

**TOWN OF LEWISBORO
Westchester County, New York**

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**ZONING BOARD OF APPEALS
TOWN OF LEWISBORO
MINUTES**

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Minutes of the Meeting held by the Zoning Board of Appeals held via the videoconferencing application Zoom (Meeting ID:952 8133 2919) on Wednesday, May 26, 2021 at 7:30 P.M.

Board Members Present: Robin Price, Jr. Chair
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 Mr. Price who introduced the members of the Board and outlined the meeting's format and procedures. Mr. Casper arrived at 7:35P.M. (The next ZBA meeting is scheduled for Wednesday, June 30, 2021 .)

1. Review and adoption of minutes for February 24 2021 and March 24, 2021.

The Board reached consensus to approve the meeting Minutes for February and March. Mrs. Infield voted to approve the minutes. The motion was seconded by Mr. Rendo. To approve: Mr. Price, Mrs. Mandelker, Mr. Casper, Mr. Rendo and Mrs. Infield. To Abstain: none

II. PUBLIC HEARINGS

CAL NO. 10-20-BZ

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 0.467 acres.

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

Ken Askildsen, owner of record; Matthew Acocella, legal counsel for Mr. Askildsen; Hans Hansen, architect; Oliver Brahmst, Kate Elliot, and Gail Ascher, neighbors were present.

Mr. Price referred this application as a carryover from February 24, 2021.

Mr. Acocella, spoke to the board about the revised plans that have been submitted for tonight. Since the last meeting Mr. Acocella said they worked on revising the plans and reducing the bulk of the house. Changes are made to the right side of the house to give it more symmetry which lowers the roof line just under 4 feet, which will result in the loss of usable space in the attic and second floor bedroom. Second change was not to add dormers on the south side of the house, north side of house has a dormer. Building height has been reduced about one foot. Mr. Acocella said the overall height of the building has been reduced and the height is 10 feet below the maximum building height allowable by the town. They have not changed any of their requests for variances but have changed and reduced the size of the house. The barn is not part of the application but has been a topic of discussion. They have made changes and eliminated items from the barn. This would reduce the coverage on the entire property. Renderings of the barn were shared to show the changes made on the barn. House and barn plans were also shown.

Mr. Hansen, spoke about the changes to the barn. The dormer will be lower than it was proposed. The bridge and covered structure will be removed. The condition of the bridge and covered structure contribute to the decay of the building presently. This will reduce the site coverage. Mr. Hansen stated that the biggest change will be it reduces the site coverage by another 160 square feet, bringing it down a percentage point. This would bring the coverage down to 13 percent, currently it is at more than 14 percent.

Mr. Acocella spoke about renovating the barn and making it more aesthetically attractive. He also suggested that they would agree to the approval on condition to renovate the barn at the time of the main building. Mr. Acocella shared photos, that Mr. Askildsen had taken of the surrounding area of 82 Mill River Road, South Salem. He explained that the foliage screens the neighbors from view. He asked the board to close the hearing and grant the variances.

Mr. Price inquired what the square footage of the original house was and the size of the barn. Mr. Price said that the original plans say 1,817 square feet. Mr. Hansen was in agreement and stated that the barn is 916 square feet, but the second floor is not all usable space.

Mr. Price calculated the size of the proposed house to be 3,792 square feet. Three floors, 1,526sq ft each floor, 740 sq ft. in the attic and that is not including the basement, which is not to be used being that it is in a flood zone.

Mr. Price expressed concern with the increase of the size of the house since it has too much coverage on the lot and acknowledged that he understands the hardship and the wanting to move ahead. The Chairman pointed out that the house is doubling in square footage.

Mr. Hansen did not feel that they were increasing coverage but reducing coverage.

Mr. Price commented that they are increasing the non-conformity of the house by going up and out, there is more involved than coverage. Going up another floor adds to the non-conformity of the building.

Mr. Hansen did not feel that the house was going up that much.

Mr. Price explained again, as he explained the last time, that the square footage or cubic footage that the house is now is what he wants to grant a variance for, he does not feel it should be any bigger than it is currently.

Mr. Hansen stated that to reduce the usable living square footage, it would not meet the regulations for the minimum size house to build.

Mr. Rendo commented that the proposed house is large for a small lot. He recognized that the house was reduced in size from the previous meeting, but it is still a large house.

Mrs. Mandelker asked if the house was moved back from the road and if there is any decreasing of the space of the house. Mr. Hansen replied that the house has been moved back 26 feet as opposed to the original house being 15 feet, the house is moved back as far as possible to stay outside of the wetlands buffer.

Mr. Casper asked for clarification if the house was moved back or being built on the present location.

Mr. Hansen replied that the house is being moved back due to comments from previous meetings that the house was too close to the road.

Board Members Mandelker and Casper questioned the third story size and its usage.

Mr. Angiello gave clarification on the size of the third story and requirements for the size and usage of a third story.

Oliver Brahmst, (75 Mill River Road), commented on the location and height of the house. He pointed out the size of the house and close proximity to the road.

Gail Ascher, (87 Mill River Road), spoke about the barn and the legality of the building.

Kate Elliot, (74 Mill River Road), commented on the deteriorating condition of the barn.

Mr. Price asked for further comments, with none being made.

Mr. Price made a motion to deny the application.

Mr. Casper second the motion. To Approve: Mr. Price, Mrs. Mandelker, Mr. Rendo, Mrs. Infield and Mr. Casper. To Deny: None. Abstain: None.

Comments: Mr. Price said the board will accept a new application with a smaller house size and the garage to be combined with the house.

Mr. Acocella replied that they will be examining all legal options.

