

Nathaniel Weber
Emily Weber
33 Elm Rock Road
Bronxville NY 10708

Zoning Board of Appeals
Village of Bronxville
200 Pondfield Road
Bronxville NY 10708

October 22, 2021

Memorandum of Revised Plan and Supplemental Information

Re: ALT 158-21

Zoning Board of Appeals:

Kindly accept this Memorandum of Revised Plan and Supplemental Information in consideration of ALT 158-21, a variance request to plant a hedgerow at 33 Elm Rock Road inside of the 50-foot intersection triangle as required by § 310-22(A).

Modified Request.

Homeowner modifies the variance request as such:

To allow the homeowners to plant a hedgerow within the required 50-foot intersection triangle required in § 310-22(A) but no closer than a 30-foot intersection triangle formed at the intersection of Elm Rock Road and Oriole Avenue. As requested by the Village Consultant, homeowner will also at all times keep normal maintenance and trimming on the hedgerow to not impact the sight lines at the intersection.

Support for the Variance and Update Since the last ZBA Meeting.

This updated variance request is supported by several favorable factors and new information. As requested by the ZBA at the Tuesday, September 28th, 2021 meeting, the homeowners consulted with the Village Administrator in regards to the request. On Wednesday, September 29th, the Village Administrator requested the homeowners create a “*mockup of the actual area/line to be set-up including the 6’ height*”. The homeowners had the mockup installed on Saturday, October 2nd and notified the Village Administrator and Village Building Inspector of such on the same day. **On Tuesday, October 5th, an on-site meeting and inspection between the homeowner, the Village Administrator, the Village Building Inspector, and the Village Consultant occurred to inspect the property. Additionally, the Village Police Chief also subsequently inspected the site and the homeowner understands the Village Police Chief concurs with the conclusion and revised plan presented by the Village Consultant.** The Village Consultant subsequently provided a memo to the Village Administrator dated October 19th, 2021 recommending a hedgerow be maintained outside of a 30-foot intersection triangle, not the initially requested 25-foot intersection triangle. Homeowners accept this recommendation and wish to modify and resubmit their proposal for approval.

The Revised Planting Plan is presented in Appendix I.

The Memorandum from the Village Consultant is presented in Appendix II.

Pictures of the 25-foot intersection triangle mock-up are presented in Appendix III.

Previous Planting.

As shown in Appendix IV, the proposed hedge row is a safety improvement over the previous planting maintained by the prior homeowner for many decades along Oriole Avenue and the intersection. The previous plantings were removed and a larger walking path created. The plantings right next to the stop sign are now gone as well creating a clear visual of the stop sign, significant walking space, and sight lines.

Traffic Safety.

The data as presented in the village's 2020 Comprehensive Plan indicates that within the village at large and the proximate neighborhood more specifically, safety incidents are extraordinarily rare and pedestrian accidents virtually non-existent. Please see Appendix V from the village's 2020 Comprehensive Plan. For the 3 years between January 2015 to December 2017, there were 80 motor-vehicle accidents in the village, with 16 of them causing injury. There were only **6** pedestrian collisions and only **1** bicycle collision. As the 2020 Comprehensive Plan makes clear, almost of all of these accidents occurred in the Central Business District along Pondfield Road, along Midland Avenue, or NY-22 (White Plains Road). None occurred at the intersection of Elm Rock and Oriole and only 1 non-injury automobile accident occurred in a substantially similar intersection to Elm Rock Road and Oriole Avenue.

