

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

A regular meeting of the Zoning Board of Appeals was held on May 11, 2022. Present: Chairman Peter Hofmann, Jon Maass and 1st Alternate Joseph Capasso, Dan Roemer/Building Inspector and Ms. Valerie Monastra/Village Consulting Planner. Excused: Trustee Liaison Michael Patino and Bruce Gombos, Jeremy Gutman and Paul Monte.

Chairman Hofmann called the meeting to order.

1. 189 Washington Avenue – Public hearing for proposed plans to install golf net to protect against errant golf balls

189 Washington Avenue Plan Submittal Form, application and SEAF are as follows:

Plan Submittal Form

Address: 189 Washington Ave Dobbs Ferry, NY 10522

Application #: A 2021-0514

Project: Golf net to protect from errant golf balls

Name: Jonathan Lai

Email: jonlai77@gmail.com

Phone: 617-823-8893

Plans attached are being submitted for (check appropriate box):

- ☐ Building permit application 1 PDF copy & 2 paper copies ¼ scale
- ☐ Amendment to an application or permit, 2 sealed copies
- ☐ Final As Built to close permit, 1 sealed copy
- ☐ Final survey to close permit, 1 sealed copy

Plans attached are submitted at the direction of the Building Inspector for review by the following board (check all that apply):

- ☐ BOT- 1 PDF copy + 5 paper copies ¼ scale
- ☐ PB - 1 PDF copy + 4 paper copies ¼ scale
- ☒ ZBA - 1 PDF copy + 4 paper copies ¼ scale
- ☒ AHRB - 1 PDF copy + 2 paper copies ¼ scale

Received Stamp:



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APPLICATION TO ZONING BOARD OF APPEALS VILLAGE OF DOBBS FERRY	<div style="border: 1px solid black; padding: 5px; color: blue; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="color: red; font-weight: bold; font-size: 1.1em;">APR 18 2022</div> <div style="color: blue; font-size: 0.8em;">VILLAGE OF DOBBS FERRY BUILDING DEPARTMENT</div>
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Note: Four copies of the application must be filed with the Clerk of the Board, no later than 2:00 p.m., twenty-one (21) days prior to the date of the meeting.

Date Filed: 4/14/22

Applicant's Name: Jonathan Lai Telephone: 617-823-8893

Property Location: 189 Washington Avenue Dobbs Ferry, NY 10522

Sheet: 3.50 Block: 11 Lots/Parcel: 3

The undersigned applicant requests a hearing before the Zoning Board of Appeals based on the following: (check one)

☒ Appeals decision of Building Inspector _____ ☐ Special Permit

Every application or appeal must be accompanied by an accurate plot plan to scale showing location of all existing structures, and also drawings showing the exact location, dimensions, and the nature of all proposed structures. These requirements will ordinarily be best met with surveys and architect's drawings. The Board may require that surveys and/or drawings be prepared and signed by duly accredited surveyors, engineers, or architects. Applicant is required to show proof of title to or legal interest in the premises, by deed or contract of sale, or other document. This application or appeal is made pursuant to the authorization contained in the Building Zoning Ordinance:

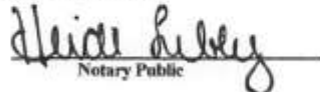
Article: 300 Section: 42 Subdivisions: B

The basis of the relief sought by the undersigned pursuant to the provisions of the Building Zoning Ordinance is as follows: (Set forth briefly all pertinent facts and use additional sheets if necessary).


Applicant

STATE OF NEW YORK
COUNTY OF WESTCHESTER) ss:

On this 14 day of April, 20 22 before me personally came Jonathan Lai, who came duly sworn deposes and says that he/she read the foregoing application and knows the content thereof and that the same is true to his/her own knowledge.


