

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

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

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Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, May 25, 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  
Thomas Casper  
Daniela Infield  
Todd Rendo

Absent: Carolyn Mandelker

Also Present: Donna Orban, Secretary

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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 and introduced the board members.

**I. Review and adoption of minutes for April 27, 2022.**

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

**II. PUBLIC HEARINGS**

**CAL. NO. 08-22-BZ**

Application of Michael Liffland, [Liffland, Michael V. & Corrie L., owner of record], 1187 Route 35, South Salem, NY for the following variance of a proposed 6ft high fence whereas a 4ft high fence is allowed per Article IV Section 220-12E of the Town of Lewisboro Zoning Code.

The property is located on the south side of (#1187) Route 35 South Salem, NY designated on the Tax Map as Sheet 0031, Block 12669, Lot 030, in an R-1/2A, Half-Acre Residential District consisting of approximately 1.19 acres

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

Mr. & Mrs. Liffland, owners of record was present.  
Mr. & Mrs. Thompson, neighbor, was present

Mr. Price referenced this application as a carryover from last month's meeting due to discussion between the Lifflands and the Thompsons.

Mr. Price asked Mr. Liffland to present the application.

Mr. Liffland explained that they have reconsidered their application for a 6-foot fence and are now proposing a 4-foot fence around the property. Mr. Liffland expressed concern of the fence with the existing stone wall. It was proposed that there will be a 2-foot-high fence on top of the stone wall, which would be the only section that might go over 4-feet in height.

Mr. Price asked if there is a new sketch plan?

Mr. Liffland replied that he did not have a new sketch.

Mr. Casper asked for clarification as to where the stone wall is located on the property.

Mr. Liffland answered that the stone wall section is in the front of the house. The stone wall is on the original plan that was already presented at last month's meeting. The stone wall is constructed to the property lot line. Mr. Liffland told the board that the current survey is from 2018. Mr. Liffland is in contact with a surveyor and will be getting a new survey of the property.

Mr. Casper questioned that the fence on the stone wall will be over 4 feet in height.

Mr. Liffland answered that the fence will be over 4 feet in height with the stone wall, which should be the only area; the rest of the fence around the property will be 4 feet.

Mr. Price asked if anyone from the public wanted to comment on the application.

Mrs. Thompson asked the board to explain what Mr. Liffland was proposing with the construction of the fence, she was unable to hear Mr. Liffland when he was presenting the plans.

Mr. Price explained to Mrs. Thompson what was presented by Mr. Liffland. Mr. Price showed Mrs. Thompson the plan and the site of the stone wall and where the fence will be over 4 feet in height.

Mr. Price proposed that the board could approve the fence with five feet in height with the stone wall and 4 feet in height with the rest of the property.

Mr. Casper reiterated the plan of the 4-foot-high fence and the stone wall with the height of no more than 5 feet in height, and a new survey of the property to ensure the placement of the fence to be on the Liffland property.

Mr. Price asked the board for a motion to approve the application with the condition of no more than 5 feet from the house and the neighbor of 1185 Route 35 side property line, the remainder of the fence will be 4 feet or lower; a copy of the new survey will be placed on file with the ZBA.

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

**CAL. NO. 01-22-SP**

**Application of Anthony and Annemarie Mendola, 1320 Route 35, 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 north side of NYS Route 35, designated on the Tax Map as Sheet 39, Block 10543, Lot 39, in an R-2A, Two-Acre Residential District consisting of approximately 2.00 acres.**

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

Mr. Mendola, owner of record was present.

Mr. Price stated to Mr. Mendola that the inspection report did not match the last resolution.

Mr. Price and Mr. Mendola discussed the equipment on the last resolution and the inspection report.

Mr. Price read aloud the equipment that was listed on the resolution and asked Mr. Mendola if the equipment was still on the property.

Mr. Mendola replied that the listed equipment is still on the property. Mr. Mendola said that there were also log splitters, trailers, and sanders on the property, but they are not considered construction equipment. Mr. Mendola mentioned that the Deputy Building Inspector took pictures of the sanders.