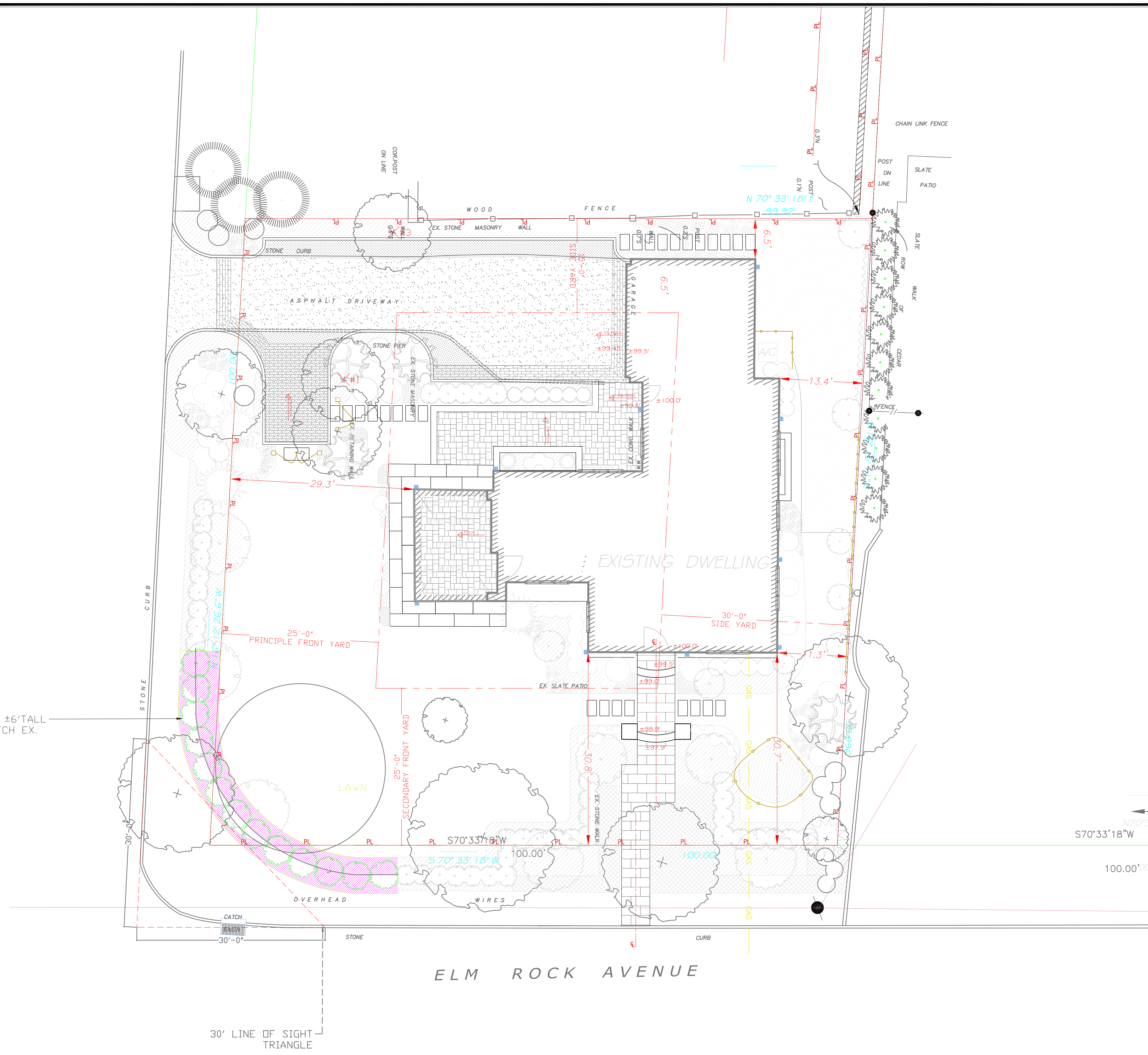
Dangerous Dog

As shown in Appendix VI, the planting of the hedgerow is a safety issue for the homeowners, their young daughter, and any visitors to the home. There are only 4 "dangerous dogs" as classified by Westchester County. One of them lives at 6 Lee Place, less than 250 feet from the home at 33 Elm Rock Road. The dog could run down Lee Place and directly into the front yard at 33 Elm Rock Road. The hedgerow is a constructive solution over a fence to provide safety while also maintaining the environment and aesthetic of the neighborhood.