Notary Public

Reg. No. 01 L16392323
Commission Expires May 28, 2023
Qualified in Westchester County

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PROJECT I.D. NUMBER

617.21
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I-PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR <u>Jon Lai</u>	2. PROJECT NAME <u>Golf net</u>
3. PROJECT LOCATION: Municipality <u>Dobbs Ferry, NY</u> County <u>Westchester</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc. or provide map) <u>1801 Washington Avenue Dobbs Ferry, NY</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/Alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>We propose construction of a 30ft high golf net to protect from errant golf balls entering from Ardsley Country Club</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0.05</u> acres Ultimately <u>0.05</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: <u>We reside next to a private golf course.</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/Sponsor Name: <u>Jon Lai</u> Date: <u>4/18/22</u>	
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

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SEQR

PART II-ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? Explain briefly.</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.</p> <p>C6. Long term, short term, cumulative, or other affects not identified in C1-C5? Explain briefly.</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly.</p>	

PART III--DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

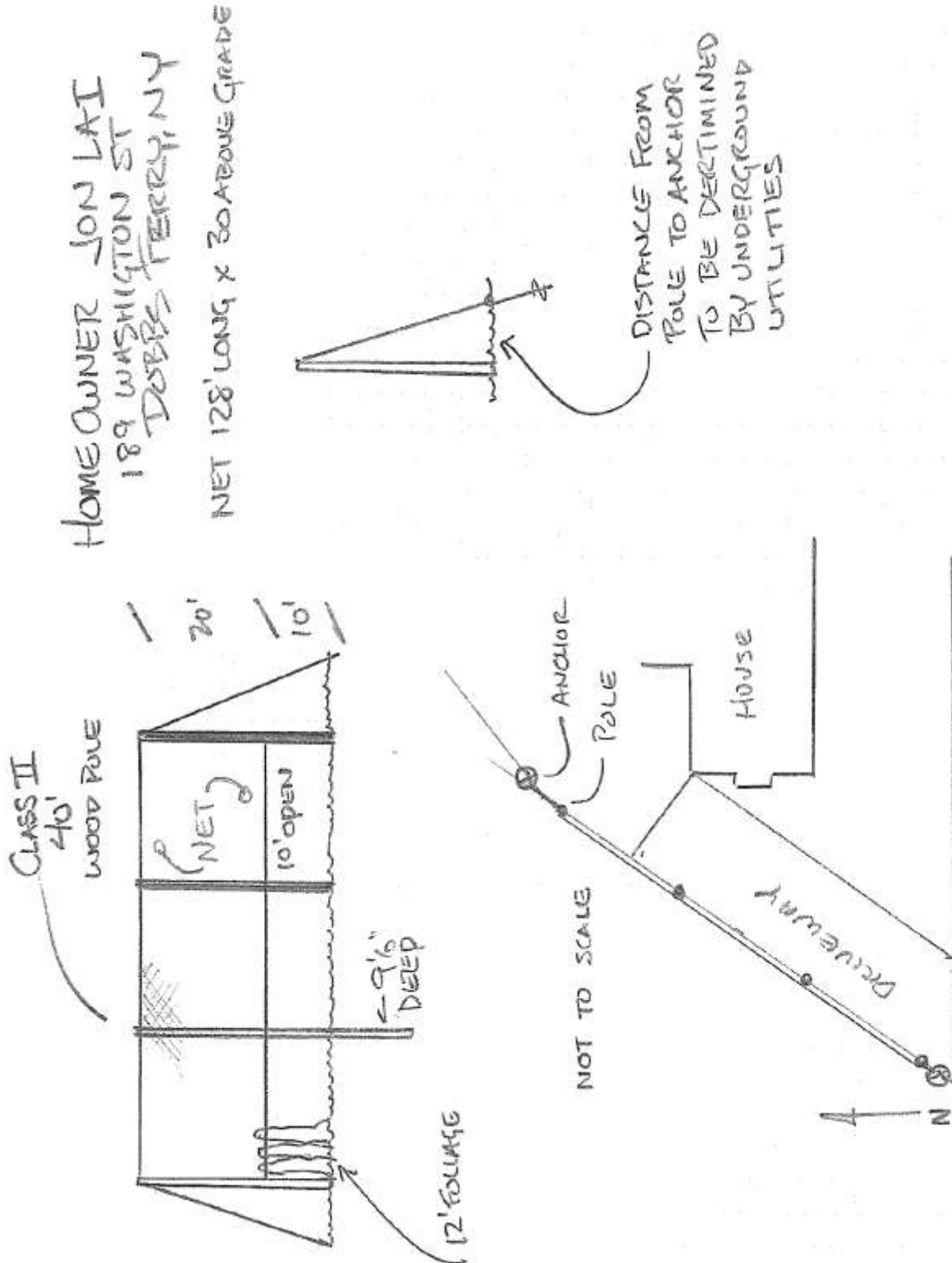
INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D or Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