Mr. Price asked if there have been any complaints on the site in the past two years.

Mr. Mendola replied with "no".

Mr. Price asked if the equipment is stored where it is designated?

Mr. Mendola replied that the equipment is stored where it always has in the past.

Mr. Price asked Mr. Mendola if there were any violations or complaints. Mr. Price said that Mr. Mendola still has the equipment that is listed on the resolution and there is other equipment on the property that is not counted in the special permit, due to the seasonal use.

Mr. Price asked if there was any comment from the public. There was no comment.

The board discussed the equipment being stored and what is listed, asking for clarification from Mr. Mendola. The equipment on the resolution is the same equipment as on the property now.

Mrs. Infield made a motion to approve the Special Permit for two years. Mr. Rendo second the motion. To Approve: Mr. Casper, Mr. Price, Mr. Rendo, and Mrs. Infield. To Deny: none. To Abstain: none.

**CAL. NO. 10-22-BZ**

**Application of Barbara Arnold [Arnold, Stephen & Barbara S., owner of record], 28 Main Street, South Salem, NY for the following variance of the proposed generator will have a southern side yard setback of 3.4' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; the proposed LP tanks will have a southern side yard setback of 5' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; the proposed LP tanks will have a eastern front yard setback of 40.2' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.**

**The property is located on the west side of (#28) Main Street, South Salem, NY designated on the Tax Map as Sheet 0031 Block 10805 Lot 019, in a SCR-2AC, Special Character Two-Acre Residential District, consisting of approximately .20 acres.**

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

Mrs. Arnold, owner of record was present.

Mr. Price addressed Mrs. Arnold that the board did a site visit on Saturday, May 21.

Mr. Price asked Mrs. Arnold to explain the reasons for the location of the proposed generator and LP tanks.

Mrs. Arnold stated that the generator is located next to the patio and oil tank. Mrs. Arnold asked the neighbor, Mr. Setterstrom of the adjoining property for a letter of support stating that he has no objection to the placement of the generator.

Mr. Price noted that a letter of support from Mr. Setterstorm had been received.

Mr. Price addressed that due to the shape of the lot and configuration of the placement of the house there are no other options for the placement of generator and LP tanks.

Mr. Price asked if anyone from the board wanted to comment on the application.

Mr. Rendo agreed that there are no other options.

Mrs. Infield commented on the utilities and setbacks of the property.

Mr. Price asked if anyone from the public wanted to comment. There was no comment.

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

**CAL. NO. 11-22-BZ**

**Application of Robert Andrews, [Andrews, Suzanne C., owner of record], 284 Smith Ridge Road, South Salem, NY for the following variance of the proposed accessory garage/office**

**will have a floor area of 667 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 (#284) Smith Ridge Road, South Salem, NY designated on the Tax Map as Sheet 0049, Block 09827, Lot 013, in an R-4AC, Four Acre Residential District consisting of approximately 21.82 acres.**

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

Mr. Andrews Jr., project coordinator, was present.

Mr. Andrews Sr., neighbor, was present.

Mr. Price noted that the board was out on Saturday, May 21 for a site visit.

Mr. Price asked Mr. Andrews Jr. to present the application.

Mr. Andrews Jr. told the board that the proposed two car garage exterior dimensions are 24' by 30'. Mr. Andrews Jr. explained that the building department used the interior measurements for the denial letter, which was then used for the public notice, as 667 square feet. The proposed two car garage and loft area will have 720 square feet, using the exterior measurements.

Mr. Casper questioned Mr. Andrews Jr. that the square footage is a little more than 667 and that the larger number should be noted as 720 square feet.

Mr. Price noted that there had been an error in the application, and it would be changed to the correct square footage using the exterior dimension.

Mr. Price asked if anyone from the public wanted to comment. There was no comment.

Mr. Price asked if anyone from the board wanted to comment.

Mr. Casper commented that it is innocuous and would not have a negative impact on anybody.

