



Village of Pleasantville

Building Department

80 Wheeler Avenue / Pleasantville, New
York 10570
(914) 769-1926 Fax: (914) 769-5519

PLEASANTVILLE ZONING BOARD MEETING

To: Zoning Board Members:

There will be a meeting of the Pleasantville Zoning Board on Thursday, March 31, 2022, at 8:15 PM, at Village Hall, 2nd Floor 80 Wheeler Avenue, Pleasantville, New York.

Meeting Access

Topic: ZBA

Time: Mar 31, 2022 08:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/95299277266?pwd=QjlCWFRlZFZkT0VNTeovRnI2VTlrUT09>

Meeting ID: 952 9927 7266

Passcode: 247274

One tap mobile

+16465588656,,95299277266# US (New York)

+13017158592,,95299277266# US (Washington DC)

AGENDA

1. **301 Bedford Road**

Case No. 2022-05 - Steve & Jackie Zucker - 301 Bedford Road - Proposal to install fencing on-site in violation of Section 185-13.B.(5) regarding excessive height

2. **52 Orchard Street**

Case No. 2022-06 - Thomas & Jane Murphy - 52 Orchard Street - Proposed detached accessory gazebo and on-grade terrace to the rear of the existing dwelling along with the legalization of an existing detached accessory gazebo on-site in violation of Section 185-11.B.(2)(b) and 185-48.D.(1) regarding deficient side & rear yard setbacks

3. **172 Washington Avenue**

Case No. 2022-07 - Michael & Michelle Zaino - 172 Washington Avenue - Proposed detached accessory 2 story two car garage on-site in violation of Section 185-12.B.(2)(c) regarding excessive number of stories and height

4. **Minutes of Meeting**

Meeting of February 24, 2022

Very truly yours

Robert Hughes
Building Inspector



Meeting Access

Topic: ZBA

Time: Mar 31, 2022 08:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/95299277266?pwd=QjlCWFRlYkZkT0VNTlEovRnI2VTlrUT09>

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301 Bedford Road

Case No. 2022-05 - Steve & Jackie Zucker - 301 Bedford Road - Proposal to install fencing on-site in violation of Section 185-13.B.(5) regarding excessive height

ATTACHMENTS:

Description	Type	Upload Date
Denial Letter	Backup Material	3/25/2022
Principle points & support docs	Backup Material	3/25/2022
ZBA application	Backup Material	3/25/2022
BP application	Backup Material	3/25/2022
Public Notice	Backup Material	3/25/2022
EAS form	Backup Material	3/25/2022
Neighbor letter	Backup Material	3/31/2022



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**Steve & Jackie Zucker
301 Bedford Road
Pleasantville, New York 10570**

**PARCEL ID
Sec – 99.18
Blk – 4
Lot – 26**

Re – Building Permit Application dated February 24, 2022 for a proposal to install fencing located at 301 Bedford Road, within the Village of Pleasantville, on-site in violation.

Date: March 18, 2022

Dear Steve & Jackie:

This notice is to inform you that your building permit application submitted to this Department dated February 24, 2022 for a proposal to install fencing at 301 Bedford Road, within the Village of Pleasantville, is hereby denied.

Denial is based on the following facts:

1. Subject property is located in an R-2A “Two-Family Residence” zoning district within the Village of Pleasantville, New York.
2. To install the fencing as proposed would not comply with Section 185-13.B.(5) “Accessory Uses” of the Village Municipal Zoning Code which sets forth the following:

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Max height of fence Within side & rear yards.....	6.5’ max	8.0’	1.5’

You may appeal this decision to the local Zoning Board of Appeals within sixty (60) days of receipt of this notice.

If you should have any further questions, please do not hesitate to contact this Department.

Very truly yours,


Robert Hughes
Building Inspector

Steve and Jackie Zucker
301 Bedford Rd
Pleasantville, NY 10570

February 25, 2022

Chairman Campriello
Members of the Zoning Board of Appeals
Village of Pleasantville
80 Wheeler Avenue
Pleasantville, New York 10570

Re: 301 Bedford Road – Proposal to replace existing backyard fence with 8ft fence

Dear Chairman Campriello and Members of the Zoning Board of Appeals:

We are seeking a variance to allow the replacement of several sections of existing fence in our backyard, currently ranging in height from 54 inches to 66 inches, with fences that are 96 inches in height. Specifically, the fence sections we are seeking to replace are (1) the wood fence that runs along the eastern perimeter of our property (parallel to Academy and Guion Streets, and perpendicular to Bedford Road) and abuts the drop-off area and sidewalk in front of the Bedford Road School (“**BRS Cedar Fence**”); (2) the wood fence that starts at the northeast corner of our property, perpendicular to the BRS Cedar Fence, and runs east to west along the border that separates our property from our neighbor’s property, and ends at the eastern wall of our barn (“**Northeast Fence**”); and (3) the aluminum fence that starts at the western wall of the barn, runs east to west along the border that separates our property from our neighbor’s property, and ends at the retaining wall at the end of our driveway (“**Northwest Fence**”). Please refer to **Exhibit A** to this letter for a copy of our most recent survey on which we have drawn lines to show the current locations of these various fences as well as the proposed sections to be replaced with the new, taller fences.

The length of the BRS Cedar Fence that encloses the eastern perimeter of our backyard is approximately 100 feet. On the other side of the eastern perimeter of our property, back-to-back and parallel with the BRS Cedar Fence, is the school’s chain link fence. The school’s chain link fence is approximately 96 inches tall for a length of approximately 40 feet, starting at the north corner of our property running in a southern direction, and then drops to approximately 60 inches in height until it ends near the Bedford Road sidewalk and is no longer visible from our yard.¹ For the 40-foot length that the school’s chain link fence is taller than the BRS Cedar Fence, when we are on our property facing the school, we see approximately 30 inches of chain link fence rising above the top of our fence. The Northeast Fence and Northwest Fence are each approximately 15 feet in length. Please refer to **Exhibit B** of this letter for photographs of the existing fences both from our property and from the sidewalk in front of the school.

1. Whether the granting of the requested variances would create an undesirable change in the character of the neighborhood or detriment to nearby properties.

We would like to replace the BRS Cedar Fence, the Northeast Fence and the Northwest Fence with taller fences for two reasons. First, we would like to install more effective noise blocking barriers. Second, we would like to improve the look of our backyard by having a clean and uniform fence line across the eastern length which hides the top of the school’s chain link fence currently visible from our backyard. The fences we plan to install would look very much like the current BRS Cedar Fence. However, they would be taller

¹ The 96-inch-tall fence would not extend past the fence that demarcates our front yard from our backyard (please see Exhibit A). There are approximately 40 additional feet of existing fencing, both chain link on the school’s side and cedar on our side, beyond that demarcation line. The fence that runs along those 40 feet and is in our front yard would remain untouched.

and thicker. While the new fences would not, in our view, be materially different in appearance from the current BRS Cedar Fence, we anticipate that the new fences would be far more effective at blocking or attenuating sound. The new fences would be akin to “sandwiches” made of wood on the outside and a layer of mass loaded vinyl inside. The higher and thicker a fence, aided by the application of mass loaded vinyl in between the fence panels, the more effective the sound blocking capability. (See, e.g., www.patriotfence.com/factors-to-consider-when-constructing-an-effective-sound-barrier-fence/, copy attached as **Exhibit C**). Such fences would serve to block, or at least attenuate significantly, both the sounds that emanate from our backyard as well as sounds that enter our backyard given the proximity – approximately 9 feet from the property line – of the school’s basketball court to our property.

A. Sound Attenuation

As ours is a corner property, we don’t have a true backyard. We have two front yards and two side yards. What we consider to be our backyard is the side yard on the eastern side of our property that faces Academy Street and is next to the Bedford Road School. Until recently, we rarely used that part of our property. Instead, we preferred to spend time on our patio which faces Guion Street. As a result, there was no need for us to consider alternatives for ameliorating sound either emanating from our backyard or entering our backyard.

Last summer, however, we installed a pool in our backyard. We now anticipate spending most of our time during the summer months in that area. We therefore expect that we will be generating more noise than before by simply utilizing a previously unused portion of our property, and that use will most likely include listening to music, entertaining guests, and playing lawn games. In addition, given that the pool is heated, we expect that the time frame for using the backyard will be extended considerably, from May through October. We intend to make full use of that extra time to enjoy the pool and the surrounding yard.

Our barn acts as an effective noise barrier along approximately 25 feet of the border between our and our neighbor’s respective backyards, and is where the pool equipment is located in an effort to further reduce potential noise that we create and that could disturb our neighbors. Otherwise, the current fencing in place along the remaining border between our yards does nothing to prevent the noise that we create in using our pool and yard from traveling and disturbing our adjacent neighbor’s use and enjoyment of their backyard.

Aside from these adjacent neighbors, and to a lesser degree, possibly their immediate neighbors to their north, we do not anticipate that any other neighbors would be impacted by any noise emanating from our backyard as (1) our house or their houses or the combination of both most likely act as effective noise barriers between our respective backyards, or (2) they are sufficiently far away that the sound would dissipate before reaching them. For these reasons, we see no need to replace any other existing fences.

In addition, as we noted above, since our backyard abuts the school’s basketball court, we are subjected to a significant level of noise from the near-constant use of the basketball court. Not only are we forced to endure the incessant repetitive percussive noises of basketballs reverberating on concrete after school hours and weekends in the winter, spring and fall, use of the basketball court increases exponentially in the summer. During the summer, the basketball court is in use nearly every minute of every day, from early morning to past dark. Moreover, the irritating percussive noises are oftentimes further compounded by teenage and adult players yelling vulgarities and obscenities as well as blasting music from boomboxes while they play. The current fencing that is in place does nothing to prevent these unpleasant, disruptive noises from disturbing our use and enjoyment of our backyard.²

² We have no problem with ordinary street and traffic noise which is plentiful in our neighborhood. Nor do we mind the sounds of children running around the adjacent school yard during recess or after school. These types of sounds are akin to white noise and are very unlike the unremitting and relentless jarring noises resulting from the use of the basketball court, sometimes with several

The new fences would solve these problems. They would absorb sound that we make in our backyard so that the disturbance we cause our neighbor(s) is diminished. They would also absorb much of the noise from the use of the school's basketball court so that the disturbance to us is likewise diminished.

B. Improvement of Visual Appearance

In addition to ameliorating the noise problem, the taller fence would also solve an aesthetic problem. Currently, we see the upper 30 inches of the school's ugly 8-foot chain link fence, covered in vines, weeds and poison ivy, which rises above the BRS Cedar Fence for a length of approximately 40 feet of the eastern perimeter of our backyard. Previously, we had a very large Norway Spruce and a mature McIntosh apple tree in our backyard, both of which provided beautiful and effective screening for many years. Unfortunately, in April of 2020, the Norway Spruce suddenly and without warning dropped a very large upper limb, which fell dangerously close to our house. The limb could have killed or seriously injured anyone who happened to be beneath it. We were advised to remove the tree immediately because it was not healthy and presented an unacceptable risk of harm, having been "topped off" by the previous owners of our house which had exposed it to disease and decay over the years. Shortly thereafter, we were informed that the apple tree, which had previously also dropped a large limb and had stopped producing apples, was also diseased and would need to be removed as it was on the verge of toppling. While heartbreaking, removal of these trees allowed us to consider alternative uses for this part of the property which we would not otherwise have considered, such as installation of the pool. The removal of the trees, however, exposed the previously hidden chain link fence.

We believe that installing an 8-foot wood fence along the entire length of that perimeter matching the height of the school's chain link fence would improve the visual appearance of this area tremendously, from both the perspectives of our backyard as well as from the street or sidewalk in front of the school. Installing a taller fence there would even out the ragged appearance presented by the school's partial 8-foot-tall chain link fence. A wood fence that is at least as tall as the chain link fence would camouflage the chain link fence, making it virtually disappear, as it would blend into the wood behind it like the shorter chain link fence does now. At the very least, it would de-emphasize its current prominence.

We should also note that the BRS Cedar Fence was in place before we bought our house. It was installed with the unfinished side facing out. Over the years, we have had to replace panels and have done so in accordance with the village code, that is, with the nice side facing out. As a result, the current BRS Cedar Fence is also a bit of an eyesore as it has some newer panels with the nice side facing out and other older panels with the nice side facing in. The new fence will result in all new panels having the same nice side facing out, which will give it a uniform and tidier look.

C. No Detriment

In sum, we are certain the new fences would not create a detrimental change in the character of the neighborhood. In fact, we believe the opposite is true as the new fences would at the very least improve the appearance of the neighborhood by effectively disguising the ugly protruding section of the chain link fence that is now so visible from the historic Bedford Road corridor. In addition, the sound blocking qualities of the fences would benefit us as well as our closest neighbors as they will serve the dual purpose of significantly mitigating not just the noise we create in our backyard, but also the noise we hear in our

balls in play at the same time, thus exacerbating the reverberations. In fact, when children play in the school yard, we welcome it as those sounds mask the basketball court noise. We had hoped the school would install appropriate noise barriers around the basketball court, given its unusually close proximity to the residential properties along Guion Street, but our multiple requests have so far been met with inaction.

backyard that others create outside our backyard. We have spoken with our adjacent neighbors and discussed our proposal to seek a variance to allow us to install 96-inch-high fencing, including between our backyards, and they have indicated that they do not have any objections. Accordingly, we believe this factor weighs in favor of granting the variance as it would neither change the character of the neighborhood nor result in a detriment to nearby properties.

2. Whether the benefit sought can be achieved by some feasible method other than a variance.

We have searched for alternative possible solutions that would not require a variance. With respect to the aesthetic issue, we have implemented the only other alternative solution that we have found, which is to plant trees and vegetation. We have put in extensive new plantings, including fast growing arborvitae and cryptomerias (see Exhibit B), in an effort to replace the cover previously provided by the Norway Spruce and the McIntosh apple tree, but despite initially planting 8-foot-tall trees, as opposed to less expensive younger and smaller trees, even those larger trees will take several years before they grow sufficiently to form a visual border that hides the school's protruding chain link fence and ragged-looking fence line.

Even if mature trees eventually solve the aesthetic problem, however, they would never effectively mitigate the basketball court noise. Moving the basketball court to another location, or having the school install appropriate sound barriers are alternatives that would provide the benefit sought, but neither is feasible as we have no power to make the school implement either solution.³ The only feasible alternative that we have found to obtain the benefit sought is to install sufficiently tall sound-absorbing fences.⁴ Although we can increase the height of our current fences without seeking a variance, that would only result in fences that are 78 inches in height. According to our research, however, 78-inch-high fences would be insufficient to make a discernible difference. The height for an effective noise barrier should be 96 inches at a minimum, and preferably higher.⁵ Therefore, although we can try to be mindful and minimize the noise we create so to lessen any disturbance to our neighbors, we have concluded that the only thing that we can do that is within our control to mitigate the level of disturbing noise we are subjected to as a result of the school's basketball court is to install effective noise barriers.

