

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, October 27, 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 7:35 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, November 17, 2021 .

I. Review and adoption of minutes for September 29, 2021.

The Board reached consensus to approve the meeting Minutes for September. Mr. Casper voted to approve the minutes. The motion was seconded by Mrs.Infield. To approve: Mrs. Mandelker, Mr. Casper, and Mrs. Infield. To Abstain: Mr. Rendo and Mr. Price

II. PUBLIC HEARINGS

CAL. NO. 04-21-SP

Application of Mel Donaton, [Donaton, Mel & Susan Ann, owner of record] 272 Smith Ridge Road, South Salem, NY 10590 for a renewal of a Special Permit pursuant to Article V, Section 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.

The property is located on the west side of Smith Ridge Road, South Salem, designated on the Tax Map as Sheet 0046, Block 09827, Lot 073, in an R-4A, Four-Acre Residential District consisting of approximately 7.00 acres.

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

Mr. Donaton was present

Mr. Price noted that the inspection report was satisfactory and that there were no complaints.

Mr. Price asks the board if there were any comments. No comments.

Mr. Price asked to move the application for a period of two years.

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

CAL. NO. 05-21-SP

Application of, Lee Legenzowski [Lee Legenzowski, owner of record], Laurel Pond, Smith Ridge Road, South Salem, NY 10590, for the renewal of a Special Permit pursuant to Article IV § 220-23A (9) and Article V, § 220-38 of the Zoning Ordinance to allow the storage of Contractor's Equipment.

The property is located on the east side of Smith Ridge Road, designated on the Tax Map as Sheet 49C, Block 9834, Lot 006 in an R-1A, One Acre Residential District consisting of approximately 6.1 acres.

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

Mr. Legenzowski, owner of record, was present.

Mr. & Mrs. Harris, neighbor, was present.

Mr. Price addressed Mr. Legenzowski about the inspection report, noting that everything was in order. Mr. Price commented on the office trailer and stated that it will be removed soon according to the inspection report.

Mr. Price asked if anyone from the public wanted to speak on the renewal application. Mrs. Harris addressed the board with her concerns about the appearance of the property. Mrs. and Mr. Harris listed several items of concern that they referenced from a letter that Mr. Harris read aloud to the board.

The board came to a consensus that the renewal of the Special Permit would be approved with conditions to be met by Mr. Legenzowski. The conditions for the renewal of the Special Permit are.

1. Dumpster presently on site is to be removed from the property. A dumpster no larger than 15 yards will be allowed, or a weekly garbage service.
2. Screening of plants or a six-foot fence along the north side of the property to block the neighbor's view of the contractor equipment.
3. Limit business operations in the evening hours to curb the noise.
4. Commercial noise is to only be in the time frame of the Town Code.
5. No burning of trash.

Mr. Price asked if the board had anymore comments. No more comments from the board.

Mr. Price asked the public if there were any more comments. No more comments.

Mr. Price accepts a motion to approve the renewal application with conditions that have been outlined for a period of two years. Mr. Rendo made a motion to approve the renewal application, Mrs. Infield second the motion, To Approve: Mr. Rendo, Mr. Casper, Mrs. Mandelker, Mr. Price and Mrs. Infield. To Deny: None. Abstain: none.

CAL. NO. 06-21-SP

Application of Gossett Brothers Nursery, [Thomas Gossett, Trustee for the Thomas Gossett Revocable Trust, owner of record] 1202 Route 35, South Salem, NY 10590, for the renewal of a Special Permit pursuant to Article V, Section 220-32B (2)(f) to operate a non-conforming nursery business.

The property is located on the north side of Old Post Road (Route 35), designated on the Tax Map as Sheet 0031, Block 10805, Lot 046, in an R-2A, Two-Acre Residential District consisting of approximately 5.50 acres.

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

Mr. Gossett, owner of record, was present.

Mr. Price addressed Mr. Gossett about the renewal of the Special Permit, stating that the inspection was completed and found everything in order. Mr. Price acknowledged that Mr. Gossett is working with the Planning Board.

Mr. Casper asks for clarification about the permit. Mr. Price clarified that this renewal permit is for the nursery and the previous permit request before the ZBA was for the winery.

Mr. Angiello spoke to the board that everything was in order, there was an informational note that Mr. Gossett was working with the Planning Board inference of the office trailer.

Mrs. Mandelker commented on the approval of the special permit but questioned the office trailer being conditional for the Planning Board's approval. Mrs. Mandelker questioned: What if the planning board does not look favorably on the trailer? Mr. Price reminded everyone that this was talked about previously. The office trailer is part of the site plan for the planning board. Mrs. Mandelker asked if this would impact the special permit. Mr. Angiello answered that this would not impact the special permit.

Mr. Price asks if there was any public comment on this application. No comments.

Mr. Price asks if the board members had anymore commented for the application.

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

CAL. NO. 28-21-BZ

Application of Patrick Moore [Moore, Patrick Ryan & Loudon, Mary Ann, owner of record], 51 Grandview Road, South Salem, NY for the following variance of the proposed fence 6' high whereas 4' is the maximum permitted per Article III, Section 220-12E(1).

The property is located on the east side of (#51) Grandview Road, South Salem, NY designated on the Tax Map as Sheet 045F, Block 10273 Lot 017, in a R-1/2A, Half-Acre Residential District consisting of approximately 0.349

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

Mr. Moore, owner of record was present.

Mr. Moore presented his application of the proposed fence. The proposed fence is replacing a 6-foot fence that was not legalized with a permit. Mr. Moore explained that he bought this property as a foreclosure and did not realize that the fence was not legal.

Mr. Price acknowledged that there were two letters of support.

Mr. Price asked the board if there were any more comments. No comments.

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

III. CORRESPONDENCE & GENERAL BUSINESS

The board reached consensus to adjourn the meeting at 8:15 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donna Orban".

Donna Orban

Secretary, Zoning Board of Appeals