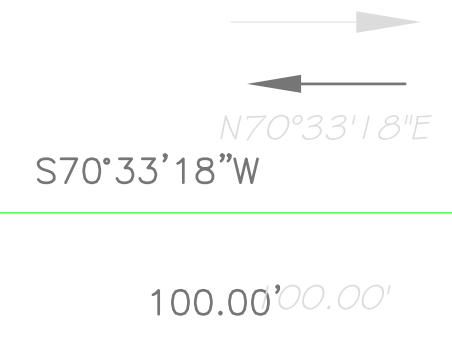
Kindly,
Nate Weber
Emily Weber

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Appendix I – Revised Planting Plan



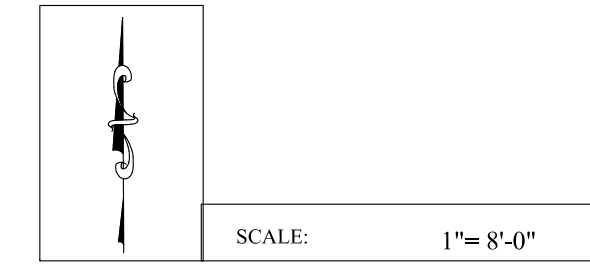
PROPOSED EVERGREEN ILEX HEDGE ±6' TALL WITH GROUND COVER BELOW TO MATCH EX. HEDGE AND GROUND COVERS.



ELM ROCK AVENUE

30' LINE OF SIGHT TRIANGLE

- LEGEND:
- EXISTING TREE
 - EX. TREES TO BE REMOVED
 - EX EVERGREEN TREES
 - NEW PERENNIALS +
 - NEW TREES
 - PROPERTY LINE



—SURVEY INFORMATION GATHERED FROM SURVEY DATED 10/09/2018 BY LINK LAND SURVEYORS

Appendix II – Memorandum from Village Consultant

MEMORANDUM

To: James M. Palmer, Village Administrator

Date: October 19, 2021

Subject: **Weber Residence – 33 Elm Rock Road – Zoning Board of Appeals Application**

As requested, we have reviewed the Application materials submitted by the Applicant and have also visited the Site. The Applicant had erected a temporary fence approximately 25 feet from the curb to demonstrate the location of the proposed landscaping.

Based on our observations at the Site, we recommend that the plantings be provided 30 feet from the curb in order to provide an appropriate sight distance at the intersection. To aid in your review of our recommendation, we have attached a sketch demonstrating the location of the limits of planting. We also recommend that any approval that may be granted for the Application include a condition that the proposed shrubbery shall be maintained at all times with normal maintenance and trimming to not impact the sight lines at the intersection. The proposed Ilex shrubs (a species of holly) are an appropriate hedge planting that are able to be maintained with regular trimming.

We look forward to discussing this project with you.

Sarah L. Brown, AICP
Senior Planner

Michael A. Galante
Director of Traffic

cc: Paul Taft, Building Inspector

Attachment

Appendix III – Pictures of Mockup

From Oriole Avenue, Looking down Elm Rock Road



From Elm Rock Road, Looking down Oriole Avenue



Appendix IV – Previous Planting

Previous Planting (from Google Maps Street View)



Mockup



Appendix V – Traffic Safety

From the Village's 2020 Final Comprehensive Plan

(https://www.villageofbronxville.com/sites/g/files/vyhlf336/f/uploads/adopted_bronxville_comp_plan2.pdf, pages 52-53)