As we have learned in the course of researching possible solutions to this problem, sound is created when molecules vibrate through a medium, like air, and move in a pattern that is referred to as a sound wave. Sound waves behave like the ripples created when a pebble is thrown into still waters, but in 3-dimensions, like a bubble that expands away from the source. As the molecules vibrate, they transfer energy. This effect continues until the energy in a sound wave dissipates or a barrier is encountered. Depending on what that barrier is, sound waves may (1) bounce back or reflect towards the source, (2) change direction or scatter, (3) continue to propagate or transmit through the barrier, (4) bend or diffract over the edges of the barrier, and/or (5) be absorbed by the barrier, stopping the vibrations and therefore the sound.⁶

Barriers that have more mass are more effective at absorbing sound waves. The area behind such a barrier is referred to as the acoustic shadow or zone, and it is in that area that sound waves are attenuated and noise

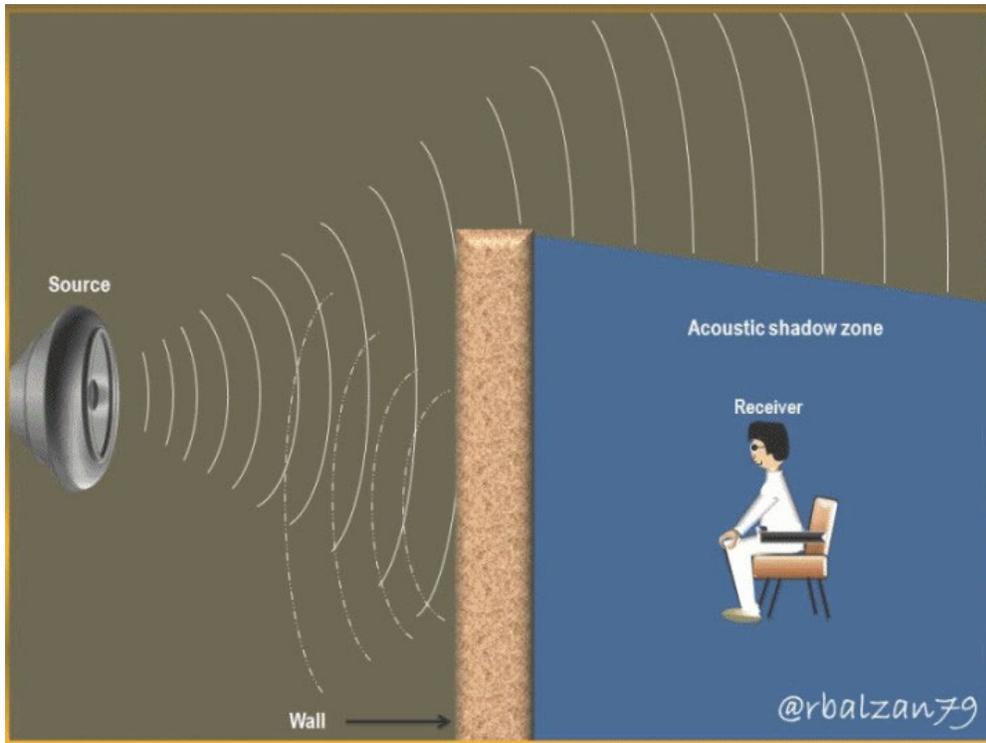
³ We have repeatedly requested that the school consider implementing sound attenuation solutions, as unlike us, they are not limited by the village code and can install sufficiently high sound blocking fences without the need for a variance. We have been unsuccessful in our efforts to obtain any relief from the school's administration.

⁴ While raising the volume of the music we play in our backyard loud enough to block out the noise from the basketball court could be viewed as an alternative, we do not consider this to be a feasible method for obtaining the benefit we seek. The volume would need to be increased to such a degree that it would worsen the disturbance to neighbors, augment the level of noise pollution in the neighborhood, be even more unpleasant for us, and potentially cause adverse effects to humans and animals (see, e.g., www.cdc.gov/nceh/hearing_loss/; www.nationalgeographic.org/encyclopedia/noise-pollution/).

⁵ See, e.g., www.secondskinaudio.com/sound-blocking/soundproof-fence/ (a copy is attached as **Exhibit D** to this letter).

⁶ See, generally, www.britannica.com/science/sound-physics; www.science.howstuffworks.com/sound-info.htm; www.en.wikipedia.org/wiki/Sound.

is blocked.⁷ Since sound waves diffract and spread over the edges of barriers, the area within the acoustic shadow is not entirely sound free. However, the taller such a barrier is, the more effective the attenuation of sound within the acoustic shadow area. The below illustration demonstrates this concept.



Therefore, in order to make a significant audible difference, not only does the barrier need to be thick enough or have enough mass to absorb the sound waves traveling up and away from their sources (e.g., the basketball strikes on the ground, boombox speakers, boisterous players), it also needs to be of sufficient height so the effect of the inevitable diffraction of those sound waves over the top of the barrier is also attenuated. The height of the fencing we seek is, according to our research, the bare minimum required to provide at least some relief from the problematic noise. Barriers shorter than 96 inches in height will simply not make much of a difference, as they will not create a sufficient acoustic shadow zone to provide a noticeable reduction in perceived sound. The same holds true for sound traveling from our yard towards our neighbor's yard. The materials included in Exhibits C and D are instructive in this regard and we encourage the Zoning Board Members to review them.

3. Whether the requested area variances are substantial.

The code permits installation of fences with a maximum height of 78 inches in backyards. The variance we are seeking in mathematical terms is for an increase in the allowable fencing of 18.75%.⁸ We believe that

⁷ See, generally, www.en.wikipedia.org/wiki/Acoustic_shadow (“A short-distance acoustic shadow occurs behind a building or a sound barrier. The sound from a source is shielded by the obstruction. Due to diffraction around the object, it will not be completely silent in the sound shadow. The amplitude of the sound can be reduced considerably, however, depending on the additional distance the sound has to travel between source and receiver.”)

⁸ To calculate whether the variance is mathematically substantial, we subtracted the height of a fence permitted as of right, 78 inches, from the height of the fence we are seeking pursuant to a variance, 96 inches, which results in a difference of 18 inches. We then divided that difference by 96 inches ($18/96 = 0.1875$ or 18.75%). The same percentage can also be derived by first calculating the total square footage of 130 linear feet of a 78-inch high fence, which equals 10,140 square feet, then calculating the total square footage of 130 linear feet of a 96-inch high fence, which equals 12,480 square feet, then taking the difference between

compared to the percentages in variances routinely granted by the Zoning Board of Appeals, this would not be considered a substantial percentage. In addition, the fence will look like the current fence, just taller, so it would be substantially similar visually.

4. Whether the requested variances have an adverse effect or impact on the physical or environmental conditions in the existing neighborhood.

To the extent there is any impact at all, it would be a positive impact as it would reduce noise pollution and improve the appearance of the area in front of the Bedford Road School. We are unable to see how the requested variance would have an adverse effect or impact on the physical or environmental conditions in the existing neighborhood.

5. Whether the difficulty is self-created.

The difficulty regarding the noise from the school's basketball court is not self-created. When we bought our home, the new Bedford Road School had recently been built and the school yard was still under construction. If our recollection is correct, the basketball court was added subsequently, and we were not consulted as to its placement so close to our property. In any case, we have been unsuccessful in our efforts to have the school address this issue, despite repeated attempts, and we cannot prevent people from playing basketball, blasting music, yelling vulgarities or from making any other disturbing or detrimental noise on school property, since it is available for public use. As for the school's ugly, partial, 8-foot-high chain link fence, we struggle to understand what purpose it serves, as it does not prevent basketballs from routinely going over and into our yard and damaging our plants. Accordingly, these difficulties are not self-created.

We acknowledge that the new potential for an elevated degree of noise from our increased use of our own backyard is self-created, but that would hold true for anyone using their backyard for any permissible purpose that generates noise. Nevertheless, we are cognizant that such use could result in a detriment to our neighbors which wasn't present before, simply because we abstained from fully exercising our rights. Our decision to seek a variance and expend additional money by installing new and effective sound attenuating fencing should mitigate that impact and reinstate our neighbors, to the extent possible, to the status quo they enjoyed before we enhanced our property. In addition, it would also reduce noise pollution in the environment, allow us the possibility of the quiet enjoyment of our property, and improve the visual appearance of that area.

We thank the Zoning Board of Appeals for their consideration and look forward to presenting our variance request at the next meeting.

Thank you,

Steve and Jackie Zucker

those square footage totals, which is 2,340 square feet, and dividing that by the total square footage of the 130-foot long 96-inch high fence of 12,480 square feet (e.g., $2,340/12,480 = 0.1875$ or 18.75%).

Exhibit A

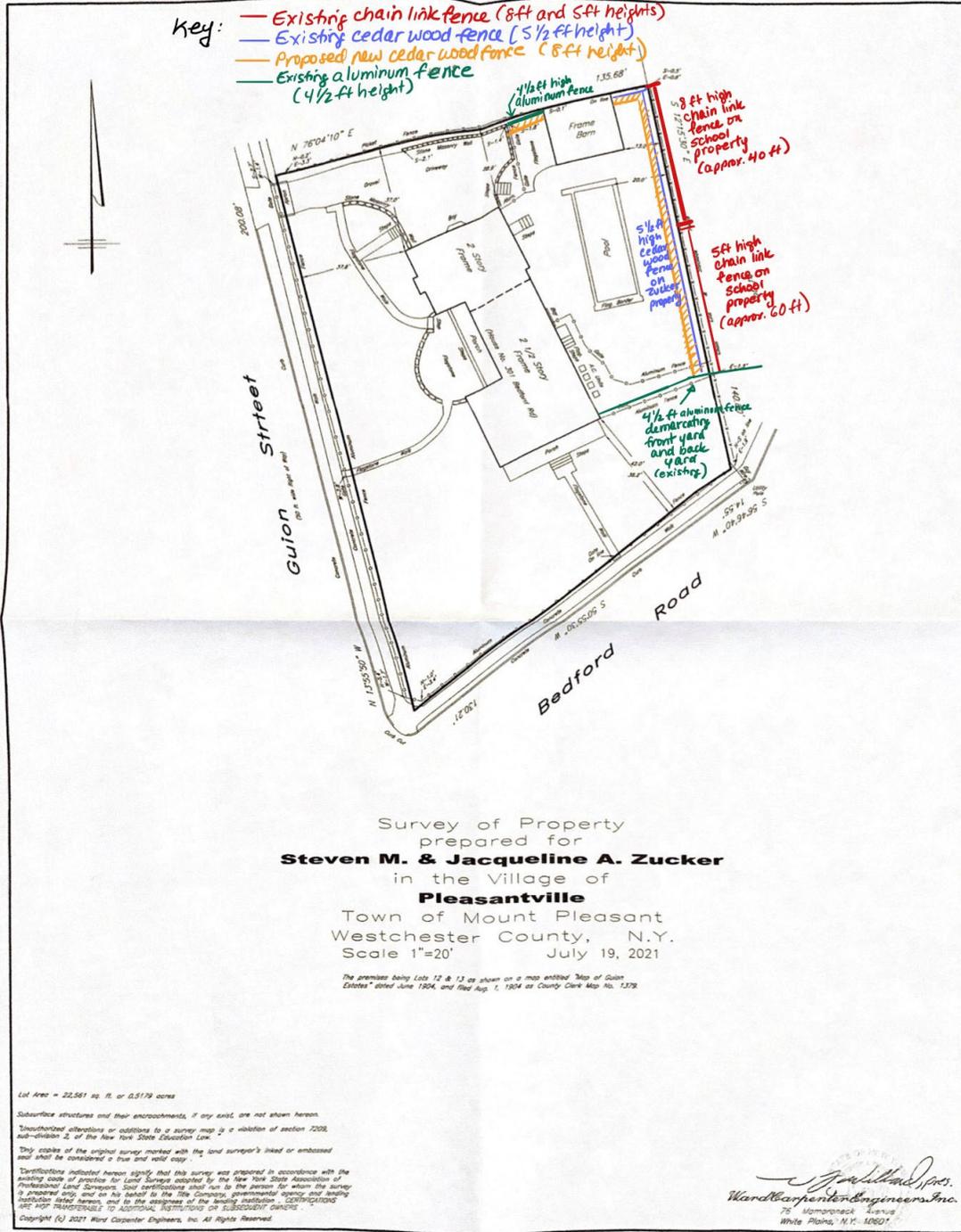


Exhibit B



View from Zucker backyard facing northeast.



View from Bedford Road near Academy Street, facing northwest.



On the left, the aluminum fence to the west side of the barn which is parallel to our neighbor's wood picket fence and the seating area in front of that fence. On the right, the section of wood fence on the east side of the barn (covered in vines).

Exhibit C

Factors to Consider When Constructing an Effective Sound Barrier Fence

June 14, 2017



Picture this: you live in a quiet, comfortable part of town. You wake up in the mornings to the sounds of chirping birds and rustling trees. You might be close to civilization, but you're far enough away to find peace in the quiet of your home. Until one day that serene auditory landscape comes screeching to a halt. Maybe the Google maps algorithm has suddenly decided that your street is now the best way to get from a popular point A to point B. Maybe your neighbor has decided to begin undertaking a construction project which requires heavy equipment that revs and clanks at all hours of the day and night. Maybe your new HVAC system, which keeps your home cool, also keeps you distracted by its constant whirring. Maybe you don't have to imagine; maybe this has happened to you.

Your home is your sanctuary. Unlike anywhere else on earth, in your home, the buck stops with you and only you. Unwanted noise from the outside world can destroy that sense of sovereignty or even make it impossible to think. We now know that constant noise affects not only your mental health, in the form of increased anxiety, but also your physical health, in that it may prevent you from getting a good night's sleep or even damage your hearing after prolonged exposure. Whether a new addition to the aural landscape has made life a little more difficult, or a long-term source of sound nearby has finally driven you to your wits' end there is a solution. Don't despair. Act.

Sound Barrier Fences

Installing a sound barrier fence is the absolute most effective method of preventing unwanted outside [noise](#) from seeping into your property. Take note of how far music from a speaker carries when unobstructed. Now put a piece of cardboard in front of that speaker and stand the same distance away. Now swap the cardboard out with a piece of plywood. You'll find that the more

mass the barrier object has, the harder it is for a sound originating from beyond it to travel to the other side. This principle of mass is key when protecting your home from foreign noise.

Especially dense masonry materials including stone, brick, or concrete, are the best options for sound barriers. Their immense mass all but blocks out noise entirely. Building up walls of earth known as “berms,” too, can prevent noise from entering your property. However, installing fences using any of these methods can be time, cost, and labor-intensive. Many of the materials listed above may not complement the existing aesthetics of your property. Fortunately, several other methods can be employed to craft a powerful sound barrier without compromising the look of your home or paying as large of an upfront cost.

If you choose to use a more traditional fencing material like wood, there are methods you can use to make your fence effective despite its lack of density when compared to more solid construction materials.

Factors to Consider When Constructing an Effective Sound Barrier Fence

Even more important than the materials themselves is the actual construction of the fence. For optimal noise exclusion, the materials making up your sound barrier fence should be as contiguous as possible. The fewer gaps in your fence, the less sound will be able to penetrate your property. For best effect, your fence should have no space between the boards. To accomplish this, you’ll generally want to use “tongue and groove” technology, in which each board making up your fence fits snugly into its adjacent boards. Make sure that there are no gaps at the bottom of your fence either, as street noise will always take the path of least resistance.

Another important element to consider is the height of your fence. Sound waves can pass right over a short fence, so making sure that your fence is tall enough to block all sound is integral to the success of your project. In general, if you can see the source of a sound, you’ll also be able to hear it. So if you have an elevated attachment to your home that you want to protect, you’ll need an especially tall fence. However, be wary of your local ordinances. A tall fence might attract the ire of your neighborhood homeowner association or local government depending on the law of the land.

If you don’t want to go through the trouble of constructing an entirely new, soundproof fence, there are ways to enhance the sound retardant qualities of an already existing fence. Materials such as sound blankets or mass-loaded vinyl can be built into a fence to block out more noise than the pre-existing materials. These types of add-ons must be applied between two layers of fencing, so an existing fence will have to go through some renovations, but won’t need to be rebuilt entirely. These may be good options if your noise problem is confined to an [HVAC](#) that requires a small fence around it, or if you don’t want to go through the trouble of a complete fence overhaul.

The Sounds of Science

In any case, the goal of your sound barrier fence should be to reduce outside noise by about 8 to 10 decibels. Ambient noise generally measures at 60 to 70 decibels, or roughly the sound of a nearby conversation to the sound of a household appliance such as a hair dryer or air conditioner. Prolonged exposure to noise over 70 decibels can lead to hearing loss. Our perception of sound is logarithmic, so even knocking off this small handful of 10 or so decibels from the ambient noise entering your home, will make it seem half as loud. This can be accomplished effectively with the methods we’ve discussed.

Human psychology also may come into play when soundproofing your property. A fountain, or another element that produces white noise, can distract your mind from other ambient sounds. Some people find that planting trees or bushes near the edge of their yard, to simply block their sight, has a dampening effect on their perception of sound.

However, building an effective sound barrier fence is the only surefire method to reduce ambient noise on your property, and live a healthier, happier, and more peaceful life.

