

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

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

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Town of Lewisboro

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, January 25, 2023 at 7:30 P.M., at the Town of Lewisboro Offices, 79 Bouton Road, South Salem, NY.

Board Members Present: Robin Price, Jr., Chair
Todd Rendo
Thomas Casper
Carolyn Mandelker
Daniela Infield

Also Present: Donna Orban, Secretary

The Meeting was called to order at 7:36 P.M. by Chair Price who introduced the members of the Board and noted the emergency exits.

I. Review and adoption of minutes for November 16, 2022.

The Board reached consensus to approve the meeting Minutes November 16, 2022. Ms. Infield made a motion to approve, Ms. Mandelker second the motion. To Abstain: None.

Review and adoption of minutes for December 21, 2022.

The Board reached consensus to approve the meeting Minutes for December 21, 2022. Ms. Infield made a motion to approve, Ms. Mandelker second the motion. To Abstain: None.

II. PUBLIC HEARINGS

CAL. NO. 01-23-BZ Adjourn

Adjourned till next month, due to a technicality.

Application of Leonard Brandes, AIA, [70 Cove Road, LLC, owner of record], 70 Cove Road, South Salem, NY for the following variance of the detached accessory structure that is located within the required front yard setback. The property is located within the R1/4A zoning district which requires 25' setback from the property line, while 22' is proposed, per Article IV Section 220-12 and attachment 1, *Schedule of Dimensional and Bulk Regulations for Residential Districts* of the Town of Lewisboro Zoning Code.

The property is located on the west side of (#70) Cove Road, South Salem, NY designated on the Tax Map as Sheet 033A, Block 11156, Lot 022, in an R-1/4AC, One-quarter Acre Residential District consisting of approximately 0.11 acres.

The property is located on the west side of (#70) Cove Road, South Salem, NY designated on the Tax Map as Sheet 033A, Block 11156, Lot 022, in an R-1/4AC, One-quarter Acre Residential District consisting of approximately 0.11 acres.

CAL. NO. 03-23-BZ

Application of Lori & Leo Masterson [Masterson, Lori J. & Leo P., owner of record], 17 Gideon Reynolds Road, Cross River, NY for the following variance to install four (4) 120-gallon propane tanks, 10-feet from the side property yard. Based on the R-4A zoning district, the required side yard setback is 50-feet, therefore a 40-foot variance is required, Per *Article III, Section § 220-12 Yards and setbacks*, and *220 Attachment 1, Schedule of Dimensional and Bulk Regulations for Residential Districts*.

The property is located on the north side of (#17) Gideon Reynolds Road, Cross River, NY designated on the Tax Map as Sheet 0016, Block 10533, Lot 496, in an R-4AC, Four-Acre Residential District consisting of approximately 1.30 acres.

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

Ms. Masterson, owner of record, was present.

Ms. Masterson presented the application. Ms. Masterson explained to the board that the proposed propane tanks are for a whole house generator. The property is 1.30 acres whereas they are in a four-acre zone, with restraint of space to install the propane tanks. The tanks are to be installed as close as possible to the generator. Ms. Masterson commented that the neighbor which will be impacted the most was contacted and explained the situation for the location of the propane tanks. The neighbor, the Proskins have emailed a letter of approval.

Chair Price stated that the board had gone out to do a site visit. Chair Price explained that it is a four-acre zone, and is a cluster zone in this development, given reason why there is only 1.30 acres. This causes difficulty for the setbacks for a four-acre zone when the acreage has been limited. There is also the wetland setback line on the rear of the property. Chair Price asked if anyone from the board wanted to comment on the application.

Mr. Casper responded that he agreed with the proposed plan for the placement of the tanks.

Ms. Mandelker commented that Ms. Masterson had mentioned that there would be screening around the tanks.

Chair Price replied that a stockade fence or natural foliage would work as the screening.

