



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
AGENDA

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM SECTION: MATTERS REQUIRING ACTION

AGENDA ITEM NO. : 1

AGENDA ITEM: REVIEW AND CONSIDERATION OF A DRAFT RESOLUTION APPROVING THE SITE PLAN APPLICATION FOR 100 MAIN STREET

ITEM BACKUP DOCUMENTATION:

1. DRAFT RESOLUTION

APPROVAL OF SITE PLAN

100 MAIN STREET

WHEREAS, L.M. Sutton Management Company, 2600 Netherlands Avenue, Riverdale, New York 10403, (“Applicant”) is the owner of property located in the DB Zoning District at 100 Main Street on the corner of Elm Street having the tax designation of Section 3.80, Block 44, Lot 8 (“Premises”) which is currently improved with two structures consisting of a three-story two-residential unit building with the majority of frontage along Main Street and an accessory barn-like building in disrepair at the rear of the property directly adjacent to the Old Croton Aqueduct Trail (“OCA”); and

WHEREAS, the Village Zoning Code §300-52(B) reserves to the Board of Trustees the review and approval of all site plans in the DB Zoning District following mandatory referral to the Planning Board for public hearing and their recommendations and a review by and recommendations from the Architectural and Historic Review Board (“AHRB”) in accordance with Article IV of the Village Zoning Code; and

WHEREAS, the Applicant currently seeks site plan approval from this Board for a project consisting of four duplex residential units within essentially the same footprint of the existing residential structure and the addition of a fourth story, the rehabilitation of the existing dilapidated accessory structure for use as a garage for on-site resident parking and an open courtyard along the Elm Street frontage (“Project”); and

WHEREAS, this Premises has been the subject of a number of proposed site plans over the years including in 2018 when the Applicant presented to this Board a project generally consisting of the demolition of the barn-like accessory building and three stories of six residential units presenting significant massing along the Elm Street frontage (“Earlier Project”); and

WHEREAS, the mandatory referral of the Earlier Project to the Planning Board and AHRB resulted in a request to this Board for consideration of a revised design concept as a way to reduce potential impacts of the project including the loss of the accessory structure (circa 1930s) adjacent to the OCA and the increase in massing along the Elm Street frontage, but which also included the addition of a fourth story on the residential building, permission for which could only be granted by the Board of Trustees in accordance with the Village Zoning Code 300-36 (E) (1) 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”; and

WHEREAS, in an effort to more fully understand the revised design concept, this Board conducted a duly noticed site visit at the Premises with Planning Board and AHRB members on April 18, 2019; and

WHEREAS, the Board of Trustees opened a duly noticed public hearing on April 23, 2019 to publicly discuss their impressions from the site visit and further explore the conceptual revisions with the Applicant, with a majority of this Board voting to refer the matter back to the Planning Board for continuing review with comments now favoring a revised project including the 4-story

residential structure and a PILOP for any parking spaces that could not now be located on the site due to the new configuration of improvements; and

WHEREAS, in a memo to the Planning Board dated April 30, 2019 and in connection with their favorable opinion of a fourth story and recognizing that the Premises is a corner lot, the Board of Trustees pointed out the necessity to soften and minimize the visual effect of the fourth story from the Elm Street perspective to mitigate any potential vertical massing that may result from a solid 4-story wall, believing this to be just as important as any mitigation of impacts a Village Code-mandated set-back would accomplish from the Main Street facade; and

WHEREAS, the Memo also indicated a basic compatibility of the revised site plan with the Village's Vision Plan, the ability to maintain open space with the inclusion of a courtyard (specifically for the Elm Street frontage), the rehabilitation and adaptive re-use of a structure deemed noteworthy to the Village if not historically significant, and the fact that this proposal for a 4th floor basically met the criteria set forth in §300-36 (E) (1)¹ and the Notes to Table B-8 in Appendix B of the Zoning Code² by adding to the diversity of residential units in the Village with a suggestion that the condominium form of ownership would also provide further diversity by offering owner-occupied apartments and more affordability when compared to the single-family residence option in the Village; and

WHEREAS, the Planning Board then formally returned to their review and conducted a public hearing on the revised site plan design and passed Resolution #14-2019 dated June 6, 2019 containing its recommendations to this Board, including the addition of a fourth residential floor, the open courtyard along Elm Street and the preservation of the existing accessory building which in their opinion adds to the "character and sense of place" along the OCA deeming it worthy of preservation; and

¹ Excerpt of applicable provisions of 300-36 E (1)

Upper-story setbacks...The addition of a fourth story of any building and/or a building in excess of 40 feet DB Zone (up to 45 feet in the DB) may be permitted 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. In determining the appropriateness of the fourth story and an increase in height above 40 feet in the DB 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 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 livable floor area of the fourth story, if permitted, shall not comprise more than 50% of the total floor area of the story below.

