

**THE MINUTES OF THE REGULAR MEETING OF THE ZONING BOARD
OF APPEALS OF THE TOWN OF MAMARONECK, APRIL 27, 2016
HELD IN CONFERENCE ROOM C, OF THE TOWN CENTER
740 WEST BOSTON POST ROAD**

Roll Call.

Present: Arthur Wexler, Chairman, Irene O'Neill, Evans Simpson, Jonathan Sacks, Elizabeth Cooney, Alternate

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

Absent/Excused: Jeffery King.

CALL TO ORDER

The meeting was called to order at 7:51 P.M.

APPLICATION NO. 1 CASE NO. 3022 Jeffery Shaffer 200 East Garden Road Public Hearing

Jeffery Shaffer, the applicant, addressed the Board requesting a variance to enlarge the rear deck 18 inches to the south. The request is not going toward the easement it will remain 4'8" inches from the easement. The new survey showed the request at 6'9" feet to the side property line; the Notice of Disapproval requested 7 feet from the property line. The Board cannot approve a greater variance and asked if the applicant would be willing to lose the 3 inches or renote for the 7 feet from the property

Mr. Shaffer stated he is willing to accept 6.9 feet.

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** Evans Simpson.

Motion: To approve the requested variance.

Action: Approved, **Moved by** Jonathan Sacks, **seconded by** Irene O'Neill.

Roll Call.

Present: Arthur Wexler, Chairman, Irene O'Neill, Evans Simpson, Jonathan Sacks, Elizabeth Cooney, Alternate.

Absent/Excused: Jeffery King.

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

Yes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

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

Ayes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

Nays: None

Absent/Excused: Jeffery King

WHEREAS, Jeffery Shafer, (the "Applicant") requested a variance for replacement and enlargement of a rear deck on the premises located at 200 East Garden Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 213, Lot 98 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) 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 deck

change inches from where it currently is to correct a problem where the deck railing actually runs into the house window. It is not visible from the street and small in nature.

- 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 deck does need to be extended so that it will not impede the window.

- C. Whether the area variance is substantial.

The Board finds that the variance is not substantial because the addition to the deck is not great.

- 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 should not affect runoff the deck is pervious and the area underneath will remain permeable.

- 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. 3023 Mr. Michael Harfenist 142 North Chatsworth Avenue

Motion: To open the public hearing

Action: Approved

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

Mr. Harfenist, the applicant, addressed the Board stating that he purchased the property 15 years ago and installed the shed without a permit. He further stated that he received a violation and is here to correct it. Since the installation of the shed, two trees have grown on either side of the shed.

The Board discussed the placement of the shed, the patio and the wall as well as the location of the property line.

Mr. Harfenist stated the patio was permitted, Mr. Wexler requested staff to check the file for permits and suggested the applicant request an adjournment for the permit to be found and the.

AW suggested an adjournment, for the patio permit to be found and the placement of the shed to be shown on the survey as the shed may not be on the property line.

There were no public questions or comments.

The applicant requested an adjournment.

APPLICATION NO. 3 CASE NO. 3024 Meir Bendius (Tom Webler)

Motion: To open the public hearing

Action: Approved

Moved by Arthur Wexler, Chairman, **Seconded by** Elizabeth Cooney, Alternate.

Gail Hiler, the applicant's attorney, addressed the Board requesting a variance for the two air conditioning units. Ms. Hiler further stated Mr. Webler bought the house and found that the builder had replaced an existing predated unit and installed a new unit next to it without a permit,

The board found that the distance on the notice was incorrect and the survey needs to be updated with the exact distance from the units to the front property line.

The applicant requested an adjournment.

APPLICATION NO. 4 CASE NO. 3025 Brook Goodwin-Fullerton and Cody Fullerton

Motion: To open the public hearing

Action: Approved

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

Liam Winters, the applicant's architect, addressed the Board. Mr. Winters stated that the screened porch is of no use to the owners and they require additional living space on the first floor. The entrance currently is directly into the living room. Also the existing nonconforming garage is unusable and they would like to convert it into living space.

The Board discussed the request.

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

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

Yes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

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

Ayes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

Nays: None

Absent/Excused: Jeffery King

WHEREAS, Brook Goodwin-Fullerton and Cody Fullerton, (the “Applicant”) requested a variance for a new first and second floor addition at the north end of the site, replacing existing nonconforming single story garage with a new single story habitable structure on the premises located at 288 Weaver Street and known on the Tax Assessment Map of the Town of Mamaroneck as Block 217, Lot 117; 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 240-39B(2)(a), 240-B(1) 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 there are two variances being requested simultaneously the eastern most side yard variance the applicant seeks to change the existing nonconforming therefore the change will be modest, changing the use and raising the elevation. In the matter of the front yard variance the applicant is requesting a 27 foot front yard where 30 is required, this change will be modest in terms of the overall neighborhood.