About Patriot Fence Crafters

When customers come to Patriot Fence Crafters with their residential or commercial fence needs, they can always be sure they're getting the highest quality products and service backed up by an established reputation of customer satisfaction. We strive to give every customer a pleasant and successful experience at an affordable price. Call us today to learn more about our services and schedule a [free estimate!](#)

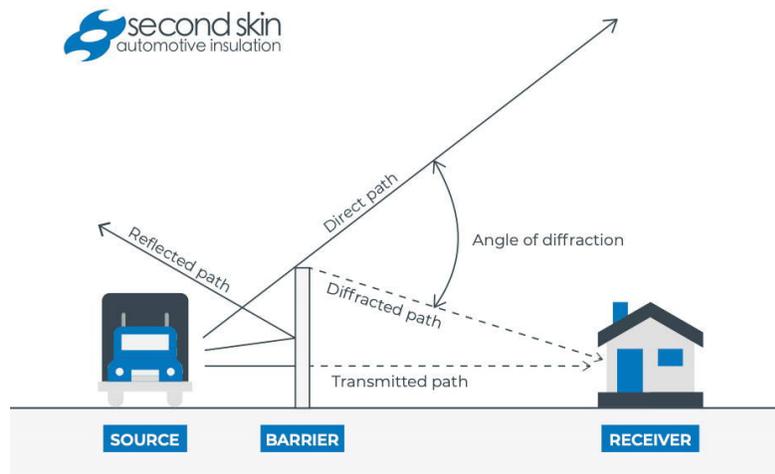
We proudly offer our complete fencing services throughout the [Greater Boston](#) area, including [Georgetown](#), [Beverly](#), [Andover](#), [Danvers](#), [Ipswich](#), [Lynn](#), [Lynnfield](#), [Marblehead](#), [Manchester](#) and nearby in Massachusetts.

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Exhibit D

The Four Keys to an Effective Soundproof Fence

There are a couple key concepts when it comes to fence soundproofing. The first is the **acoustical line of site**. If you can see the source of the noise, you're not blocking it. The second is the **diffracted path**, which is the path the sound wave takes after encountering an obstacle. A bigger **angle of diffraction** makes a better noise barrier. Sometimes it's easiest just to see a picture:



When constructing your fence, there are a few easy tips to keep in mind to create the most effective sound barriers.

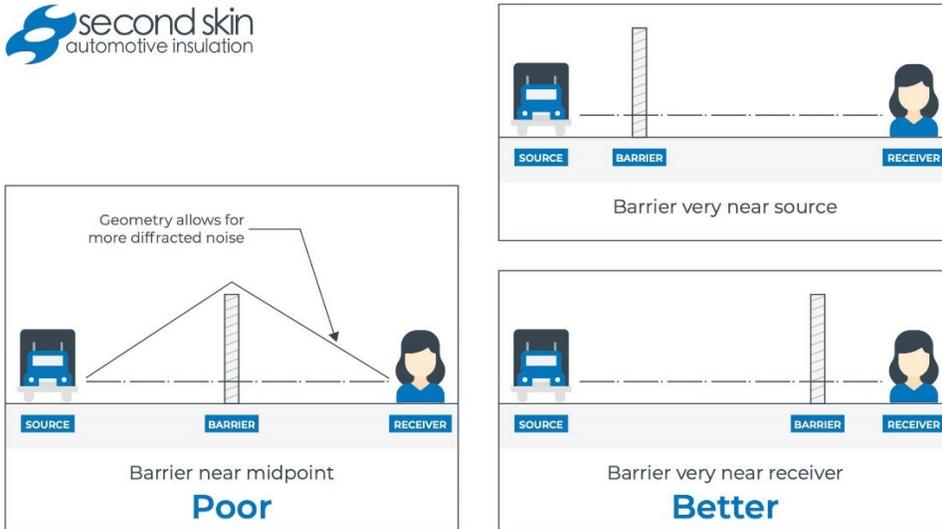
KEY #1: FENCE HEIGHT

As a rule of thumb, if you can see it, you can hear it. Now because sound waves don't travel in a straight line, if you can't see it, sometimes you can still hear it, but step one in soundproofing is removing the line of sight to the source of the noise. The higher you go, the easier it is to keep sound out.

As a general rule, **once the barrier breaks line-of-site with the noise source, you'll get a 5 dB noise reduction.** And then you'll add an additional 0.5 dB of noise reduction for each foot above the line of site. For your typical street, you should be thinking about a barrier to be at least 8 feet high to even start to block out traffic noise, and the higher the better. Be sure to double check your local regulations as they often include a fence height restriction.

KEY #2: FENCE PLACEMENT

You may think that where you build your fence doesn't make a difference, after all, a barrier is a barrier. But actually, by placing your sound barrier as close to the noise source as you can, the soundproofing can prove far more effective. Alternatively, you can also place the barrier as close as possible to where you hang out, to keep that area quieter. Both of these strategies take the most advantage of **the line of site rule.**



The diagram shows how height and placement of your fence can drastically change how well it keeps out noise. Think of noise as smelly leftovers in the back of your fridge. You can either seal the leftovers in Tupperware (blocking the source) or cover your nose (blocking the receiver), both are effective at stopping the smell. What wouldn't be helpful is putting the open leftovers behind a kitchen cabinet...trust me.

KEY #3: FENCE DENSITY

As you saw from our earlier breakdown of fence materials, the denser something is the better it is at blocking noise. As described in the Mass Law Curve, increasing density results in a higher STC rating (and more sound blocked). So the heavier your barrier it is, the more soundproof it will be. Keep that in mind when choosing your fence materials.

KEY #4: FENCE CONSTRUCTION

Sound moves like water (or smells), as it can move through the smallest of gaps. For the best sound blocking, you want as airtight of a barrier as possible. This means **NO GAPS**. Ensure your fence goes all the way to the ground. It works just like [wall soundproofing](#). If you can fully seal up your barrier, it will make a world of difference in decreasing the outside noise you hear.

The other key for construction is length. Very short barriers can have what's called **end diffraction**. Which just means the noise is going around your barrier. A general rule is that a fence should 4 times as long as the distance between the barrier and the source OR the barrier and the receiver.

How to Build Your Own Soundproof Fence

BUILDING A DIY SOUNDPROOF FENCE WITH WOOD

Most of our customers opt to construct a wooden fence or chain link fence. Wood is accessible, fairly easy to install, and looks great. Chain link fences are cheap and easy to build, and great support for an exterior-rated soundproof blanket.

If you're building your own fence, you'll get the best results if you combine the fence with Quiet Quilt Soundproof Blankets. These [sound blankets](#) can be used with wood fences,

chain link fences, or any other structure where it can be hung. The fence should be at least 8 feet tall, as close to the noise source as possible, and have no gaps.

They're frequently used on construction sites, in event spaces, and around industrial rigs.

Another option for fences is mass loaded vinyl. It's best to incorporate [mass loaded vinyl](#) during the initial construction, ideally nailed or screwed in between your fence panels. Mass loaded vinyl works so well for fences, because it's cost-effective, thin relative to its density, and very durable for outdoor use.

Heavy and dense fencing made with brick or concrete shouldn't require additional soundproofing if constructed correctly, but they can benefit from an absorptive facing like a Quiet Quilt acoustic blanket or BlocknZorbe sound panel.

If you are working with metal or chain link, or your fence is already built, scroll down for tips on how to add soundproofing to an existing fence.

Planning the Fence

Remember the tips from the previous section. Be sure that you're building it high enough to break your line of sight from the source of the noise, and place your fence either close to the source of the noise, or close to where you'll be hanging out. Try to create a single uninterrupted perimeter, every break or gap compromises the effectiveness of your soundproof fence.

How to Soundproof the Fence

The strategy for fence soundproofing depends on the base material of your fence and whether you'd benefit more from adding density or absorption.

- If you're adding density to create a barrier, the key is to install it with NO GAPS. With the Quiet Quilt Soundproof Blankets, the Velcro down each side makes it easy to overlap and seal between blankets. As for adding density with mass loaded vinyl, if the posts and rails of your fence are the frame, the mass loaded vinyl is the picture. Use nails or screws to attach the material to your frame, making sure to overlap the sheets 2 to 3 inches to ensure you don't have any gaps. Our recommendation is to cover both sides with wood panels to create a mass loaded vinyl sandwich.
- If you're adding absorption to soften the barrier so that it reflects less sound and transmits less sound through it, you don't need to cover 100% of the fence but more coverage is better. The charcoal BlocknZorbe panels add density and absorption, while the Quiet Quilt acoustic blanket is an exterior rated absorptive blanket. Both options are extremely durable with long life-spans.

HOW TO ADD SOUNDPROOFING TO AN EXISTING FENCE

Wood

If your fence is already constructed, you can still add material after the fact. First, check that your wood fence is an effective barrier on its own. Does it have gaps between the panels? Is there air space at the bottom of the fence? Is the fence tall enough to block the source of the noise? These are BIG problems, and will result in poor soundproofing.

If your fence is a good base for soundproofing, adding some absorption to the fence is the best way to improve results.

- [Option 1 - 2" Charcoal BlocknZorbe panels](#): These sound panels are rated to both block AND absorb sound (STC and NRC), so it's a 2-for-1 addition. The charcoal version of BlocknZorbe is UV stable and will outlive you at your house.
- [Option 2 - Quiet Quilt Acoustic Blanket](#): These acoustic blankets are extremely absorptive and built for long-lasting outdoor use. Often used on construction sites in combination with a wood fence to reduce sound reflected and sound transmission through the fence.

If your fence has gaps in it, you can nail or staple mass loaded vinyl to back 100% of the structure to fill those gaps and add density. Be sure to overlap the material and seal the seams to protect from gaps where noise can get through. If you can't close up the gaps, you're looking at building a new fence.

Chain link

Although it may seem silly to try and soundproof a chain link fence, it's actually one of the best structures to support a soundproof fence because it's such a cost effective base. Our [Quiet Quilt Soundproof Blankets](#) are perfect to turn a chain link fence into a soundproof fence with reinforced MLV to block and an absorptive vinyl facing to absorb (STC 32). We fabricate the sound blankets with grommets and exterior rated Velcro so they are easy to install, easy to attach to each other, and stand the test of time (15+ years expected life, 140 mph wind load).

In a pinch, you can use mass loaded vinyl to soundproof a chain link fence too. Cut your material to be big enough to overlap about 3 inches on either side and drape onto the ground 1 to 2 inches. You can use grommets and zip ties to anchor the material directly to the chain link fence. Create as snug of a fit as possible with no gaps to get the most effective sound blocking. The addition of mass loaded vinyl to a chain link fence can actually create a clean look provided its installed precisely.

SOUNDPROOFING HVAC UNITS, POOL PUMPS, AND OTHER

If you have some stationary machinery on your property that generates a lot of noise, you can create a soundproof enclosure much the same way you would create a soundproof fence. Using the instructions above, build a barrier around the noise source, placing it as close to the structure as possible while still leaving enough room for maintenance and access. This is extremely effective around HVAC units, pool pumps, or as a [soundproof generator box](#).

If your barrier is going to be open on the top, just be sure to build your barrier 50% higher than the structure itself to effectively block the noise.

FINISH UP WITH SOME DECORATING

If you've ever been inside an empty house with no furniture or decor, you know how sound can carry, echo, and reverberate inside blank walls. Similarly, a fence alone, although great at sound blocking, can be improved with a few extras.

The additions of trees, shrubbery, gardens, and other landscaping and lawn decor can help absorb and deflect sound to help your patio hangouts feel more private. You can place items on either side of the fence to help with sound blocking as well.

In addition you can create "white noise" to mask the less desirable noises from the outside world. Consider things like water features or wind chimes that are pleasant to the ear. I'll take a babbling fountain over the noise of highway trucks any day.



VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

80 WHEELER AVENUE * PLEASANTVILLE, NY 10570
PHONE (914) 769-1926 * FAX (914) 769-5519
WWW.PLEASANTVILLE-NY.GOV

ZONING VARIANCE APPLICATION

NOTE: APPROVAL FROM THE ZONING BOARD IS REQUIRED FOR ALL VARIATIONS FROM THE REQUIREMENTS OF THE VILLAGE OF PLEASANTVILLE BUILDING ZONE ORDINANCES.

* TWO (2) COPIES OF ALL DRAWINGS MUST BE SUBMITTED WITH ONE (1) COPY OF VARIANCE * APPLICATION PACKET A MINIMUM THIRTY (30) DAYS IN ADVANCE OF SCHEDULED ZBA MEETING DATE

SECTION I - PROJECT ADDRESS: 301 Bedford Road, Pleasantville, NY 10570

SECTION II - CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

APPLICANT: Jackie and Steve Zucker

ADDRESS: 301 Bedford Road, Pleasantville, NY 10570

PHONE: 917-453-6704 (Jackie) CELL: 914-282-8380 (Steve) EMAIL: jackiezucker3@gmail.com; szucker50@gmail.com

OWNER: Jackie and Steve Zucker

ADDRESS: 301 Bedford Road, Pleasantville, NY 10570

PHONE: 917-453-6704 (Jackie) CELL: 914-282-8380 (Steve) EMAIL: jackiezucker3@gmail.com; szucker50@gmail.com

LESSEE: N/A

ADDRESS:

PHONE: CELL: EMAIL:

SECTION III - SUBMISSION CHECKLIST - [] AREA VARIANCE [] USE VARIANCE

[/] VARIANCE APPLICATION [/] PRINCIPAL POINTS LETTER [/] BUILDING PERMIT APPLICATION [/] SHORT EAS FORM

[] SURVEY & DETAILED DRAWINGS [] ADDITIONAL INFORMATION

SECTION IV - APPLICATION FEE: \$250

VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

SECTION V – APPLICANT’S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE INSTRUCTIONS & EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS & ORDINANCES COVERING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.

APPLICANT’S SIGNATURE: *Jackie Zucker* DATE: February 24, 2022

SWORN TO BEFORE ME THIS _____ DAY OF _____ 20 _____

NOTARY PUBLIC

SECTION VI – AFFIDAVIT OF OWNERSHIP

I, Jackie Zucker, HEREBY CERTIFY THAT I RESIDE AT
301 Bedford Road IN THE CITY OF Pleasantville
COUNTY OF Westchester IN THE STATE OF New York

AND THAT I AM THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PARCEL OF LAND SITUATED, LYING, AND BEING IN THE VILLAGE OF PLEASANTVILLE AFORESAID KNOWN AND DESIGNATED AS SECTION: _____ BLOCK: _____ LOT: _____
AND THAT I AUTHORIZE THE APPLICANT NOTED ABOVE TO MAKE THE FOREGOING APPLICATION ON MY BEHALF AND THAT THE STATEMENTS OF FACT CONTAINED IN SAID APPLICATION, IN ANY SUPPLEMENTARY STATEMENTS, SCHEDULES, OR OTHER PAPERS ATTACHED HERETO ARE TRUE.

