

**THE MINUTES OF THE REGULAR MEETING OF THE ZONING BOARD
OF APPEALS OF THE TOWN OF MAMARONECK, MARCH 30, 2016
HELD IN CONFERENCE ROOM C, OF THE TOWN CENTER
740 WEST BOSTON POST ROAD**

Roll Call.

Present: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Jonathan Sacks

Also Present: Lisa Hochman, Counsel, John H. Landi, Building Inspector.

Absent/Excused: Elizabeth Cooney, Alternate, Tom Murphy, Town Board Liaison.

CALL TO ORDER

The meeting was called to order at 7:47P.M.

APPLICATION NO. 1 CASE NO. 3017 Michael and Kate Brown 34 Myrtle Blvd. Public hearing

Roll Call.

Present: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Jonathan Sacks, Lisa Hochman, Counsel (Not voting), John H. Landi, Building Inspector (Not voting).

Absent/Excused: Kevin G. Ryan, Counsel, Ernest Odierna, Town Board Liaison, Elizabeth Cooney, Alternate.

Motion: To open the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Jonathan Sacks.

Kate and Michael Brown, the owners, addressed the Board, stating they are looking to legalize a 6 foot fence they installed for safety and had not known that a permit was needed.

The stone wall and arch predate zoning and although partially on the applicant's property is the property of the Town.

Mr. Sacks stated that the existing shrubbery will screen the fence when in bloom and as the fence ages the visual impact will be lessened.

The Board discussed the height of the fence and visibility at the intersection. Mr. Simpson stated the fence doesn't block the site line now.

Mr. and Mrs. Brown stated they will add plantings that will cover the fence year round if required by the Board.

There were no public questions or comments.

Motion: To close the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Evans Simpson.

Motion: To approve the requested variance

Action: Approved

Moved by Jeffery King, **seconded by** Evans Simpson.

After review, on motion of Jeffery King, seconded by Evans Simpson the following resolution was proposed and ADOPTED unanimously (5-0).

Ayes: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Jonathan Sacks

Nays: None

Absent/Excused: Elizabeth Cooney, Alternate

WHEREAS, Michael and Kate Brown, (the "Applicant") requested a variance to legalize a 6 foot fence around the perimeter of the front yard on the premises located at 34 Myrtle Blvd. and known on the Tax Assessment Map of the Town of Mamaroneck as Block 217, Lot 264; and

WHEREAS, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the "Zoning Code") with particular reference to Sections 240-52A, 240-53, 240-69; and

WHEREAS, the Applicant submitted to this Board an application for relief from setback requirements from the Zoning Code; and.

WHEREAS, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

WHEREAS, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et, seq. and, accordingly, no further action under SEQRA is required; and

WHEREAS, the Zoning Board of the Town of Mamaroneck makes the following findings as required by New York State Town Law §267-b; and

1. The Board finds the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.

- A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

The Board finds that granting the variance will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties because there are other similarly scaled fences in the nearby vicinity

- B. Whether the benefit sought by the applicant can be achieved by some method feasible to the applicants other than an area variance.

The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because the purpose of the fence is to protect the children in the family and a lesser height would not be sufficiently protective.

- C. Whether the area variance is substantial.

The Board finds that that the variance is not substantial given the topography, the existing stone wall and the site lines at the intersection.

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

The Board finds that the variance will not adversely impact the local physical or environmental conditions because the fence will not generate any adverse visual or environmental impacts.

- E. Whether the difficulty is self-created.

The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.

- 2. For the reasons stated above, the granting of this variance is in harmony with the general purposes and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that the subject application be and the same is GRANTED, subject to the following conditions:

GENERAL CONDITIONS:

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Director of Building prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The Building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision shall be filed with the Town Clerk as provided in Section 267-a(2) of the Town Law.

APPLICATION NO. 2 CASE NO. 3018 Gregory and Paige Lewis 753 Forest Avenue Public Hearing

Motion: To open the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

Gregory Lewis, the owner and architect, addressed the Board stating they are requesting a variance to enlarge their 2 bedroom, 1 bath home and proposing a second floor with 3 bedrooms and 2 bathrooms. The property is nonconforming and the house is built beyond the setback.