Mr. Casper made a motion to approve the application as stated with 720 square feet. Mr. Rendo second the motion. To Approve: Mr. Casper, Mr. Price, Mr. Rendo, and Mrs. Infield. To Deny: None. To Abstain: None.

#### **CAL. NO. 12-22-BZ**

**Application of Waccabuc Country Club, [Waccabuc Country Club Co., owner of record], 0 Carriage House Road, Waccabuc, NY and Donald A. & Teresa E. Harder [The Donald A. Harder Revocable Living Trust & The Teresa E. Harder Revocable Living Trust, owner of record] 128 Mead Street, Waccabuc, NY, for the following lot line change; The Waccabuc Country Club, which is an existing non-conforming use, proposes to acquire a portion of a neighboring lot whereas this is not permitted per Article III Section 220-9B(1).**

**The property is located on the north side of (#0) Carriage House Road, Waccabuc, NY, designated on the Tax Map as Sheet 0022, Block 10802 Lot 036, in an R-4A, Four-Acre Residential District consisting of approximately 42.50 acres; and the west side of (#128) Mead**

**Street, Waccabuc, NY, designated on the Tax Map as Sheet 0022, Block 10802 Lot 059 & 083, in an R-4A, Four-Acre Residential District consisting of approximately 48.62 acres.**

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

Michael Sirigano, attorney for Waccabuc Country Club, was present  
Mr. John Assumma, General Manager of Waccabuc Country Club, was present

Mr. Price asked Mr. Sirigano to present the application.

Mr. Sirigano mentioned that the property to the north of the line of the golf course has been on the market. There is approximately 5 acres from the Harder property which jets out into the golf course, of which the second, third, fourth and fifth holes on the golf course wrap around the appendage. The Waccabuc Country Club approached the Harders about selling the approximately 5 acres. The application was before The Planning Board for a lot line change. Mr. Angiello, former Building Inspector denied the lot line change. Mr. Sirignano explained that he could appeal the decision or go for the variance. Mr. Sirignano explained to the board that a country club use in the Town of Lewisboro is a non-conforming use not a permitted use in residential districts. Mr. Sirignano said that he is before the board for a variance. In the future if the country club should want to expand the use of the proposed property, they will go before the Zoning Board of Appeals. Mr. Sirignano commented that the country club has acquired other properties over the years, no prior building inspectors had taken a position with such action.

Mr. Casper commented that he wanted to approve the variance but did not want to establish any precedence for non-profits acquiring land.

Mr. Sirignano replied that the country club is not a nonprofit.

Mr. Rendo explains that the proposed property is in a natural setting. If the country club should plan to expand the golf course the country club would have to come back to the Zoning Board of Appeals.

Mr. Casper commented that he did not want to impose a restriction on future transfers.

Mrs. Infield suggested contacting council.

Mr. Casper did not want to slow down the plans for the lot line change. Mr. Casper questioned what the board would be approving.

Mr. Sirignano answered that the approval would be a variance from the restriction on expanding a non-conforming use. Also suggested that the board would word the resolution that there is no new use of the property, just approving an acquisition of it and the lot line change would be before the Planning Board. Mr. Sirignano reiterated that the land is unimproved.

Mr. Price suggested that the resolution could say that the application is approved as a lot line change and the lot will remain basically the same as it is; until a future application is presented.

Mr. Casper commented that there is no reference to the zoning code.

Mr. Rendo replied that is not needed. The future application would be for use variance.

Mr. Casper suggested to approve the application with being specific with the future application for a use variance and take it on advisement that the code may or may not apply as suggested by the building inspector.

Mr. Price asked a member of the board to make a motion to approve the application.

Mr. Rendo made a motion to approve the lot line change, stating that this is not a use variance.

Mr. Casper questioned the wording of Mr. Rendo's motion to approve. Mr. Casper suggested that the application approval be noted that no such requirement has ever been raised in the past, therefore it is inappropriate to raise the code to the nature of the transfer and that it be approved regardless; the country club will have to come back to the Zoning Board of Appeals in the future if the use should change.

