

TOWN OF LEWISBORO
Westchester County, New York

RECEIVED BY

ZONING BOARD OF APPEALS
TOWN OF LEWISBORO
MINUTES

AUG 02 2021

Town Clerk
Town of Lewisboro

Minutes of the Meeting held by the Zoning Board of Appeals held via the videoconferencing application Zoom (Meeting ID: 992 5061 8353) on Wednesday, April 28, 2021 at 7:30 P.M.

Board Members:

Present: Robin Price, Jr. Chairman
Carolyn Mandelker
Todd Rendo
Thomas Casper
Daniela Infield

Also Present:

Kara Sullivan, Secretary
& Donna Orban, Secretary
Joseph Angiello, Building Inspector

The Meeting was called to order at 7:30 P.M. by Chairman Price who introduced the members of the Board and outlined the meeting's format and procedures. (The next ZBA meeting is scheduled for Wednesday, May 26, 2021.)

I. Review and adoption of minutes of February 24 2021 and March 24, 2021.

The Board reached consensus to postpone the review of the Minutes for February and March.

II. PUBLIC HEARINGS

CAL NO. 10-20-BZ -ADJOURNED

Application of Kenneth Askildsen, [Askildsen, Kenneth, owner of record], 82 Mill River Road, South Salem, NY, for a variance in the matter of a proposed replacement dwelling that will have a southeast front yard setback of 21.3' whereas 50' are required per Article IV Section 220-23E, a proposed replacement dwelling overhang that will have a southeast front yard setback of 20' whereas 50' are required per Article IV Section 220-23E, a proposed replacement dwelling that will have a southwest side yard setback of 33.5' whereas 50' are required per Article IV Section 220-23E, a proposed deck that will have a southeast front yard setback of 26.5' whereas 50' are required per Article IV Section 220-23E, a proposed replacement dwelling that will have a northeast side yard setback of 36.5' whereas 50' are required per Article IV Section 220-23E, a proposed covered porch that will have a northeast side yard setback of 32.5' whereas 50' are required per Article IV Section 220-23E and a proposed covered porch steps that will have a northeast side yard setback of 30.5' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located at (#82) Mill River Road, South Salem, NY and designated on the Tax Map as Sheet 42 Block 10299 Lot 83 in an R-4A Residential District consisting of approximately .467 acres.

The applicant requested adjournment.

Chairman Price acknowledged the adjournment of CAL NO. 10-20-BZ.

CAL. NO. 07-21-BZ

Application of Susan Landolt [Susan A. Landolt Living Trust, owner of record], 37 Bouton Road, South Salem, NY for variances in the matter of the proposed above ground propane tank on their property and are requesting a front yard setback of 35' whereas 50' is required and a rear yard setback of 25' whereas 50' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the south side of (#37) Bouton Road, South Salem, NY designated on the Tax Map as Sheet 0026, Block 10805 Lot 004, in an SCR-2A, Two- Acre Residential District consisting of approximately 4.020 acres.

There was no objection to the notice of public hearing as published.

Susan Landolt, 37 Bouton Road, South Salem, NY, owner of record, was present and representing herself.

Mr. Griffin, 3 Apple Hill Court, South Salem, NY sent a letter of objection and photos, an email, also listing names of neighbors objecting. Mr. Griffin was present and said the existing tank is quite visible from the road and moving it closer to the road would be detrimental to the neighborhood. Chairman Price clarified that the new tank will be installed in the same location.

Susan Landolt is requesting to install a larger tank in the same location. She said if it's a question of concealing it more, that certainly can be done by putting more plants around it.

Chairman Price suggested to solve the problem by burying the tank in the present location. Ms Landolt was not interested in burying a new tank. Ms Landolt felt more comfortable with renting the tank, as opposed to an added expense when a tank is buried.

Chairman Price asked if any board members wanted to weigh in on this application. Board Member Rendo agreed with Chairman Price on the suggestion of burying the tank.

Chairman Price suggested that the tank could be moved closer to the house to comply with the setbacks.

Ms Landolt agreed to bury the tank.

Chairman Price thanked Mrs. Landolt for being so willing to comply with the burial of the tank. Instead of the board, voting on this application, Chairman Price asked Mrs. Landolt to withdraw the application, this would prevent the board from putting the application up for denial. Mrs. Landolt agreed to withdraw the application and will apply for a permit with the Building Department.

No motion was made to approve the application since Mrs. Landolt agreed to the withdrawal of the application.