OWNER’S SIGNATURE: *Jackie Zucker* DATE: February 24, 2022

SWORN TO BEFORE ME THIS 25 DAY OF FEBRUARY 20 22

Stephanie Tim-Austen
NOTARY PUBLIC

STEPHANIE TIMM-AUSTEN
Notary Public, State of New York
No. 01T16171773
Qualified in Westchester County
My Commission Expires July 30, 2023

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

ZONE: _____ SECTION: _____ BLOCK: _____ LOT: _____

ADDITIONAL BOARD / DEPT. APPROVALS REQUIRED:

ARB PLANNING DPW / ENGINEERING WCDOH WETLANDS FLOOD DEV

BUILDING DEPARTMENT CHECKLIST:

VARIANCE APPLICATION PRINCIPAL POINTS LETTER BUILDING PERMIT APPLICATION SHORT EAS FORM
 SURVEY & DETAILED DRAWINGS ADDITIONAL INFO APP FEE DENIAL LETTER PUBLIC NOTICE & MAILINGS

PAYMENT: CHECK #: 4994 \$250 CASH

NAME ON CHECK: Jacqueline Zucker

BLDG. INSPECTOR SIGN OFF: _____ DATE: _____



VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

80 WHEELER AVENUE * PLEASANTVILLE, NY 10570

PHONE (914) 769-1926 * FAX (914) 769-5519

WWW.PLEASANTVILLE-NY.GOV

BUILDING PERMIT APPLICATION

NOTE: ONE (1) SET OF ALL REQUIRED DOCUMENTS MUST BE SUBMITTED WITH THIS APPLICATION

SECTION I – PROJECT ADDRESS: 301 Bedford Road, Pleasantville, NY 10570

SECTION II – CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

APPLICANT: Jackie and Steve Zucker

ADDRESS: 301 Bedford Road, Pleasantville, NY 10570

PHONE: 917-453-6704 (Jackie) CELL: 914-282-8380 (Steve) EMAIL: jackiezucker3@gmail.com; szucker50@gmail.com

OWNER: Jackie and Steve Zucker

ADDRESS: 301 Bedford Road, Pleasantville, NY 10570

PHONE: 917-453-6704 (Jackie) CELL: 914-282-8380 (Steve) EMAIL: jackiezucker3@gmail.com; szucker50@gmail.com

SECTION III – TYPE OF WORK PROPOSED (CHECK ALL THAT APPLY)

- ADDITION ALTERATION / RENOVATION BOILER / FURNACE CHANGE OF OCCUPANCY DECK
- DEMOLITION DRIVEWAY / ROW PARKING FENCE FIRE REPAIR / FIRE DAMAGE FIRE ALARM
- FIRE SPRINKLER / SUPPRESSION SYSTEM GENERATOR HISTORICAL CO HVAC / MECH
- KIT. EXHAUST HOOD KIT. / BATH RENO LEGALIZATION NEW BUILDING PATIO / TERRACE
- RETAINING WALL ROOFING SHED SOLAR PANELS SWIM POOL TEMP STRUCT / TENT

SECTION IV – USE & OCCUPANCY

EXISTING / CURRENT USE: Single family residence

PROPOSED COMMERCIAL USE: (CHECK ALL THAT MAY APPLY)

- ASSEMBLY (RESTAURANTS, THEATERS) BUSINESS (OFFICE, BANKS) EDUCATIONAL (SCHOOLS)
- FACTORY / INDUSTRIAL (MANUFACTURING) HIGH HAZARD INSTITUTIONAL (ASSISTED LIVING)
- MERCANTILE (RETAIL) RESIDENTIAL GROUP (APTS, HOTELS) STORAGE (WAREHOUSE)

PROPOSED RESIDENTIAL:

- ONE FAMILY DWELLING TWO FAMILY DWELLING TOWNHOUSE DETACHED ACCESSORY STRUCTURE

SECTION V – PERMIT FEES: (\$100 FIRST \$1000 OF CONSTRUCTION COST - \$15 PER \$1000 AFTER)

TOTAL COST OF CONSTRUCTION (BASED ON FAIR MARKET VALUE LABOR & MATERIALS): \$ TBD

LEGALIZATION FEE: ALL WORK PERFORMED WITHOUT A PERMIT REGARDLESS OF DATE OF COMPLETION = \$1000

VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

SECTION VI - CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

ARCHITECT/ENG: N/A

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

CONTRACTOR: TBD

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

PLUMBER: N/A

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

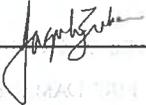
ELECTRICIAN: N/A

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

SECTION VII - APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE INSTRUCTIONS & EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE & CORRECT. ALL PROVISIONS OF LAWS & ORDINANCES COVERING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR LAND USE OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE:  DATE: February 24, 2022

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

ZONE: _____ SECTION: _____ BLOCK: _____ LOT: _____

BUILDING DEPARTMENT CHECKLIST:

PERMIT FEE _____ GC LICENSE WORK COMP. LIAB. INS. ONE SET OF DOCUMENTS
 EAS FORM SWPPP FLOOD DEV. PERMIT OWNER'S AFFIDAVIT TRUSS IDENTIFICATION

PERMIT #: _____ PAYMENT: CHECK #: _____ CASH

NAME ON CHECK: _____

FINAL DESCRIPTION OF WORK: _____

PERMIT CONDITIONS:

ACC / ADA ADD. REQUIRE. ARCH'S CERT BSMT AFF. BLOWER DOOR DIG SAFELY DRIVEWAY
 ELECT CERT ENG CERT (ANT) END CERT (SOLAR) FENCE / WALL FINAL SURVEY FIRE SPRINKLER A
 DUCT LEAK PATIO / TERR PLUMB AFF. PROPANE SMOKE DET. FOUND SURVEY FIRE SPRINKLER B
 SOIL BEARING CERT TANK MANIFEST

BLDG. INSPECTOR SIGN OFF: _____ DATE: _____

PUBLIC NOTICE

Due to the current situation regarding Covid19, all public meetings will be held via teleconference. To view the meeting noted below and address any application with the ZBA, please visit the Village website (www.pleasantville-ny.gov) the evening of the meeting and follow the Zoom virtual meeting link provided for this specific meeting date. Don't hesitate to contact this office for assistance 914-769-1926.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Pleasantville, Pleasantville, New York, will hold a Public Hearing on the 31st of March, 2022, via teleconference beginning at 8:15 P.M. pursuant to Article II of the Zoning Ordinance on the Appeal of Jackie & Steve Zucker residing at 301 Bedford Road, Pleasantville, New York, from the decision of Robert Hughes, Building Inspector, dated March 18, 2022 to construct fencing on-site in violation. The property involved is known as 301 Bedford Road, Pleasantville, New York and described on the Village Tax Maps as Section 99.18, Block 4, Lot 26 and is located on the northern side of Bedford Road, Pleasantville, New York in an R-2A "Two-Family Residence" zoning district. Said appeal is being made to obtain a variance from Section 185-13.B.(5) "Accessory Uses" of the Zoning Ordinance which sets forth the following criteria:

	<u>Permitted</u>	<u>Provided</u>	<u>Variance Needed</u>
Maximum height of fence within the side & rear yards.....	6.5' max	8.0'	1.5'

Robert Hughes, Building Inspector
Zoning Board of Appeals
of the Village of Pleasantville

Short Environmental Assessment Form

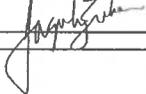
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Sound Blocking Fence for Zucker Backyard			
Project Location (describe, and attach a location map): 301 Bedford Road, Pleasantville, NY 10570			
Brief Description of Proposed Action: The proposal is to install sound blocking fences along the eastern and northern perimeters of the backyard to mitigate noise heard from the adjacent Bedford Road School basketball court and to mitigate Zucker backyard noise that may impact neighbors.			
Name of Applicant or Sponsor: Jackie Zucker (jackiezucker3@gmail.com); Steve Zucker (szucker50@gmail.com)		Telephone: 914-282-8380 (S) 917-453-6704 (J) E-Mail: jackiezucker3@gmail.com	
Address: 301 Bedford Road			
City/PO: Pleasantville	State: NY	Zip Code: 10570	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ .52 acres			
b. Total acreage to be physically disturbed? _____ N/A acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .52 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: Jackie Zucker</p>		<p>Date: February 24, 2022</p>
<p>Signature: </p>		

309 Bedford Road
Pleasantville, NY 10570
March 31, 2022

Village of Pleasantville ZBA
80 Wheeler Avenue
Pleasantville, NY 10570

RE: Jackie and Steve Zucker / 301 Bedford Road variance request

To Zoning Board of Appeals:

We are writing in support of the Zucker's request to install an 8-foot fence between their backyard and Bedford Road School. While technically a 1.5-foot variance is needed, we feel that both the Zuckers and the school would benefit from the taller 8-foot fence. The Zucker's backyard would benefit by additional screening from the active schoolyard. The schoolyard, which is not a typical residential neighbor, would be more visually contained adding to the sense of security.

We feel this is a modest request that would not affect any residential neighbors so we hope that common sense will prevail, and the board approves the Zucker's request.

Sincerely,


The Townsends

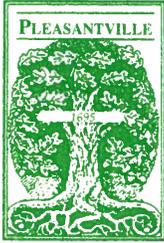


52 Orchard Street

Case No. 2022-06 - Thomas & Jane Murphy - 52 Orchard Street - Proposed detached accessory gazebo and on-grade terrace to the rear of the existing dwelling along with the legalization of an existing detached accessory gazebo on-site in violation of Section 185-11.B.(2)(b) and 185-48.D.(1) regarding deficient side & rear yard setbacks

ATTACHMENTS:

Description	Type	Upload Date
Denial Letter	Backup Material	3/25/2022
Principle points letter	Backup Material	3/25/2022
Architectural plan	Backup Material	3/25/2022
ZBA application	Backup Material	3/25/2022
BP application	Backup Material	3/25/2022
EAS form	Backup Material	3/25/2022
Public Notice	Backup Material	3/25/2022



Village of Pleasantville

Building Department

80 Wheeler Avenue • Pleasantville, New York 10570

(914) 769-1926 Fax: (914) 769-5519

**Thomas & Jane Murphy
52 Orchard Street
Pleasantville, New York 10570**

PARCEL ID

Sec – 106.6

Blk – 2

Lot – 40

Re – Building Permit Application dated March 9, 2022, for a proposal to construct a detached accessory gazebo and on-grade terrace to the rear of the existing dwelling along with the legalization of an existing detached accessory gazebo located at 46 Orchard Street, within the Village of Pleasantville, on-site in violation.

Date: March 18, 2022

Dear Thomas & Jane:

This notice is to inform you that your building permit application submitted to this Department dated March 9, 2022, for a proposal to construct a detached accessory gazebo and on-grade terrace to the rear of the existing dwelling along with the legalization of an existing detached accessory gazebo at 52 Orchard Street, within the Village of Pleasantville, is hereby denied.

Denial is based on the following facts:

1. Subject property is located in an R-1 “One Family Residence” zoning district within the Village of Pleasantville, New York.
2. To construct a detached accessory gazebo and on-grade terrace to the rear of the existing dwelling along with the legalization of an existing detached accessory gazebo as proposed would not comply with Section 185-11.B.(2)(b) “Accessory Uses” & Section 185-48.D.(1) “Miscellaneous regulations” of the Village Municipal Zoning Code which sets forth the following:

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Min setback – rear yard (New corner gazebo)	5.0'	1.0'	4.0'
Min setback – side yard (New corner gazebo)	5.0'	1.0'	4.0'
Min setback – side yard (Existing gazebo)	5.0'	2.0'	3.0'
Min setback – rear yard (New terrace)	4.0'	0.0'	4.0'
Min setback – side yard (New terrace)	4.0'	0.0'	4.0'

You may appeal this decision to the local Zoning Board of Appeals within sixty (60) days of receipt of this notice.

If you should have any further questions, please do not hesitate to contact this Department.

Very truly yours,

Robert Hughes, Building Inspector

Thomas & Jane Murphy
52 Orchard St Pleasantville NY 10570

March 9th 2022

CHAIRMAN Campriello and members of the Zoning Board of Appeals
Village of Pleasantville
80 Wheeler Ave
Pleasantville, New York 10570

RE: Letter of Principle Points
Installation of back yard patio area and accessories at 52 Orchard Street
52 Orchard st, Pleasantville, New York 10570
Section 106.6 Block 2 Lot 40

Request for five (5) area variances from the zoning Board of Appeals to permit the installation of a patio area and accessories on the property as follows:

1. A variance from Section 105-10.B(2)(b) – the minimum setback to an accessory structure of 5.0' to rear or side lot line, we are asking for a 2.0' side yard setback, variance of 3'.
2. A variance from Section 185-48.D.(1) – the minimum setback to a patio of 4.0' to side and back property line, we are asking for 0.0' on the side property line.
3. A variance from Section 185-48.D.(1) – the minimum setback to a patio of 4.0' to side and back property line, we are asking for 0.0' on the back property line.
4. A 2nd variance from Section 105-10.B(2)(b) – the minimum setback to an accessory structure of 5.0' to rear or side lot line, we are asking for 1.0' setback, a variance of 4.0' on the side property line.
5. A 3rd variance from Section 105-10.B(2)(b) – the minimum setback to an accessory structure of 5.0' to rear or side lot line, we are asking for 1.0' setback, a variance of 4.0' on the back property line.

Dear Chairman Campriello and Members of the Z.B.A.:

We are asking for the variances noted above so that we may both legalize and enhance our existing backyard outside space.

In our journey to create an outdoor space that we could relax, have meals, or just enjoy each other's company with both family and friends since 2017, we have been making incremental changes to enhance our existing space. Please refer to the pictures at the end of this letter see some of our progress.

- Our first phase was to level our space to make it safer and add fencing for privacy.
- Our second phase was to create a space where we could sit and enjoy the space.
- We are now entering the third phase, both enhancing and legalizing this existing space.

During phase 3 or our journey, it came to our attention that all accessory structures need to have a permit. We were not aware of this when we installed our gazebo in 2019. So we are looking to legalize this accessory structure, this is variance #1 noted above.

In addition, we are looking to enhance the space by creating a safer space with solid footing were family and guests can stand safely on sturdy ground, this is variance #2 and #3 noted above. We have family and friends ranging from newborns to seniors and providing a stable ground will provide a safer and more comfortable experience. By extending the patio to the property line, it will prevent a soft space between the existing 6ft fence and a legal patio, reducing trip hazards in this tight area.

Lastly, we would like to add an additional safe sturdy sitting space by adding another small gazebo bench set in the corner of the property. This is noted in variance #4 and #5 above.

In considering this application, we would like the board to please consider these five principal points required by NY state law:

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

We have been utilizing this space since 2018 with the existing 6-foot fence, none of the changes we are proposing here will be visible from outside our yard, so the granting of these variances will create no undesirable change in character to the neighborhood or detriment to nearby properties.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance

There is no feasible way to make the 4 ft area from the fence to the patio with an even footing other than a variance, the same can be said for the placement of the structures to make the space usable.

3. Whether the requested area variance is substantial

The side and rear yard setbacks will not change any of the existing use of the space, just make it safer, therefore making them de-minimus in nature.

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

If these variances are granted, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood as this space is currently used for the same purpose and all changes are within the confines of our existing 6 foot fenced in yard. New underground water mitigation system will also be installed to handle any runoff as required.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance

By default, most variance requests are self-created, but these variances are being requested to make an existing space safer and legal.

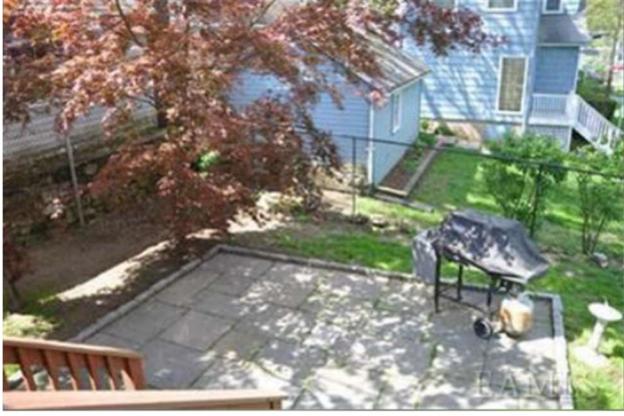
We therefor respectfully request that the board grant these variances.

Sincerely:

The image shows two handwritten signatures in black ink. The top signature is 'Joe Lopez' and the bottom signature is 'Therese Lopez'. Both signatures are written in a cursive, flowing style.

Some photos:

Left image is Pre 2018, right image is current.