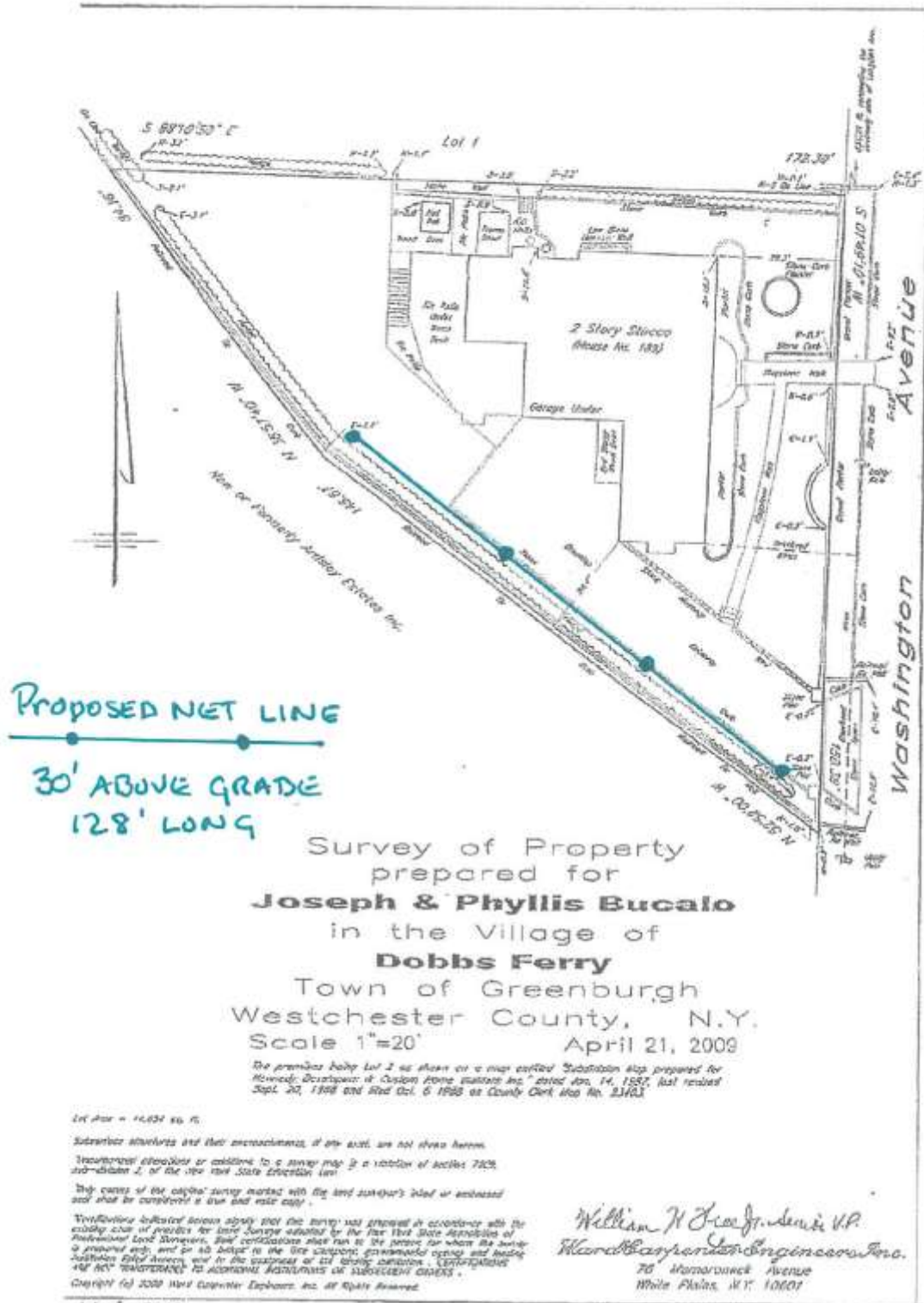
Name of Lead Agency	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
Date	

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Proposed net line is as follows:



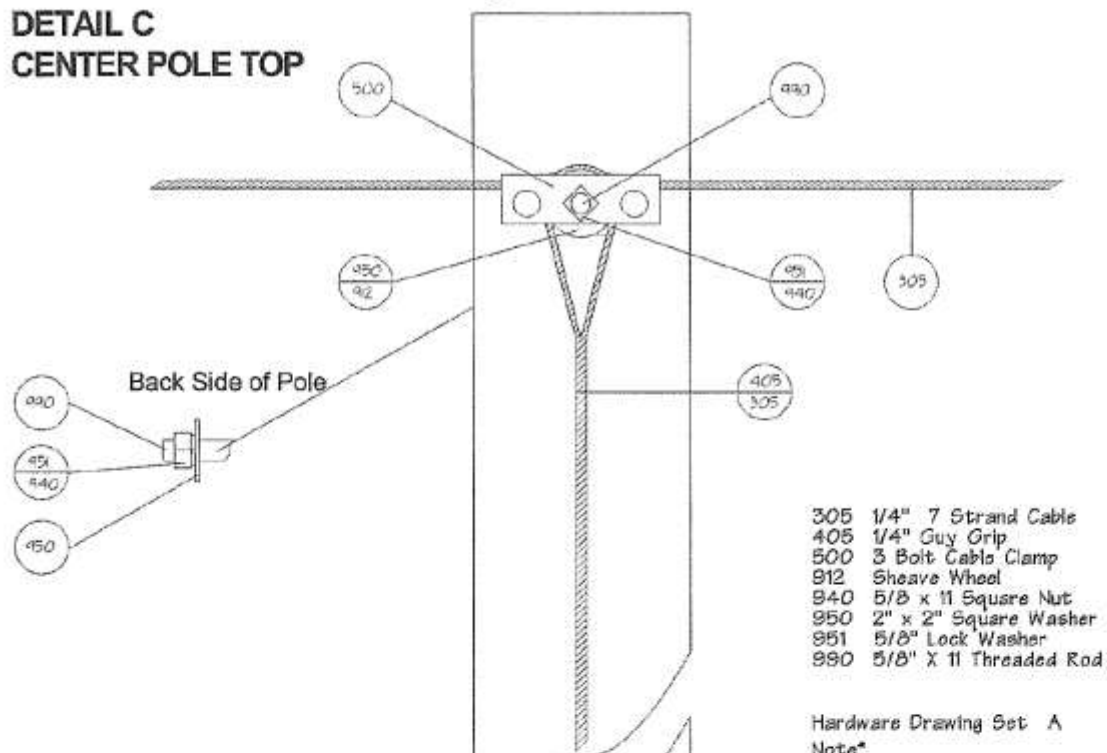
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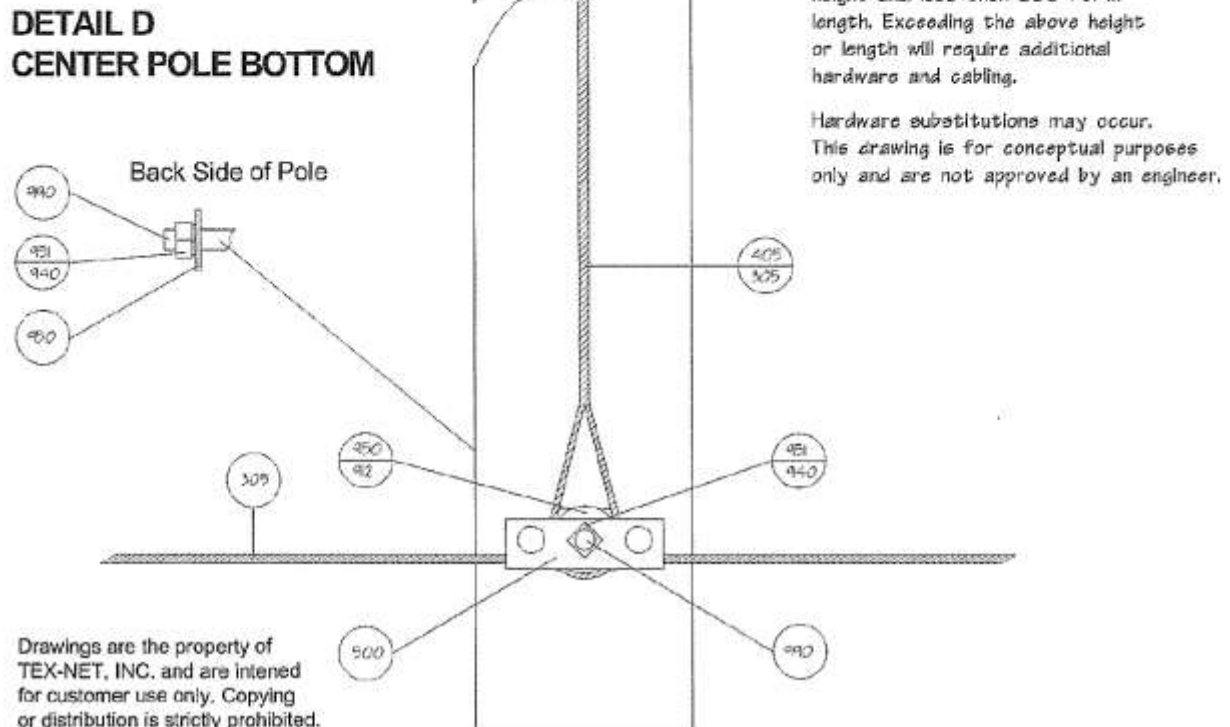
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for customer use only. Copying
or distribution is strictly prohibited.

