

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

Re: Response to a Letter from 10 Oriole Avenue in regards to Application # ALT 158-21.

The undersigned, as owner of the property at 33 Elm Rock Road, wishes to respond to the owners at 10 Oriole Avenue regarding their letter to the Zoning Board of Appeals dated Friday, September 24, 2021. We thank the Shearers for their participation in civic matters; however, their letter contains several contradictions and errors we wish to highlight and respond to.

Proposed Solution of Mirroring 29 Elm Rock Road. In their letter, the Shearers stated that a hedgerow “similar to what exists across the street at 29 Elm Rock Road” would be an acceptable solution. However, the hedgerow at 29 Elm Rock Road is 55 inches above street level - itself non-compliant. The solution proposed from the Shearers would require the exact same variance approval from the ZBA that we are currently seeking. To be compliant, we would only be allowed to plant up to 30” in height. We currently have a 2-year-old child that is 36+” tall and can easily scale such a height. The only way for us to provide safety to our family is with the proposed hedge variance.

29 Elm Rock Road Currently Blocks More Road Sight Than 33 Elm Rock Road Is Proposing. Not only is the hedgerow at 29 Elm Rock Road not in compliance with the applicable building code, there is a large tree on the corner of Elm Rock Road and Oriole. This tree creates substantial vision impairment when looking west down Elm Rock Road. The tree also covers and obscures the stop sign at the intersection. The 33 Elm Rock Road proposal has been thoughtfully designed to maintain vision at the intersection and clarity of the stop sign.

Both 29 Elm Rock Road and 10 Oriole Avenue are Large Lots with Significant Backyards. Both properties are nearly twice as large as our lot at 33 Elm Rock Road. They have substantial backyards and do not require the use of the corner area for lawn, patio, and play area. To expect that all 3 lots adhere to the same solution is detrimental to ourselves at 33 Elm Rock Road and provides a hardship that the reasonable variance request can ameliorate. 29 Elm Rock Road has a pool and 10 Oriole has a substantial yard and patio area behind the house. The lot at 33 Elm Road can accommodate neither.

Students Can Safely Walk Around the Corner. As proposed, we at 33 Elm Rock would maintain at least 4 - 5 feet of set-off grass space on both Elm Rock Road and Oriole Avenue for students, the elderly, and pets to walk. A student could walk down Elm Rock to Oriole, without ever having to walk on the street.

No Residents of 10 Oriole Will Be Impacted. As highlighted in their letter, the Shearers refer to the discussed Elm Rock/Oriole/Orchard/Beachwood/Masterton walkway. However, being located at 10 Oriole, no member of the household would ever have to walk the Elm Rock/Oriole corner to take advantage of this pathway. They can simply enter on Oriole. Thus, while the homeowners of 33 Elm Rock will be permanently negatively impacted and suffer a hardship from failure to grant the variance, the residents of 10 Oriole will suffer no harm from the granting of such variance.

We Do Not Object to the Village’s Goals. We fully understand the rights, access, and easements of the village to the area under discussion. The village’s current discussion, remains just that, a discussion. There are a number of possible solutions, including speed bumps, walking lanes, and sidewalks. Should a change be made or completed, the owners at 33 Elm Rock Road plan to be fully engaged with the community. None of those solutions – should they occur - should deny the homeowners of equal and reasonable current safety and privacy of their lot.

We thank you for your consideration in this matter. We urge you to prioritize a sound, reasonable, and balanced variance proposal from a young village family.

Additional support materials provided in the Appendix.

Best,

Nate Weber
33 Elm Rock Road
Bronxville, NY 10708

Appendix

Non-Compliant Hedge on 29 Elm Rock Road



Blocked View of Elm Rock Road from 29 Elm Rock Road



Child Safely Walking Down Elm Rock Road in Grass Set-Off Already Created by 33 Elm Rock Road

