

A regular meeting of the Zoning Board of Appeals was held on February 8, 2023.

Present: Chairman Peter Hofmann, Joseph Capasso, Jon Maass, and Dan Roemer/Building Inspector.

Excused: Jeremy Gutman, Bruce Gombos, and Paul Monte.

Chairman Hofmann called the meeting to order.

1. **0 Lefurgy Avenue** – Public Hearing for proposed plans to construct a new residence.

Chairman Hofmann stated that this is for a variance that has a required combined side-yard setback of 50 feet, and the proposed is 43.9 feet, requiring a variance of 6.1 feet.

Mr. Lonnie Lerner then came forward to address the board and present the application and stated that he's the architect for the project. Mr. Lerner added that they're asking for a combined side-yard variance since they have 44 feet and it's required to be 50 feet. Mr. Lerner then asked if the Board had seen the lot, and wanted to show it to them.

Chairman Hofmann confirmed that the Board was aware of the lot, and its history of being spun out of the lot on Myrtle.

Mr. Lerner continued that the side yards have 22.7 on the left side and 21.2 on the right side. Both are a little bit larger than what's required individually, but the combined was only 44, causing the variance problem. The issue is the size and shape of the lot is very tapered down to the front. The other problem is that the lot slopes up and 36 feet from the street to the back of the house as its proposed now, which makes it very difficult to site a house on the lot. It can't be moved back because there's a hill there, and it can't be moved forward because of the tapering of the lot. So they are asking for relief so they can get this house built.

Chairman Hofmann asks if the rear setback doesn't allow you to move the home back either, and if it's currently at 50. Mr. Lerner confirms that it's at 50.

Mr. Roemer states that 25 is what is required for the lot. Mr. Maas then asks why it couldn't be moved further back.

Mr. Lerner replied that it's because of the hill that has a 10 foot slope. It really gets steep so it makes it very difficult to push to the back of the lot. As it is they're stepping up from one low level to an upper level. They have a half basement there to accommodate the hill. And they can't pull it forward because there isn't enough width to build a house there.

Mr. Maas adds that the slope on the front seems like a real issue. Mr. Lerner agrees, saying if you try to walk it, it's a problem.

Mr. Maas then asks if it's known how far they'd have to the back in order to meet the combined side-yard setback.

Mr. Lerner responded that he has not looked at that yet.

Mr Maas confirmed that it would have to be 20 feet or more.

Mr. Lerner said the only thing that comes close is the little corner and it slides back on the diagonal.

Chairman Hofmann asks if anyone else would like to be heard on the application.

Dr. Dinshaw Patel of 80 Lefurgy Ave begins to address the Board and states that they are directly across the street from where the driveway will be for the planned residence. He adds that his concern is that a steep driveway leading down to the street will bring rainwater down the driveway onto their property. About six months ago, there was a big rainstorm and a house two doors down had a garage that was very badly flooded. The garage actually was on a slope leading from the road down. So the worry is that rainwater from the driveway will end up on their property, and what they would like to have done is some sort of storm drain be built at the base from the driveway to the road if possible. It's important because otherwise they will be flooded, and they don't have a basement in their house.

Chairman Hofmann replied that this is a serious issue that will have to be dealt with, yet that's not something they're in charge of, rather it would be the Planning Board. This property will be going to the Planning Board next, as they're involved in safety access, water, etc.

Dr. Dinshaw then asked if his request was reasonable, and Chairman Hofmann agreed with this. Chairman Hofmann added that they have an engineer that reviews plans to make sure neighbors are safeguarded.

Chairman Hofmann then asked if anyone else would like to be heard about this property.

An unidentified resident asked to review the plans that were displayed. She asked to see the side-yard variances as it relates to her property. She also asked to see the driveway in the plans and added that it looks incredibly steep where it curves and asked if that was the Board's vision.

Mr. Lerner replied that the driveway was 10%.

Chairman Hofmann responded that the driveway snakes to minimize the change in elevation.

Chairman Hofmann expressed that it's a crazy-shaped lot and a victim of circumstance. He continued to say he thinks they have the house where it really should be, both to accommodate the driveway as well as to stay away from the steepest part of the hill. Chairman Hofmann moved that the application be granted in accordance with the plan submitted. Motion by Chairman Hofmann, seconded by Mr. Capasso to close the public hearing for the application of 0 Lefurgy Avenue.

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	<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				

Motion by Chairman Hofmann, seconded by Mr. Capasso, that the application be granted in accordance with the plan submitted.