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**DETAIL C
CENTER POLE TOP**



**DETAIL D
CENTER POLE BOTTOM**



Drawings are the property of TEX-NET, INC. and are intended for customer use only. Copying or distribution is strictly prohibited.

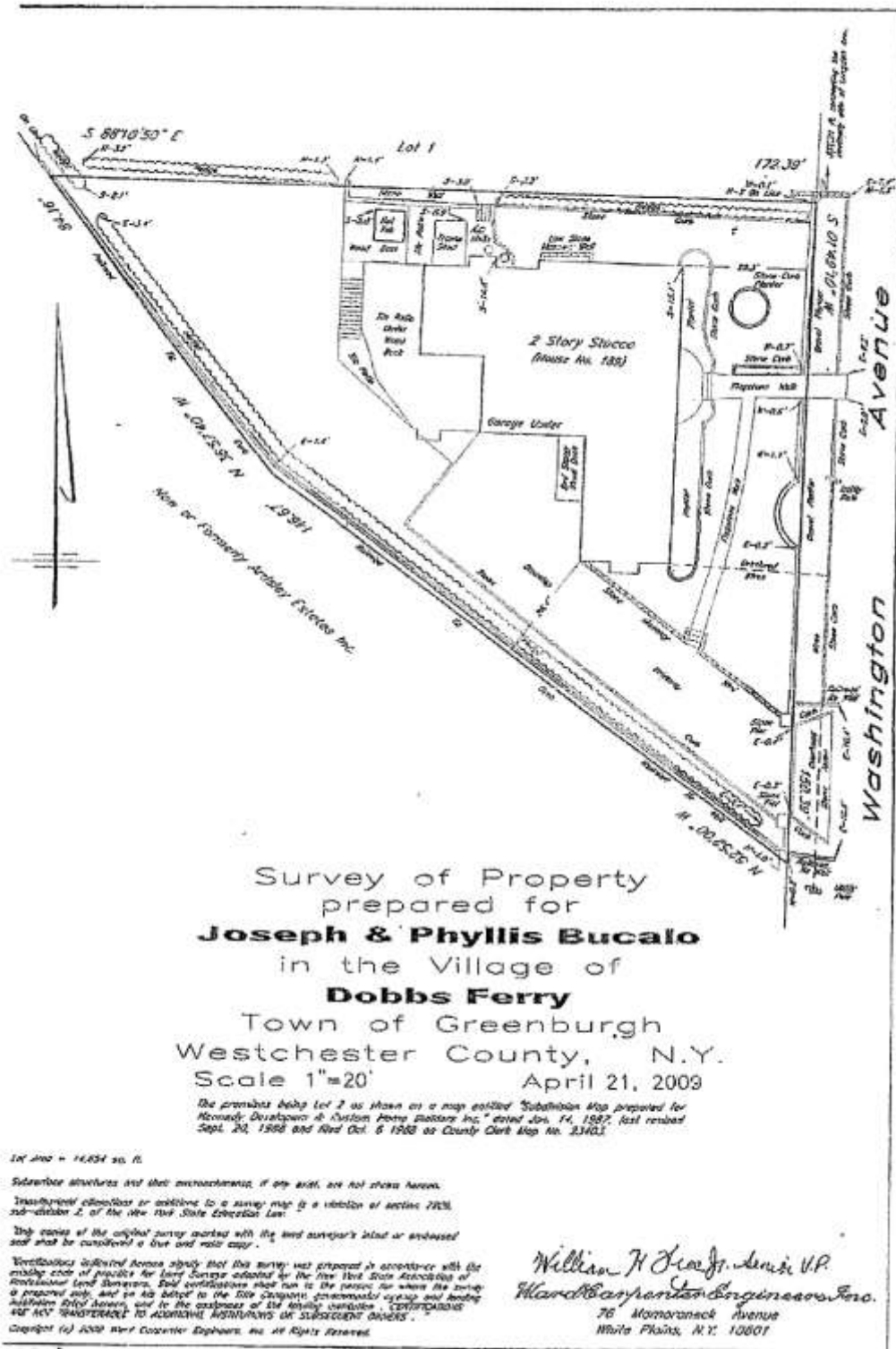
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Picture of net is as follows:



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Survey of property is as follows:



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Denial letter dated March 2, 2022 from Mr. Dan Roemer/Building Inspector to Mr. Lai is as follows:



VILLAGE OF DOBBS FERRY

Building Department

112 Main Street

Dobbs Ferry, New York 10522

TEL: (914) 231-8511 • Drroemer@dobbsferry.com • FAX: (914) 693-3470

March 2, 2022

Lai Residence
189 Washington Ave.
Dobbs Ferry, NY 10522

Re: 189 Washington Ave.

S/B/L 3.50-11-3

Dear Mr. Lai,

Pursuant to a review of the submitted proposed plans to construct a golf ball fence/net, the following determinations were made.

The property is located in the OF-2 Zone.

You are proposing to erect a 30' golf ball net/fence on your property.

For these reasons your proposal, as submitted, is denied pending zoning board review.

300-42.B (2) states fences in front yards shall have a maximum height of 4'. You are proposing 30' in the front yard.

300-42.B (2) states fences shall not exceed a height greater than 6' in side or rear yards. You are proposing 30' at the side & rear yard.

If you have any questions, please contact the Building Department at (914) 231-8505.

Respectfully,

A handwritten signature in dark ink, appearing to read "Dan Roemer", is written over the word "Respectfully,".

Dan Roemer
Building Inspector

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Mr. Jon Lai and Ms. Tara Lai/Homeowner's were present to represent the application.

Chairman Hofmann noted that the Board is short staffed this evening. Chairman Hofmann said they need to have three people present to vote and there are two members of the Board attending the meeting in person and one member attending remotely. Chairman Hofmann said the two members of the Board present in person, are him and Mr. Capasso who are both members of the Ardsley Country Club, so in a sense they are next door neighbors to the Lai's. Chairman Hofmann said if the Lai's would like they would gladly recuse themselves. Chairman Hofmann said if they recused themselves, the application would be held over until the next meeting of the Board which would be in July. Chairman Hofmann said he doesn't think they feel like they are conflicted in any way, but this is not a call for them to make, it's more one for the Lai's to make. Chairman Hofmann said he is not saying that they have a conflict and he doesn't believe they have a conflict, but that's a decision that the Lai's have to make.

The Lai's said the Board can proceed with the discussion of the proposed application.

Mr. Lai discussed the proposed application.

A discussion was held and Mr. Lai addressed question from the Board.

No one from the public addressed the Board.

Motion by Mr. Capasso, seconded by Chairman Hofmann to close the public hearing for the application of 189 Washington Avenue for proposed plans to install golf net to protect against errant golf balls.

