

ZBA minutes
August 24, 2022

RECEIVED BY
SEP 30 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, August 24, 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
Carolyn Mandelker

Board Member Absent: Todd Rendo

Also Present: Jeff Farrell, Building Inspector
Donna Orban, Secretary

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 and introduced the board members.

I. Review and adoption of minutes for June 22, 2022.

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

Review and adoption of minutes for July 27, 2022.

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

II. PUBLIC HEARINGS

CAL. NO. 21-22-BZ

Application of Darren P. Mercer, Architect, PLLC [Marschke, Brett A. & Rima T., owner of record], 31 East Ridge Road, Waccabuc, NY for the following variance of the proposed pool cabana/storage barn and is requesting total square footage of 1,190' 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 (#31) East Ridge Road, South Salem, NY designated on the Tax Map as Sheet 0025, Block 10803, Lot 062, in an R-2AC, Two Acre Residential District consisting of approximately 3.70 acres.

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

Mr. Mercer, architect was present.

Mr. Mercer presented the application.

Mr. Mercer explained to the board that the project is an existing pool area and garden shed. The garden shed will be removed for the proposed pool cabana/storage barn. The shed is currently 352 square feet and is being replaced with the proposed structure which is 1296 square feet. Mr. Mercer described the interior as having a gym, steam room, full bath, small kitchen, loft area and a spa area.

Ms. Mandelker asked Mr. Mercer to repeat the size of the existing shed. Mr. Mercer reiterated that the existing shed is 352 square feet. Ms. Mandelker commented that the proposed structure will be four times the size of the existing shed. Mr. Mercer agreed that was correct.

Mr. Casper questioned the number of floors of the proposed structure. Mr. Mercer explained that there will be two stories, the second story will have a loft. Mr. Mercer explained how the square footage of the two floors was calculated.

Mr. Casper asked what the square footage of the loft will be. Mr. Mercer replied that the loft area will be 257 square feet and the first floor will be 933 square feet. Mr. Mercer explained on the floor plan the outdoor space was not counted in the square footage.

Mr. Price questioned Mr. Mercer on the overall height of the building. Mr. Mercer replied that the overall height will be 19 feet.

Ms. Mandelker questioned the plan for a kitchenette. Mr. Mercer called it a wet bar, which will have a sink and refrigerator. Ms. Mandelker asked if this structure will be used as an apartment. Mr. Mercer answered that it would not be used as an apartment.

Mr. Mercer spoke of the renderings that the board received. Mr. Mercer showed the board the renderings.

Ms. Infield spoke to Mr. Mercer that the building inspector pointed out that Mr. Mercer said 1296 square feet, but is requesting a area variance of 1190 square feet.

Mr. Mercer explained that he was giving the area of both. The interior is 933 square feet for the first floor and 257 square feet for the second floor. The building is 36' x 36' which equals 1296 square feet. Mr. Mercer said that he uses a gross square footage on the outside.

Mr. Casper questioned Mr. Mercer if 1190 is the correct number. Mr. Mercer replied that it is correct.

Mr. Casper states that he remembers that the board has not calculated the entire perimeter, only what is enclosed.

Mr. Price stated that the size of the building is larger than the enclosed area.

Mr. Mercer explained that the footprint of the structure is 1,296 square feet, but actual square footage of the structure is 1,190 square feet.

Mr. Casper questioned Mr. Mercer as to how he calculated the square footage of the structure.

Mr. Mercer replied that he used the interior living area for the square footage. Mr. Mercer stated that this was what he did on a project that he presented to the board last year.

Mr. Casper commented that the whole project was good with him. Mr. Casper says that he was trying to remember what the board has considered in the past.

Mr. Price commented that when you build a structure that is 1,200 square feet, it would be measured from the outside of the building. Mr. Price asked Mr. Mercer if the woodshed area was enclosed space. Mr. Mercer stated that the woodshed area is enclosed space with a door. Mr. Price asked if the building is squared off what would be the total square footage? Mr. Mercer replied that it would be 1,296 square feet. Mr. Price commented that is what the square footage should be since the spa and woodshed area are included in the structure. Mr. Price reiterated that the 1,190 square feet is living space. Mr. Mercer replied that that was correct.