² Excerpt of applicable Notes to Appendix B, Table B-8

- a. May be increased to four stories and 45 feet in the DB zone at the discretion of the Board of Trustees to accomplish the goal and objectives of enhancing residential diversity and affordability in the downtown.*
- b. Notwithstanding the minimum setbacks required, all structures adjacent to a residentially zoned property or to the Old Croton Aqueduct ("OCA") shall be set back a minimum of 10 feet from each property line shared with a residentially zoned property or the OCA.*

WHEREAS, following the Planning Board’s review of the revised site plan, the AHRB took up their review which resulted in a January 31, 2020 memo to this Board indicating support for the fourth floor under the unique circumstances, commending the applicant on adaptive reuse of the accessory building and pointing out that although the project is predicated on a more generous allowance of a 4th floor addition beyond the 50% footprint of the third floor as set forth in §300-36 (E) (1), the relatively small footprint and lot coverage of the existing residential building vis-à-vis other downtown buildings, the preference for setbacks of the fourth floor from both street frontages and the steeply sloping property create unique challenge for meeting this 50% criteria which is more relevant to the more prevalent larger buildings in the downtown; and

WHEREAS, following receipt of the comments and recommendations from the referral boards, in accordance with New York State Law and after having provided all requisite notice thereunder, the Board of Trustees scheduled a public hearing which process was interrupted by the declaration of a Statewide Health Emergency by Executive Order of the Governor with a prohibition against in-person hearings; and

WHEREAS, on July 14, 2020 after having been duly noticed with detailed instructions for participation by video conferencing technology which complied with the mandates of the Governor’s continuing Executive Order, the hearing was re-opened virtually and thereafter adjourned to dates certain in order to publicly review and obtain final comments from the Planning Board, the AHRB and all interested persons concerning the substantive revisions to the Application including an additional fourth floor which did not meet the maximum 50% footprint of the third floor as required by the Village Zoning Code, with the final session of public hearing completed by the Board of Trustees on November 10, 2020; and

WHEREAS, since the Project now included substantial revisions from initial and subsequent submissions, in an abundance of caution and with acknowledgement and cooperation of the Applicant, on November 30, 2020 the Village referred the matter to Westchester County Department of Planning in connection with General Municipal Law §239 and received correspondence from the County Planning Board dated December 2, 2020 acknowledging the notification and indicating no further review by the County’s Planning Board would be required.

NOW, THEREFORE, BE IT RESOLVED, that under SEQRA, Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617, the Board of Trustees of the Village of Dobbs Ferry hereby (i) declares itself Lead Agency based on its status as the only agency with approval jurisdiction; (ii) finds that the Project is a Type I Action based on its location abutting the OCA; and (iii) adopts a Negative Declaration in connection with the Project based upon the review of the EAF and all application materials and reports that were prepared for this action; and

BE IT FURTHER RESOLVED, that the Board hereby conditionally approves the Site Plan consisting of drawings as set forth below for the property at 100 Main Street:

Drawings prepared by Gotham Design & Community Development Ltd.				
Signed and sealed by Sirius Miandoabi, Licensed Professional Engineer				
Dwg. No.	Title	Sheet	Original Date	Last Revised

T-1	Title Sheet, General Notes, Location Map, List of Drawings, Aerial Site Map, List of Property Owners	1		11/3/2020
SP-3.1	Existing and Proposed Storm Drainage and Utility Plans	2		11/3/2020
SP-4.1	Erosion Control Plan and Details	3		11/3/2020
A-1.1	Site and Landscaping Plan, Zoning Analysis	4		11/3/2020
A-2.1	First and Second Floor Plans	5		11/3/2020
A-2.2	Third and Fourth Floor Plans	6		11/3/2020
A-2.3	Garage Plans and Elevations	7		11/3/2020
A-3.1	North and West Elevations, Details	8		11/3/2020
A-3.2	South and East Elevations, Details	9		11/3/2020
A-4.1	Building Section	10		11/3/2020
	Materials, Colors, and Finishes	11		01/13/2020
	Environmental Assessment Form	12		02//12/2015

AND BE IT FURTHER RESOLVED that this Board hereby acknowledges the work of the Planning Board, AHRB, staff and consultants and the collaborative effort between the Village and the Applicant with regard to the Project which evolved to its current form following extensive and time-consuming review of alternatives, adjustments and mitigation and now consists to the greatest extent possible a project that meets the Downtown design standards and Village Code and Vision Plan criteria given the unique nature, location and characteristics of the location and constraints on the Project; and

