

**APPENDIX      LOCAL LAWS**

**A. Village of Dobbs Ferry LWRP Consistency Law**

**B. Waterfront Zoning District**

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and <sup>OFFICE OF NEW YORK</sup> ~~do not~~ underline to indicate new matter. <sub>DEPARTMENT OF STATE</sub>

FILED

MAY 30 2006

MISCELLANEOUS  
& STATE RECORDS

~~County~~  
~~City~~ of  
~~Town~~  
Village

DOBBS FERRY

Local Law No. 10 of the year 2005

A local law Adopting the Dobbs Ferry LWRP Consistency Law  
(Insert Title)

Be it enacted by the BOARD OF TRUSTEES of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of  
~~Town~~  
Village

DOBBS FERRY

as follows:

**BE IT ENACTED** that the Board of Trustees of the Village of Dobbs Ferry passed Local Law 10-5, adopting the Dobbs Ferry LWRP Consistency Law as follows:

WHEREAS, the Village of Dobbs Ferry initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a local LWRP Consistency Law is required, under the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law), to accompany adoption of a Local Waterfront Revitalization Program; and

WHEREAS, the purpose of this local law is to provide a framework for agencies of the Village of Dobbs Ferry to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions; and to assure that such actions and direct actions are consistent with the said policies and purposes.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Dobbs Ferry, New York that the Dobbs Ferry LWRP Consistency Law is hereby approved and adopted.

BE IT FURTHER RESOLVED, that the Village Board of Trustees of the Village of Dobbs Ferry hereby directs the Mayor of the Village to formally transmit this resolution, the adopted LWRP, and all related local implementing laws, to the New York State Secretary of State for approval pursuant to Article 42 of the NYS Executive Law - the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Resolution passed at a regular meeting of the Dobbs Ferry Village Board on August 9, 2005.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 20 05 of the ~~(County)(City)(Town)~~(Village) of DOBBS FERRY was duly passed by the BOARD OF TRUSTEES on AUGUST 9 20 05, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer<sup>a</sup>.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

<sup>a</sup> Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

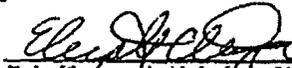
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

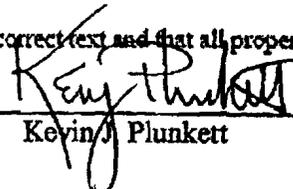
  
\_\_\_\_\_  
Clerk of the County Legislative Body, City, Town or Village Clerk or  
officer designated by local legislative body  
Elizabeth A. Dreaper, Village Clerk  
Date: May 17, 2006

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK WESTCHESTER  
COUNTY OF \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature Kevin J. Plunkett  
\_\_\_\_\_  
Title Village Attorney

County \_\_\_\_\_  
City of Dobbs Ferry  
From \_\_\_\_\_  
Village \_\_\_\_\_

Date: May 17, 2006

Village of Dobbs Ferry

Local Law No. 10 of the year of 2005

Be it enacted by the Board of Trustees of the Village of Dobbs Ferry as follows:

**GENERAL PROVISIONS**

**I - Title**

This local law will be known as the Village of Dobbs Ferry LWRP Consistency Law.

**II - Authority and Purpose**

1. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
2. The purpose of this local law is to provide a framework for agencies of the Village of Dobbs Ferry to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions; and to assure that such actions and direct actions are consistent with the said policies and purposes.
3. It is the intention of the Village of Dobbs Ferry that the preservation, enhancement and utilization of the natural and manmade resources of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. This local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing:
  - a. diminution of open space areas or public access to the waterfront;
  - b. erosion of shoreline;
  - c. losses due to flooding, erosion and sedimentation;
  - d. loss of fish and wildlife;
  - e. permanent adverse changes to ecological systems; or
  - f. loss of river related scenic resources.
4. The substantive provisions of this local law shall only apply while there is in existence a Local Waterfront Revitalization Program that has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

**III - Definitions**

"Actions" means either Type I or unlisted actions as defined in SEQRA regulations (6 N.Y.C.R.R.617.2) which are undertaken or approved by an agency and which include:

1. projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
  - a. are directly undertaken by an agency; or
  - b. involve funding by an agency; or
  - c. require one or more new or modified approvals from an agency or agencies
2. agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
3. adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
4. any combinations of the above.

