as envisaged by the Comprehensive Plan and the LWRP.
- B. Each petition for a zoning amendment shall be accompanied by a fee, adequate to cover the cost of processing said petition, payable to the Village Clerk upon the filing thereof. No fee shall be required for petitions filed in favor of or against any application.
- C. By resolution adopted at a meeting of the Village Board, the Village Board shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with the provisions of § 7-706 of Article VII of the Village Law. All notices of public hearing shall specify the nature of any proposed amendment; the land or district affected; and the date when and the place where the public hearing will be held. At least 15 days' notice of the time and place of such hearing shall be published in the official newspaper of the Village. When such proposed amendment reflects a change to the Zoning Map, the Village Clerk shall cause notice to be mailed at least 15 days before the hearing to all owners of properties which lie within 300 feet of the map change and to such other owners as the Village Board may deem advisable. The names of said owners shall be taken as they appear on the last completed tax roll of the Village. In the case of a protest against any amendment, such amendment shall