CAL. NO. 13-21-BZ

Application of Pound Ridge Stone-David Moorman [Two West Road LLC., owner of record], 2 West Road, South Salem, NY for a variance in the matter of the proposed 3' freestanding stonewall topped by a 3' solid wood fence surrounding the topsoil and sand storage that is located on the eastern side lot line whereas a minimum of 15' is required per Article III, Section 220-12E(2)C, and 3 freestanding signs whereas only 1 is permitted per Section 185-5(F)(1), a freestanding sign SN-1 that has an area of 19.5 square feet whereas 8 square feet is the maximum permitted per Section 185-5F(1)(a), the bottom edge of

freestanding sign SN-1 is 2.5' above grade whereas a minimum of 7' is required per Section 185-6D(3), the relocation of freestanding sign SN-1 is 6' from the lot line whereas no part of any freestanding sign shall be located within 15' of any property line, except as otherwise permitted by this chapter per Section 185-6D(4), the freestanding sign SN-9 is 8' from the lot line whereas no part of any freestanding sign shall be located within 15' of any property line, except as otherwise permitted by this chapter per Section 185-6D(4), 4 canopy signs whereas only 1 is permitted per Section 185-5F(3)(b), the topsoil/sand storage area is open whereas storage of material must be enclosed per Section 220-24(D)(e)(d), and the proposed site coverage is 71.7% whereas 60% is the maximum per Article IV Section 220-24E of the Town of Lewisboro Zoning Code.

The property is located on the south side of (#2) West Road, South Salem, NY designated on the Tax Map as Sheet 049B, Block 09831 Lot 001, in a GB, General Business District consisting of approximately 0.70 acres.

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

Mr. Sirignano, attorney for the applicant was present.

Mr. Sirignano described the property and the type of business of the applicant. Mr. Sirignano said they are before the Planning Board for site plan approval. He described the new entrance off West Road and the new parking lot. Also proposed a new storage barn, Topsoil and sand will be enclosed with a stone wall and wood fence combination, without roof covering. Location of outdoor display area for the sculptures. A number of signs will need variances for size and location. They will be less non-conforming and not encroaching the state or town property.

Mr. Price asked for comments from the board. There were no comments or emails from the public.

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

CAL. NO. 14-21-BZ

Application of Nancy Geary [Geary, Nancy W., owner of record], 146 Post Office Road, South Salem, NY for a variance in the matter of the proposed northern addition that will have a front yard setback of 39.7' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code, the proposed northern addition that will be setback 59.7' from the street centerline whereas 75' are required per Article front yard setback of 38.9' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code, and the proposed southern patio that will be setback 58.9' from the street centerline whereas 75' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the west side of (#146) Post Office Road, South Salem, NY designated on the Tax Map as Sheet 0026, Block 10803 Lot 026, in an R-2A, Two Acre Residential District consisting of approximately 3.005 acres.

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

Jennifer Huestis, architect for the applicant, & Nancy Geary, owner of record were present.

Jennifer Huestis described the house and the proposed additions, which will expand the house about 230 square feet. The plans and photos were shared for all to view. The north side will have a new entrance added to the house. The family room will be rebuilt due to a sagging roof and structure issues. The kitchen will be expanded. The current brick patio will be a larger stone patio. On the second floor the dormer will be enlarged to give more height for head room.

Mr. Price asked if the Board had any questions. No questions or letters from the public.

Mr. Price made a motion to approve the application.

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

CAL. NO. 15-21-BZ

Application of Gail Asher [Kola, Keler and Shtjefni, Marjana, owner of record], 14 Boutonville Road, South Salem, NY for a variance in the matter of the proposed legalization of the front porch on a pre-existing non-conforming structure that will have a front yard setback of 13.42' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the west side of (#14) Boutonville Road, South Salem, NY designated on the Tax Map as Sheet 0030, Block 10540 Lot 035, in an R-1A, One Acre Residential District consisting of approximately 0.0828 acres.

No objection to the notice of the public hearing as published.

Gail Ascher, architect for the applicant was present.

Mr. Price asked Ms. Ascher to give the history of this project.

Ms. Ascher explained that Mr. and Mrs. Kola bought this house in June 2020. The Kolas built a front portico in hopes of improving the house, they did not realize a building permit was needed. They were informed by the town that a permit was needed and to stop work. Ms. Ascher shared photos of the portico and reviewed the variances that are requested to legalize the structure. She shared photos of neighboring homes with porticos. She spoke about the portico's improvement to the home, being that this is the only entrance to the house from the driveway. It was originally a stone stoop with a railing. The stoop and railings were removed, and Mr. and Mrs. Kola constructed a portico with a small roof and railings.

Mr. Price asked if there were any comments from the board and the public.

Mr. Price asked the board for approval on this application,

Mr. Casper made a motion to approve the application, Mr. Rendo second the motion; To Approve: Mr. Price, Mrs.Infield, .Mrs.Mandelker, Mr. Rendo and Mr. Casper. To Deny: None. Abstain: None

III. CORRESPONDENCE & GENERAL BUSINESS

Mr. Price discussed the correspondence from the Planning Board, requesting the Declaration of Intent to be Lead Agency for the Wolf Conservation Center. Mr. Price explained the notice from the Planning board and that they are requesting he sign the paperwork acknowledging that the Planning Board will be Lead Agency for the Wolf Conservation Center. The board reached consensus to have Mr. Price sign the Declaration of Intent.

Discussion: Mr. Casper recommended getting council to be involved with the first application, CAL. 10-20-BZ; he would like everything the board raised, include the elements of consideration. Mr. Price requested the minutes be reviewed by Gregory Folchetti, attorney for the town,

Mr. Casper moved to adjourn; Mr. Price second the motion. Adjourned 9:08 P.M.

Respectfully submitted,



Donna Orban

Secretary, Zoning Board of Appeals