

TOWN OF LEWISBORO
Westchester County, New York

ZONING BOARD OF APPEALS
TOWN OF LEWISBORO
MINUTES

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, July 28, 2021 at 7:30 P.M., at the Town of Lewisboro Offices, 79 Bouton Road, South Salem, NY.

Board Members Present: Robin Price, Jr., Chair
Carolyn Mandelker
Todd Rendo
Thomas Casper
Daniela Infield

Also Present: Donna Orban, Secretary
Joseph Angiello, Building Inspector

The Meeting was called to order at 7:37 P.M. by Chair Price who introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting is scheduled for Wednesday, August 25, 2021 .

I. Review and adoption of minutes for April 28, 2021.

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

Review and adoption of minutes for May 26, 2021.

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

II. PUBLIC HEARINGS

CAL NO. 17-20-BZ

Application of Adam Abeshouse, [Abeshouse Productions LLC, owner of record], 158 Elmwood Road, South Salem, NY, for variances in the matter of the proposed addition to an existing accessory structure with a floor area of 875 square feet will increase the floor area to a total of 3,949 square feet whereas 600 square feet is the maximum permitted per Article IV Section 220-23D (11) of the Town of Lewisboro Zoning Code; and that will have a height of 23' whereas 20' is the maximum permitted per Article I Section 220-2 of the Town of Lewisboro Zoning Code.

The property is located at (#158) Elmwood Road, South Salem, NY and designated on the Tax Map as a Sheet 0047, Block 10056, Lot 043 in an SCR-2AC, Special Character District, Two-Acre Residential District consisting of approximately 6.71 acres.

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

Mr. Abeshouse, owner of record, was present
Mr. Liegey, contractor, and Mr. Farewell, FAIA, architect, was present.

Chair Price asked Mr. Abeshouse to present his application, noting that the plans being presented were revised from the first application and were not needed to re-notice since the structure will be smaller than originally applied.

Mr. Abeshouse gave a presentation on the project that he has applied for. He is proposing to add on to the existing garage. He explained that this would have minimal impact of sight from the road.

Mrs. Mandelker asked as to how this structure will be used. She asked if it will be used as a business. Mr. Abeshouse replied with, that one aspect is for his business. The right-hand corner of the building is to be his office. He explained that there is a production studio. Mr. Abeshouse explained the process of producing a recording. On occasion a person might come to the studio to do listening with Mr. Abeshouse.

Mr. Abeshouse wanted the board to know why it was important that he have this studio. He explained that the new technology for his recording of music would require a minimum of 13- foot ceiling height in the control room. He talked about the ceiling height requirement for the new technology he wished to use. He shared with the board about his extensive microphone collection, and the need for the space. Mr. Abeshouse explained that Ross Copper helped him with the design of the Studio.

Mrs. Mandelker asked how many musicians would be present at one time recording. She also brought to attention that there are three studio, one large one. Mr. Abeshouse replied that this is not for commercial use, but for his personal use. He has no employees. The studio is for his microphone collection.

Mrs. Infield asked if the structure is for recording or listening. The size of the studio is for sound of the acoustics. Mr. Abeshouse explained that he rents studios at venues because of better sound quality.

Mr. Rendo asked if Mr. Abeshouse talked to his neighbors. Mr. Abeshouse replied that he did talk with the neighbors.

Chair Price requested that the newest plan be presented. Mr. Abeshouse said that the structure is 347 feet back from the road. He said it is 172.5 feet from the wetlands. The house is 35 feet above the street level and that the property is heavily wooded. Mr. Farewell, explained the reason for not adding the structure to the house, but adding it to the existing garage.

Mr. Abeshouse pointed out the different rooms on the plans. He explained that the upstairs walkways ceiling height had been lowered from the original plan to 6'3".

Mrs. Infield asked what the exterior material would be. Mr. Farewell described that it would be vertical barn pine with a natural finish, weathered look.

Chair Price asked to go over the numbers of the proposed structure.

Mrs. Mandelker commented on the large size of the structure and the number of studios. She asked why it could not be smaller in size. Mr. Abeshouse replied with the different size rooms will give him flexibility with the use of his microphones and technology.

Mr. Rendo explains that it was pointed out to him that the structure was represented as a place to house the microphone collection, but it seems to be more of a professional office or studio. He asked that Mr. Abeshouse explain if that is correct. Mr. Abeshouse said part of the building is his

home office. Mr. Rendo explains that maybe there was a miscommunication with the building inspector. Mr. Rendo explains that there are a different set of rules for a professional office. Mr. Rendo tells Mr. Abeshouse that maybe the variance should be adjusted. Mr. Rendo read the zoning code 220-23 D; paragraph (c).

