

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

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

Town Clerk  
Town of Lewisboro

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, March 23, 2022 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  
Thomas Casper  
Daniela Infield  
Todd Rendo

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

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The Meeting was called to order at 7:32 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, April 27, 2022. Mr. Casper and Mr. Angiello joined the meeting at 7:33 P.M.

**I. Review and adoption of minutes for February 23, 2022.**

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

**II. PUBLIC HEARINGS**

**CAL. NO. 05-22-BZ**

**Application of Steven Kaplan, [397 Smith Ridge Road LLC, owner of record], 397 Smith Ridge Road, South Salem, NY for the following variance of the proposed storage buildings will increase the lot coverage to 23.52% whereas 20% is the maximum permitted per Article IV Section 220-24E of the Town of Lewisboro Zoning Code.**

**The property is located on the east side of (#397) Smith Ridge Road, South Salem, NY designated on the Tax Map as Sheet 050A, Block 09848 Lot 002, in a GB, General Business District consisting of approximately 0.93 acres.**

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

Mr. Kaplan, owner of record was present.  
Mr. Pilch, engineer was present  
Mr. Samuelson, neighbor was present  
Mr. Moller, neighbor was present

Mr. Pilch presented the application. He explained that the application is for a variance in building coverage. He described the property to the board that it is 4061 square feet which is approximately .93 acres and is of a rectangular shape. It is zoned General Business, which permits a maximum of 20% coverage. The application is for the construction of two additional buildings. The plans for the two additional buildings have been before the Planning Board on June 15, 2021, meeting. The proposed two buildings will be 2600 and 1100 square feet, the total of all the buildings would be 9312.5 square feet of buildings. With the addition of the two buildings this would increase the area coverage to 22.91 %. The building will be all the same height and same finishes of the existing buildings.

Mr. Kaplan introduced himself as the president of 397 Smith Ridge Road LLC. Mr. Kaplan explained to the board that attorney, Mr. Sirignano would not be able to attend the meeting and Mr. Kaplan would be reading a portion of the letter from Mr. Sirignano. Mr. Kaplan read the five statutory factors that are to be considered. Mr. Sirignano concluded in the letter that they are asking the Board of Appeals to grant the single area variance needed, this will allow the applicant to be granted an approval of the site development plan from the Planning Board.

Mr. Price asked for a review of the plan for the water mitigation.

Mr. Rendo questioned the area variance number that is being requested. He referenced the letter from Mr. Sirignano. The letter from Mr. Sirignano says that the area variance being sought is 22.91% whereas the Public Notice stated 23.52%. It was determined that variance being sought is for 22.91%. It was agreed by the board that the area variance number be corrected to 22.91%.

Mr. Pilch went over the plan for the water mitigation as requested by Chair Price.

Mrs. Mandelker questioned the location of the buildings and possible exposure of the buildings to the neighbors. Mrs. Mandelker mentioned that the buildings appear to resemble the existing building and there fore should have a minimal impact on the neighbors.

Mr. Price asked if anyone from the public wanted to speak in regard to the application.

Mr. Samuelson introduced himself as a neighbor from Tommy's Lane and as an adjacent neighbor to the applicant's property. He had concerns with the wetlands and the lights. The lights on the backside of the building and are on 24/7. The lights shine onto Mr. Samuelson's property. It was determined that the location of the new building will block the existing lights. Mr. Kaplan is willing to make sure the new plantings help with the blocking of the lights onto Mr. Samuelson's property. Mr. Kaplan will make sure that the lights are remediated, and Mr. Samuelson should contact him if they are still shining on his property.

Mr. Price asked if there were any comments from the board. There were no more comments.

Mr. Price noted that there were letters of support from Mr. Milne, General Manager of Ring's End, and Mr. Macri, owner of 401 Storage Corp.

Mr. Price asked if there were anymore questions or comments from the board.

Mrs. Mandelker replied that she does not necessarily agree that it is not self-created.

Chair Price asked the board for a motion to approve the application with the Resolution noting that the lights will not shine into the woods behind the storage building.

Mrs. Infield commented that the lot coverage that is being sought is minimal, being that it is only 2.91%.

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

#### **CAL. NO. 06-22-BZ**

**Application of Daniel Cassidy, [Fries, Daniel & Hanako Shimizu-Fries, owner of record], 54 Bishop Park Road, Pound Ridge, NY for the following variances of the proposed accessory garage/office will have a floor area of 2280 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 proposed accessory garage/office will have a height of 25'-2" whereas 20' is the maximum permitted per Article I Section 220-2 of the Town of Lewisboro Zoning Code.**

**The property is located on the north side of (#54) Bishop Park Road, Pound Ridge, NY designated on the Tax Map as Sheet 0045, Block 10274 Lot 010, in an R-1AC, One Acre Residential District consisting of approximately 1.52 acres.**

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

Mr. Fries and Ms. Shimizu-Fries, owner of record was present.  
Mr. Cassidy, architect was present.

Mr. Cassidy presented the application. Mr. Cassidy explained that they are building an accessory structure which will be 1,140 square feet with two stories. The structure will have a garage, two offices, a playroom and recreation space for the family. Mr. Cassidy gave a synopsis of the property and why the need for the accessory structure. The project has been filed with the Planning Board since the property sits in wetlands.

Mr. Price noted that most of the board members did a site walk on Saturday, March 19, 2022.

Mr. Fries presented letters of support from surrounding neighbors. The letters were not given to the ZBA secretary before the meeting since he had completed the tasks of speaking with the neighbors that day.

Mr. Casper asked Mr. Fries if there was any opposition. Mr. Fries replied that there was no opposition from the neighbors.

Mr. Casper questioned the height of the structure if it would be higher than the house.

Mr. Cassidy replied that they would be keeping the gable roof and the floor would be the same level in both structures. The accessory structure will be a little shorter than the residence since it's on a slope.

Mr. Price commented that even though the accessory structure is higher than permitted it is shorter than the existing house. Mr. Price questioned the applicant if the requested square footage is correct.

Ms. Infield commented that she was concerned about the need for the size of the accessory building. She asked the applicant to explain why the need for the size of the structure.

Mr. Fries replied to the board that they have a need for storage. This allows the applicant to no longer pay for an offsite storage facility. He hopes to build a small woodworking shop within the garage. He explains that the house does not have a basement and has modest size rooms.

Mrs. Mandelker questioned the applicant about the kitchen in the proposed structure. Mrs. Mandelker wondered if there might be an apartment.

Mr. Angiello assured the board that the applicant is free to have a kitchenette.

Mr. Rendo commented that he was good with the plan. Mr. Rendo expressed his appreciation for the support from the surrounding neighbors.

Mrs. Mandelker said she would abstain, since she did not see the site.

Mr. Casper made a motion to approve the application. Mr. Rendo second the motion. To Approve: Mr. Casper, Mr. Price, and Mr. Rendo. To Deny: Mrs. Infield. To Abstain: Mrs. Mandelker.

### **III. CORRESPONDENCE & GENERAL BUSINESS**

Mr. Casper made a motion to adjourn. Mr. Price second the motion. The board reached consensus to adjourn the meeting at 8:22 P.M.

Respectfully submitted,

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

Donna Orban

Secretary, Zoning Board of Appeals