Left image is pre 2018 and image on the right is current



Left image is pre 2018 and image on right is current

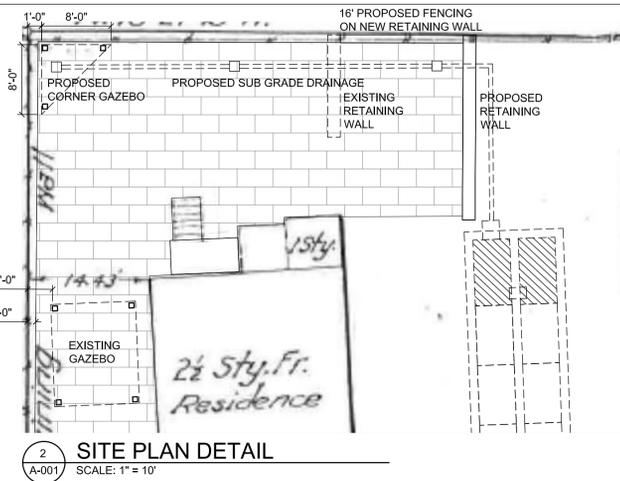


Left image is pre 2018 and image on right is current





EXISTING BACK YARD LOOKING SOUTH



EXISTING BACK YARD LOOKING NORTH



PROPOSED NEW FENCING AND TERRACE



EXISTING BACK YARD



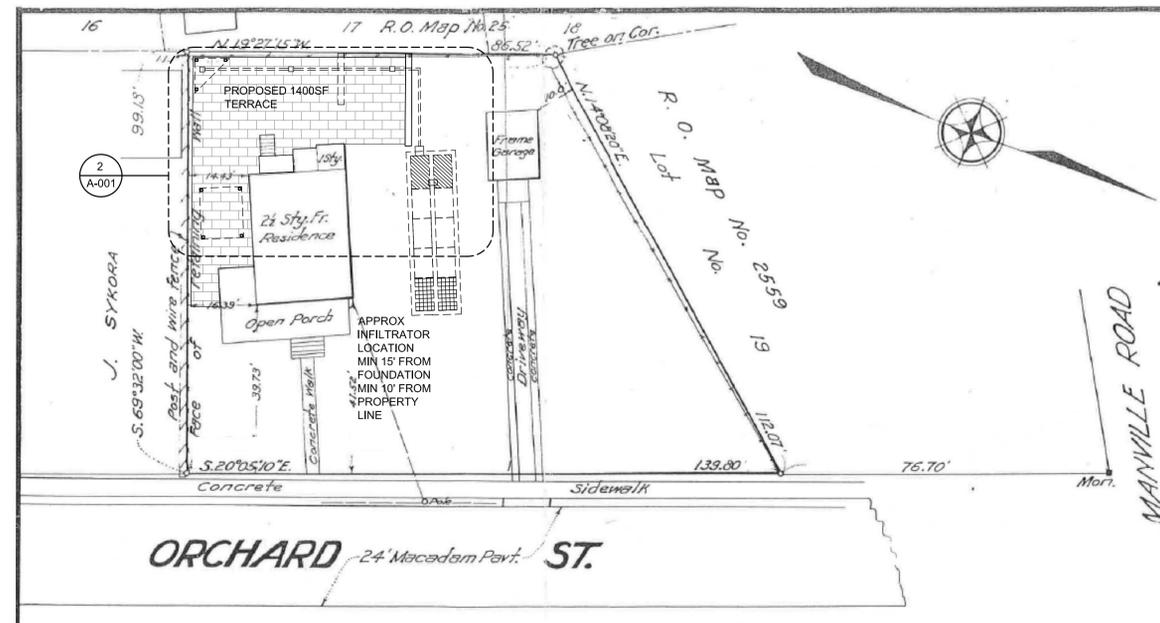
PROPOSED CORNER GAZEBO AND TERRACE



EXISTING GAZEBO



STREET VIEW



52 ORCHARD ST. ID: 106.6-2-40 (Pleasantville)



March 1, 2022

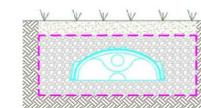
1:500

Westchester County GIS

http://www.westchester.gov.com

148 Marina Avenue, Rm 214
White Plains, New York 10601

Impervious area	1400	SF
Rainfall event requirement	7.5	inches
Stone amounts (Select One)	Typ. Stone	
Storage Required	875.00	CF
	6545	gal.



Model	Storage Volume per Installed Unit		Number of Units Required	Storage Volume Provided	
	CF	gal.		pcs	CF
Contactor 100HD	30.73	230	29	891	6666
Recharger 150XLHD	53.84	403	17	915	6847
Recharger 280HD	73.67	551	12	884	6613
Recharger 330XLHD	96.24	720	10	962	7199
Recharger 902HD	111.92	837	8	895	6698

The Recharger 902HD requires separate end caps. The storage volume listed does not include end caps. Please contact CULTEC for more information at 203-775-4416.

- R-1 ZONING Variances Required
Proposed Rear and Side Yard Terrace and Gazebos
No Change to Use or Occupancy Proposed
- Corner Gazebo
Permitted Rear Yard Setback: 5' Proposed 1' 4' Variance
 - Corner Gazebo
Permitted Side Yard Setback: 5' Proposed 1' 4' Variance
 - Existing Gazebo
Permitted Side Yard Setback: 5' Proposed 2' 3' Variance
 - Terrace
Permitted Rear Yard Setback 4' Proposed 0' 4' Variance
 - Terrace
Permitted Side Yard Setback 4' Proposed 0' 4' Variance

REVISIONS / DATE:

JAMES COLEMAN ARCHITECTURE STUDIO
217 MOUNTAIN ROAD PLEASANTVILLE NEW YORK
WWW.JCOLEMANSTUDIO.COM 914 579 2015

PROJECT / LOCATION:
Murphy Residence
52 Orchard Street
Pleasantville, NY 10570

ARCHITECT SEAL & SIGNATURE:

DATE: March 8, 2022
SCALE: As Noted
DRAWING NO.: **A-001.00**



VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

80 WHEELER AVENUE * PLEASANTVILLE, NY 10570
PHONE (914) 769-1926 * FAX (914) 769-5519
WWW.PLEASANTVILLE-NY.GOV

ZONING VARIANCE APPLICATION

NOTE: APPROVAL FROM THE ZONING BOARD IS REQUIRED FOR ALL VARIATIONS FROM THE REQUIREMENTS OF THE VILLAGE OF PLEASANTVILLE BUILDING ZONE ORDINANCES.

* TWO (2) COPIES OF ALL DRAWINGS MUST BE SUBMITTED WITH ONE (1) COPY OF VARIANCE * APPLICATION PACKET A MINIMUM THIRTY (30) DAYS IN ADVANCE OF SCHEDULED ZBA MEETING DATE

SECTION I – PROJECT ADDRESS: 52 Orchard St. Pleasantville NY 10570

SECTION II – CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

APPLICANT: Thomas & Jane Murphy

ADDRESS: 52 Orchard St. Pleasantville NY 10570

PHONE: 917-295-0723 CELL: _____ EMAIL: murptom@aol.com

OWNER: Thomas & Jane Murphy

ADDRESS: 52 Orchard St. Pleasantville NY 10570

PHONE: 917-295-0723 CELL: _____ EMAIL: murptom@aol.com

LESSEE: _____

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

SECTION III – SUBMISSION CHECKLIST - [] AREA VARIANCE [] USE VARIANCE

[x] VARIANCE APPLICATION [x] PRINCIPAL POINTS LETTER [x] BUILDING PERMIT APPLICATION [x] SHORT EAS FORM

[x] SURVEY & DETAILED DRAWINGS [] ADDITIONAL INFORMATION

SECTION IV – APPLICATION FEE: \$250

VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

SECTION V – APPLICANT'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE INSTRUCTIONS & EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS & ORDINANCES COVERING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.

APPLICANT'S SIGNATURE: Thomas Kelly DATE: 3/9/2022

SWORN TO BEFORE ME THIS _____ DAY OF _____ 20 _____

NOTARY PUBLIC

SECTION VI – AFFIDAVIT OF OWNERSHIP

I, _____, HEREBY CERTIFY THAT I RESIDE AT _____
_____ IN THE CITY OF _____

COUNTY OF _____ IN THE STATE OF _____

AND THAT I AM THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PARCEL OF LAND SITUATED, LYING, AND BEING IN THE VILLAGE OF PLEASANTVILLE AFORESAID KNOWN AND DESIGNATED AS SECTION: _____ BLOCK: _____ LOT: _____

AND THAT I AUTHORIZE THE APPLICANT NOTED ABOVE TO MAKE THE FOREGOING APPLICATION ON MY BEHALF AND THAT THE STATEMENTS OF FACT CONTAINED IN SAID APPLICATION, IN ANY SUPPLEMENTARY STATEMENTS, SCHEDULES, OR OTHER PAPERS ATTACHED HERETO ARE TRUE.

OWNER'S SIGNATURE: _____ DATE: _____

SWORN TO BEFORE ME THIS _____ DAY OF _____ 20 _____

NOTARY PUBLIC

OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE

ZONE: _____ SECTION: _____ BLOCK: _____ LOT: _____

ADDITIONAL BOARD / DEPT. APPROVALS REQUIRED:

ARB PLANNING DPW / ENGINEERING WCDOH WETLANDS FLOOD DEV

BUILDING DEPARTMENT CHECKLIST:

VARIANCE APPLICATION PRINCIPAL POINTS LETTER BUILDING PERMIT APPLICATION SHORT EAS FORM
 SURVEY & DETAILED DRAWINGS ADDITIONAL INFO APP FEE DENIAL LETTER PUBLIC NOTICE & MAILINGS

PAYMENT: CHECK #: _____ CASH

NAME ON CHECK: _____

BLDG. INSPECTOR SIGN OFF: _____ DATE: _____



VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

80 WHEELER AVENUE * PLEASANTVILLE, NY 10570
PHONE (914) 769-1926 * FAX (914) 769-5519
WWW.PLEASANTVILLE-NY.GOV

BUILDING PERMIT APPLICATION

NOTE: ONE (1) SET OF ALL REQUIRED DOCUMENTS MUST BE SUBMITTED WITH THIS APPLICATION

SECTION I – PROJECT ADDRESS: 52 Orchard St. Pleasantville NY 10570

SECTION II – CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

APPLICANT: Thomas & Jane Murphy

ADDRESS: 52 Orchard St. Pleasantville NY 10570

PHONE: 917-295-0723 CELL: _____ EMAIL: murphtom@aol.com

PROPERTY OWNER: Thomas & Jane Murphy

ADDRESS: 52 Orchard St. Pleasantville NY 10570

PHONE: 917-295-0723 CELL: _____ EMAIL: Murphtom@aol.com

SECTION III – TYPE OF WORK PROPOSED (CHECK ALL THAT APPLY)

- ADDITION ALTERATION / RENOVATION BOILER / FURNACE CHANGE OF OCCUPANCY DECK
- DEMOLITION DRIVEWAY / ROW PARKING FENCE FIRE REPAIR / FIRE DAMAGE FIRE ALARM
- FIRE SPRINKLER / SUPPRESSION SYSTEM GENERATOR HISTORICAL CO HVAC / MECH
- KIT. EXHAUST HOOD KIT. / BATH RENO LEGALIZATION NEW BUILDING PATIO / TERRACE
- RETAINING WALL ROOFING SHED SOLAR PANELS SWIM POOL TEMP STRUCT / TENT

Patio, with two structures and extention to existing reatinging wall with fence

SECTION IV – USE & OCCUPANCY

EXISTING / CURRENT USE: _____

PROPOSED COMMERCIAL USE: (CHECK ALL THAT MAY APPLY)

- ASSEMBLY (RESTAURANTS, THEATERS) BUSINESS (OFFICE, BANKS) EDUCATIONAL (SCHOOLS)
- FACTORY / INDUSTRIAL (MANUFACTURING) HIGH HAZARD INSTITUTIONAL (ASSISTED LIVING)
- MERCANTILE (RETAIL) RESIDENTIAL GROUP (APTS, HOTELS) STORAGE (WAREHOUSE)

PROPOSED RESIDENTIAL:

- ONE FAMILY DWELLING TWO FAMILY DWELLING TOWNHOUSE DETACHED ACCESSORY STRUCTURE

SECTION V – PERMIT FEES: (\$100 FIRST \$1000 OF CONSTRUCTION COST – THEN \$15 PER \$1000 RES / \$30 PER \$1000 COM

TOTAL COST OF CONSTRUCTION (BASED ON FAIR MARKET VALUE LABOR & MATERIALS): \$ TBD

LEGALIZATION FEE: ALL WORK PERFORMED WITHOUT A PERMIT REGARDLESS OF DATE OF COMPLETION = \$1500

VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

SECTION VI – CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

ARCHITECT/ENG: James Coleman Architecture Studio

ADDRESS: 217 Mountain Rd, Pleasantville, NY 10570

PHONE: 914-579-2015 CELL: _____ EMAIL: james@colemanstudio.com

CONTRACTOR: TBD

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

PLUMBER: _____

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

ELECTRICIAN: _____

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

SECTION VII – APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE INSTRUCTIONS & EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE & CORRECT. ALL PROVISIONS OF LAWS & ORDINANCES COVERING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR LAND USE OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE:  DATE: 3/9/2022

OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE

ZONE: _____ SECTION: _____ BLOCK: _____ LOT: _____

BUILDING DEPARTMENT CHECKLIST:

- PERMIT FEE _____ GC LICENSE WORK. COMP. LIAB. INS. ONE SET OF DOCUMENTS
 EAS FORM SWPPP FLOOD DEV. PERMIT OWNER'S AFFIDAVIT TRUSS IDENTIFICATION

PERMIT #: _____ PAYMENT: CHECK #: _____ CASH

NAME ON CHECK: _____

FINAL DESCRIPTION OF WORK: _____

PERMIT CONDITIONS:

- ACC / ADA ADD. REQUIRE. ARCH'S CERT BSMT AFF. BLOWER DOOR DIG SAFELY DRIVEWAY
 ELECT CERT ENG CERT (ANT) END CERT (SOLAR) FENCE / WALL FINAL SURVEY FIRE SPRINKLER A
 DUCT LEAK PATIO / TERR PLUMB AFF. PROPANE SMOKE DET. FOUND SURVEY FIRE SPRINKLER B
 SOIL BEARING CERT TANK MANIFEST

BLDG. INSPECTOR SIGN OFF: _____ DATE: _____

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Patio/Terrace installation Thomas & Jane Murphy 52 Orchard St Pleasantville NY 10570			
Name of Action or Project: 52 Orchard St Patio instalation			
Project Location (describe, and attach a location map): 52 Orchard St, Pleasantville NY, 10570			
Brief Description of Proposed Action: Installation of a patio behind the house covering approximately 1400 square feet. The patio will be made with an impervious type of stone. Drainage will be installed to take runoff into a to be installed drywell system. One of the existing retaining walls will be extended 8'.			
Name of Applicant or Sponsor: Thomas & Jane Murphy		Telephone: 917-295-0723 E-Mail: murphtom@aol.com	
Address: 52 Orchard St			
City/PO: Pleasantville		State: NY	Zip Code: 10570
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.29 acres	
b. Total acreage to be physically disturbed?		0.035 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.29 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Thomas Murphy</u> Date: _____		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

PUBLIC NOTICE

Due to the current situation regarding Covid19, all public meetings will be held via teleconference. To view the meeting noted below and address any application with the ZBA, please visit the Village website (www.pleasantville-ny.gov) the evening of the meeting and follow the Zoom virtual meeting link provided for this specific meeting date. Don't hesitate to contact this office for assistance 914-769-1926.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Pleasantville, Pleasantville, New York, will hold a Public Hearing on the 31st of March, 2022, via teleconference beginning at 8:15 P.M. pursuant to Article II & IX of the Zoning Ordinance on the Appeal of Thomas & Jane Murphy residing at 52 Orchard Street, Pleasantville, New York, from the decision of Robert Hughes, Building Inspector, dated March 18, 2022, for a proposed detached accessory gazebo and on-grade terrace to the rear of the existing 2 1/2 story single family dwelling along with the legalization of an existing detached accessory gazebo on-site in violation. The property involved is known as 52 Orchard Street, Pleasantville, New York and described on the Village Tax Maps as Section 106.6, Block 2, Lot 40, and is located on the westerly side of Orchard Street, Pleasantville, New York in an R-1 "One-Family Residence" zoning district. Said appeal is being made to obtain a variance(s) from Section(s) 185-11.B.(2)(b) and 185-48.D.(1) of the Zoning Ordinance which sets forth the following criteria:

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Min setback – rear yard (New corner gazebo)	5.0'	1.0'	4.0'
Min setback – side yard (New corner gazebo)	5.0'	1.0'	4.0'
Min setback – side yard (Existing gazebo)	5.0'	2.0'	3.0'
Min setback – rear yard (New terrace)	4.0'	0.0'	4.0'
Min setback – side yard (New terrace)	4.0'	0.0'	4.0'

Robert Hughes, Building Inspector
Zoning Board of Appeals
Village of Pleasantville



172 Washington Avenue

Case No. 2022-07 - Michael & Michelle Zaino - 172 Washington Avenue - Proposed detached accessory 2 story two car garage on-site in violation of Section 185-12.B.(2)(c) regarding excessive number of stories and height

ATTACHMENTS:

Description	Type	Upload Date
Denial Letter	Backup Material	3/25/2022
Principle points letter	Backup Material	3/25/2022
Architectural plan	Backup Material	3/25/2022
Property survey	Backup Material	3/25/2022
BP application	Backup Material	3/25/2022
Public Notice	Backup Material	3/25/2022
EAS form	Backup Material	3/25/2022
ZBA application	Backup Material	3/25/2022



Village of Pleasantville

Building Department

80 Wheeler Avenue • Pleasantville, New York 10570

(914) 769-1926 Fax: (914) 769-5519

Michael & Michele Zaino
172 Washington Avenue
Pleasantville, New York 10570

PARCEL ID
Sec – 99.18
Blk – 1
Lot – 28

Re – Building Permit Application dated March 16, 2022 for a proposal to construct a detached two-story accessory two car garage located at 172 Washington Avenue, within the Village of Pleasantville, on-site in violation.

Date: March 18, 2022

Dear Michael:

This notice is to inform you that your building permit application submitted to this Department dated March 16, 2022 for a proposal to construct a detached two-story accessory two car garage at 172 Washington Avenue, within the Village of Pleasantville, is hereby denied.