**"Agency"** means any board, agency, department, office, other body, or officer of the Village of Dobbs Ferry.

**"Coastal Assessment Form (CAF)"** means the form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program (LWRP).

**"Consistent"** means that the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

**"Direct Actions"** mean actions planned or proposed for implementation by an agency, such as, but not limited to, a capital project, rule making, procedure making and policy making.

**"Local Waterfront Revitalization Program (LWRP)"** means the Local Waterfront Revitalization Program of the Village of Dobbs Ferry, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk/Administrator of the Village of Dobbs Ferry.

#### **IV - Review of Actions**

1. Prior to approving, funding or undertaking an action, an agency shall make a determination that it is consistent with the LWRP policy standards and conditions set forth in Paragraph 11 herein.
2. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review.
3. The agency shall refer a copy of the completed CAF to the Village Planning Board within ten (10) days of its submission or, in the case of a direct action, its preparation, and prior to making its determination, and shall consider the recommendation of the Village Planning Board with reference to the consistency of the proposed action.

4. After referral from an agency, the Village Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Paragraph 11 herein. The Village Planning Board shall require the applicant, or in case of a direct action, the agency, to submit all completed applications, CAFs and any other information deemed to be necessary to its consistency recommendation.
5. The Village Planning Board shall render a written recommendation to the agency within thirty (30) days following referral of the CAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of a direct action, the agency. The recommendation shall indicate whether, in the opinion of the Village Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for the opinion.
6. The Village Planning Board may, along with the consistency recommendation, make suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.
7. In the event that the Village Planning Board's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Planning Board's recommendation.
8. If the agency and the Planning Board concur in the consistency of the proposed action, the agency may proceed with the action. In the event that the agency, after reviewing the written recommendation of the Planning Board, finds that it disagrees with the consistency recommendation of the Planning Board, the agency shall, within fifteen (15) days of receipt of the recommendation, prepare a written finding detailing its position and transmit it to the Planning Board. The Planning Board and the agency shall meet to resolve their differences within fifteen (15) days of the Planning Board's receipt of the agency's finding.
9. If the Planning Board and the agency cannot reach a mutually agreeable determination of consistency, or inconsistency, the matter will be referred to the Village Board of Trustees to make the determination. The agency shall take no action until the Board of Trustees has made a determination and finding of consistency with the LWRP.
10. The provisions of IV (8) shall not apply to the Zoning Board of Appeals. Instead, where the Zoning Board of Appeals is the agency, the Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Board when reviewing and considering an application for a variance.
11. Actions to be undertaken shall be evaluated for consistency with the LWRP policy standards and conditions, which are set forth in and further explained in Section III, Dobbs Ferry Coastal Management Policies\*, of the LWRP, a copy of which is on file in the Office of the Village Clerk/Administrator and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Sections IV and V of the LWRP in making their consistency determination. \* A summary of the Dobbs Ferry Coastal Management Policies is in the Addendum on Page 6 of this document.

12. If the agency determines that the action would not be consistent with or would substantially hinder the achievement of one or more of the LWRP policy standards and conditions, such action shall not be undertaken unless the determining agency makes a written finding with respect to the proposed action that:
  - a. no reasonable alternatives exist which would permit the action to be undertaken in a manner which will not be inconsistent with or substantially hinder the achievement of such LWRP policy standards and conditions;
  - b. the action will be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions;
  - c. the action will advance one or more of the other LWRP policy standards and conditions; and
  - d. the action will result in an over-riding village, regional or state-wide public benefit.

Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions.

13. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Board Administrator. Such files shall be made available for public inspection upon request.

#### V - Enforcement

1. The Village Building Inspector shall be responsible for enforcing this Chapter.
2. No work or activity on a project which is subject to review under this Chapter shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions.
3. In the event that an activity is not being performed in accordance with this Chapter or any conditions imposed thereunder, the Building Inspector shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

#### VI - Violations

1. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this Chapter shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1,000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

2. The Village's Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

### **VII - Severability**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

### **VIII - Effective Date**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

### **ADDENDUM**

#### **Summary of the Village of Dobbs Ferry Coastal Management Policies**

The Dobbs Ferry Coastal Management Policies are organized under five headings: general policy, economic development policies, waterfront natural resource policies, general environmental policies, and recreation and cultural policies.

