



Action of the Board:

THE APPLICATION IS  
APPROVED AS REVISED.

The Vote:

To Approve:

March 26, 2008

Affirmative:

Krellenstein, Mandelker, Price,  
Casper, Egginton

Negative:

None

Absent:

None

**NATURE OF APPLICATION  
AND  
SUMMARY OF EVIDENCE PRESENTED**

Application for a variance of [1] Article IV, Section 220-23D(11) of the Zoning Ordinance in the matter of an existing accessory building that exceeds 600 square feet in an R-½A, One Half Acre Residential District; [2] a Special Permit pursuant to Article V, Section 220-40 of the Zoning Ordinance in the matter of a proposed accessory apartment on the first floor in an existing accessory building.

The property is located on the north side of Cross River Road (Route 35) designated on the Tax Map as Sheet 18, Block 10533, Lot 22 in an R-½A, One Half Acre Residential District.

Mr. Richard John Torres was present at the February 27<sup>th</sup> meeting to represent the applicant and accompanied by Mr. Peter Blair and Mr. John Blair. Mr. Torres stated that the intent is to put an accessory apartment on the first floor of the existing building occupying approximately 2/3 of the first floor. He stated that the second floor and basement will remain as storage. Mr. Torres stated that the porch exists and they will be adding a roof to that and the deck is new construction.

Chairman Egginton stated that this is an existing accessory building and a brand new accessory apartment application. He stated that is the reason for the special permit application and area variance.

Mr. Casper asked about the other uses on the property.

Mr. Torres responded that it is a single family residence.

Mr. Casper asked about the vet office.

Mr. Blair responded that it was divided off, it is all half acre zoning.

Chairman Egginton stated that on a new application for a special permit, the Zoning Board of Appeals members must go out on a site walk.

Chairman Egginton asked for the total floor area of the accessory building and the floor area of the accessory apartment.

Mr. Torres responded that the total floor area of the building is 4148 square feet and the area of accessory apartment would be 921 square feet.

Chairman Egginton asked for the current use of the building.

Mr. Torres responded that it is empty. Mr. Torres stated that for the record, the rear deck they are adding is 12' by 20' which is 240 square feet and the existing front deck is 96 square feet.

Mr. Casper asked if the data appears on the plans.

Mr. Torres responded no.

Mr. Casper stated that it would be best if it appears on the plan.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed. No one responded.

Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, March 22<sup>nd</sup> 2008.

### **FINDINGS AND CONCLUSIONS**

Mr. Peter Blair was present at the March 26<sup>th</sup> meeting.

Chairman Egginton stated that a site walk was conducted on the morning of Saturday, March 22<sup>nd</sup>. He asked if anyone wished to comment on the site walk.

Mr. Casper stated that it looks great.

Chairman Egginton stated that it is the old Craighead property with the existing barn. He stated that the applicant had amended the drawings which include the modest changes to the railings.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed. No one responded.

Chairman Egginton moved that the application be approved as revised for the following reasons:

- That there will be no undesirable change in the character of the nearby property;
- That there is no practical alternative to request a variance;
- That the area variance is unsubstantial;
- That there will be no adverse environmental impact;
- That the difficulty is not self-created;

The motion was seconded by Mr. Price; In favor: Mr. Casper, Mr. Krellenstein, Ms. Mandelker, Mr. Price and Chairman Egginton. Deny: None; Abstain: None;

Prior to commencement of any work done under this approval, the Applicant is directed to contact the Building Department to obtain such permits as may be necessary and to pay such fees as may be required.

  
Geoffrey Egginton  
Chairman

Dated in South Salem, New York  
This 10 day of April 2008.

Expiration: The variance shall be deemed to authorize only the particular use of uses specified in the decision, and unless other provisions are set forth by the Zoning Board of Appeals in connection with its decision, shall expire if work is not initiated pursuant thereto within one (1) year of the date said decision is filed with the Office of the Town Clerk or if said use of uses shall cease for more than one (1) year.

Terms for Special Permit for an Accessory Apartment:

An accessory apartment use permit shall be issued for a two-year period. The permit may be renewed for additional two-year periods following inspection of the premises by the Building Inspector and submission of a renewal application with an affidavit stating that the conditions as originally set forth to the Zoning

Board of Appeals have not changed in any way. The permit shall become null and void if any conditions are not complied with and if the owner(s) of the property as identified in the permit ceased to occupy one (1) of the dwelling units on the premises as his legal residence. In the event of the transfer of title to the property to other than a spouse, the permit shall automatically expire and a new owner must apply for a permit to continue the accessory apartment use.