Mr. Abeshouse points out on the plans and explains that the office is the audio control room which is 17 x 19 feet, this is where he will be spending the majority of his time.

Mr. Casper suggest that Mr. Abeshouse might want to consider the assistance of a zoning attorney. Mr. Casper expresses that this is a large building and a unique project.

Mrs. Mandelker questioned Mr. Abeshouse on how he is using this building. Mrs. Mandelker addresses the conversation that took place during the site visit, that it was not just recording but also video. There would also be students. Mrs. Mandelker asks how will this space be used.

Mr. Casper cautions Mr. Abeshouse on what he is saying on record.

Mr. Abeshouse said that he would like to stop the presentation.

Mr. Rendo suggest that Mr. Abeshouse meet with the Building Inspector.

Chair Price ask Mr. Abeshouse if he would like to adjourn for one month or two months. Mr. Abeshouse replied with one month adjournment. Chair Price will read the letters of correspondence at next month's meeting.

CAL. NO. 18-21-BZ

Application of Darren P. Mercer [John & Jeanine Scott, owner of record], 118 East Ridge Road NY for a variance in the matter of the proposed pool cabana will have a floor area of 752 square feet whereas 600 square feet is the maximum permitted per Article IV Section 220-23D (11) of the Town of Lewisboro Zoning Code.

The property is located on the east side of (#118) East Ridge Road, designated on the Tax Map as Sheet 25, Block 10812, Lot 015, in an R-2AC, Two-Acre Residential District consisting of approximately 4.218 acres.

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

Darren P. Mercer, architect was present.

John Scott, owner of record was present.

Mr. Mercer presented the application. He showed an overview of the project, pointing out the location of house and the proposed pool cabana. He explained the interior space of the building with the location of the sitting area, fireplace, gym, bathroom and that there will be a one-bedroom septic. Mr. Mercer said that there will be a spa area between the house and the cabana which will be landscaped.

Mrs. Mandelker asked what the loft area will be used for. Mr. Mercer replied that is for the kids to go up to and watch tv. Mrs. Mandelker also asked if there will be a kitchen. Mr. Mercer said that there will be a wet bar, not a kitchen.

Chair Price spoke to Mr. Mercer about the square footage of the building.

Chair Price asked the board if they had any comments.

Mr. Casper commented on the cabana as fitting into the surroundings.

Chair Price read a letter of support from the neighbor.

Chair Price asked if anyone from the public wanted to speak about this application. There were no comments.

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

CAL. NO. 19-21-BZ

Application of Amanda & Charles Boice [Price, Amanda K. & Boice, Charles L. III, owner of record], 204 Smith Ridge Road, South Salem, NY for variances in the matter of the proposed second floor addition will have an eastern front yard setback of 42.5' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code. The proposed second floor addition will have a northern side yard setback of 14' 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 (#204) Smith Ridge Road, designated on the Tax Map as Sheet 045A, Block 09827, Lot 004, in an R-2AC, Two- Acre Residential District consisting of approximately 1.42 acres.

Mrs. Mandelker read the public notice noting that Chair Price recused himself from the application.

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

Amanda K. Price (Boice), owner of record was present.

Mrs. Boice presented the application of and addition of the second floor of the enclosed outdoor porch. The addition would be adding 93 square feet to the main bedroom and adding a full bathroom. There will be no excavation of the land since the addition will be the second floor of the enclosed porch.

Mrs. Mandelker asked if Mrs. Boice talked to the neighbors, Mrs. Boice said that she had spoken with the neighbors, and they were in favor of the addition.

Mrs. Mandelker asked if the public or the board had any questions or comments. No comments.

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

CAL. NO. 20-21-BZ

Application of Javier Valencia, [Valencia, Javier & Maria, owner of record], 1196 Route 35, South Salem, NY for variances in the matter of the proposed front stairs have a west side yard setback of 26'-10" whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code, the second-floor dormer has a west side yard setback of 19'-0 1/2" whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code, the AC units have a west side yard setback of 23' 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 (#1196) Route 35, designated on the Tax Map as Sheet 0031, Block 10805, Lot 045, in an R-2AC, Two- Acre Residential District consisting of approximately 5.30 acres.

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

Michael Sirignano, attorney for the applicant was present.

Mr. Valencia, owner of record was present.