#### ***A. Developed Coast Policies***

- Policy 1 Foster a pattern of development in the coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.
- Policy 2 Preserve historic and archaeological resources.
- Policy 3 Enhance visual quality and protect outstanding scenic resources throughout the community.

#### ***B. Natural Coast Policies***

- Policy 4 Minimize loss of life, structures, and natural resources from flooding and erosion.
- Policy 5 Protect and improve water resources.
- Policy 6 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.
- Policy 7 Protect and improve air quality.
- Policy 8 Minimize environmental degradation from solid waste and hazardous substances and wastes.

C. Public Coast Policy

Policy 9 Improve public access to and recreational use of public lands and waters.

D. Working Coast Policies

Policy 10 Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.

Policy 11 Promote sustainable use of fish and wildlife resources.

Policy 12 Protect the agricultural lands.

Policy 13 Promote appropriate use and development of energy and mineral resources.



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 10 of 2003 of the ~~(County)(City)(Town)~~(Village) of Dobbs Ferry was duly passed by the Board of Trustees on September 23 2003, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

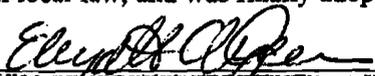
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

  
\_\_\_\_\_  
Not Publicly Available  
Not for Distribution  
Not for Release  
Village Clerk or  
Notary Public

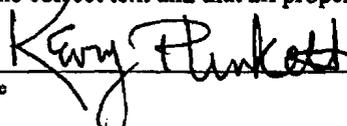
(Seal)

Date: April 26, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK Westchester  
COUNTY OF \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature  
Village Attorney  
\_\_\_\_\_  
Title

County Dobbs Ferry  
City of \_\_\_\_\_  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: April 26, 2004

The Waterfront District 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 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 development, commercial and residential.

The Waterfront District encompasses all building lots and parcels, and portions thereof, within the Village that, until the creation of this zoning district, were zoned for Industrial use, and all contiguous lots, parcels or portions thereof in common ownership therewith. In addition, the Waterfront District includes every building lot or parcel, or portion thereof, within the Village that is situated to the west of the railroad right-of-way, whether above or below the mean high water line, including any and all such lots, parcels or portions thereof that are entirely submerged under the Hudson River.

That portion of the Waterfront District situated to the west of the railroad right-of-way shall be designated Waterfront District A; and that portion of the Waterfront District situated to the east of the railroad right-of-way shall be designated Waterfront District B. The zoning map of the Village is hereby amended accordingly.

**§ 300-23. Permitted uses.**

- A. Waterfront District A. No building or premises shall be used or erected or altered in Waterfront District A which is arranged, intended or designed to be used, in whole or in part, for any purposes except the following, together with the uses customarily incidental thereto:
- (1) Municipal facilities, such as a park, playground, playing field, picnicking area and natural habitat area, including facilities for water dependant and water related recreational uses such as fishing, canoeing, kayaking, sailboarding and use of similar, non-motorized personal watercraft, and associated piers, launching facilities and public parking areas.
  - (2) Passenger railroad station and associated parking lot.
  - (3) Subject to issuance of a special permit and site plan review by the Village Board of Trustees on recommendation of the Planning Board, pursuant to Section 300-23(C), and subject to the restrictions set forth in Sections 300-23(A)(4) and 300-24:

- (b) Privately-owned facilities, such as a playground, playing field, open space, picnicking area and natural habitat area, including facilities for water dependant and water related recreational uses such as fishing, canoeing, kayaking, sail-boarding and use of similar, non-motorized personal watercraft, and associated piers, launching facilities and public parking areas.
  - (c) Restaurants, cafes, snack bar facilities and similar dining establishments.
  - (d) Retail arts and crafts establishments or galleries.
  - (e) Workshops and studios for artisans and crafts persons.
  - (f) 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.
  - (g) Professional or commercial offices.
  - (h) Day time mooring or docking facilities to accommodate visitors coming by boat to waterfront establishments, Waterfront Park or other Village destinations.
  - (i) Privately owned recreational facilities such as a non-motorized watercraft rental enterprise, bait shop and the like.
  - (j) Retail amenities for services to commuters at or near the commuter railroad station.
- (4) Notwithstanding the provisions of Section 300-23(A)(3), above, no use shall be permitted in Waterfront District A that requires or entails any of the following:
- (a) Outside storage of vehicles.
  - (b) Except as otherwise provided in Section 300-23(A)(1) and (2), vehicular parking, other than to provide accessory parking for permitted uses.
  - (c) Overnight mooring or docking, launching or fueling facilities for motorized watercraft, including jet skis; provided however that nothing in this section shall prohibit the maintenance and use of one or more suitably sized motorized watercraft and appropriate docking facilities in connection with the issuance of a special permit for the construction and/or maintenance of a facility pursuant to Section 300-23(A)(3)(g)