Mr. Price said that the motion will say that the board approves the lot line change as proposed and any change or use of the parcel would require approval of the town agencies. Mr. Casper second the motion. To Approve: Mr. Casper, Mr. Price, Mr. Rendo, and Mrs. Infield. To Deny: None. To Abstain: None.

#### **CAL. NO. 13-22-BZ**

**Application of Rini, James & Langel, Elizabeth, [Rini, James M. & Langel, Elizabeth M., owner of record], 15 Benedict Road, South Salem, NY for the following variance of the proposed accessory garage/office will have a floor area of 1875 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 north side of (#15) Benedict Road, South Salem, NY designated on the Tax Map as Sheet 0033, Block 11155, Lot 010, in an R-2AC, Two Acre Residential District consisting of approximately 1.07 acres.**

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

Michael Sirignano, attorney, was present

Mr. Rini & Ms. Langel, owners of record, was present.

Ken Anderson, architect, was present

Mr. Sirignano presented the application on behalf of Mr. Rini and Ms. Langel. Mr. Sirignano is requesting an area variance. Mr. Sirignano explained that the property currently does not have a garage. The property owners want to construct a two-car garage for the storage of their cars. The proposed garage would be constructed in the same location as the present parking area. The structure is proposed to have more square footage than what is allowed by code. The structure is to be a multi-function building. The front of the structure will house the garage, the rear of the structure will be facing the pool, and with a proposed cabana, changing room, half bathroom, and kitchenette. Above the garage will be an open recreation room. Mr. Sirignano reminded the board that there had been variances granted in 2017 for a garage but was never constructed. The proposed structure will be 18'4", which is under the maximum allowable height. The first floor is proposed for 1136 square feet. The site coverage allowed is 9%, this structure will be 4.5%. Letters of support were submitted by three of the neighbors. Mr. Sirignano read and answered the five factors.

Mr. Sirignano mentioned that if the variance is approved, they will be going back to the Planning Board.

Mr. Anderson answered Mr. Casper's question about a pergola and the location of the pergola.

Mr. Price asked the public if anyone had a comment. No comment.

Mr. Price asked the board if they had any comments.

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

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

Mr. Sirignano asks the board to have time to give recognition of Bill Lonergan.

Mr. Price approved Mr. Sirignano request.

Mr. Sirignano recognized Bill Lonergan, a former Zoning Board of Appeals board member and Chairperson, of his passing on May 6, 2022. Mr. Sirignano told how Bill Lonergan had been a public servant, lawyer, and gentleman.

Mr. Price, Mrs. Infield and Mr. Casper all spoke of Bill Lonergan's character. Bill Lonergan was remembered as a "class act", "a good man", "helpful", "nice and a sweet man", "old school".

The board thanked Mr. Sirignano for remembering Bill Lonergan and honoring him with the board.

**Board to discuss Town of Lewisboro Planning Board, DECLARATION OF INTENT TO BE LEAD AGENCY for the Waccabuc Beach Club Improvements.**

Mr. Price asked John Aussumma if he wanted to comment on the Waccabuc Beach Club Improvements.

Mr. Aussumma explained to the board that the Waccabuc Country Club has been before the Planning Board with the proposed improvements for the beach club. Mr. Aussumma went over the plans of the improvements with the snack bar, changing rooms, and an outdoor pavilion and the boat house. Mr. Aussumma mentioned that they have to go before the County and the State for the changes to the boat house.

The board had discussion about the Planning Board's role with the Lead Agency.

The board reach consensus to have the Chair sign the **DECLARATION OF INTENT TO BE LEAD AGENCY for the Waccabuc Beach Club Improvements.**

### **IV. NEXT MEETING**

June 22, 2022

### **V. ADJOURN MEETING**

Mr. Casper made a motion to adjourn. Mr. Rendo second the motion. The board reached consensus to adjourn the meeting at 8:46 P.M.



Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donna Orban". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Donna Orban

Secretary, Zoning Board of Appeals