The plans were discussed.

Mr. Wexler stated that the nonconforming lot can be viewed as an R-6 therefore the required variances are less than requested.

Mr. Lewis stated that they are removing part of the driveway to lessen the impervious surface.

Mr. Lewis presented a site plane of the neighboring houses which was marked Exhibit 1; and a copy of a 1976 variance granted to 759 Forest Avenue for a two story addition marked Exhibit 2 and entered into the record.

Mr. Lewis stated that the attic is just for storage.

Mr. Wexler stated he would like to see the roof line softened as the gable ends are brutal and have no dimensional reticulation.

The Board discussed the fact the street is unique in that it is like an R-6 zone in an R-10 Zone District. Mr. Wexler stated that because it is a nonconforming property the applicant can get the benefit of stepping down to an R-6 zone district.

The Board discussed the roof gable, pitch and massing.

There were no public questions or comments.

Mr. King recused himself.

Motion: To close the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Evans Simpson.

Motion: To approve the requested variance

Action: Approved

Moved by Evans Simpson, **seconded by** Irene O'Neill.

After review, on motion of Evans Simpson, seconded by Irene O'Neill the following resolution was proposed and ADOPTED (3-1).

Ayes: Evans Simpson, Irene O'Neill, Jonathan Sacks

Nays: Arthur Wexler, Chairman

Recused: Jeffery King

WHEREAS, Gregory and Paige Lewis, (the "Applicant") requested a variance for a first floor addition, front porch and second floor addition to the existing house located at 753 Forest Avenue and known on the Tax Assessment Map of the Town of Mamaroneck as Block 220, Lot 351; and

WHEREAS, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the "Zoning Code") with particular reference to Sections 240-37B(1), 240-51A, 240-37B(2)(a), 240-37B(2)b and 240-69; and

WHEREAS, the Applicant submitted to this Board an application for relief from setback requirements from the Zoning Code; and.

WHEREAS, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

WHEREAS, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et, seq. and, accordingly, no further action under SEQRA is required; and

WHEREAS, the Zoning Board of the Town of Mamaroneck makes the following findings as required by New York State Town Law §267-b; and

1. The Board finds the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.

- A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

The Board finds that granting the variance will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties because the character of the neighborhood is in flux and the proposal recognizes a precedence that already exists on the street and in the surrounding neighborhood.

- B. Whether the benefit sought by the applicant can be achieved by some method feasible to the applicants other than an area variance.

The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because the existing house is non-conforming.

- C. Whether the area variance is substantial.

The Board finds that the variance is substantial but with the revised zoning criteria the variance is less than originally requested by 7 feet. The variance requested for the side yard is 30% rather than 50%. Therefore, the result will actually lessen the effect of the side yard nonconformity.

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

The Board noted that the adjacent neighbor most impacted by the variance has no objection. Further, the Board noted that subject property is at a lower elevation than surrounding properties, making the added bulk less apparent.

- E. Whether the difficulty is self-created.

The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.

2. For the reasons stated above, the granting of this variance is in harmony with the general purposes and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that the subject application be and the same is GRANTED, subject to the following conditions:

GENERAL CONDITIONS:

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Director of Building prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The Building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision shall be filed with the Town Clerk as provided in Section 267-a(2) of the Town Law.

APPLICATION NO. 3 CASE NO. 3019 Giovani Zapata 21 Harrison Drive Public Hearing

Giovani Zapata the owner and architect addressed the Board.

Motion: To open the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Jeffery King.

Mr. Zapata stated that he is requesting an extension on both the front and rear of the house. The house is a legal 2-story structure with a nonconforming side yard, and the rear of the house is in the Village of Larchmont and requires a variance from them. Mr. Zapata further requested that he be allowed to use the R-6 zoning required for the small nonconforming lot.

Mr. Zapata stated that drywells will be in both communities.

Photos showing the distance to neighbor's houses were presented.

The Board discussed the application.