and/or (h), above, where the Village Board, on recommendation of the Planning Board, specifically finds that the availability of one or more motorized watercraft is an important safety measure in connection with the issuance of a special permit for the construction and/or maintenance of a facility pursuant to Section 300-23(A)(3)(g) and/or (h).

**B. Waterfront District B.** No building or premises shall be used or erected or altered in Waterfront District B, which is arranged, intended or designed to be used, in whole or in part, for any purposes except those listed below, together with the uses customarily incidental thereto. Any and every use allowed by this subsection other than uses permitted by Section 300-23(A)(c)-(f) in structures existing at the time this provision is enacted, or any other use that would become a pre-existing non-conforming use upon the enactment of this provision, is subject to and conditioned on issuance of a special permit and site plan review by the Village Board on recommendation of the Planning Board pursuant to Section 300-23(C):

- (1) Any use permitted in Section 300-23(A), above.
- (2) The uses of buildings and premises permitted in Two and/or Three-Family Residence Districts (TF and TFS), including the use of a grouped or clustered housing arrangement.
- (3) The adoption of this provision constitutes a finding by the Board of Trustees pursuant to Section 300-76(A) that the construction of grouped or clustered housing in Waterfront District B would be consistent with the findings of Section 300-75. Any proposal for grouped or clustered housing in Waterfront District B shall be subject to the terms, conditions and procedures set forth in Article XVIII of this Chapter, provided however that the Board of Trustees on recommendation of the Planning Board shall have discretion, subject to the other provisions of this Section, to vary the limitations set forth in Sections 300-76(C)(2) - (6) and Section 300-76(D)(2). In addition to the information required in Section 300-77(C)(1), in any such application the applicant shall present evidence to the Planning Board of the proposal's conformity with the LWRP.

**C. Special Permit Conditions and Procedures**

Special permits for proposed uses within Waterfront District A and B shall be issued by the Village Board of Trustees on the recommendation of the Planning Board, which shall review such applications, together with applications for site plan review, in accordance with the procedures for site plan review set forth at Section 300-69. In considering any application for a special permit in the Waterfront District, the Planning Board and Village Board of Trustees shall be guided by the general provisions pertaining to the issuance of special permits set

forth in Section 300-100. In addition to those general conditions, the Planning Board and Village Board of Trustees 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 river front and encourage public use and enjoyment of the area;
- (3) requiring the use of best management practices with respect to protection of water quality, storm water management, erosion and sediment control;
- (4) minimizing construction on or re-grading of steeply sloped areas greater than fifteen (15)% but less than twenty-five (25)%;
- (5) preserving the viewshed for maximum enjoyment and benefit of the community as a whole;
- (6) protecting streams and watercourses leading into the Hudson River;
- (7) insuring appropriate location and screening of parking, utility installations and accessories, lighting and sign locations;
- (8) supporting water dependent and water-enhanced uses and activities.

In granting a special permit under this sub-section, the Village 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.

#### **D. Bulk and Density Computations**

- (1) In applying the bulk and density restrictions set forth in the accompanying Schedule Limiting Height and Bulk of Buildings, in addition to any other applicable adjustment an area equivalent to two hundred (200)% of the

footprint of any building or structure existing at the time this provision is enacted shall be subtracted from the total lot area before the permissible bulk or density limits are derived.

- (2) 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.