Denial is based on the following facts:

1. Subject property is located in an R-2 “Two-Family Residence” zoning district within the Village of Pleasantville, New York.
2. To construct the detached one-story accessory single car garage as proposed would not comply with Section 185-12.B.(2)(c) “Accessory Uses” of the Village Municipal Zoning Code which sets forth the following:

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Max height (stories).....	1	2	1
Max height (feet).....	15.0’	18.5’	3.5’

You may appeal this decision to the local Zoning Board of Appeals within sixty (60) days of receipt of this notice.

If you should have any further questions, please do not hesitate to contact this Department.

Very truly yours,

Robert Hughes
Building Inspector

Date: March 15, 2022

To: Mr. Austin Campriello, Chairman
and Members of the Zoning Board of Appeals
Village of Pleasantville

CC: Robert Hughes, Building Inspector
Michael Zaino, Owner

Re: 172 Washington Ave
Accessory Structure Height Variance

Mr. Campriello and Members of the Zoning Board of Appeals:

We are proposing removing the existing garage which is in poor condition and does not conform to current zoning height or side yard requirements and replacing it with a new smaller two car garage that conforms to setbacks requirements. Because of the existing slope of the backyard, the garage does require a height variance. The proposed garage will be located 8' further back from the house than the existing garage. The façade facing the street conforms with the zoning height restrictions and has an uninhabitable attic. Because of the slope, however, the small storage space beneath the garage is considered a "basement" and counts as a story and the height of the building, measured from the grade plane is 18.5', requiring a height variance of 3.5'.

In evaluating our variance request, we ask that the board consider the following five principal points:

NO UNDERSIRABLE CHANGE: The adjacent neighbors have similar detached garages and we are replacing an existing larger garage which is in poor condition.

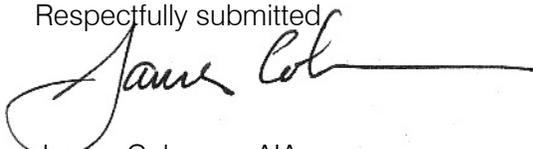
VARIANCE REQUIRED: The garage needs to be located in the rear yard.

INSUBSTANTIAL CHANGE: The new garage replaces a larger existing garage and will be accessed the same way.

NO ADVERSE IMPACT OR EFFECT: The new garage will be an improvement to the property and is in keeping with the character of the house and neighborhood.

DIFFICULTIES ARE NOT SELF CREATED: The existing grades and garage location are preexisting.

Respectfully submitted



James Coleman, AIA
Encl.



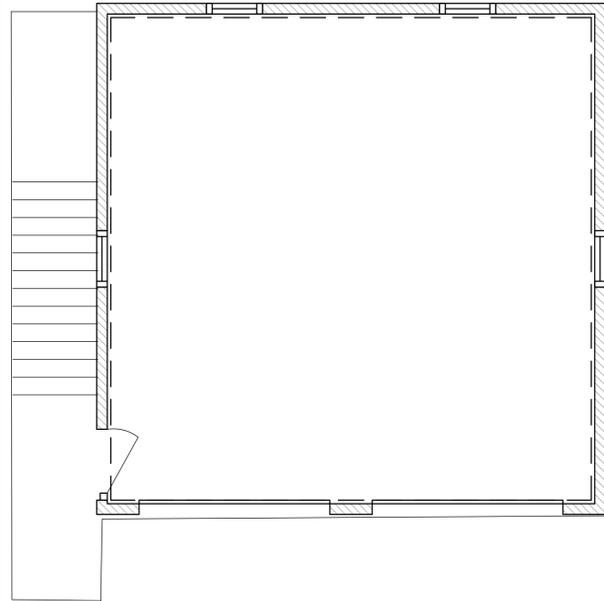
STREET VIEW



EXISTING GARAGE TO BE REMOVED

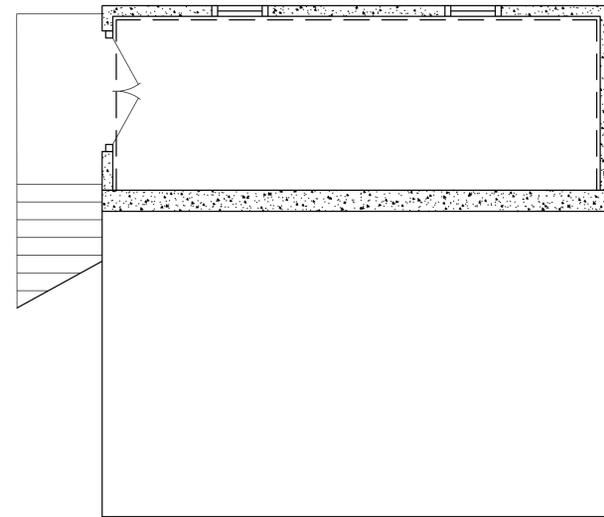


EXISTING GARAGE TO BE REMOVED



3 NEW CONSTRUCTION GARAGE

A-100 1/2" = 1'-0"



2 NEW CONSTRUCTION - STORAGE

A-100 1/2" = 1'-0"

Zoning Matrix - Proposed Garage		R-2 Zone	
		Max/Min	Existing
Building Coverage		20%	16.2%

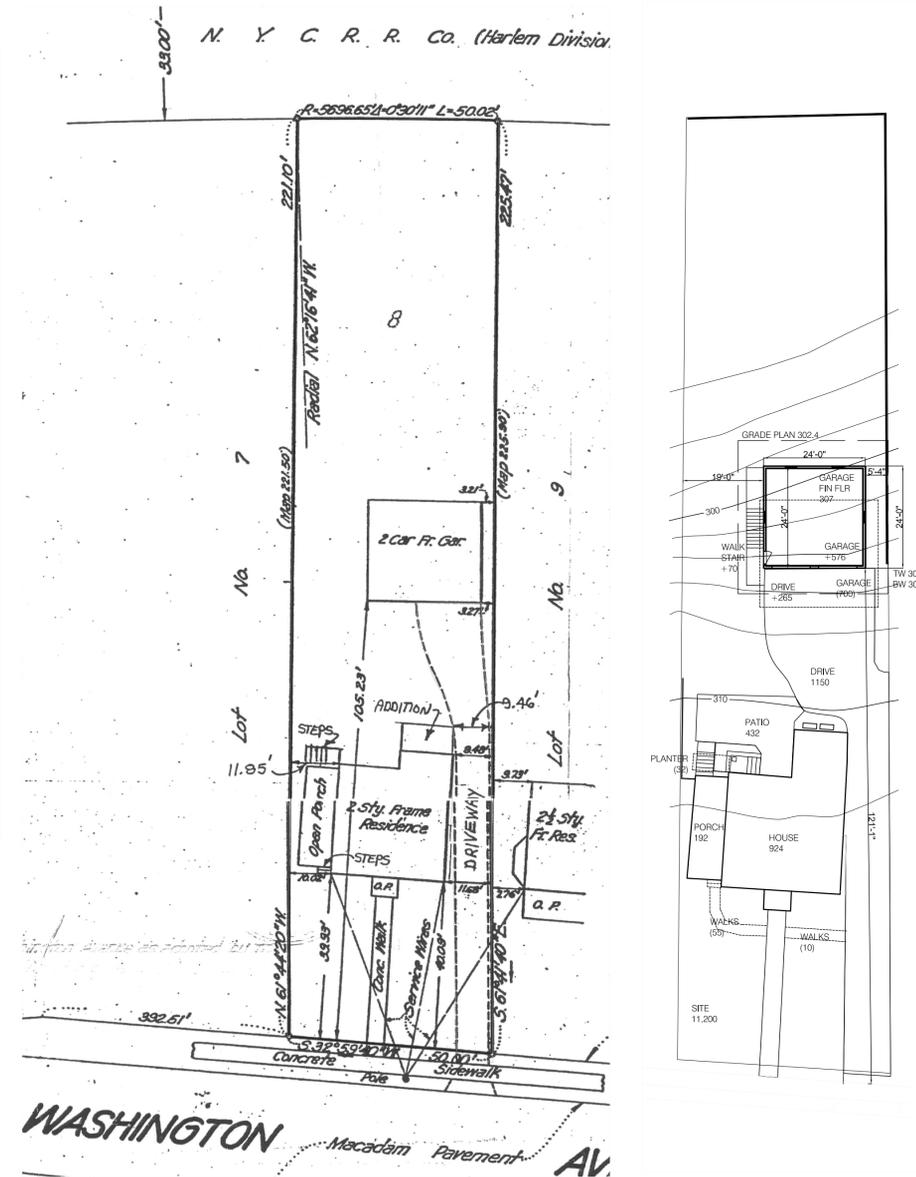
Accessory Structure		R-2 Zone	
		Max/Min	Existing
Distance from Front Lot Line	60 ft	113 ft	121 ft
Height	1 story/15 ft	2 story/18.5 ft	Height Variance of 3.5 ft and 1 Story Required

Building Coverage (SF)	Lot Size
House	11200
Porch	924
Garage (Removed)	192
Garage Proposed	(700)
Subtotal	576
	(124)

Development Coverage (SF)	
Walk Removals	(65)
Planter	(32)
Drive	265
Subtotal	168

Net Increase in Impervious Area 44

Grade Plane Calculation			
Side	Distance	Average Grade	Sum
N	24	303.5	7284
E	24	306.4	7353.6
W	24	298.2	7156.8
S	24	301.6	7238.4
	96	302.4	29032.8

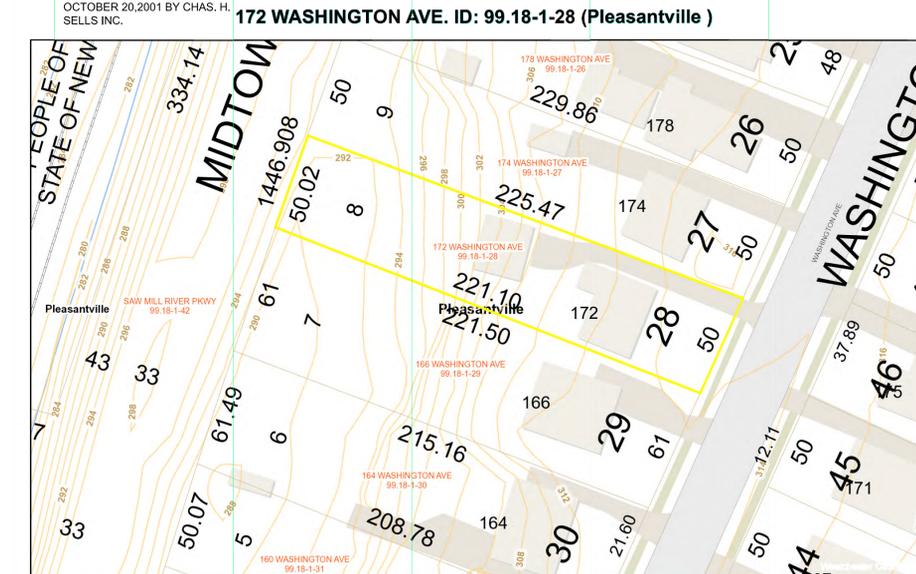


1 EXISTING SITE PLAN

A-001 SCALE: 1:20
BASED ON REVISED SURVEY MAP
OCTOBER 20, 2001 BY CHAS. H.
SELLS INC.

2 PROPOSED SITE PLAN

A-001 SCALE: 1:20



February 21, 2022

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.



JAMES COLEMAN ARCHITECTURE STUDIO

217 MOUNTAIN ROAD PLEASANTVILLE NEW YORK
WWW.JCOLEMANSTUDIO.COM 914 579 2015

REVISIONS / DATE:

PROJECT / LOCATION:
172 Washington Ave
Pleasantville, New York 10570

DRAWING TITLE:

GENERAL NOTES AND SITE PLAN

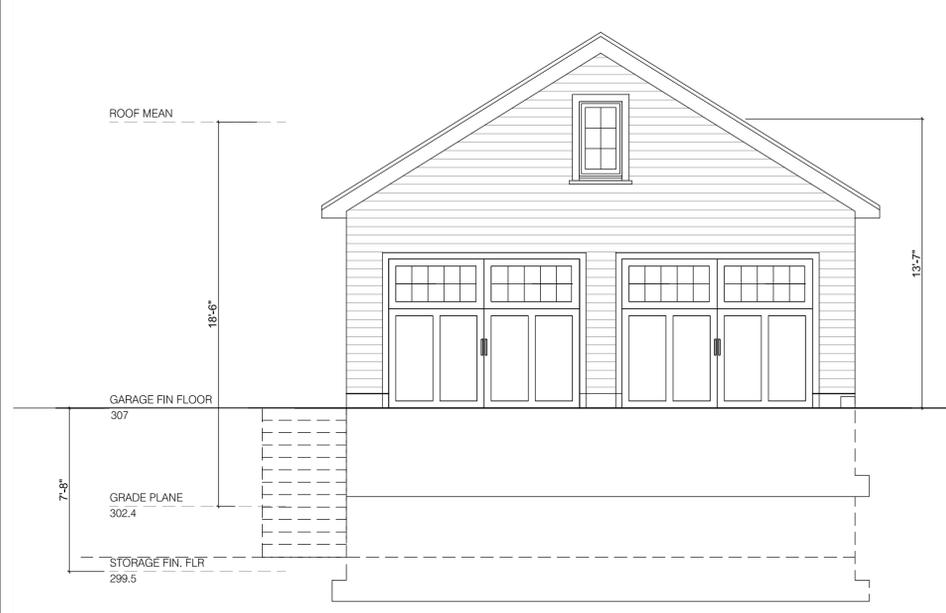


DATE: March 14, 2022

SCALE: As Noted

DRAWING NO.:

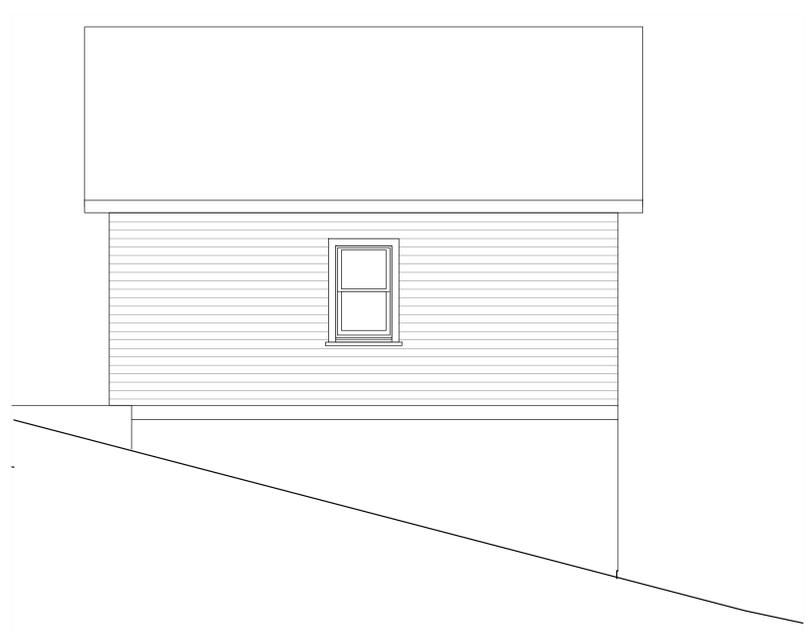
A-001.00



1 FRONT ELEVATION
A-200 SCALE: 1/4" = 1'-0"



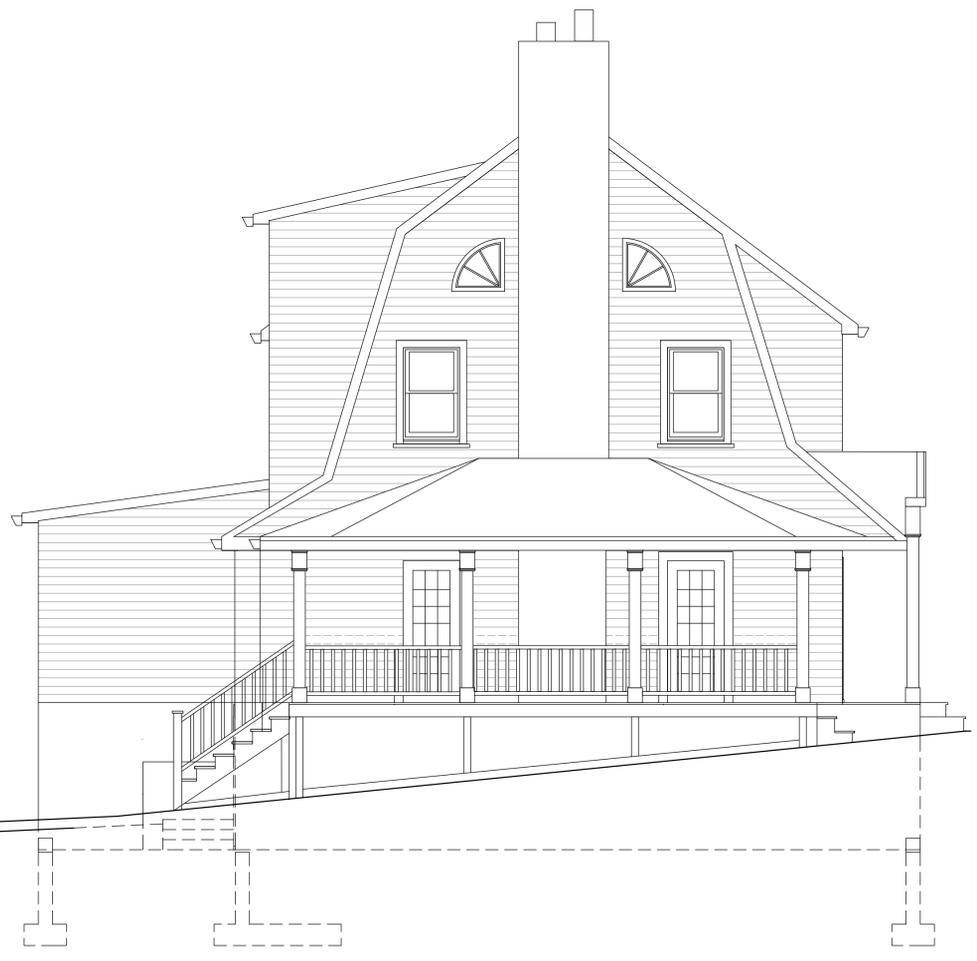
2 REAR ELEVATION
A-200 SCALE: 1/4" = 1'-0"



