



VILLAGE OF DOBBS FERRY

112 Main Street
Dobbs Ferry, New York 10522
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RESOLUTION 6-2023

**RESOLUTION OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF DOBBS FERRY IN THE MATTER OF THE APPEAL AND
APPLICATION OF JOSEPH LOCASCIO, ESQ. ("OWNER") OF PROPERTY
LOCATED AT 0 NORTH MOUNTAIN DRIVE, DOBBS FERRY, N.Y., ("PROPERTY")
WHICH APPEAL IS FROM A DECISION OF THE BUILDING INSPECTOR OF THE
VILLAGE OF DOBBS FERRY AFFECTING THE PREMISE DESIGNATED ON THE
TAX ASSESSMENT MAPS OF THE VILLAGE OF DOBBS FERRY AS SECTION 3.10,
BLOCK 1, LOT 3 IN THE OF-2, ONE FAMILY RESIDENTIAL 2, ZONING DISTRICT.**

WHEREAS, this application involves property located at 0 North Mountain Drive, Village of Dobbs Ferry, County of Westchester and State of New York and designated as Section Block and Lot 3.10-1-3, in the OF-2, One Family Residential 2, Zoning District; and

WHEREAS, the Owner sought relief from Chapter 300, Zoning and Land Use, of the Village of Dobbs Ferry, New York, and requests the following variances: 4,749 square feet for lot area; and

WHEREAS, the Project is classified under the State Environmental Quality Review Act (SEQRA) implementing regulations as a Type II Action, in accordance with 6 NYCRR §617.5(c)(17); and

WHEREAS, the Zoning Board of Appeals has reviewed the application materials including the following:

1. Village of Dobbs Ferry Planning Board Recommendation Resolution, dated April 12, 2023
2. Zoning Board of Appeals application dated June 17, 2022;
3. Building Inspector denial letter dated July 27, 2022;
4. Gotham Design plans dated August 5, 2022, last revised March 23, 2023; and

WHEREAS, pursuant to the applicable provisions of law and after due notice and publication, a public hearing was held on April 12, 2023, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on April 12, 2023; and

WHEREAS, members of the ZBA are familiar with the property and its location; and

NOW, THEREFORE, BE IT RESOLVED, the Zoning Board of Appeals has investigated this application and has given its full consideration to the testimony presented at the hearing and hereby finds that based upon the findings, reasoning, and conditions set forth below the application to the Zoning Board of Appeals for the requested variance is granted in accordance with the plans submitted.

1. In accordance with Section 7-712-b of the New York State Village Law and Section 300-24 of the Zoning and Land Use chapter of the Village of Dobbs Ferry, the ZBA must determine whether the benefit to the Applicant, if the variance is granted, outweighs the detriment to the health, safety, and welfare of the neighborhood and community. In rendering its determination and decision, the Zoning Board of Appeals finds the following:

A. Whether an undesirable change will be produced in the character of the neighborhood or be detrimental to nearby properties.

The ZBA finds that the benefits to the property outweigh the possible detriment to the neighborhood. The ZBA finds that the application is supported by the neighboring property owners and the Board finds that the gross square footage of the lot is in character of the existing neighborhood.

B. Whether the benefit sought can be achieved by some method other than an area variance.

The ZBA finds that there is no other method to make this lot a developable lot without a variance due to the substantial steep slopes present on the property. The steep slopes result in a reduction of nearly 1/3 of the gross lot area and therefore it would not be considered a developable lot under the existing zoning regulations.

C. Whether the variance is substantial.

The ZBA does not consider the requested variances as substantial because the steep slopes result in a large deduction of the gross lot area which would otherwise be well within the minimum lot area. Since the gross lot area would meet the minimum lot area without the steep slope deductions, the Board finds that the proposed variance is not substantial. In addition, the Board finds that the proposed lot would be appropriate for the development of a single-family house as permitted under the zoning district.

D. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

There will be no adverse effect on the physical or environmental conditions in the neighborhood or community resulting from the granting of these variances because the applicant has shown that the property will have proper mitigation of possible impacts and the disturbance is primarily located in an area that contains minimal steep slopes.

E. Whether the alleged difficulty was self-created.

A self-created difficulty is not determinative on an application for an area variance but is only one factor to be considered. The ZBA finds that this application is not a self-created hardship because the site consists of steep slopes which results in the large deduction square footage from the gross lot area and the property can be found on an approved Plat filed with Westchester County in 1989.

2. All construction shall comply with all requirements of the Building Department and any other department, agency or board having jurisdiction.

This order was duly made by the Zoning Board of Appeals on the 12th day of April 2023.

Motion by: _____ Seconded by _____

CHAIRMAN HOFMANN	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
BRUCE GOMBOS	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
JEREMY GUTMAN	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
JON MAASS	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
JOSEPH CAPASSO	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	5 AYE	0 NAY	0 ABSTAIN	0 RECUSE	0 ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

I hereby attest that the application was approved by the Zoning Board of Appeals at its April 12, 2023, meeting, and that I have been authorized to sign this Resolution by decision of the Zoning Board of Appeals.



Peter Hofmann, Chairman

Date: June 1, 2023