



## **VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA**

<b>MEETING DATE:</b> OCTOBER 26, 2021
<b>AGENDA ITEM SECTION:</b> RESOLUTIONS
<b>AGENDA ITEM NO. :</b> 2
<b>AGENDA ITEM:</b> RESOLUTION FOR SITE PLAN APPROVAL/WAIVERS FOR 398 ASHFORD AVENUE
<b>ITEM BACKUP DOCUMENTATION:</b> 1. DRAFT RESOLUTION



**VILLAGE OF DOBBS FERRY**  
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**RESOLUTION X-2021**

**VILLAGE OF DOBBS FERRY VILLAGE BOARD RESOLUTION  
GRANTING SITE PLAN APPROVAL  
Property: 398 Ashford Avenue  
(Section Block and Lot 3.100-89-1 and DT, Downtown Transition)**

**Background**

WHEREAS, Ashford Dobbs, LLC ("Applicant") is seeking Site Plan approval to renovate an existing multi-family residential building to construct three new dwelling units, and upgrade and expand the existing parking area ("Project"). The subject property is located at 398 Ashford Avenue, Section Block and Lot 3.100-89-1 ("Project Site"). The Project Site is located in the Downtown Transition (DT) Zoning District; and

WHEREAS, the Project is classified under the State Environmental Quality Review Act (SEQRA) implementing regulations as an Unlisted Action, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR § 617 and the Village Board assumed the role of Lead Agency on August 10, 2021; and

WHEREAS, pursuant to Sections 239 L and M of the New York State General Municipal Law, the Village Board referred the application materials to the Westchester County Department of Planning for their information; and

WHEREAS, this application received a recommendation of approval from the Planning Board on May 6, 2021; and

WHEREAS, the Village Board conducted a duly noticed public hearing, opened on September 28, 2021 adjourned to October 12, 2021 and concluded on October 26, 2021, during which all those wishing to be heard were given the opportunity to be heard and to provide written comments; and

WHEREAS, the Village Board carefully examined and considered the materials submitted by the Applicant in support of the Project, including as follows:

1. Narrative by the Applicant dated June 29, 2021
2. Site Plans prepared by Badaly Engineering PLLC last revised July 30, 2021
3. Coastal Assessment Form
4. Short Environmental Assessment Form dated June 28, 2021

WHEREAS, the Village Board also reviewed and examined letters, reports, and memorandum from the Board's consultants and the Planning Board's recommendation and considered testimony and comments

obtained during the public hearing process; and

WHEREAS, while taking the above-mentioned into account, the Village Board has now deliberated in public on the Applicant's request for approval of the Project; and

**Village Board Determination**

WHEREAS, the Village Board is familiar with the Project Site and the general vicinity and has reviewed the application in accordance with Chapter 300, Zoning and Land Use, of the Village Code; and

WHEREAS, the Village Board considered, among other things, traffic access; walkways; circulation and parking; stormwater; landscaping and screening; lighting; noise; natural and environmentally sensitive features; and whether the proposed project will exceed the capabilities of existing municipal roads or utility services; and

WHEREAS, Village Board has now concluded its review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting approval in accordance with Section 300-52(D) of the Village Code including consistency with the Village's Local Waterfront Revitalization Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Dobbs Ferry finds that the Project is an Unlisted Action under SEQRA, Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, and based upon the review of the EAF Part I, II, and III, and all application materials and consultant reports that were prepared for this action, the Board of Trustees adopts a Negative Declaration in connection with the Project; and

BE IT FURTHER RESOLVED, the Village Board determines that pursuant to Section 300-52 (E) of the Zoning and Land Use chapter of the Village Code the Applicant's requested waiver from the requirements of Chapter 300 will be consistent with the purpose of promoting the health, safety or general welfare of the community and said chapter, and hereby grants the following:

1. A waiver from a maximum impervious coverage of 40% (Table B-8, Dimensional Tables) to allow for a maximum coverage of 91.7%;
2. A waiver from the minimum residential dwelling unit size of 600 feet (Table B-8, Dimensional Tables) for proposed Units 2 and 3 which will contain 447 and 449 square feet respectively;
3. A waiver of 2 (two) off-street parking spaces whereas 4 (four) are required; and

BE IT FURTHER RESOLVED, the Village Board determines that pursuant to Section 300-48(H)(4) of the Zoning and Land Use chapter of the Village Code, the Village Board finds 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" requiring payment in lieu of parking in accordance with the Master Fee Schedule.

