

ZONING BOARD OF APPEALS  
VILLAGE OF HEAD OF THE HARBOR

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In the Matter of the Application of

Alexandra Leighton  
54 Harbor Hill Road  
St. James, New York 11780

RESOLUTION  
Adopted: June 9, 2025

SCTM #0801-004.00-02.00-006.002

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Application of Alexandra Leighton seeking to construct a one-story addition to existing dwelling with a front-yard setback of 66.4 feet where the § 165-25 of the Village Code requires a minimum front-yard setback of 100 feet. The subject property is located at 54 Harbor Hill Road, St. James, New York (the "Property") in the Residential A zoning district. This is a Type II Action under SEQRA.

WHEREAS, Alexandra Leighton, the owner of the Property, has applied for area variance relief as set forth above; and

WHEREAS, the Property currently has a pre-existing non-conforming front-yard setback but a conforming residential use; and

WHEREAS, the Zoning Board of Appeals (the "Zoning Board" or the "Board") has reviewed the documents in the record concerning the Application, including but not limited to the architectural plans and elevations of Saltzman Architects, P.C. with a latest revision date of July 3, 2022, and a site plan drafted by Nelson & Pope with a latest revision date of October 9, 2024; and

WHEREAS, the Zoning Board of Appeals, after due notice, held a Public Hearing on the Application on June 9, 2025, at which Applicant appeared on her own behalf; and

WHEREAS, there was no opposition to the Application at the Public Hearing; and

WHEREAS, under Village Code Section 165-43 the Board may consider the proposed increase in the Property's non-conformity; and

WHEREAS Pursuant to Village Law 7-712-b(3)(b), the Board's review of so much of the instant application as seeks area variance relief includes weighing the benefit to the applicant if the variance is granted against the detriment to the health, safety and welfare of the neighborhood or community by such grant, and in so doing considers the following:

- (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 grant of an area variance; (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; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (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 area variance.

Village Law also directs that the Board, in granting area variances, “grant the minimum variance—that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.” Village Law 7-712-b(3)(c).

WHEREAS all testimony and evidence has been carefully considered and WHEREAS based on the documents in the record and the testimony at the Hearing, the Zoning Board finds as follows:

1. The relief requested will not produce an undesirable change to the nature and character of the neighborhood or a detriment to nearby properties. The one-story 252 square-foot addition would be added to the existing two-story dwelling that was constructed nearly two centuries ago and has a front-yard setback of 66.1 feet. The addition would extend the dwelling northwest for approximately 14 feet and have a front-yard setback of 66.4 feet. The front-yard setback is pre-existing and similar to and/or smaller than the front-yard setbacks at 30, 34, 35, and 42 Harbor Hill Road. While the addition would slightly extend the Property’s non-conformity, it would not increase it. The extension is relatively minimal in size and is in keeping with the size and design elements of additions in the area. The Property is nearly three acres and is adequately screened from the street. While the addition is 66.4 feet from Harbor Hill Road, it would still lie approximately 400 feet from Harbor Road, the other street that the Property fronts.
2. The benefit sought cannot be achieved by some method, feasible for the Applicant to pursue, other than with the area variance relief requested. The front-yard setback issue is pre-existing and the dwelling predates the Village’s zoning code. Placing the addition further back would complicate the Applicant’s floor plans and negatively impact the dwelling’s front façade.
3. The requested setback variance is numerically significant (33.6%), however, given the pre-existing nature of the front-yard setback and the distinguishable characteristics discussed above, this factor does not necessitate denial.
4. The evidence before the Board does not indicate that the requested setback variance would have an impact on the physical or environmental conditions in the neighborhood.
5. The hardship here is at least partly self-created, however, this factor is not in and of itself dispositive.

WHEREAS the Zoning Board finds the granting of the requested relief will not result in any perceivable detriment to the health, safety and welfare of the neighborhood or community and as such the benefit to the Applicant if the relief is granted clearly outweighs same.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Appeals of the Incorporated Village of Head of the Harbor that the Application is granted.

WHEREUPON, the foregoing resolution was duly adopted by a unanimous vote at the June 9, 2025 Hearing by the Zoning Board, with members present voting as follows:

Joseph Bollhofer, Chair:	Aye
Bill Anderson:	Aye
John Lovett:	Aye
Alyson Svatek:	Aye
Mark Zuckerman:	Aye

Joseph Bollhofer

Joseph Bollhofer, Chair  
Zoning Board of Appeals

Filed in the Office of the Village Clerk on the 14<sup>th</sup> day of July, 2025.

Margaret O'Keefe  
Margaret O'Keefe, Village Clerk