There were no public questions or comments.

Motion: To close the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

Motion: To approve the requested variance.

Action: Approved

Moved by Irene O'Neill, **seconded by** Evans Simpson.

After review, on motion of Irene O'Neill, seconded by Evans Simpson the following resolution was proposed and ADOPTED unanimously (5-0).

Ayes: Arthur Wexler, Chairman, Irene O, Neill, Evans Simpson, Jeffery King, Jonathan Sacks.

Nays: None

Absent/Excused: None

WHEREAS, Giovanni Zapata, (the "Applicant") requested a variance for a front and side yard extensions and interior renovation at basement , first and second floor located at 21 Harrison Drive and known on the Tax Assessment Map of the Town of Mamaroneck as Block 503, Lot 666; and

WHEREAS, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the "Zoning Code") with particular reference to Sections 240-240-38B and 240-69; and

WHEREAS, the Applicant submitted to this Board an application for relief from setback requirements from the Zoning Code; and

WHEREAS, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

WHEREAS, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et, seq. and, accordingly, no further action under SEQRA is required; and

WHEREAS, the Zoning Board of the Town of Mamaroneck makes the following findings as required by New York State Town Law §267-b; and

1. The Board finds the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.

A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

The Board finds that granting the variance will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties because it will improve the appearance of the house and therefore positively impact the neighborhood.

- B. Whether the benefit sought by the applicant can be achieved by some method feasible to the applicants other than an area variance.

The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because the subject property is an undersized lot and the availability of the space in the side yard is the most suitable space to expand the house.

- C. Whether the area variance is substantial.

The Board finds that the variance is substantial because the extension of the house will extend 10 feet from the side of the existing house. However there will still be 14 feet 9 inches of space separating the adjacent house to the left which was considered reasonable and the house on the right side is a substantial distance about 34 feet away and will not be effected by the addition.

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

The Board finds that the variance will not adversely impact the local physical or environmental conditions because any additional storm water runoff can be effectively mitigated by the erosion control measures required by the Town Code.

- E. Whether the difficulty is self-created.

The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.

2. For the reasons stated above, the granting of this variance is in harmony with the general purposes and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that the subject application be and the same is GRANTED, subject to the following conditions:

GENERAL CONDITIONS:

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Director of Building prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The Building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision shall be filed with the Town Clerk as provided in Section 267-a(2) of the Town Law

APPLICATION NO. 4 CASE NO. 3020 Kate Burt and Donaldson Barton 1031 Palmer Ave Public Hearing

Frank Marsella, the applicant's architect, addressed the Board explaining the challenges of the site and the proposed front entry. There are 14 steps to the first floor, and the applicants would like to rebuild their front entry adding a covered portico. If approved, lot coverage will be reduced 3%.

Plantings were discussed and Mr. Sacks stated that plantings should be a condition of any approval. Mr. Marsella stated the applicants would agree to install any required plantings.

Motion: To close the public hearing

Action: Close Public Hearing

Moved by Arthur Wexler, Chairman, **seconded by** Irene O'Neill.

Motion: To approve the requested variance

Action: Approved

Moved by Arthur Wexler, Chairman, **seconded by** Irene O'Neill.

After review, on motion of Arthur Wexler, seconded by Irene O'Neill the following resolution was proposed and ADOPTED unanimously (5-0).

Ayes: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Jonathan Sacks

Nays: None

WHEREAS, Kate Burt and Donaldson Barton, (the “Applicant”) requested a variance to rebuild front entry steps and add a covered portico, add site steps from front property line to entry steps on the premises located at 1031 Palmer Avenue and known on the Tax Assessment Map of the Town of Mamaroneck as Block 403, Lot 66; and

WHEREAS, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the “Zoning Code”) with particular reference to Sections 240-40B(1), 240-40F and 240-69; and

WHEREAS, the Applicant submitted to this Board an application for relief from setback requirements from the Zoning Code; and

WHEREAS, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

WHEREAS, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et, seq. and, accordingly, no further action under SEQRA is required; and

WHEREAS, the Zoning Board of the Town of Mamaroneck makes the following findings as required by New York State Town Law §267-b; and

1. The Board finds the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.

A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

The Board finds that granting the variance will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties because the addition is relatively small and in character with the house.

