

VILLAGE OF RYE BROOK
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, application has been made to the Zoning Board by **TD Bank, N.A.** for the following variances: (1) 13.1 feet rear yard setback variance from Village Code §250-32(F)(3); (2) 8.5 feet freestanding sign setback variance from Village Code §250-35(E)/250 Attachment 2; (3) variance from Village Code §250-35(E)/250 Attachment 2j to permit one additional wall sign; and (4) variance from Village Code §250-32(K)/250-6(G)(1)(c)(9) to permit 10 parking spaces, in connection with the proposed construction of a bank building with parking area and drive-thru banking kiosk, on property located at **101-5 South Ridge Street**, in a C-1 zoning district on the east side of South Ridge Street, at the intersection of Bowman Avenue and South Ridge Street. Said premises being known and designated on the tax map of the Village of Rye Brook as **Parcel ID# 141.27-1-27**; and

WHEREAS, notice of the application was sent to the Westchester County Planning Department on June 19, 2013 pursuant to General Municipal Law §239-m and Westchester County Administrative Code §277.61; and

WHEREAS, the proposed action is a Type II action pursuant to the New York State Environmental Quality Review Act and accordingly, no further environmental review is required; and

WHEREAS, a duly advertised public hearing was held on July 2, 2013, at which time all those wishing to be heard were given such opportunity; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the rear yard setback variance:

- 1) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;

- 3) The variance [IS/IS NOT] substantial;
- 4) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variance [IS/IS NOT] self-created; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the freestanding sign front yard setback variance:

- 1) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;
- 3) The variance [IS/IS NOT] substantial;
- 4) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variance [IS/IS NOT] self-created; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the wall sign variance:

- 1) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;
- 3) The variance [IS/IS NOT] substantial;
- 4) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variance [IS/IS NOT] self-created; and

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned, and upon considering each of the factors set forth at Section 250-13(G)(2)(b)[2][a]-[e] of the Rye Brook Code, finds with respect to the off-street parking variance:

- 1) The variance [WILL/WILL NOT] create an adverse impact to the character of the neighborhood;
- 2) The benefit the applicant seeks [CAN/CANNOT] be achieved through another method, feasible for the applicant to pursue, that does not require a variance;
- 3) The variance [IS/IS NOT] substantial;
- 4) The variance [WILL/WILL NOT] create any adverse impacts to the physical or environmental conditions of the neighborhood; and
- 5) The need for the variance [IS/IS NOT] self-created; and

NOW, THEREFORE, BE IT RESOLVED, that the said application for the rear yard setback variance is hereby [GRANTED/DENIED]; said application for the freestanding sign setback variance is hereby [GRANTED/DENIED]; said application for the wall sign variance is hereby [GRANTED/DENIED]; and said application for the off-street parking variance is hereby [GRANTED/DENIED], on the following conditions:

1. _____;
2. _____; and
3. _____.

Dated: July 2, 2013

Mr. Don Moscato, Chairman

Chairman Moscato called the roll:

Steven Berger	Voting: ___ Aye ___ Nay ___ Abstain
Andrew Kaminsky	Voting: ___ Aye ___ Nay ___ Abstain
Jeffrey Richman	Voting: ___ Aye ___ Nay ___ Abstain
Joel Simon	Voting: ___ Aye ___ Nay ___ Abstain
Don Moscato	Voting: ___ Aye ___ Nay ___ Abstain

___ **Ayes**
___ **Nays**
___ **Abstain**