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

C. Whether the area variance is substantial.

The Board finds that the variance is substantial in the case of the side yard however it is an existing nonconforming alleviates much of the concern. In the case of the front yard it is not substantial it is 10% of the required 30 feet on a lot that has 2 front yards.

- 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 changes being requested are in keeping with the neighborhood in general. The footprint is being increased, falls under the threshold for erosion controls.

- 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. 5 CASE NO. 3026 Alex and Deb Leiter

Mr. Leiter addressed the Board and asked for a variance for a second new unit, the original one received a variance and gave a letter from the nearest neighbor stating that the unit does not bother them.

Mr. Wexler discussed the DbA level and stated that the proposed unit is noisy.

The previous unit was granted a variance to be placed 3 feet from the property line.

Board discussed the placement and size of the unit and felt that the original unit is further from the property line than 3 feet.

The Board felt that the unit is 4 ½ feet from the property line which reduces the variance request to 5 ½ feet as opposed to 7 feet.

Motion: To close the public hearing

Action: Close Public Hearing

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

Motion: To approve the requested variance

Action: Approved

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

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

Yes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

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

Ayes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

Nays: None

Absent/Excused: Jeffery King

WHEREAS, Alex and Deb Leiter, (the "Applicant") requested a variance to install a central air conditioning condenser unit on the premises located at 44 Valley Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 114, Lot 550; 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 24038B(2)(a) 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 central air conditioning units has a side yard of 4 ½ feet where 10 feet is required) there is a chimney that screens the current unit as wells as the planned unit from the front of the house and the neighbor’s house is located 50 feet away from the proposed location and is elevated as well.

- 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 any other location would have a greater impact this would place the unit next to the current unit.

- C. Whether the area variance is substantial.

The Board finds that the variance is not substantial because the unit is fairly small 29’X29’X32’.

- 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 unit is smaller and reasonably far away from the nearest neighbor and the condition already exists with the first unit. The unit abuts a wall sound proofing it from the neighbors.

- 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 air conditioning condenser unit be placed a minimum distance from the house.

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

APPLICATION No. 6 CASE NO. 3027 Susan Tecza 1 Edgewater Place

Liam Winters, the applicant's architect, addressed the Board, stating that this is a nonconforming corner lot that is only 25 feet wide, anything done to the house would require a front yard variance.

The proposal is to square off the rear left side corner for a small first and second floor addition. The rear existing deck presently violates the setback, the addition is set over the deck area and the deck will not be increased in size.

The Board discussed the request.

There were no public questions or comments.

Motion: To close the public hearing

Action: Approved

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

Motion: To approve the requested variance

Action: Approved

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

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

Yes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

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, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill, Jonathan Sacks.

Nays: None

Absent/Excused: Jeffery King

WHEREAS, Susan Tecza, (the "Applicant") requested a variance for a new addition of 8 square feet on the first floor, new addition of 28 square feet on the second floor on the premises located at 1 Edgewater Place and known on the Tax Assessment Map of the Town of Mamaroneck as Block 505, Lot 190; 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 240-39B(1), 240-39B(2)(a), 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 this is a very small addition tucked in the corner that is furthest away from all the neighbors that would be able to see it. The elevation is way higher than the homes below. It is a very narrow lot.

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 it is a very narrow lot with two front yards, the front yard is greater than the width of the lot, it has no side yard, but the Board is acknowledging the possibility of a side yard on the east side of the property.

C. Whether the area variance is substantial.

The Board finds that the variance is not substantial because the actual square footage of the request is quite minor, the 13 foot setback from the front property line to the addition, given the size and uniqueness of the property the small footprint of the addition within the required front yard is minimal.

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 addition is small in nature and doesn't add a measurable amount of runoff or light and noise

Gail Hiler, the owner addressed the Board, requesting to replace the existing patio, with a safer landing, stairs and deck in a pervious material.

Photos were given to the Board and marked Exhibit 1

Ms. Hiler stated that the low wall is inside her property line.

Mr. Wexler stated she is not asking for a 0 foot variance, as the wall is 18 inches wide.

Mr. Sacks stated that the deck is abutting the neighbor's property and he has a problem with it.

Ms. Hiler stated that the patio has been there for more than 50 years and deteriorating, railings are not necessary as the deck will be inches off the ground. Ms. Hiler further stated that she and the neighbor have discussed plantings to be placed on the wall and the neighbor's property.