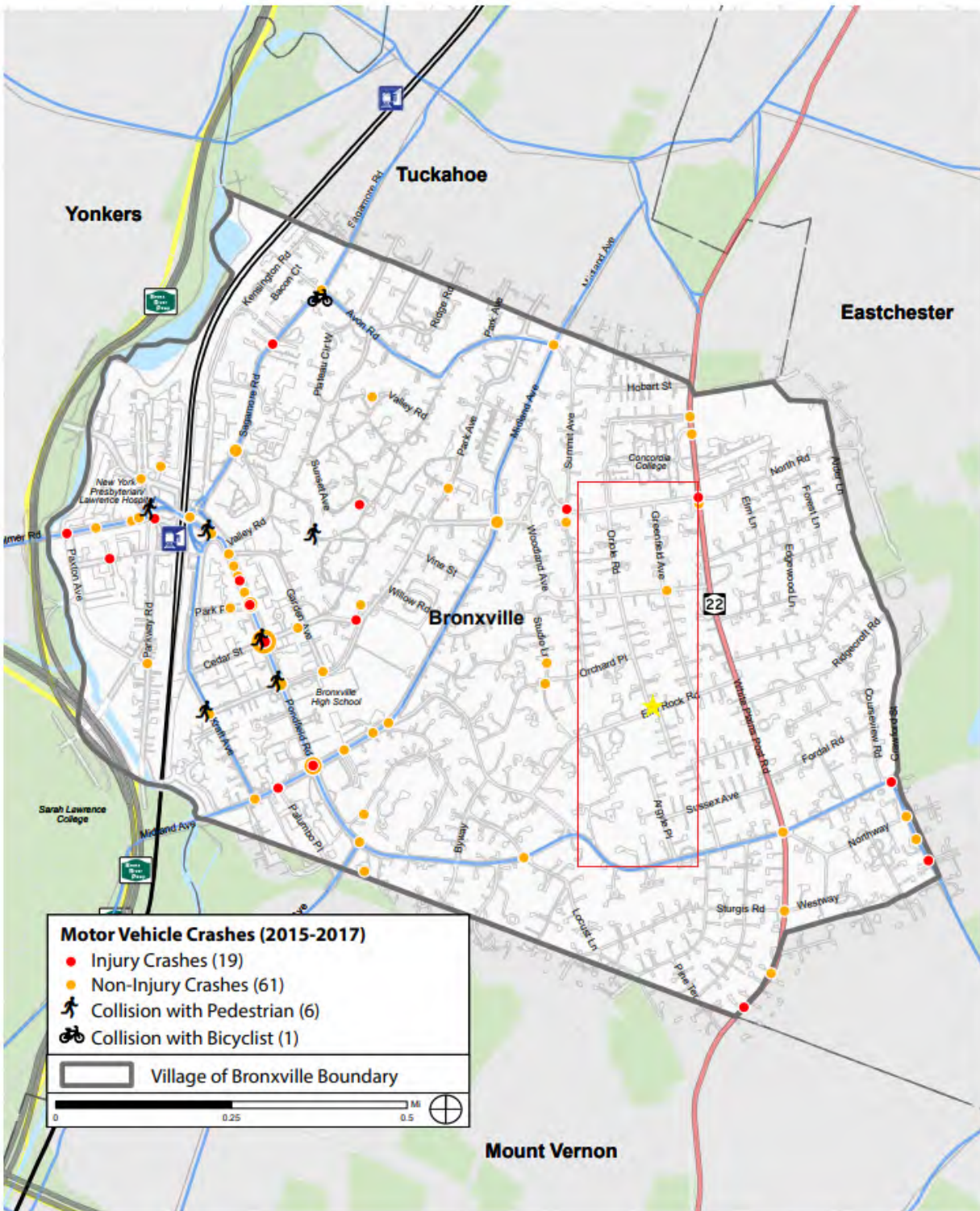


Figure 17: Accident Data (2015 - 2017)

Red box to define "substantially similar intersection" and yellow star to indicate Elm Rock Road/Oriole Avenue intersection added by homeowner.

Appendix VI - Dangerous Dog

From the Westchester County Website

(<https://health.westchestergov.com/dangerous-dogs/registry>)

The screenshot shows a web browser window with the URL health.westchestergov.com/dangerous-dogs/registry. A red banner at the top reads "Clean-Up Safely After Storm Damage" with a sub-message: "Take steps to protect yourself and your loved ones when cleaning up after a hurricane, flood or other natural disaster." Below the banner, the navigation path is "Department of Health > Dangerous Dogs > Registry".

The main content area is titled "Dangerous Dog Registry" and features a table with the following columns: Breed, Name, Color, Height/Weight, Sex, and Date Deemed Dangerous. The table contains one entry:

| Breed | Name | Color | Height/Weight | Sex | Date Deemed Dangerous |
|---------|---------|-------|---------------|------|-----------------------|
| Bulldog | Stanley | Brown | | Male | 7/8/2020 |

On the left side, there is a sidebar menu under "ANIMAL BORNE" with categories: Animal Diseases and Forms, Dangerous Dogs (with a sub-link for "Registry"), Feline RIT, and Rabies (with sub-links for Rabies Alerts, Rabies In Bats, Rabies and Pets, and Rabies Services).

From Google Maps