BE IT FURTHER RESOLVED, that the Board in its reasoned judgment hereby determines the inclusion of a fourth story in the Project with a maximum height of 45 feet provides public benefits meeting the mandates of Village Code §300-36 (E) and Table B-8 of the Zoning Ordinance inasmuch as the addition of the partial fourth floor: (i) allows for a greater mix of unit types in the Village by adding four duplex style apartments in the downtown; (ii) minimizes potential visual impacts on both street frontages of this corner lot with setbacks from both Main and Elm Streets; (iii) minimizes massing along Elm Street with a residential project limited to essentially the same footprint of the existing residential building and includes an open courtyard in the rear of the building; (iv) provides an opportunity for rehabilitating the existing unsightly and dilapidated accessory building increasing the use and enjoyment of the users of the adjacent OCA; (iv) and takes into considerations the recommendations of the Planning Board and AHRB which favored the fourth story given the unique circumstances of the corner property, the relatively small size of the existing residential building as compared with the nearby buildings, the steeply sloping site, and the benefit of rehabilitating the existing barn-like structure and adapting it for use in the project design; and

BE IT FURTHER RESOLVED, that the Board acknowledges the Project includes a fourth story having a 69.9% footprint of the third story footprint and hereby waives the requirement for a maximum 50% footprint as required by §300-36 E (1) based on the following findings: (i) the

footprint was deemed the best option for this corner property since designs with less non-compliant footprints were shown to significantly increase massing and impact on Elm Street; (ii) the proposed footprint was favored over other smaller footprints which resulted in a commensurate reduction in adherence to logic and downtown design standards; (iii) as the AHRB pointed out, the 50% requirement is better suited to address impacts resulting from fourth stories on the larger buildings much more prevalent in the zoning district; (iv) adherence to the standard on this Project which has a limited building footprint would be challenging and result in a tower-like top floor of questionable value to the Village; and (v) permitting the larger footprint maximized the viability of the Project in order to gain the benefit of increased open space along Elm Street and facilitated the rehabilitation of the barn adjacent to OCA, which was an important aspect identified by the public and the referral boards; and

BE IT FURTHER RESOLVED, that the Board acknowledges the Project includes an accessory structure with a non-compliant setback from OCA as required in the Notes to Appendix B, Table B-8 and hereby waives the 10-foot setback under the unique circumstances whereby the Applicant has agreed to address the consensus of the Village community by rehabilitating and adaptively reusing a pre-existing non-conforming accessory building which was deemed worthy of preservation (even if not historically significant) during the public hearing process and of adding a sense of place in its present location; and

BE IT FURTHER RESOLVED, that the Project meets the goals and objectives of the Village Vision Plan by: (i) generating an increase in tax revenues to the Village and the school district; (ii) adding two residences on Main Street that will add to the vitality of the area; (iii) providing an upgraded residential building and rehabilitation of a dilapidated accessory structure adjacent to the OCA and enhanced landscaping which is an improvement over the current conditions at the Premises; and (iv) a design having an attractive character, materials, colors and façades all consistent with the guidelines established for the area, as recommended by the AHRB.

AND BE IT FURTHER RESOLVED that the following shall be conditions of the approval granted herein:

- Applicant shall comply with all applicable conditions of the Planning Board Resolution #14-2019 and the AHRB memo dated January 31, 2020; and
- Applicant shall submit a complete set of building construction plans to the Building Department for approval; and
- The within approval shall expire 6 months from the date hereof unless a building permit is issued, with the option for 2 extensions of 6 months each at the discretion of the Building Inspector; and
- Applicant shall pay a Recreation Fee of \$24,000 prior to issuance of a Building Permit.
- Applicant shall pay a PILOP fee of \$10,000 representing the parking space(s) to be located off-site prior to issuance of a Building Permit; and
- Applicant shall pay all Village consultant invoices in full prior to issuance of a Building Permit; and

- Applicant shall maintain escrow during construction in an initial minimum amount of \$5,000 with an ongoing obligation to replenish the account at any point when the balance shall reach or fall below \$1,500; and
- At Applicant's expense, the above referenced engineering plans shall be subject to final review and approval by the Village's engineering consultant; and
- At Applicant's expense, the above referenced landscape plan shall be subject to review and final approval of the Village Landscape Architect who will determine in their sole discretion compliance with Village Code Section 300-49 to preserve transitions between uses; and
- Applicant shall provide a one-year survival bond for the landscaping in an amount established by the Village's Landscape Architect with the approval of the Building Inspector; and
- Applicant must submit a construction timeline and sequencing for approval by the Village Building Inspector and provide for protection of the existing accessory building from impact of construction activity as recommended by the Planning Board; and
- Applicant must submit full construction plans to Village Building Inspector with the address as 100 Main St, including unit number designations and intended ownership plan.

Motion by: _____ Seconded by: _____

Vote: In favor Opposed Abstain