**E. Schedule Limiting Height and Bulk of Buildings**

- (1) Waterfront District A. The Schedule Limiting Height and Bulk of Buildings for Waterfront District A shall be as follows:

Maximum Height of Buildings: stories	30 feet 2
Minimum Size of Plot Per Family:	NA
Maximum Building Area (per cent of lot coverage):	25%
Maximum Site Area (per cent of lot coverage building + accessory paved areas)	50%
Mandatory Open Spaces on Lot: Board	As determined by Planning Board

Front Yard Depth:

No structure associated with uses listed in Section 300-23(A)(3)(b) - (h) shall be closer than 150 feet from the mean high water line of the Hudson River,\* and the Planning Board may in no event recommend or the Village Board decide that this set back be waived or modified to less than 100 feet pursuant to Section 300-71(B).

Minimum Sizes of Yards:

Side Yard - One Side Yard Board	As determined by Planning Board
Side Yard - Two Side Yards Board	As determined by Planning Board

Rear Yard Depth As determined by Planning Board

Maximum Length of Buildings: 150 feet in any one dimension

\* This set back requirement shall not prohibit the construction of a public walkway or esplanade along the river's edge consistent with the proposal in the Dobbs Ferry Local Waterfront Revitalization Program, a seasonal kiosk or concession stand to serve visitors to the waterfront or any similar or related amenity on or near the river shore, such as a pier or dock for fishing, boating or viewing, benches, picnic facilities, open recreational space, or a footbridge, designed to enhance public access, recreational opportunities and enjoyment of the Hudson River.

(2) Waterfront District B. The Schedule Limiting Height and Bulk of Buildings for Waterfront District B shall be as follows:

Maximum Height of Buildings: 45 feet 4 stories \*

Minimum Size of Plot Per Family: Per existing schedule for TF/TFS

Maximum Building Area (%lot coverage): Per existing schedule for TF/TFS

Mandatory Open Spaces on Lot: As determined by Planning Board

\* Provided, however, that no building may exceed thirty-five (35)' in height from the curb line on Palisade Street.

Front Yard Depth:

Minimum Sizes of Yards:

Side Yard - One Side Yard

Side Yard - Two Side Yards

Rear Yard Depth

Maximum Length of Buildings:

In accordance with existing schedule for TF/TFS zone

In accordance with existing schedule for TF/TFS zone

In accordance with existing schedule for TF/TFS zone

- (3) Notwithstanding any other provision of this Chapter, the height of buildings in Waterfront Districts A and B shall be calculated in accordance with the provisions of Section 502.1 of the New York State Building Code.

**F. Development Incentive Density Bonuses in Waterfront District B**

In order to further the objectives of the LWRP the Village Board, on recommendation of the Planning Board, may increase the permissible density of development in Waterfront District B as set forth below.

- (1) Following a public hearing and recommendation by the Planning Board, 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:
  - a. 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 A as a contiguous portion of a larger Village Riverwalk such as is proposed in the LWRP;
  - b. 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;
  - c. 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 B zoning district;
  - d. committing a significant portion of land in Waterfront District A to park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions;
  - e. providing publicly accessible open space and/or recreational areas in Waterfront District B;
  - f. preserving a significant portion of the existing structures in Waterfront District A or B for uses described in Section 300-23(A)(3)(c) - (f);

- g. 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;
  - h. providing that ten (10)% of the residential units to be constructed in Waterfront District B will be affordable housing.
- (2) For applicants who provide or make provision for amenities and facilities listed in Section 300-23(F)(1), 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 twenty (20) per cent. A bonus awarded under this provision may be in any increment between zero and twenty (0 - 20)% in proportion to the degree to which the proposed amenities confer benefits identified in Section 300-23(F)(1), above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a 10% bonus were allowed, permissible density would be calculated based on a reduction of the minimum plot per family in the TF analysis from 2500 square feet to 2250 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.
- (3) In awarding a density or bulk bonus under this sub-section, the Village Board 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, 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.

**§ 300-24. General requirements and restrictions.**

- A. All lighting for public parking or outdoor areas or facilities in Waterfront District A or B must be provided by down lighting from light fixtures in which the lamp or bulb does not protrude above or below the shade.

**B. In Waterfront District B, in addition to the standards set forth in Section 300-72(E)(1), there shall be no construction on or re-grading of steeply sloped areas greater than twenty-five (25)% unless the Board of Trustees, on recommendation of the Planning Board, makes a specific finding that such construction or re-grading 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 re-grading.**