Mr. Sirignano presented the application and gave the history of the property before the Valencias obtained ownership. Mr. Sirignano said that Mr. Valencia hired an architect to modify the interior of the house from a home daycare facility to a single-family residence. Mr. Sirignano said the plans were submitted to the building department and resubmitted a number of times.

Mr. Angiello, corrected Mr. Sirignano that there was never an application for a building permit. The work on the house was started without any permits.

Mr. Sirignano explained the plans of the dormer. Mr. Sirignano said the Mr. Valencia did get ahead of himself with doing the work before getting permits.

Mr. Sirignano said that the AC units are new and added to the house.

Mr. Sirignano explained the new porch steps and the setback for the steps.

Mr. Sirignano said that Mr. Valencia did not know that he would need any variances for the projects.

Chair Price asked if there had been any variances for the premises in past years. Mr Angiello, replied that no variances in the past, just a Special Permit for the daycare.

Chair Price noticed the correspondence from the South Salem Fire Department.

Chair Price asked if the board had any comments.

Mrs. Infield commented that the homeowner is trying to improve the home.

Chair Price said that the violations do not seem to protrude into the setbacks of the existing building as it appears that it is not a change in the appearance of the building site.

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

CAL. NO. 21-21-BZ

Application of Robert Torre, [Torre, Robert C. III, owner of record], 54 Smith Ridge Road, South Salem, NY for variances in the matter of the proposed detached garage/studio will have a gross floor area of 1272 square feet whereas 600 square feet is the maximum permitted per Article IV Section 220-23D(11) of the Town of Lewisboro Zoning Code.

The property is located on the west side of (#54) Smith Ridge Road, designated on the Tax Map as Sheet 0040, Block 10263, Lot 043, in an R-4AC, Four-Acre Residential District consisting of approximately 2.40 acres.

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

Mr. Robert C. Torre III, owner of record, was present.

Mr. Torre presented the application of the proposed garage. He explained the minimal site impact that it will have on the neighbors. He said that there will be an existing stone retaining wall and extend the driveway to the new garage. The driveway is currently gravel and he wishes to make it asphalt. The exterior of the proposed garage will be batten board which will match the color of the house. The roof will be a standing seam roof. The second story he hopes to be a gym, but no bathroom, maybe a slop sink for the garage.

Mr. Casper asked Mr. Angiello if there is a limit to how many buildings a property can have. Mr. Angiello said that there is no limit, just need variances, many places in town have multiple structures.

Mr. Rendo complimented Mr. Torre on the house.

Chair Price asked Mr. Torre if he lives on the property. Mr. Torre answered that he lives on the property and does not rent out the cottage.

Chair Price asked if there are any more comments from the board. If there are any comments from the public. No further comments.

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

CAL. NO. 01-21-SP

Application of Paul Stevelman [Stevelman, Paul & Peri, owners of record], Robins Wood Lane, South Salem, NY for a Special Permit pursuant to Article IV, Section 220-23A(4) of the Zoning Ordinance to authorize a 1 acre parcel for garden corps (apple orchard).

The property is located on the west side of (#12) Robins Wood Lane, designated on the Tax Map as Sheet 0053, Block 09834, Lot 145, in an R-1AC, One-Acre Residential District consisting of approximately 1.06 acres.

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

Paul and Peri Stevelman, owners of record were present.

Mr. Stevelman presented the project as, Robins Wood Orchard. He said he has an interest in growing apple trees and his wife has interest in doing good deeds for non-profit organizations. They plan on 40 to 50 standard size apple trees and there will be a wildflower bed or otherwise there will be a lawn. This is not a business, personal use, Apples are to be given away. Mrs. Stevelman explained that they give the apples to food pantries and shelters in Connecticut. Owners of the property for twenty years. Apple trees are part of their residential property. Mrs. Stevelman explained the organizations that she is affiliated with. Mr. Stevelman told the board that he only uses organic gardening practices.

Chair Price asked if anyone wanted to speak about the application. Mrs. Casinelli, and Mr. Robbins, both neighbors, spoke positively of the Mr. and Mrs. Stevelman and the proposed apple orchard.

Chair Price recognized that Mr. Stevelman has been working with the Building Inspector, Wetland Inspector and the Planning Board.

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

III. CORRESPONDENCE & GENERAL BUSINESS

The board reached consensus to adjourn the meeting at 9:01 P.M.

Respectfully submitted,

Donna Orban

Secretary, Zoning Board of Appeals

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna Orban". The signature is fluid and cursive, with the first name "Donna" and last name "Orban" clearly distinguishable.

Donna Orban
Secretary, Zoning Board of Appeals