



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
REGULAR MEETING AGENDA

MEETING DATE: February 14, 2023
AGENDA ITEM SECTION: Resolutions
AGENDA ITEM NO. : 1
AGENDA ITEM: <u>Resolution:</u> Consider a resolution to approve site plan at 10 Hamilton Street
ITEM BACKUP DOCUMENTATION: 1. Draft resolution



VILLAGE OF DOBBS FERRY
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RESOLUTION -2023

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DOBBS FERRY
CONDITIONAL SITE PLAN APPROVAL**

**Property: 10 Hamilton Avenue (Lombardo's Restaurant, Rivertown Square
(Section/Block/Lot 3.180-156-2 in the "CP" Chauncey Park District)**

Background

WHEREAS, Mario Lombardo (the "Applicant") is seeking Site Plan and Architectural and Historic Review approval to construct a 859 square foot pergola with a retractable roof and walls for exterior dining for up to 58 patrons ("Project"). The property is located at 10 Hamilton Avenue, Section/Block/Lot 3.180-156-2 ("Project Site") and is located in the CP, Chauncey Park, zoning district; and

WHEREAS, this application requires Site Plan approval by the Village Board of Trustees and a referral to and recommendation from the Planning Board per Section 300-52 of the Chapter 300 "Zoning" of the Dobbs Ferry Code; and

WHEREAS, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR § 617, the Project is classified under the State Environmental Quality Review Act (SEQRA) implementing regulations as a Type II action;" and

WHEREAS, in compliance with Sections 239 L and M of the New York State General Municipal Law, the Village Board referred the application materials for informational purposes to the Westchester County Department of Planning; and

WHEREAS, the Village Board of Trustees has received a written recommendation from the Planning Board (Resolution 4-2023) dated January 10, 2023; and

WHEREAS, the Village Board of Trustees conducted a duly noticed public hearing on February 14, 2023, during which all those wishing to be heard were given the opportunity to be heard; 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 January 12, 2023
2. Site Plans prepared by Gotham Design dated January 11 2023
3. Architectural Plans prepared by Gotham Design. dated January 11, 2023
4. Coastal Assessment Form undated
5. Short Environmental Assessment Form dated May 5, 2022

WHEREAS, in addition to the Planning Board's recommendations, the Village Board also reviewed and examined all letters, reports, and memoranda from consultants and considered the 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

WHEREAS, the Village Board is familiar with the Project Site and the general vicinity and has reviewed the application in accordance with Village Code Chapter 300, Zoning and Land Use; 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 Project will exceed the capabilities of existing municipal roads or utility services.

Village Board Determination

NOW, THEREFORE BE IT RESOLVED, that, the Village Board of Trustees has now concluded its review of the Project and finds that the Applicant has satisfactorily addressed the criteria for granting site plan approval in accordance with Section 300-52(D) of the Village Code including consistency with the Village's Local Waterfront Revitalization Plan; and

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

1. Approved Plans. Except as otherwise provided herein, all work shall be performed in strict compliance with the following plans, with specific attention to compliance with item "iv."
 - a. Site Plans prepared by Gotham Design last revised January 11, 2023:
 - i. CS List of Drawings
 - ii. GN General Notes, Details, and Lighting Plan
 - iii. A-2 Site Plan
 - iv. A-2.1 ADA Compliant Proposed Floor plans
 - v. A.3.1 Pergola Elevations and Renderings
 - vi. A-3.2 Structure Details
2. The following conditions shall 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 the February 14, 2023 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, including, if applicable, the Dobbs Ferry AHRB. 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, any outstanding stormwater, stormwater maintenance agreement, and engineering issues raised in the hearings and documents submitted to the Board.
 - d. The Applicant must meet all lighting regulations of §300-41(B)(1).
 - e. 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 Mayor and (3) the final site plan signed by the Mayor 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. 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 Federal, State and Village Codes.
5. 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.