Ms. Mandelker questioned as to what the loft will be used for. Mr. Mercer answered that it will be for a T.V. and couch. The loft is open to below which is the gym.

Mr. Price stated that the building is not 1,190 square feet, but 1,296 square feet. Mr. Mercer commented that he is willing to make whatever change is necessary. Mr. Price stated that it has not been noticed for 1,296.

Ms. Mandelker asked Mr. Mercer if he could justify the size of the building. Ms. Mandelker commented that this was a substantial variance. Mr. Mercer replied that the building has multiple areas for different uses.

Ms. Mandelker asked if the woodshed was included with the square footage and the storage area. Mr. Mercer answered that the woodshed was not included since it is open and facing the south side and the storage area was included since it had doors but is uninhabitable space.

Mr. Farrell left the meeting at 7:40pm and returned at 7:47pm.

Mr. Farrell read the town code Definitions, 220.2, floor area, gross and porch definitions.

Ms. Mandelker commented that if the loft area were to be super imposed on the first floor that is all covered with the roof, the impact is one large structure even though there are some open porch areas. Visual impact.

Mr. Mercer agreed that it is one building but the roof line slopes down to less than 8', the building is only 19' in height.

Mr. Price asked what the numbers were again,

Mr. Mercer replied 1296, the building is 36' x 36' footprint of the building without the second floor.

Mr. Price stated that the variance should be for 1296 square feet.

Mr. Mercer replied to what Mr. Farrell read from the code book as to the interior space and not using porches.

Mr. Price stated that he would like the variance written for 1296 square feet.

Mr. Mercer rebutted that the code is not written that way. The code does not include porches.

The board questioned Mr. Mercer as to how he measured the building. Mr. Mercer replied that he measured the exterior walls.

The board openly discussed the gross square footage as opposed to the square footage of the interior space and the interpretation of the code. The board spoke about porches, garages, and all forms of open space with a structure.

Mr. Price commented that he did not want to give a variance for a building that is 1190 square feet when he felt that it was 1,296 square feet. Mr. Mercer replied that he felt he was complying with the code.

Ms. Infield commented that she did not have a problem with the plans of the proposed structure. She commented that the board has approved pool houses of an excess of 600' in the past.

Mr. Price asked if the board had any more questions or comments.

Ms. Mandelker spoke of how she liked the design and the attractiveness of the proposed building. Ms. Mandelker commented that it does not appear to have much of a visual impact from the road. Ms. Mandelker is concerned with the overall massiveness of the proposed structure. Ms. Mandelker questioned Mr. Mercer if there is anyway the structure can be minimized.

Mr. Mercer answered that the structure was designed with the low roof line to help give it the appearance of a smaller building.

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

Mr. Price asked what the board wanted to do.

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

Mr. Mercer asked what this means with the vote.

Mr. Casper explained that the application is not approved, however, there is another board member, and the application can be adjourned to the September meeting.

Mr. Casper expressed his dismay that there were board members who abstained.

Mr. Price clarified his reason with for abstaining with the discrepancy of 106'. Mr. Price explained that the drawings show that the whole building is cover with the same roof, 36'x36' giving the building 1,296 square feet.

The board openly conversed about the square footage of the proposed building.

Ms. Mandelker spoke that there are five board members, and that Mr. Mercer might want to adjourn to the September meeting and have the fifth board member vote on this application or make accommodation with the application.

Mr. Casper suggested that Mr. Mercer adjourn to the September meeting, when there will be a full board.

Mr. Mercer said that he would adjourn till next month.

Mr. Casper asked Mr. Mercer if he will be calling the application 1,296'.

Mr. Mercer replied that he will call it 1,296'.

Mr. Mercer reiterated that he would adjourn till next month's meeting.

CAL. NO. 22-22-BZ

Application of Michael Fuller Sirignano, Esq, [JJE33 Holdings, LLC, owner of record], 27 Old Oscaleta Road, South Salem, NY. The subdivision of the property and reconfiguration will create a zoning non-conformity with the existing solar field array. Section 220-12G(2)(a) states that such panels be located within the side or rear yards only, this modification will result in the array now being within the front yard; a variance is requested for the existing solar field array with a front yard location, as permitted per Article III Section 220-12G(2)(a) of the Town of Lewisboro Zoning Code.

The property is located on the north side of (#27) Old Oscaleta Road, South Salem, NY designated on the Tax Map as Sheet 0035, Block 11826 Lot 003, in an 4A, Four-Acre Residential District consisting of approximately 68.09 acres.

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

Mr. Sirignano, attorney for owner of record, was present.

Mr. Sirignano presented the application. Mr. Sirignano explained that a variance is needed for a structure that was previously built and has been in use for over three years. The solar arrays are the structure that will need a variance since they will be in the front yard after the Planning Board approves the lot line change.

Ms. Infield asked if this lot line change is to accommodate the proposed new residence.

Mr. Sirignano answered that the lot line change is to accommodate the new residence. Mr. Sirignano explained that the variance is to allow the solar array to remain in their present location, which will become the front yard. The solar array will be on +/- 14-acre parcel 2 when approved with the Planning Board.

Mr. Price commented that the panels would not be visible from any other surrounding properties.

Mr. Sirignano replied that that was correct.

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

Mr. Price asked if anyone from the public had any comments. There were no comments.

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

Mr. Price read the five factors for the record.

CAL. NO. 23-22-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 addition to their existing, non-conforming structure and are requesting a side yard setback of 32' whereas 40' is required per Article IV Section 220-23E 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

Mr. Rini, owner of record was present

Mr. Sirignano, attorney was present

Mr. Sirignano presented the application. Mr. Sirignano presented to the board that a side yard variance is being requested. The property owners would like to finish the northeast corner of the

residence, which is currently a patio. This would be adding 255 square feet of interior space to the existing residence. The setback is 40' per code and this new addition would be 32 '. The proposed addition will be one story, eleven feet in height. Mr. Sirignano read the letter of support from the neighbor. Mr. Sirignano read the five factors.

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

Ms. Mandelker responded that she visited the site, and the impact would be minimal. It does not appear that it will have any negative impact on the neighbors or the environment.

Mr. Casper commented that the plan is totally reasonable.

Ms. Infield commented that she was fine with the plan.

Mr. Price asked if anyone from the public had any comments.

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

CAL. NO. 24-22-BZ

Application of David Milne [Henshaw, Richard T. & Elizabeth L., owner of record], 102 Mead Street, Waccabuc, NY for the following variance of the proposed garage and is requesting a side yard setback of 20.2' whereas 50' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; the applicant is proposing a detached garage and is requesting a total square footage of 1,155' whereas 600' is allowed per Article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the west side of (#102) Mead Street, Waccabuc, NY designated on the Tax Map as Sheet 0022, Block 10802, Lot 010, in an SCR-4AC, Four Acre Special Character Residential District consisting of approximately 3.53 acres.

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

Mr. Milne presented the application. Mr. Milne explained that an existing barn would be removed and replaced with the proposed garage. The proposed garage would be larger than the existing building. The neighbor that would be most affected by the new garage is in favor of the project.

Mr. Casper asked about the second story.

Mr. Milne replied that it was a loft, and that it will be 32'x30'.

Mr. Price commented that there was a letter of support from the neighbor.

Mr. Price asked if the board had any comments. There were none.

ZBA minutes
August 24, 2022

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

Mr. Price read the five factors for the record.

III. CORRESPONDENCE & GENERAL BUSINESS

IV. NEXT MEETING

September 28, 2022

V. ADJOURN MEETING

Mr. Casper made a motion to adjourn. Ms. Infield second the motion. The board reached consensus to adjourn the meeting at 8:50 P.M.

Respectfully submitted,



Donna Orban

Secretary, Zoning Board of Appeals