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

The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because the applicant desires to have a protected entry way as they enter the house. In addition, the house sits 30.8 feet from the front property line so anything in the front of the house would require a variance.

C. Whether the area variance is substantial.

The Board finds that the variance is not substantial because the scale and size of the addition proposed is small.

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

The Board finds that the variance will not adversely impact the local physical or environmental conditions because it will not generate storm water runoff or any other environmental impacts. The Board further noted that the application proposes to reduce the existing coverage by 3%, which will generate less runoff.

- E. Whether the difficulty is self-created.

The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.

2. For the reasons stated above, the granting of this variance is in harmony with the general purposes and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that the subject application be and the same is GRANTED, subject to the following conditions:

GENERAL CONDITIONS:

1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.
2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Director of Building prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The Building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.

This decision shall be filed with the Town Clerk as provided in Section 267-a(2) of the Town Law

Motion: To open the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

Frank Marsella, the applicant's architect, addressed the Board stating that this property is in the flood zone and the owners are looking raise and expand their home and comply with FEMA regulations. The property is 100 feet from the edge of the water course, in the buffer.

Mr. Marsella further stated that they met with staff and appeared before the Planning Board for consideration. The application is also scheduled to present to the Town's Coastal Zone Management Committee.

Base flood elevations and FEMA requirements were discussed.

Mr. Marsella stated that base flood elevation is 60 feet and the height of the building is 29 feet.

Mr. Marsella explained the proposed plan and further stated he is using the R-6 zone setbacks for the nonconforming R-10 lot. He added that FAR is in compliance, existing lot coverage is 44% and proposed will be 43% where 35% lot coverage is required.

The procedure to lift a house was discussed. Mr. Marsella explained that they will trench on side of the house to lift it, they will install relief vents in lower level. He added that FEMA does not allow the lower level to be finished it can only be used for car storage.

The Board discussed whether a precedent would be established by this application.

Mr. Marsella showed photos of houses he has lifted already in RYE.

Mr. Marsella stated that the applicant can't get flood insurance.

The impact to the neighborhood was discussed.

Members of the Zoning Board suggested that the Town Board examine the issue of house raises to meet FEMA regulations.

There were no public questions or comments.

Motion: To close the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Irene O'Neill.

Motion: To approve the requested variance

Action: Approved

Moved by Jonathan Sacks, **seconded by** Arthur Wexler.

After review, on motion of Jonathan Sacks, seconded by Arthur Wexler the following resolution was proposed and ADOPTED unanimously (5-0).

Ayes: Arthur Wexler, Chairman, Irene O'Neill, Jeffery King, Evans Simpson, Jonathan Sacks

Nays: None

Absent/Excused:

WHEREAS, Annie Balagot, (the "Applicant") requested a variance for a permit to raise the existing home above FEMA flood elevations on the premises located at 10 East Brookside Drive and known on the Tax Assessment Map of the Town of Mamaroneck as Block 214, Lot 304; and

WHEREAS, the Building Director declined to issue such permit on the grounds that the plans submitted failed to comply with the Town of Mamaroneck Zoning Ordinance (the "Zoning Code") with particular reference to Sections 240-37B(2)(a), 240-37(2)(b), 240-37B(3), 240-37D(1), 240-37F and 240-69; and

WHEREAS, the Applicant submitted to this Board an application for relief from setback requirements from the Zoning Code; and.

WHEREAS, the Board examined the plans, inspected the site, reviewed the application and has heard all persons interested in this application after publication of a notice thereof and a public hearing thereon; and

WHEREAS, the Applicant represented that the proposed height is the minimum to meet current FEMA and/or Town Code requirements; and

WHEREAS, this is a Type II action having no significant impact on the environment pursuant to 6NYCRR§ 617 et, seq. and, accordingly, no further action under SEQRA is required; and

WHEREAS, the Zoning Board of the Town of Mamaroneck makes the following findings as required by New York State Town Law §267-b; and

1. The Board finds the benefit to the applicant from the granting of the variance outweighs any detriment to the health, safety and welfare of the neighborhood or community. In reaching this conclusion, the Board considered the following factors.
 - A. Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting of the variance.