3 SIDE ELEVATION
A-200 SCALE: 1/4" = 1'-0"



4 SIDE ELEVATION
A-200 SCALE: 1/4" = 1'-0"



JAMES COLEMAN ARCHITECTURE STUDIO
217 MOUNTAIN ROAD PLEASANTVILLE NEW YORK
WWW.JCOLEMANSTUDIO.COM 914 579 2015

REVISIONS / DATE:

PROJECT / LOCATION:
172 Washington Ave
Pleasantville, New York 10570

DRAWING TITLE:

ELEVATIONS

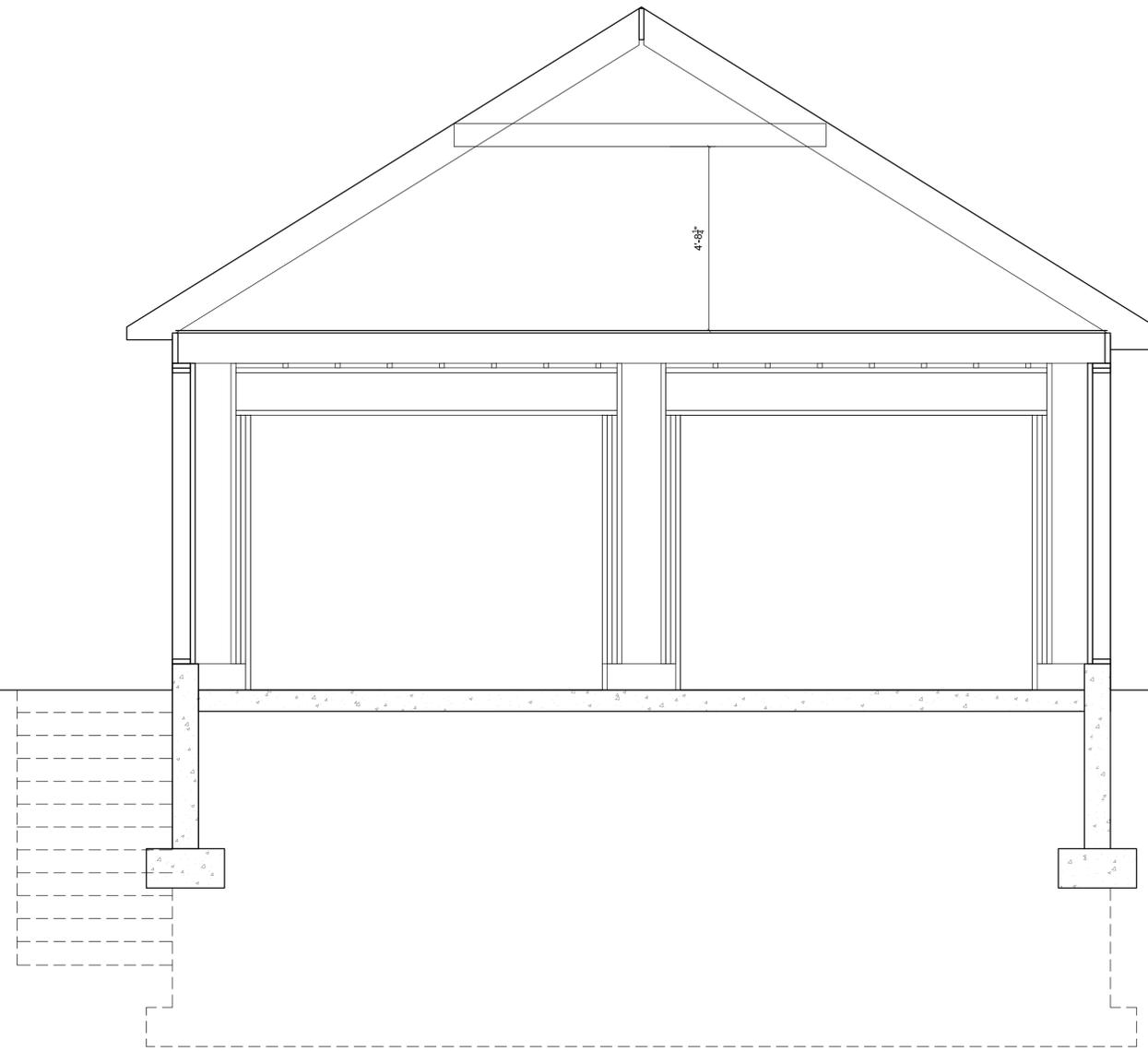
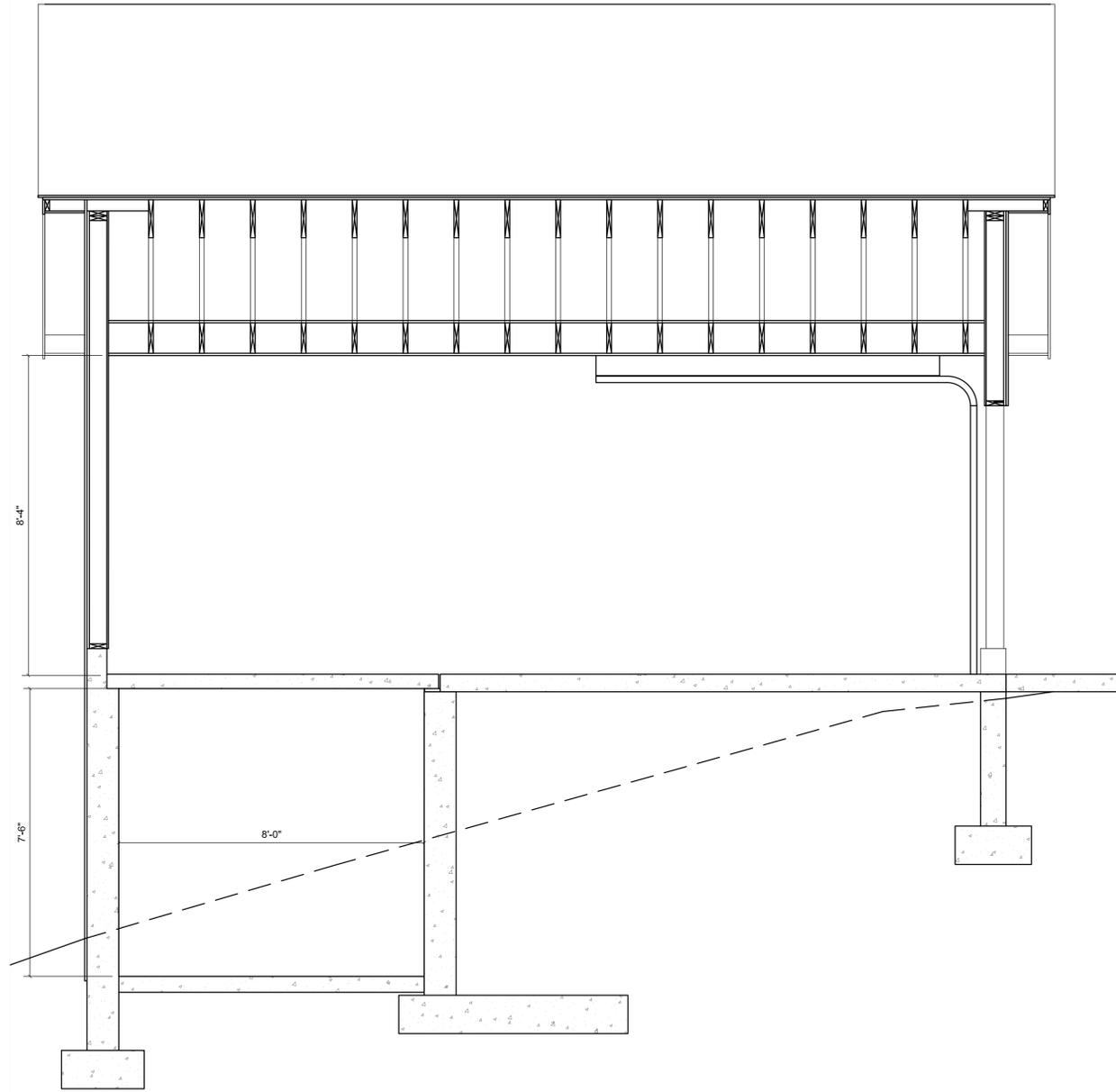


DATE: March 14, 2022

SCALE: As Noted

DRAWING NO.:

A-200.00



1 PROPOSED GARAGE SECTION
A-300 SCALE: 1/2" = 1'-0"

2 PROPOSED GARAGE SECTION
A-300 SCALE: 1/2" = 1'-0"

JAMES COLEMAN ARCHITECTURE STUDIO
217 MOUNTAIN ROAD PLEASANTVILLE NEW YORK
WWW.JCOLEMANSTUDIO.COM 914 579 2015

REVISIONS / DATE:

PROJECT / LOCATION:

172 Washington Ave
Pleasantville, New York 10570

DRAWING TITLE:

SECTIONS AND DETAILS

ARCHITECT SEAL & SIGNATURE:

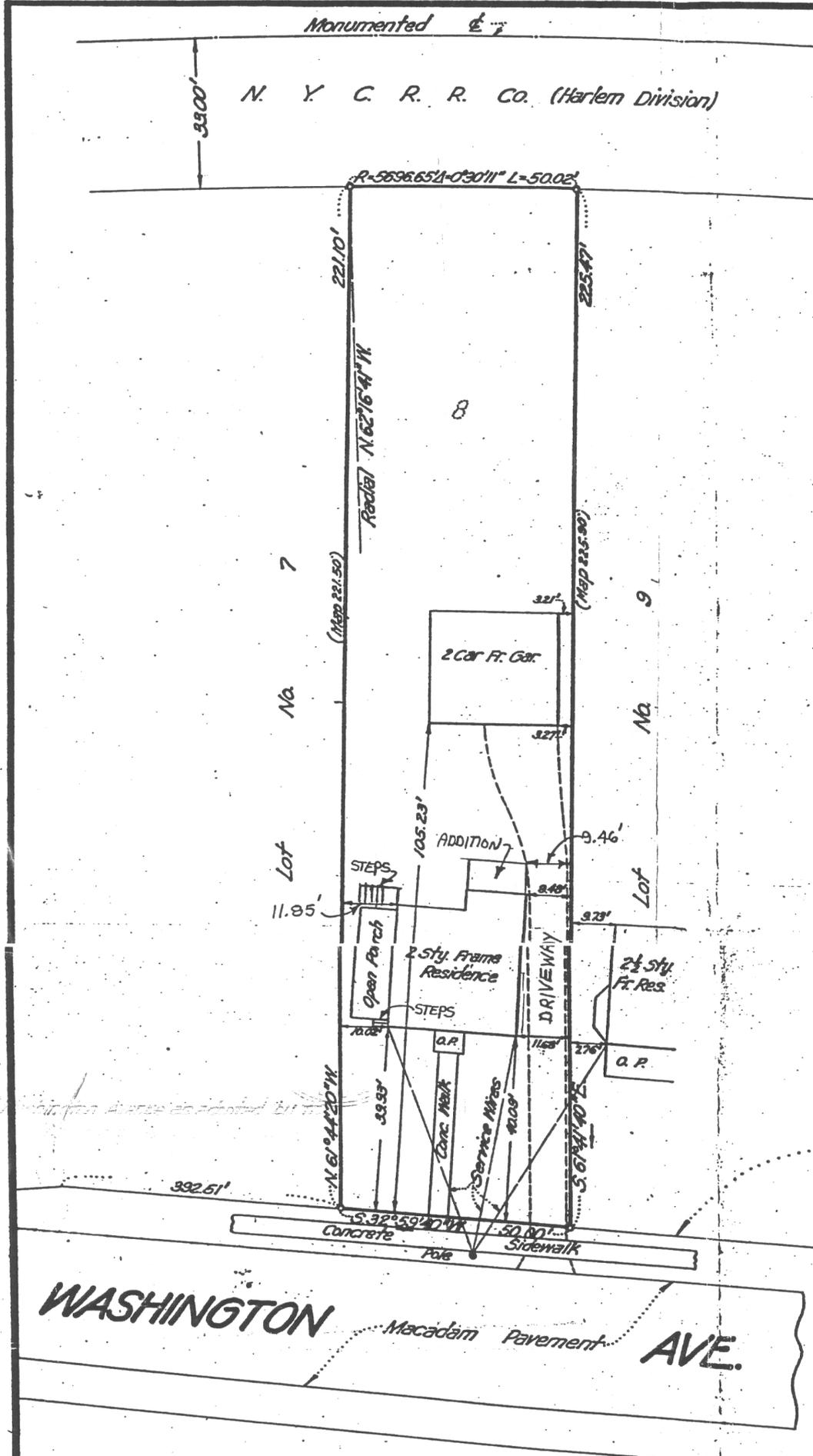


DATE: March 14, 2022

SCALE: As Noted

DRAWING NO.:

A-300.00



Certified correct to the Inter-County
 Title Guaranty and Mortgage Company.
CHAS. H. SELLS INC.
 By *[Signature]*
 N.Y. State Lic. Surveyor

MAP REVISED OCTOBER 20, 2001 TO SHOW
 NEW ADDITION AND PORCH STEPS



(Line of Washington Avenue as adopted by the
 Commissioners of Highways, Sept. 21, 1895, and
 filed in the office of the Town Clerk of the
 Town of Mount Pleasant, Dec. 9, 1895.)

Premises hereon being Lot No. 8 as shown on
 map entitled "Subdivision Map of Property
 Situate on the Westerly Side of Washington
 Ave., belonging to Alfred Romer Esq., Etc.," filed
 in the County Clerk's Office, Division of Land
 Records, in Vol. 25-Page 47.

This is to certify that the survey on which
 this map is based was completed Mar. 17, 1947
 and that this map was completed Mar. 18, 1947.

CHAS. H. SELLS INC.
 By *[Signature]*
 N.Y. State Lic. Surveyor

This map revised March 24, 1947

Premises hereon being located on Sheet No. 120
 Block 8714 in Westchester County Block Index Maps.

SURVEY OF PROPERTY
 PREPARED FOR
HOWARD L. & BETTY THOEN HILL
 PLEASANTVILLE
 TOWN OF MOUNT PLEASANT
 WESTCHESTER Co. N.Y.

Prepared Mar. 1947
 CHAS. H. SELLS INC.
 Civil Engineers & Surveyors
 Pleasantville, N.Y.