CAL. NO. 08-21-BZ

Application of Kate Berg [Berg, Kate T., owner of record], 4 Shore Trail, South Salem, NY for a variance in the matter of the proposed rear second floor addition on a pre-existing, non-conforming structure that will have a side yard setback of 11.5' whereas 12' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the west side of (#4) Shore Trail, South Salem, NY designated on the Tax Map as Sheet 042D, Block 10281 Lot 003, in an R-1/4A, One-Quarter Acre Residential District consisting of approximately .303 acres.

There were no objections to the notice of public hearing as published.

Kate Berg, property owner of record Tom Nugent, Architect for Ms. Berg and Attorney Bernard Edelstein, representing neighbors Joseph and Patricia Doherty were present.

Attorney Edelstein sent a letter of objection and spoke to board objecting the application on behalf of the Dohertys. Attorney Edelstein spoke of the six-inch variance being requested by the applicant and stated that it was in close proximity to the Dohertys property. Also stated that there were unpermitted and possible violations.

Chairman Price asked Secretary Kara Sullivan if there were any violations. Ms. Sullivan found no open complaints other than the letter received from Mr. Edelstein and there are no open violations on the parcel.

Joseph Angiello, Building Inspector spoke about the process of investigating the property during a building permit. He stated, that even if the board grants a variance, it does not mean that the applicant will get away with unpermitted work, due to the plan review.

Chairman Price made a motion to approve the application

Board Member Rendo moved to approve the application. The motion was seconded by Board Member Infield; To Approve: Chairman Price, Mrs. Mandelker, and Mr. Casper, Mr. Rendo and Ms Infield. To Deny: None. Abstain: None

CAL. NO. 09-21-BZ

Application of Hannah and Brian Donaton [Hannah Michelle A/K/A Hannah Michell Klotz Donaton, owner of record], 20 Lake Kitchawan Drive, South Salem, NY for a variance in the matter of the proposed a front deck legalization on an existing structure and is requesting a front yard setback of 36' whereas 40' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the north side of (#20) Lake Kitchawan Drive, South Salem, NY designated on the Tax Map as Sheet 0042, Block 10263 Lot 058, in an R-1A, One-Acre Residential District consisting of approximately 1.040 acres.

There were no objections to the notice of public hearing as published.

Brian and Hannah Donaton, property owner of record, were present.

Mr. Donaton explained that the previous owner installed the deck.

Chairman Price said that the deck is missing four feet in a setback. Chairman Price asked for the board's input and if there were any neighbors objecting. It appeared that no neighbors objected.

Board Member Casper replied that it was not a significant request and he would vote to approve it.

Chairman Price made a motion to approve the application.

Board Member Casper moved to approve the application. The motion was seconded by Board Member Mandelker; To Approve: Chairman Price, Mr. Rendo, Mrs. Infield, Mr. Casper and Mrs. Mandelker. To Deny: None. Abstain: None

CAL. NO. 10-21-BZ

Application of Paul Gallagher [Paul J. & Joyce L. Gallagher, owners of record], 89 Ridgeland Road, South Salem, NY for a variance in the matter of the proposed second story addition on the pre-existing non-conforming structure that will have a side yard setback of 16' whereas 30' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the east side of (#89) Ridgeland Road, South Salem, NY designated on the Tax Map as Sheet 042E, Block 10299 Lot 064, in an R-1A, One-Acre Residential District consisting of approximately 0.36 acres.

There were no objections to the notice of public hearing as published.

Paul Gallagher owner of record, was present.

Chairman Price asked Mr. Gallagher to explain what he would like to do with the house.

Mr. Gallagher explained that he has an existing second floor that is half the house and Mr. Gallagher wants to extend the second half of the house up without increasing the footprint of the property. Plans were shared to better explain the project.

Chairman Price made a motion to approve the application .

Chairman Price moved to approve the application. The motion was seconded by Board Member Casper; Approve: Mrs. Mandelker, Mr. Rendo, and Mrs. Infield, Chairman Price and Mr. Casper. W To Deny: None. Abstain: None

CAL. NO. 11-21-BZ

Application of Justin Leigey [Jones, Michael T.M. & Dana Wallach Jones, owners of record], 18 Post Office Road, Waccabuc, NY for a variance in the matter of the proposed pool heater will have an eastern side yard setback of 5' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the south side of (#18) Post Office Road, Waccabuc, NY designated on the Tax Map as Sheet 0025, Block 10803 Lot 037, in an R-2A, Two-Acre Residential District consisting of approximately 1.00 acre.

There were no objections to the notice of public hearing as published.

Justin Leigey, contractor, representing Michael & Dana Jones, owners of record, was present.

Chairman Price asked Mr. Leigey to give a rundown of the project. Mr. Leigey said the new owners are trying to get everything up to standard working condition. The pool heater that was there was not functioning to full capacity and Mr. and Mrs. Jones want to replace it. Mr. Leigey informed the Jones that a building permit would be needed.