The Board finds that granting the variance will not produce an undesirable change in the character of the neighborhood or detriment to nearby properties because it will not be

out of character with the neighborhood, the fact that it sits in a flood zone and other neighboring houses will most likely require similar mitigation to nearby properties.

- B. Whether the benefit sought by the applicant can be achieved by some method feasible to the applicants other than an area variance.

The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible to the applicant not requiring a variance because given FEMA requirements, the applicant has presented this is the only economically feasible alternative.

- C. Whether the area variance is substantial.

The Board finds that the variance is substantial because it will increase the total size and massing of the house but found that this factor should not be determinative in light of the circumstances.

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

The Board finds that the variance will not adversely impact the local physical or environmental conditions because the reduced lot coverage will cause a reduction in storm water runoff.

- E. Whether the difficulty is self-created.

The Board finds that the difficulty is self-created, but that this factor is not determinative under the circumstances presented.

2. For the reasons stated above, the granting of this variance is in harmony with the general purposes and intent of the Town of Mamaroneck Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

3. For reasons stated above, the variance is the minimum necessary to alleviate the difficulty detailed in the application yet also preserves and protects the character of the neighborhood and the health safety and welfare of the community.

NOW, THEREFORE, BE IT

RESOLVED, that the subject application be and the same is GRANTED, subject to the following conditions:

GENERAL CONDITIONS:

- 1. This variance is limited to the construction shown on the submitted plans as conditioned and/or modified in accordance with the direction of the Board as agreed to by the Applicant.

2. The Applicant shall submit plans reflecting any conditions or modifications as above for the review and approval of the Director of Building prior to the granting of the building permit.
3. The Applicant shall obtain a building permit within (6) months of the filing of this resolution.
4. The Building permit shall be void if construction is not started within (6) months.
5. Construction shall be in compliance with the plans submitted in connection with this application, as conditioned or modified pursuant to the direction of the Board.
6. The Applicant shall install plantings reaching a height of 3 feet along the side elevation to soften impact of the massing.

This decision shall be filed with the Town Clerk as provided in Section 267-a(2) of the Town Law

6. APPLICATION NO. 6 CASE NO. 2022 Jeffery Shaffer 200 E Garden Rd Public Hearing

Motion: To open the public hearing

Action: Approved,

Moved by Jonathan Sacks, **Seconded by** Evans Simpson.

Jeffery Shaffer and Debra Kling, the owners, addressed the Board stating that they want to rebuild their rear deck and while doing so enlarge it by 2 feet in the rear and 4 feet wider.

Mr. Landi stated that there is an easement, which may restrict the development of the addition to the deck.

The Board discussed the requested variance and stated that they do not have enough information to vote tonight and suggested that the matter be adjourned to allow the applicant to get the required information on the survey.

Public Comments:

Jennifer and Nina Leichter of 198 E. Garden Rd. addressed the Board stating that they want to make sure that the easement is considered.

The matter was adjourned to April 27, 2016

MINUTES

Motion: To approve the minutes of January 27, 2016

Action: Approved

Moved by Evans Simpson, **Seconded by** Jeffery King.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Arthur Wexler, Chairman, Evans Simpson, Irene O'Neill, Jeffery King, Jonathan Sacks.

Motion: To approve the minutes of February 24, 2016

Action: Approved

Moved by Irene O'Neill, **Seconded by** Jonathan Sacks.

Vote: Motion passed (**summary:** Yes = 3, No = 0, Abstain = 2).

Yes: Irene O'Neill, Jeffery King, Jonathan Sacks.

Abstain: Arthur Wexler, Chairman, Evans Simpson.

ADJOURNED

The meeting was adjourned at 11:03P.M.

Minutes prepared by

Francine M. Brill

Zoning Board of Appeals Secretary