Scale 1" = 20'
 Possession only where indicated



VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

80 WHEELER AVENUE * PLEASANTVILLE, NY 10570

PHONE (914) 769-1926 * FAX (914) 769-5519

WWW.PLEASANTVILLE-NY.GOV

BUILDING PERMIT APPLICATION

NOTE: ONE (1) SET OF ALL REQUIRED DOCUMENTS MUST BE SUBMITTED WITH THIS APPLICATION

SECTION I - PROJECT ADDRESS: 172 Washington Ave

SECTION II - CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

APPLICANT: Michael Zaino

ADDRESS: 172 Washington Ave

PHONE: 914-747-3459 CELL: EMAIL: mikezaino@hotmail.com

PROPERTY OWNER: Same

ADDRESS:

PHONE: CELL: EMAIL:

SECTION III - TYPE OF WORK PROPOSED (CHECK ALL THAT APPLY)

- [] ADDITION [] ALTERATION / RENOVATION [] BOILER / FURNACE [] CHANGE OF OCCUPANCY [] DECK [] DEMOLITION [x] DRIVEWAY / ROW PARKING [] FENCE [] FIRE REPAIR / FIRE DAMAGE [] FIRE ALARM [] FIRE SPRINKLER / SUPPRESSION SYSTEM [] GENERATOR [] HISTORICAL CO [] HVAC / MECH [] KIT. EXHAUST HOOD [] KIT. / BATH RENO [] LEGALIZATION [x] NEW BUILDING [x] PATIO / TERRACE [] RETAINING WALL [] ROOFING [] SHED [] SOLAR PANELS [] SWIM POOL [] TEMP STRUCT / TENT

DETACHED GARAGE (2 CAR)

SECTION IV - USE & OCCUPANCY

EXISTING / CURRENT USE: RESIDENTIAL SINGLE FAMILY / AL

PROPOSED COMMERCIAL USE: (CHECK ALL THAT MAY APPLY)

- [] ASSEMBLY (RESTAURANTS, THEATERS) [] BUSINESS (OFFICE, BANKS) [] EDUCATIONAL (SCHOOLS) [] FACTORY / INDUSTRIAL (MANUFACTURING) [] HIGH HAZARD [] INSTITUTIONAL (ASSISTED LIVING) [] MERCANTILE (RETAIL) [] RESIDENTIAL GROUP (APTS, HOTELS) [] STORAGE (WAREHOUSE)

PROPOSED RESIDENTIAL:

- [] ONE FAMILY DWELLING [] TWO FAMILY DWELLING [] TOWNHOUSE [x] DETACHED-ACCESSORY STRUCTURE

SECTION V - PERMIT FEES: (\$100 FIRST \$1000 OF CONSTRUCTION COST - THEN \$15 PER \$1000 RES / \$30 PER \$1000 COM

TOTAL COST OF CONSTRUCTION (BASED ON FAIR MARKET VALUE LABOR & MATERIALS): \$ 1130

LEGALIZATION FEE: ALL WORK PERFORMED WITHOUT A PERMIT REGARDLESS OF DATE OF COMPLETION - \$1500

VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

SECTION VI - CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

ARCHITECT/ENG: JAMES COREMAN AIA

ADDRESS: 217 MOUNTAIN RD PLEASANTVILLE, NY 10570

PHONE: 914 579 2075 CELL: _____ EMAIL: JAMES@JCOREMANSTUDIO.COM

CONTRACTOR: TBD

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

PLUMBER: TBD

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

ELECTRICIAN: TBD

ADDRESS: _____

PHONE: _____ CELL: _____ EMAIL: _____

SECTION VII - APPLICANT CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE INSTRUCTIONS & EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE & CORRECT. ALL PROVISIONS OF LAWS & ORDINANCES COVERING THIS TYPE OF WORK WILL BE COMPLIED WITH, WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR LAND USE OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE: Michael J... DATE: 3/16/22

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

ZONE: _____ SECTION: _____ BLOCK: _____ LOT: _____

BUILDING DEPARTMENT CHECKLIST:

- PERMIT FEE _____ GC LICENSE WORK COMP. LIAB. INS. ONE SET OF DOCUMENTS
 EAS FORM SWPPP FLOOD DEV. PERMIT OWNER'S AFFIDAVIT TRUSS IDENTIFICATION

PERMIT #: _____ PAYMENT: CHECK #: _____ CASH

NAME ON CHECK: _____

FINAL DESCRIPTION OF WORK: _____

PERMIT CONDITIONS:

- ACC / ADA ADD. REQUIRE. ARCH'S CERT BSMT AFF. BLOWER DOOR DIG SAFELY DRIVEWAY
 ELECT CERT ENG CERT (ANT) END CERT (SOLAR) FENCE / WALL FINAL SURVEY FIRE SPRINKLER A
 DUCT LEAK PATIO / TERR. PLUMB AFF. PROPANE SMOKE DET. FOUND SURVEY FIRE SPRINKLER B
 SOIL BEARING CERT TANK MANIFEST

BLDG. INSPECTOR SIGN OFF: _____ DATE: _____

PUBLIC NOTICE

Due to the current situation regarding Covid19, all public meetings will be held via teleconference. To view the meeting noted below and address any application with the ZBA, please visit the Village website (www.pleasantville-ny.gov) the evening of the meeting and follow the Zoom virtual meeting link provided for this specific meeting date. Don't hesitate to contact this office for assistance 914-769-1926.

PLEASE TAKE NOTICE that the Zoning Board of Appeals in the Village of Pleasantville, New York will hold a Public Hearing on the 31st of March 2022 via teleconference beginning at 8:15 P.M. pursuant to Article II of the Zoning Ordinance on the Appeal of Michael Zaino residing at 172 Washington Avenue, Pleasantville from the decision of Robert Hughes, Building Inspector, dated March 18, 2022 for a permit to construct a detached two-story accessory two car garage on-site in violation. The property involved is known as 172 Washington Avenue, Pleasantville and described on the Village Tax Map as Section 99.18 Block 1 Lots 28 and is located on the westerly side of Washington Avenue, Pleasantville in an “R-2 Two Family Residence Zoning District. Said appeal is being made to obtain a variance from Section 185-12.B.(2)(c) “Accessory Uses” of the Zoning Ordinance which sets forth the following criteria:

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Max height (stories)	1	2	1
Max height (feet)	15.0'	18.5'	3.5'

**Robert Hughes
Building Inspector
Zoning Board of Appeals
of the Village of Pleasantville**

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
172 Washington Ave - Proposed 2 car garage			
Name of Action or Project: 172 Washington Ave			
Project Location (describe, and attach a location map): 172 Washington Ave, Pleasantville, NY			
Brief Description of Proposed Action: New 2 car garage at approximate location of existing 2 car garage and shed.			
Name of Applicant or Sponsor: James Coleman, AIA		Telephone: 914 579 2015	
		E-Mail: james@jcolemanstudio.com	
Address: 217 Mountain Road			
City/PO: Pleasantville		State: NY	Zip Code: 10570
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Pleasantville ZBA and Building Department		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.257 acres	
b. Total acreage to be physically disturbed?		.07 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.257 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ No plumbing proposed	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ No plumbing proposed	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	



VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

80 WHEELER AVENUE * PLEASANTVILLE, NY 10570
PHONE (914) 769-1926 * FAX (914) 769-5519
WWW.PLEASANTVILLE-NY.GOV

ZONING VARIANCE APPLICATION

NOTE: APPROVAL FROM THE ZONING BOARD IS REQUIRED FOR ALL VARIATIONS FROM THE REQUIREMENTS OF THE VILLAGE OF PLEASANTVILLE BUILDING ZONE ORDINANCES.

* TWO (2) COPIES OF ALL DRAWINGS MUST BE SUBMITTED WITH ONE (1) COPY OF VARIANCE * APPLICATION PACKET A MINIMUM THIRTY (30) DAYS IN ADVANCE OF SCHEDULED ZBA MEETING DATE

SECTION I - PROJECT ADDRESS: 172 Washington Ave

SECTION II - CONTACT INFORMATION: (PLEASE PRINT CLEARLY. ALL INFORMATION MUST BE CURRENT)

APPLICANT: Michael Zaino

ADDRESS: 172 Washington Ave

PHONE: 914-747-3459 CELL: EMAIL: mikezaino@hotmail.com

OWNER: Same

ADDRESS:

PHONE: CELL: EMAIL:

LESSEE:

ADDRESS:

PHONE: CELL: EMAIL:

SECTION III - SUBMISSION CHECKLIST - [X] AREA VARIANCE [] USE VARIANCE

- [X] VARIANCE APPLICATION [X] PRINCIPAL POINTS LETTER [X] BUILDING PERMIT APPLICATION [X] SHORT EAS FORM
[X] SURVEY & DETAILED DRAWINGS [X] ADDITIONAL INFORMATION

SECTION IV - APPLICATION FEE: \$250

VILLAGE OF PLEASANTVILLE * BUILDING DEPARTMENT

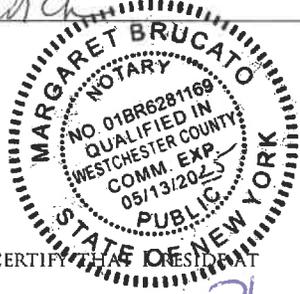
SECTION V – APPLICANT’S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ THE INSTRUCTIONS & EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS & ORDINANCES COVERING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.

APPLICANT’S SIGNATURE: Michael Zaino DATE: 3/14/22

SWORN TO BEFORE ME THIS 16th DAY OF March 20 22

Margaret Brucato
NOTARY PUBLIC



SECTION VI – AFFIDAVIT OF OWNERSHIP

I, Michael Zaino, HEREBY CERTIFY THAT I RESIDE AT
172 Washington Ave IN THE CITY OF Pleasantville
Westchester COUNTY OF IN THE STATE OF NY

AND THAT I AM THE OWNER IN FEE OF ALL THAT CERTAIN LOT, PARCEL OF LAND SITUATED, LYING, AND BEING IN THE VILLAGE OF PLEASANTVILLE AFORESAID KNOWN AND DESIGNATED AS SECTION: 99.18 BLOCK: 1 LOT: 28

AND THAT I AUTHORIZE THE APPLICANT NOTED ABOVE TO MAKE THE FOREGOING APPLICATION ON MY BEHALF AND THAT THE STATEMENTS OF FACT CONTAINED IN SAID APPLICATION, IN ANY SUPPLEMENTARY STATEMENTS, SCHEDULES, OR OTHER PAPERS ATTACHED HERETO ARE TRUE.

OWNER’S SIGNATURE: Michael Zaino

SWORN TO BEFORE ME THIS 16th DAY OF March 20 22

Margaret Brucato
NOTARY PUBLIC



OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

ZONE: _____ SECTION: _____ BLOCK: _____ LOT: _____

ADDITIONAL BOARD / DEPT. APPROVALS REQUIRED:

ARB PLANNING DPW / ENGINEERING WCDOH WETLANDS FLOOD DEV

BUILDING DEPARTMENT CHECKLIST:

VARIANCE APPLICATION PRINCIPAL POINTS LETTER BUILDING PERMIT APPLICATION SHORT EAS FORM
 SURVEY & DETAILED DRAWINGS ADDITIONAL INFO APP FEE DENIAL LETTER PUBLIC NOTICE & MAILINGS

PAYMENT: CHECK #: _____ CASH

NAME ON CHECK: _____

BLDG. INSPECTOR SIGN OFF: _____ DATE: _____



Minutes of Meeting

Meeting of February 24, 2022

ATTACHMENTS:

Description

Meeting minutes of 2.24.22

Type

Backup Material

Upload Date

3/25/2022

Pleasantville Zoning Board
February 24, 2022

The Pleasantville Zoning Board of Appeals meeting was called to order by Austin Campriello, Chairman, at 8:15 PM on Thursday, February 24, 2022. This meeting was conducted online via Zoom. Attending the meeting were: Austin Campriello, Chairman; ; Serge Budzyn, Seth Gladstone, Steven Krauss and Erika Krieger, Members; and Robert Hughes, Building Inspector.

1. **Case No. 2022-04 – Bernard Glinski - 46 Orchard Street** - Re-construction of existing detached single-car garage in violation of Section 185-11.B.(2)(b) regarding deficient side yard setback. Present: Barbara and Bernard Glinski and Frank Tancredi, Architect.

The applicants consented to proceeding via zoom

Mr. Tancredi explained that the applicants want to deconstruct the existing garage that is on the property line. There is a white oak tree growing to the rear that is pushing into the garage and lifting it. Mr. Glinski noted that white oaks can live up to 600 years.

Mr. Tancredi said they are proposing construction of a new one-car garage that would be slightly larger than the existing one. The proposed garage would be pulled about two feet off the side property line (necessitating a 3-foot variance on a 5-foot requirement). The new garage would be pulled forward 10 feet, giving the oak tree more room and allowing it to have better growth all around.

Mr. Tancredi said the garage is permitted but would be within the required 5-foot side-yard setback, necessitating the 3-foot variance. In relation to the street, the garage may not be closer than 60 feet, and they exceed that at 67 feet.

Mr. Campriello wondered why the garage needed to be so close to the side property line. Mr. Tancredi explained they were already modifying the driveway to get into the garage and didn't want to have to change the existing curb cut. They also didn't want it too close to the house. There is currently about 10 feet between the house and the existing garage. Ms. Krieger noted that there are Building Code requirements that would be triggered if the garage was closer than 10 feet from the house. Mr. Tancredi said the side wall of the garage would be a one-hour-rated wall.

Pleasantville Zoning Board
February 24, 2022

With regard to the tree, Mr. Budzyn assumed as they excavated they would hand dig in that area, and the applicant confirmed that. Mr. Tancredi said the possibility of the roots being an issue down the road was discussed and, if so, they would drill down and screw a helix pile into the ground in between the roots and build the footings on top of the pile.

Mr. Glinski said he talked to his three immediate neighbors behind and next to him and they all had no problems with the project. Mr. Hughes said he was recently at one of the properties and they verbally expressed to him they had no issues.

Tom Murphy at 52 Orchard Street expressed his support of the applicants in their project. Mr. Gladstone clarified that Mr. Murphy was the neighbor closest to where the garage would be. Mr. Murphy said that was correct, the garage would be two feet from his property line.

Mr. Glinski said moving the garage forward five feet from the tree should be sufficient, as the tree would not be expected to grow wider than that, even in 300 years.

Mr. Budzyn reiterated that the Building Code requires certain distance between the house and the garage. He asked if the garage could be moved as close as possible to that code requirement in order to minimize the variance. Mr. Tancredi asked Ms. Krieger if that would be five feet. Ms. Krieger said it could be inches away if they build rated construction, but then you couldn't have the window or the people door on the left side. Mr. Tancredi said they prefer to keep it off the house. It will be further from the wall on the side than the existing garage.

Ms. Krieger asked if there was any plan to put up a fence. Mr. Tancredi said there is currently a fence on the property line. The fence is Mr. Murphy's.

Ms. Krieger noted it was beneficial for maintenance to have two feet of land on the side as opposed to six inches.

On a motion by Mr. Krauss, seconded by Ms. Krieger and unanimously carried, the Public Hearing was closed.

Pleasantville Zoning Board
February 24, 2022

Based upon the review of the application of Bernard Glinski to reconstruct an existing detached single-car garage at 46 Orchard Street, the ZBA has determined that it is the only Involved Agency and has further determined that the Proposed Action is classified as a Type II Action under Part 617.6 of the State Environmental Quality Review Act Regulations. Therefore, this application requires no further processing under SEQR.

VOTING took place as follows:

- Mr. Budzyn - Approve. Even though the variance could be further minimized, the benefit for the applicant outweighs any negative aspects. The garage is far enough recessed from the road, and the fact that Mr. Murphy has no problems with it is a driving factor.
- Mr. Gladstone - Approve. Given the factors to be balanced, this is a reasonable variance to grant, and the support of the adjacent neighbor is compelling.
- Ms. Krieger - Approve. The balance weighs in favor of the applicant, especially since he could shorten the garage near the tree and leave the rest where it is, which would not offer any benefit to the neighbor.
- Mr. Krauss - Approve, based on the balancing test. This is an improvement from the existing situation. They could have left it where it is. Moving it two feet off the line is better than on the line.
- Mr. Campriello - Approve, based on what his colleagues said.

2) Minutes

On a motion by Mr. Budzyn seconded by Ms. Krieger and unanimously carried, the minutes of the January 27, 2022, meeting were approved.

The next meeting will take place on March 31, 2022.

The meeting was adjourned at approximately 8:30 pm.

Respectfully submitted,

Mary Sernatinger
Secretary