BE IT FURTHER RESOLVED, the Village Board hereby finds that a proper case exists for requiring that a park be suitably located for playground or other recreational purposes within the Village and the Village Board finds in accordance with Section 300-52(J) Reservation of Parkland Park that a park cannot be suitably located on the

property requiring payment of a fee in accordance with the Master Fee Schedule for the three (3) proposed additional residential units.

NOW, THEREFORE, BE IT RESOLVED, the Village Board of the Village of Dobbs Ferry determines that based upon the findings and reasoning set forth below the application for Site Plan approval is granted subject to the following conditions:

1. Approved Plans. Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Village Board and approved by the Village Board as follows:
  - a. Site Plans prepared by Badaly Engineering PLLC last revised September 16, 2021:
    - i. T1.0 Cover Sheet
    - ii. C-001 General Notes and Details
    - iii. C-100 Site Plan and Zoning Analysis
    - iv. C-101 Site Plan
    - v. C-200 Stormwater Pollution Prevention Plan
    - vi. C-200 Stormwater Calculations and Subsurface retention System Details
    - vii. C-300 Site Details
    - viii. A-2.0 Basement Floor Existing/Proposed Plan
    - ix. A-2.1A and B Ground Floor Demo and Proposed Plans
    - x. A-2.2 Second Floor Demo and Proposed Plans
    - xi. A-2.3 Third Floor Demo and Proposed Plans
    - xii. A-3.0A through D Exterior Elevations
    - xiii. A-4.0 Egress Window Detail
    - xiv. A-4.1 Window Elevations
    - xv. A-5.0 Restroom Layout and Interior Elevations and Door Schedule
    - xvi. A-105 Preliminary Planting Palette
2. The following conditions must be met before the Mayor may sign the approved Site Plan ("Final Site Plan"):
  - a. The following Language shall be added to the plan: "Approved subject to all requirements and conditions of October 26, 2021, resolution of the Village Board of the Village of Dobbs Ferry, New York. Any change, erasure, modification, or revision of this plan, absent re-approval from the Village Board, shall void this approval."
  - b. The Village Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans. Evidence of compliance with conditions and any such approvals must be submitted to the Village Building Department.
  - c. The Applicant must address to the full satisfaction of the Village Engineer, all outstanding stormwater, stormwater maintenance agreement, and engineering issues raised in the hearings and documents submitted to the Board.
  - d. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board and Village Board review of this application.
3. Force and Effect.
  - a. No portion of any approval by the Village Board shall take effect until (1) all conditions are met, (2) the final site plan is signed by

the chair of the Village Board and (3) the final site plan signed by the Village Board has been filed with the Land Use Officer.

- b. Within 180 days after receiving approval of a site plan, with or without modifications, the applicant shall submit two paper copies and one electronic copy 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.
4. Landscaping. In accordance with §300-44, required landscape improvements shall be installed prior to issuance of a certificate of occupancy for all structures. However, if the landscaping is not able to be installed prior to a certificate of occupancy being issued due to winter weather or other site limitations, the property owner shall post a financial guarantee for the improvements equal to 115% of the cost of improvements so that the certificate can be issued. Installation of the landscape improvements shall then be completed before June 30 of the following year. This guarantee shall be released upon acceptance by the Village of the completed landscaping.
5. Commencing Work. No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. The Project must adhere to all applicable State and Village Codes.
6. Issuance of Certificate of Occupancy. 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.

Motion By:

Seconded by: