

SEP 01 2022

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

Town Clerk
Town of Lewisboro

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

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, July 27, 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

Absent: Todd Rendo

Also Present: Donna Orban, Secretary

Absent: Jeff Farrell, Building Inspector

The Meeting was called to order at 7:33 P.M. by Chair Price who introduced the members of the Board and noted the emergency exits.

I. PUBLIC HEARINGS

CAL. NO. 14-22-BZ

Application of Spencer Weneck [Weneck, Spencer C. & Dana M., owner of record], 27 Woodway, South Salem, NY for the following variance of the proposed generator will have a front yard setback of 14' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; the proposed generator will be setback 26'-10" 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 east side of (#27) Woodway, South Salem, NY designated on the Tax Map as Sheet 0038, Block 10549, Lot 011 & 019, in an R-4AC, Four-Acre Residential District consisting of approximately 4.24 acres.

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

Mr. Weneck, owner of record was present.

Mr. Weneck presented the application for a standby generator. Mr. Weneck described the topography of the property and mentioned that the house is situated within the non-conforming setback, this does not give much room from the house and the front of the road. The sides of the

house have rocks, ledge and a hillside. Mr. Weneck told the board that there is already approval from the Building Department to bury an underground a propane tank in the front of the house. Mr. Weneck explained to the board that there is only one location for the generator which is in the front of the house that is approximate to the fuel source and best situated to deliver the power source to the house. The plan has a utility pole to be installed by the homeowner. The transfer switch will be located on the utility pole which will be located in a wooded area of the property. The generator will be located in an area that will not be visible to the neighbor.

Mr. Price commented that the board did a site visit on Saturday, July 23rd. Mr. Price expressed that the proposed location of the generator made perfect sense for the property.

Ms. Infield asked for clarification of the stone wall and the property line. Mr. Weneck explained the location of the stone wall and property line using the site plan.

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

Mr. Casper agreed that the proposed location of the generator and the tank make sense.

Ms. Manderlker agreed that the proposed location of the generator is logical. There is no practical alternative.

Mr. Price asked if there was anyone from the public that wanted to speak on this application. There was no comment.

Mr. Price explained to Mr. Weneck that one board member was absent leaving only four board members and that Mr. Weneck would need three votes for this to pass. Mr. Price asked if Mr. Weneck wanted to continue or postpone.

Mr. Weneck said that he was comfortable and wanted to continue with the vote.

Mr. Price asked the board if someone wanted to make a motion to approve the application.

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

Mr. Price read the five factors that will be on the Resolution.

CAL. NO. 18-22-BZ

Application of Bruce K. & Jan F. Thompson, [Jan Fay Thompson 2020 Irrevocable Trust & Bruce K. Thompson 2020 Irrevocable Trust, owner of record], 198 Todd Road, Katonah, NY for the following variance of proposed additions to their home and are requesting a front yard setback of 18'6" whereas 50' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the south side of (#198) Todd Road, Katonah, NY designated on the Tax Map as Sheet 0014, Block 10533 Lot 043, in an R-2AC, Two-Acre Residential District consisting of approximately 4.00 acres.

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

Mr. Thompson, owner of record was present.

Ms. Whitney Thompson was present.

Mr. Daniel Campbell was present.

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

Mr. Thompson acknowledge the board and thanked the board for coming out on Saturday, July 23rd for the site visit. Mr. Thompson explained the uniqueness of the property and how it came about by deed and not by sub-division, sometime around 1934. Mr. Thompson purchased the property in 1969. Mr. Thompson pointed out on the site plan the location of the existing garage and how it is on the property line. The house is in the corner of the property which consists of four plus acres of land. Mr. Thompson commented that since owning the home they have built an addition to the original house. Mr. Thompson explained that part of the addition was a front entry which is approximately 38 feet off the front property line, at which time they received a variance from the Zoning Board of Appeals. Mr. Thompson explained that he and Jan want to build an addition onto the house which would enable them to continue living in the house. Mr. Thompson introduced daughter, Whitney Thompson and husband, Danny Campbell who currently live with Mr. and Mrs. Thompson. Mr. Thompson gave credit to working with Rick and Liz O'Leary, who designed the plans. Mr. Thompson said that the engineer that is consulting with him suggested the location of the addition with keeping in mind the location of the septic field. Mr. Thompson spoke of the existing trees and the elimination of a large tree. Mr. Thompson showed the board on the plans how the roof lines and eaves line up to the existing house. Mr. Thompson asked the board if they had any questions.

Mr. Price replied that he did not have any questions. Mr. Price complimented Mr. Thompson on the plan being clean with the eaves lining up and the pitches being the same as the existing house. Mr. Price commented that there really is no other option for the location of the addition.

Ms. Mandelker commented that she would be recusing herself due to a friendship and being a neighbor with Mr. Thompson. Ms. Mandelker commented that it was disappointing to know that a large tree would have to be removed but was pleased to know new shrubs and trees would be planted.

Mr. Casper and Ms. Infield commented that they liked the plan.

Mr. Price explained to Mr. Thompson that three votes would be needed to approve the application. Ms. Mandelker would be abstaining.

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

Mr. Thompson submitted two letters of support from neighbors.

Mr. Price asked the board if someone would approve the application as presented.

Mr. Casper made a motion to approve the application as presented. Ms. Infield second the motion. To Approve: Mr. Casper, Ms. Infield, and Mr. Price. To Deny: None. To Abstain: Ms. Mandelker.

Mr. Price read the five factors into the record.

CAL. NO. 19-22-BZ

Application of Joseph R. Cugno [Broderick, Samantha L. & Broderick, Johnny M., owner of record], 45 Oscaleta Road, South Salem, NY for the following variance of the proposed legalization of a shed and is requesting a right-side yard setback of 12.2' whereas 30' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; for the following variance of the proposed legalization of a generator and is requesting a left-side yard setback of 20' whereas 30' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the north side of (#45) Oscaleta Road, South Salem, NY designated on the Tax Map as Sheet 034C Block 11826 Lot 050, in a 1-AC, One-Acre Residential District, consisting of approximately 1.00 acres.

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

Mr. Cugno, architect was present.

Mr. Cugno presented the application. Mr. Cugno described the conditions of the property and the location of the shed. Mr. Cugno stated that the shed is currently located on the top of a knoll which is about twenty feet above the driveway, there is no flat area. Mr. Cugno noted on the survey the location of the septic system. Mr. Cugno spoke of the location of the generator and why the location was chosen. Mr. Cugno explained that the generator was given the location since it is off the connection of electric services. Mr. Cugno said that the homeowner has some plantings around the shed and generator to help with screening. Mr. Cugno explained that attempts had been made to place the generator in another location but based on the setbacks with the leeching field and the garage and house, the generator fell in the setbacks of the septic system.

Ms. Mandelker asked if the septic took up most of the back yard?

Mr. Cugno answered Ms. Mandelker's question by showing the location of the septic system on the site plan. Mr. Cugno explained that the property gets a lot of run off.

Ms. Mandelker questioned the location of the shed and why not some place more practical. Mr. Cugno explained that the shed is located where it is, because the homeowner is a property manager, and this allows the homeowner and the property management company accessibility to the shed.

Mr. Price asked the sized of the shed.

Mr. Cugno replied that the shed is a premade structure and approximately 10'x14'.
Mr. Price asked if there had been any correspondence from the neighbors.

Mr. Cugno replied that there had been no correspondence from the neighbors. Mr. Cugno commented that the homeowner spoke with the neighbor closest to the generator.

Mr. Price asked if there were any comments from the public on this application. There were no comments.

Mr. Price asked if the board had anymore comments.

Ms. Mandelker commented that the generator is in a substantial location. Ms. Mandelker stated that she was having difficulty with the location of the shed, she feels that there is a practical alternative.

Mr. Price suggested adding more screening around the shed.

Mr. Cugno agreed with adding more screening around the shed and that the board could make this a condition of the variance.

Mr. Price asked for a motion to approve the application.

Ms. Infield made a motion to approve the application. Mr. Casper second the motion.

To Approve: Mr. Casper, Ms. Infield, Ms. Mandelker, and Mr. Price. To Deny: None. To Abstain: None.

Mr. Price commented that the motion will state as a condition of the variance that there will be screening around the shed.

Mr. Cugno asked if the board would want to specify the size and quantity of the trees.

Mr. Price replied that they would not be able to specify the size and quantity of the trees without revisiting the site.

Mr. Price explained that there was one board member absent and that would require that there was an approval of three out of four votes to pass the application.

Mr. Cugno said that he felt confident of a positive vote.

Mr. Price polled the board for the vote. To Approve: Mr. Casper, Ms. Infield, Mr. Price, and Ms. Mandelker approved with the condition of the screening of the shed. To Deny: None. To Abstain: None.

Mr. Price read the five factors:

1. There is no undesirable change in the character of the neighborhood.
2. There is no practical alternative to the variance request, Mr. Price commented that there may have been.
3. The variance is not substantial.

4. There will not an adverse effect or impact on the to the physical or environmental conditions of the neighborhood.
5. The Board found that the difficulty was not self-created. Mr. Price commented do to the fact of the extenuating circumstances with the grade, and septic and power lines, can be overlooked.

CAL. NO. 20-22-BZ

Application of Paul Dennis, [Hardart, Frank J. III., owner of record], 12 Gilbert Street, South Salem, NY for the following variance of a proposed garage and is requesting a rear yard setback of 9.2' whereas 25' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; the applicant is proposing a garage and is requesting total square footage of 1280' whereas 600' is allowed per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the east side of (#12) Gilbert Street, South Salem, NY designated on the Tax Map as Sheet 036F, Block 10806, Lot 032 & 033, in an R-1/4AC, One Quarter Acre Residential District consisting of approximately 0.47 acres.

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

Mr. Hardart, owner of record was present.

Mr. Dennis, architect was present.

Mr. Dennis presented the application. Mr. Dennis described the poor condition of the existing garage and the need to demolish it. Mr. Dennis explained the need for the proposed larger garage. Mr. Dennis told the board that there will be a playroom on the second floor for the homeowner's children. Mr. Dennis described the property as being a spectacular lake front property with beautiful views. The project does have the approval from the Board of Health. Mr. Dennis asked if there were any questions.

Ms. Infield asked if the septic work is complete.

Mr. Dennis replied that the work is complete.

Ms. Mandelker questioned the playroom or office. Ms. Mandelker asked why the need for a full bathroom as opposed to a just a sink and toilet?

Mr. Dennis answered that the playroom will become a gym when the children are older, also there is a beach next door to the property and when the children come in from the beach/lake they will be able to use the full bathroom. Mr. Dennis commented that the Health Department gave their approval for the bathroom.

Mr. Price asked if Mr. Casper had any questions.

Mr. Casper replied that he did not have any questions but did comment on the septic system that was installed.

Ms. Infield commented that the house is beautiful and the garage has needed repair. Ms. Infield stated that the garage will be a beautiful improvement to the property.

Mr. Price asked if anybody from the public wanted to speak on this application. There was no comment.

Mr. Price noted that there were two letters of support from neighbors, Mr. Rozarro and Mr. and Mrs. Cochet.

Mr. Price explained to Mr. Dennis that one board member was absent and therefore the application would need three votes of approval to pass.

Mr. Dennis replied that they would go for it.

Mr. Price made a motion to approve the application as presented. Mr. Casper second the motion. To Approve: Mr. Casper, Ms. Infield, Mr. Price, and Ms. Mandelker. To Deny: None. To Abstain: None.

Mr. Price stated that the application was approved with the understanding of the five factors that were read aloud.

1. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties.
2. There is no practical alternative to the variance requested.
3. The Board found that the variance is not substantial.
4. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood.
5. The Board found that the difficulty was not self-created.

II. DISCUSSION:

Lisa Kroll Witt, owner of 201 Todd Road, Katonah, NY approached the board after the public hearing applications were presented. Ms. Witt explained to the board that she had started a building project without a permit and was given a stop work order. Ms. Witt spoke about the property that she purchased. Ms. Witt explained to the board that she has hired a new architect, who will be meeting with Jeff Farrell, Building Inspector. The board listened to Ms. Witt; at which time it was suggested that Ms. Witt's architect meet with the Building Inspector, who would be able to give advice. Mr. Casper suggested that Ms. Witt not get into any more detail with the board, since the Zoning Board of Appeals has no say with this situation. It was suggested again that the architect and builder work with the Building Inspector.

III. Review and adoption of minutes for May 25, 2022.

The Board reached consensus to approve the meeting Minutes for May. To Abstain: Ms. Mandelker, (absent)

Review and adoption of minutes for June 22, 2022.

The Board reached consensus to table the meeting Minutes for May 25, 2022, until the August 24, 2022, meeting.

IV. CORRESPONDENCE & GENERAL BUSINESS

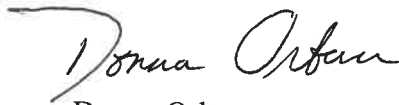
V. NEXT MEETING

August 24, 2022

VI. ADJOURN MEETING

Ms. Infield made a motion to adjourn. Mr. Casper second the motion. The board reached consensus to adjourn the meeting at 8:35 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna Orban".

Donna Orban

Secretary, Zoning Board of Appeals