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	<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				



VILLAGE OF DOBBS FERRY

112 Main Street

Dobbs Ferry, New York 10522

TEL: (914) 231-8500 • FAX: (914) 693-3470

RESOLUTION 2-2023

**RESOLUTION OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF DOBBS FERRY IN THE MATTER OF THE APPEAL AND
APPLICATION OF PRATIK ANAND (“OWNER”) OF PROPERTY LOCATED AT 0
LEFURGY 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 17, LOT 2.2
IN THE OF-2, ONE-FAMILY RESIDENTIAL 2, ZONING DISTRICT.**

WHEREAS, this application involves property located at 0 Lefurgy, Village of Dobbs Ferry, County of Westchester and State of New York and designated as Section Block and Lot 3.50-17-2.2, in the OF-2, One-Family Residential 2, Zoning District; and

WHEREAS, the Owner proposes to construct a new house; 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: side yard setback 6.1 feet; 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)(11); and

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

1. Zoning Board of Appeals application dated January 6, 2023;
2. Building Inspector denial letter dated November 21, 2022;
3. LR Lerner Architecture PC plans dated August 24, 2022; and

WHEREAS, pursuant to the applicable provisions of law and after due notice and publication, a public hearing was held on February 8, 2023, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on February 8, 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 30024 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 variance requested will not change the character of the neighborhood or be detrimental to nearby properties. Further, the Board finds that the proposed house is consistent in massing and size as the other homes in the neighborhood.

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

The ZBA finds that the unique shape and size of the lot make developing the lot very difficult. The Board finds that there is no other method to achieve those goals without a variance due to the size and shape of the lot and the steep slopes present.

C. Whether the variance is substantial.

The ZBA does not consider the requested variances as substantial. The applicant attempted to place the proposed project on the property with as minimal variances required as possible. Given the unique shape and size of the lot and the steep slopes present, the one variance for one corner of the proposed project does not seem substantial.

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 situation is unique to this property due to the size and shape of the lot and the 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 shape and size of the lot and the steep slopes necessitate the variances.

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

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

This order was duly made by the Zoning Board of Appeals on the 8th day of February 2023.

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	<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 February 8, 2023, meeting, and that I have been authorized to sign this Resolution by decision of the Zoning Board of Appeals.



Peter Hofmann, Chairman

Date: March 9, 2023

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2. 480 Broadway – Public Hearing for proposed plans for a new deck with spiral staircase.

Chairman Hofmann then introduced the next application, which is for 480 Broadway. The public hearing is for proposed plans for a new deck with a spiral staircase.

Mr. Matthew Cairo then addressed the board via zoom to present the application and stated that he's with Arthur Chabon Architects. He relayed their proposal of a zoning variance to place a minor obstruction within the south-yard setback of 480 Broadway. He said that the main facing of the half frontage of the house is along Broadway. Essentially what they would like to do there is a pre-existing terrace on the back of the house, and there was at one point a second floor deck on the property. And to access the deck they're proposing a spiral stair that would overlap the current site setback at the back of the house. Due to it being a corner lot this will be a side yard and it would protrude into the side yard proximately 20 inches, or 1.71 feet. The reason for this is that every other configuration that has been tried in order to get a stair that will be accessible to that deck interferes with air conditioning units or with other obstructions along the side of the house. This is the least obstructive way to access this deck. It is simply reconstructing a pre-existing deck. The roof plan and the new deck that's replacing the old one on the second floor is designed to be as minimally visible as possible, both from the neighboring properties and from the street. Mr. Cairo then showed the elevation along the south property line, structural details and photographs from the neighborhood, showing that it's designed to be barely visible and be as minimal of an obstruction into the required setback as possible. Mr. Cairo added that there was originally a second floor deck there, and that deck was removed in the course of major renovations made to the house, and that they would simply be replacing "like with like" with the spiral staircase to access the second floor of the deck.

Chairman Hofmann then asked if the variance was for both for the spiral staircase as well as the rear corner of the deck.

Mr. Cairo replied that no, the rear corner of the deck is behind the setback line. It would only be for the first few steps of the pad for the spiral stair in order to build a safely-contained spiral stair pad.

Chairman Hofmann also asked if there's still substantial screening between this house and the neighboring house to the right. Mr. Cairo responded that yes there is.

Chairman Hofmann then read a letter into the record from the owner of 474 Broadway, Robert Sanzo.

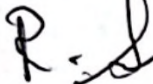
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To the members of the AHRB and the Building Department of Dobbs Ferry:

My name is Robert Sanzo and I live at 474 Broadway. My neighbors next door at 480 Broadway, Maria Spinella and Steven Kreuch, have taken on a full exterior renovation of their historic home and are in the midst of returning the 1890 property to its original condition, which is already having a positive impact on the image and character of our location in the center of town.

As part of their renovation, and as a way to make the most of their limited outdoor space for their young family, they are replacing the existing rotten 2nd story deck with a new deck that includes a staircase to allow access to the yard. I'm supportive of their submission and of the small variance needed to construct the staircase. The overall impact of their renovation is undeniably beneficial to the neighborhood and the town, after the home and property had fallen into some disrepair over the years.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'R. Sanzo', with a long, sweeping horizontal line extending to the right.

Robert Sanzo
474 Broadway
Dobbs Ferry, NY 10522

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Chairman Hofmann then asked if anyone else would like to be heard on the application, and Mr. Paddy Steinschneider began to address the Board.

Mr. Steinschneider commented that he's been watching this project, and has admiration and respect for the great job that they've done with the house. He added that the spiral staircase has no adverse impact whatsoever, and that it's an interesting, almost sculptural piece. Mr. Steinschneider concluded by stating that it'd be great to give them the variance that enables them to complete this project.

Motion by Chairman Hofmann, seconded by Mr. Capasso to close the public hearing for the application of 480 Broadway.

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	<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				

Motion by Chairman Hofmann, seconded by Mr. Capasso, that the application be granted in accordance with the plan submitted.

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
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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	3 AYE	0 NAY	0 ABSTAIN	0 RECUSE	3 ABSENT/EXCUSED
RESULT:	MOTION: PASSES				

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Motion by Chairman Hofmann, seconded by Mr. Capasso to adjourn the meeting.

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	<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				

The meeting ended at 8:18pm.

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VILLAGE OF DOBBS FERRY

112 Main Street
Dobbs Ferry, New York 10522
TEL: (914) 231-8500 • FAX: (914) 693-3470

RESOLUTION 3-2023

**RESOLUTION OF THE ZONING BOARD OF APPEALS
OF THE VILLAGE OF DOBBS FERRY IN THE MATTER OF THE APPEAL AND
APPLICATION OF STEVEN KREUCH (“OWNER”) OF PROPERTY LOCATED AT
480 BROADWAY, 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 16, LOT 26
IN THE B, BROADWAY, ZONING DISTRICT.**

WHEREAS, this application involves property located at 480 Broadway, Village of Dobbs Ferry, County of Westchester and State of New York and designated as Section Block and Lot 3.50-1626, in the B, Broadway, Zoning District; and

WHEREAS the Owner proposes to build a new deck and staircase; 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 variance: side yard setback 1.71 feet; 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)(12); and

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

1. Zoning Board of Appeals application dated January 6, 2023;
2. Building Inspector denial letter dated December 21, 2022;
3. Arthur Chabon Architects plans dated October 7, 2022;
4. Topography Survey by Rowan Land Surveying dated March 20, 2020; and

WHEREAS, pursuant to the applicable provisions of law and after due notice and publication, a public hearing was held on February 8, 2023, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on February 8, 2023; and

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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

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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 30024 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. In addition, there is already substantial screening between the property and the house to the south where the variance is needed. The ZBA finds that the variance requested will not change the character of the neighborhood or be detrimental to nearby properties.

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

The ZBA finds the location of the staircase is the least obstructive way to add access to the proposed deck. The Board finds that there is no other method to achieve those goals without a variance due to the limited space available to construct the staircase.

C. Whether the variance is substantial.

The ZBA does not consider the requested variances as substantial as the variance is only needed for the spiral staircase pad at the base of the staircase.

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 situation is unique to this property.

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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 limited shape available for the staircase and deck constrains the placement of the staircase and staircase pad.

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

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This order was duly made by the Zoning Board of Appeals on the 8th day of February 2023.

Motion by: Chairman Hofmann ____ Seconded by Mr. Capasso

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	<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 February 8, 2023, meeting, and that I have been authorized to sign this Resolution by decision of the Zoning Board of Appeals.

DRAFT MINUTES – NOT TO BE USED AS AN OFFICIAL DOCUMENT

A handwritten signature in blue ink, appearing to read "Peter Hofmann". The signature is fluid and cursive, with the first name "Peter" and last name "Hofmann" clearly distinguishable.

Peter Hofmann, Chairman

Date: March 9, 2023