Mr. Oppenheimer, of 50 Howell Avenue stated the effect of the proposed deck can't be seen from any neighbor that Ms. Hiler has a small back yard and no one will see it.

Mr. Wexler stated that the private area of the lot is the rear and the impact minimal.

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 Elizabeth Cooney, Alternate, **seconded by** Irene O'Neill.

Vote: Motion passed (**summary:** Yes = 4, No = 1).

Yes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill.

No: Jonathan Sacks.

After review, on motion of Elizabeth Cooney, seconded by Irene O'Neill the following resolution was proposed and ADOPTED unanimously (4-1).

Ayes: Arthur Wexler, Chairman, Elizabeth Cooney, Alternate, Evans Simpson, Irene O'Neill.

Nays: Jonathan Sacks

Absent/Excused: Jeffery King

WHEREAS, Gail and James Hiler, (the “Applicant”) requested a rear yard variance to replace the stone patio with azek decking and replace wood stairs with a safer stair landing and fewer stairs with azek material on the premises located at 1 Meadow Place and known on the Tax Assessment Map of the Town of Mamaroneck as Block 405 Lot 218; 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)(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 rear yard is bordered by trees on both sides and the neighboring parcel is extraordinarily and the deck will not be visible.

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 is replacing and expanding an existing patio in the same area and making safer the stair as well. The house is placed way back in the lot, any alternate placement would require a variance.

C. Whether the area variance is substantial.

The Board finds that the variance is not substantial because it is the same local as the existing patio and the expansion of the stairwell is insubstantial in terms of square footage.

- 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 applicant proposes to replace the existing stone patio with something that will provide a more pervious surface in the rear yard and it should have a more beneficial effect on the neighborhood.

- 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. 8 CASE NO. 3029 Iqbal Yusaf and Anu Sachdeva

Paige Lewis, the applicant's architect, addressed the Board.

Mr. Wexler complained that the plans were further done than necessary as a lot of money and time was put into the plans thus putting the board in a bad position.

Ms. Lewis stated that they separated the project to be able to do the conforming work.

The rear one story addition is 6.79 from the side property line.

The Board discussed the proposal and the location of neighboring houses. Mr. Sacks stated that there would be a significant reduction to air and light, over the patio area belonging to the neighbor. Mr. Wexler responded that the addition would have the same impact if it was 3 feet less and not requiring a variance.

The Board asked about other options, Ms. Lewis showed previous plans and explained why they would not work, Mr. Simpson stated other options would require larger variances.

There were no public questions or comments.

Motion: To close public hearing

Action: Approved

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

Motion: To approve the requested variance

Action: Approved, **Moved by** Arthur Wexler, Chairman, **seconded by** Elizabeth Cooney.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Arthur Wexler, Chairman, Evans Simpson, Irene O'Neill, Elizabeth Cooney, Alternate.

No: Jonathan Sacks.

After review, on motion of Arthur Wexler, seconded by Elizabeth Cooney the following resolution was proposed and ADOPTED unanimously (4-1).

Ayes: Arthur Wexler, Chairman, Evans Simpson, Irene O'Neill, Elizabeth Cooney, Alternate.

Nays: Jonathan Sacks

Absent/Excused: Jeffery King

WHEREAS, Iqbal Yusaf and Anu Sachdeva, (the “Applicant”) requested a variance for an addition and kitchen renovation on the premises located at 22 Glenn Road and known on the Tax Assessment Map of the Town of Mamaroneck as Block 115, Lot 550; 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 240-38B(2)(a) 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 is a 1 story addition projecting 9 feet out from the side yard of the existing house, the design and material is in character with the existing house. The fenestration on the house minimizes the windows to the side yard and will be minimal as compared to the other two sides of the addition.

- 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 applicants desire to extend the kitchen in this area and maintain the proportions and position of the existing dining room in their house limits the addition to the kitchen be positioned anywhere but this location.

- C. Whether the area variance is substantial.

The Board finds that the variance is not substantial because given the size of the property and the length of the side property line the 14 foot incursion into the side property line is minimal given the length of the side property line of 125 feet.

- 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 there will not be much additional runoff and there will be an erosion control review before any permit is issued. There will be no more light or noise.

- 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.

MINUTES

Motion: To approve the minutes of March 30, 2016 with technical corrections after review of the tape.

Action: Approved

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

ADJOURNMENT

The meeting was adjourned at 11:01 P.M.

Minutes prepared by

Francine M. Brill

Zoning Board of Appeals Secretary