Chairman Price acknowledged that the old pool heater had been in place for approximately thirty years. He asked if there had been any correspondence from the neighbor? Mr. Leigey had submitted a correspondence to the

neighbor. The neighbor acknowledged that he knows that the pool equipment has been there for as long as he's owned his property and he doesn't feel that it bothers him.

Chairman Price asked if there would be screening, Mr. Leigey thought the homeowner was planning on screening and that they are waiting for a permit for the fence around the pool.

Board Member Mandelker proposed to move the pool heater to another location on the property, Mr. Leigey explained why he felt that where it is, is the best location for the heater and all pool equipment.

Chairman Price asked the board for any more comments.

Board Member Infield commented on the view of the heater, but when the fence is up it could be hidden.

Chairman Price made a motion to approve the application with the agreement that there will be adequate screening around the pool equipment. Meaning the wall and all the parameters of the pool heater, so that is not seen from Post Office Road or the neighbor's house. The pool equipment will be on the outside of the pool fence.

Chairman Price moved to approve the application as agreed. The motion was seconded by Board Member Rendo; To Approve: Mrs. Mandelker, Mrs. Infield, Mr. Casper, Chairman Price and Mr. Rendo. To Deny: None. Abstain: None

CAL. NO. 12-21-BZ

Application of Paul Llanos [Paul A. & Beth Llanos, owners of record], 2 Lakeview Road, South Salem, NY for a variance in the matter of the existing fence that is 6' high whereas 4' is the maximum permitted per Article III, Section 220-12E(1), for a variance in the matter of the existing northern section of fence that is 14' from the northern street line whereas 15' is the minimum required per Article III, Section 220-12E(2)(c), for a variance in the matter of the existing northern section of the fence that is 25' from the northern street centerline whereas 30' is the minimum required per Article III, Section 220-12E(2)(a), for a variance in the matter of the existing eastern section of the fence that is 14' from the eastern street line whereas 25' is the minimum required per Article III, Section 220-12E(2)(c), for a variance in the matter of the existing eastern section of the fence that is 22.5' from the eastern street centerline whereas 30' is the minimum required per Article III, Section 220-12E(2)(a), for a variance in the matter of the existing northern fence line along Lakeview Road that lacks landscaping whereas landscaping between the fence and the street line is required per Article III, Section 220-12E(2)(d), for a variance in the matter of the existing fence lines along Lakeview Rd. and Oscaleta Rd. that lack landscaping between the fence and street line whereas landscaping between the fence and the street line is required per Article III, Section 220-12E(2)(d), for a variance in the matter of the existing northern end of the eastern fence line that is located 36' from the intersection of Oscaleta Rd. and Lakeview Rd. whereas 75' is the minimum required per Article III, Section 220-12F(2).

The property is located on the south side of (#2) Lakeview Road, South Salem, NY designated on the Tax Map as Sheet 033B, Block 11159 Lot 010, in an R-1/2A, Half-Acre Residential District consisting of approximately 0.434 acres.

There were no objections to the notice of public hearing as published.

Paul Llanos, owner of record, was present and representing himself.

Chairman Price asked Mr. Llanos what his intentions are with this existence of the fence. Mr. Llanos replied, that he purchased the house in 2003, His title search company did not notify him of a violation that existed before the

purchase of the home. Mr. Llanos is attempting to remedy the fence violation. Mr. Llanos is selling the home and the violation was brought to his attention from the new buyer's research.

Board Member Casper asked Joe Angiello, Building Inspector if there was a violation given. Kara Sullivan, Secretary confirmed that there was no violation issued. It appears that it is a legalization of unpermitted work that was done over the years.

Chairman Price and the Board Members concluded that Mr. Llanos will remove the 90-foot section along Oscaleta Road. Remove the 18-foot section that goes to the House. Remove in the front of the house, the 40-foot section and the 10-foot section on Lakeview Road. A variance is given for the 95-foot run in the backyard lot line and the 10-foot length that connects to the deer fence. A variance for the 2' height of the 6' high fence will be given.

Board member Casper made a motion to approve the application with the agreement as discussed.

Board member Casper moved to approve the application as discussed. The motion was seconded by Board member Mandelker; To Approve: Chairman Price, , Mr. Rendo, Mrs. Infield, Mr. Casper and Mrs. Mankelker . To Deny: None. Abstain: None

III. CORRESPONDENCE & GENERAL BUSINESS

The Board reached consensus to adjourn the meeting at 9:00 P.M.

Respectfully submitted,


Donna Orban

Secretary, Zoning Board of Appeals