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 type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JEREMY GUTMAN	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" 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
PAUL MONTE	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JOSEPH CAPASSO, 1ST ALTERNATE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	3 AYE	0 NAY	0 ABSTAIN	0 RECUSE	3 ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

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Motion by Mr. Capasso, seconded by Chairman Hofmann to approve the application of 189 Washington Avenue for proposed plans to install golf net to protect against errant golf balls, with the amendment that we provide permission to put the net for the lower ten feet as well

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 type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JEREMY GUTMAN	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" 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
PAUL MONTE	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
JOSEPH CAPASSO, 1ST ALTERNATE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	3 AYE	0 NAY	0 ABSTAIN	0 RECUSE	3 ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

Our Planner is directed to prepare a written decision reflecting the deliberations and vote of the Zoning Board on this matter. The written decision will be signed by the Chair and filed with the Village Clerk with a copy attached to tonight's meeting minutes.

The meeting ended at 8:13 p.m.

RESOLUTION 5-2022

RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF DOBBS FERRY IN THE MATTER OF THE APPEAL AND APPLICATION OF ROBERT JONATHAN LAI ("OWNER") OF PROPERTY LOCATED AT 189 WASHINGTON AVENUE, 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 3.50, BLOCK 11, LOT 3 IN THE OF-2 ,ONE-FAMILY RESIDENTIAL 2 ZONING DISTRICT

WHEREAS, this application involves property located at 189 Washington Avenue Village of Dobbs Ferry, County of Westchester and State of New York and designated as Section Block and Lot 3.50-11-3, in the OF-2, One-Family 2, Zoning District; and

WHEREAS, the Owner sought relief from the Chapter 300, Zoning and Land Use, of the Village of Dobbs Ferry, New York and requests to erect a 30 foot golf ball net/fence; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (SEQRA) and the implementing regulations (6 NYCRR Part 617), the Zoning Board of Appeals ("ZBA") has considered all of the impacts of the action and has determined that the Proposed Action is a Type II because it consists of the construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools... (6 NYCRR § 617.5(c)(12)); and

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

1. Zoning Board of Appeals application dated April 14, 2022;

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2. Building Inspector denial letter dated March 2, 2022;
3. Tec Net plans, undated;
4. Survey dated April 21, 2009; and

WHEREAS, the Owner is seeking an area variance from sections 300-42.B(2) of Chapter 300, Zoning and Land Use to erect a 30 foot golf ball net fence in the front, side, and rear yards; and

WHEREAS, pursuant to the applicable provisions of law and after due notice and publication, a public hearing was held on May 11, 2022, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on May 11, 2022; 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. In addition, the Zoning Board of Appeals grants the applicant the ability to extend the netting to the ground for the entire 30 feet of the fence for added safety from golf balls.

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 property abuts a golf course and experiences frequent stray balls hitting the house, cars, and residents of the property. The owners attested to the fact that the frequency of stray balls occurs a few times per week.

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

The property abuts an existing golf course, and the house is 200 yards from the third tee. The typical trajectory of the golf balls warrants a 30 foot net fence to prevent the stray balls from hitting the house, cars, and residents of the property. A four (4) foot fence in the front yard or six (6) foot fence in the side or rear yards, as permitted by the Zoning chapter, would not stop the stray golf balls.

C. Whether the variance is substantial.

The ZBA does not consider the requested variances as substantial because the proposed height of the fence is the minimum height required to cease the situation of the stray golf balls.

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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 this variance because the situation is unique to this property and the proposed golf ball net fence would primarily only be visible by the property owner and members of the golf course. No neighbors came and spoke out against the project at the public hearing.

E. Whether the alleged difficulty was self-created.

The ZBA find that this situation is not a self-created hardship because the property owner is looking to alleviate a situation that is occurring due to the adjacent golf course.

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 11 day of May 2022.

Motion by: Mr. Capasso Seconded by Chairman Hofmann

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 type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input checked="" type="checkbox"/> ABSENT/EXCUSED
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JON MAASS	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
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JOSEPH CAPASSO, 1ST ALTERNATE	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSE	<input type="checkbox"/> ABSENT/EXCUSED
VOTE TOTALS	3 AYE	0 NAY	0 ABSTAIN	0 RECUSE	3 ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

I hereby attest that the application was approved by the Zoning Board of Appeals at its May 11, 2022, meeting, and that I have been authorized to sign this Resolution by decision of the Zoning Board of Appeals.



Peter Hofmann, Chairman

Date: May 11, 2022

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