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

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

CAL. NO. 02-23-BZ

Application of Michael Fuller Sirignano, Esq. [Waccabuc Country Club Co., owner of record], 18 Perch Bay Road, Waccabuc, NY and Tarry-A-Bit, Waccabuc, NY. The Waccabuc Beach Club, located on two parcels totaling 9.1 acres, is owned and operated by Waccabuc Country Club. Zoned R4-A, this non-conforming commercial use contains two primary structures, a boathouse and snack bar constructed adjacent to a large wooden deck. The project involves an addition to the existing boathouse, the construction of a new snack bar, and construction of an expanded access drive necessary to provide handicap parking spaces. Additional site upgrades are proposed to make the site compliant with accessibility requirements. The following are required variances for the proposed project: 1. The proposed project constitutes an expansion of the existing non-confirming use which will require review and approval by the ZBA, *Per Article III §220-9.E: Extension of Non-Conforming Use* of the Town of Lewisboro Zoning Code. 2. The new snack bar as proposed is 1,100 square feet of floor area. The Town Code allows a maximum of 600 square feet. Based on this code section, the applicant is requesting a variance of 500 square feet, *Per Article IV §220-23.D.11: Accessory Building Floor Area* of the Town of Lewisboro Zoning Code. 3. For the purpose of this project, the rear yard setback is the shoreline. The required rear yard setback in R-4A zoning is 50-feet, a. The expansion of the boathouse does not impact current rear yard setback. The existing boathouse projects over the property line 1.4-feet. This condition will remain and require a 50-foot variance from the rear yard setback, plus 1.4-foot projection. b. The proposed covered pavilion will not increase the current rear yard setback which will remain at 9.1-feet. This will require a 40.9-foot variance from the required rear yard setback. c. The proposed snack bar will be located 37.4-feet from the rear property line, which is 0.4-feet closer than the existing snack bar. This will require a 12.6-foot variance from the required rear yard setback. *Per Article IV §220-23.E/Table 220 Attachment 1: Rear Yard Setback* of the Town of Lewisboro Zoning Code. 4. As noted above, the proposed project is an expansion of the current non-conforming use. While additional building area has been added, as well as numerous site features to accommodate accessible access, the use of the property remains the same. Furthermore, the applicants use of 1 parking space for every 3 members of the country club yields 130 required spaces which is more than the calculated or functional occupancy of the property when proposed improvements are complete. While the applicant currently identifies 53 parking spaces onsite, the majority of these parking spaces do not meet the requirements of the Town Code. Based on the continuation of the sites historical use, we recommend the ZBA consider a variance of 120 spaces. This variance is based on the eight (8) parallel spaces that meet Town Code, as well as the two (2) compliant handicap spaces. *Per Article VII §220-56.D: Parking* of the Town of Lewisboro Zoning Code.

The property is located on the north side of (#18) Perch Bay Road, Waccabuc, NY designated on the Tax Map as Sheet 025A, Block 10813, Lot 001, in a R-4AC, Four-Acre Residential District consisting of approximately 6.07 acres, and the east side of (00) Tarry-A-Bit,

Waccabuc, NY designated on the Tax Map as Sheet 0025, Block 11155, Lot 148, in a R-4AC, Four-Acre Residential District consisting of approximately 3.00 acres,

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

Michael Fuller Sirignano, Esq. was present.

John Asumma, General Manager for Waccabuc Country Club, was present.

Zac Pearson, Engineer, Insite Engineering, was present.

John Doyle, Architect, Doyle/Coffin Architecture, was present.

Mr. Sirignano presented the application and gave a description of the properties that are requesting the variances. There are two parcels that are a total of approximately 9.1 acres. The building improvements include the renovation of the boathouse, construction of an open pavilion, with boat storage on the lower level, and replacement of the existing snack bar. The new improvements would be a new septic system, a new lower driveway loop and handicap access to the beach facilities. New storm water management facility with a retention pond. Mr. Sirignano stated that the public notice noted that the property is zoned residential-four acres. The Country Club use is not a principle permitted use in a four-acre residential zoning district. The Country Club acquired the beach property approximately when the club was established in 1912.

The beach front property is considered by the Town to be existing non-conforming. This would mean that any expansion or alteration on the property would require variances from the Zoning Board of Appeals. Mr. Sirignano noted that a summer day camp has been active since approximately 1934. Mr. Sirignano commented that Mr. Asssumma spoke with the two abutting neighbors, Bernsteins, McCaffreys, and the Gladings, are in support of the proposed improvements of the beach club. Mr. Sirignano stated that they are working with the Planning Board, which has been designated lead agency on the project. On October 22, 2022, the Planning Board referred the proposed project to the ZBA.

Mr. Doyle started the presentation with the description of the existing plans and described the topography of the property. The driveway consists of a steep slope with a gravel surface with two parking spaces. The snack bar currently is at the edge of a large deck which is on the edge of the lake. The snack bar is small and non-compliant with a grill. The proposed snack bar is to be upgraded to be code compliant. The current boathouse is non handicap accessible. Mr. Doyle noted that the boathouse is a nice historical building. The proposed boathouse will have an open-air pavilion. The site will become accessible. Proposed is a new road with handicap parking spaces. Mr. Doyle commented that the boathouse was what formed the architecture of the other building.

Ms. Infield questioned if the pavilion is new.

Mr. Doyle replied that the pavilion is new, it will be in the location of the existing deck and changing rooms.

Chair Price requested clarification with the square footage of the snack bar. Chair Price commented that the snack bar is 487 square feet, but questioning where is the other approximate 600 square feet.

Mr. Doyle replied that the 487 square feet is the kitchen area, and the remainder would be the bathrooms and a covered area over the pickup window.

Mr. Sirignano informed the board that the 1,100 square feet would consist of the kitchen, bathrooms, covered pickup window and the second-floor area.

Ms. Mandelker questioned how the pavilion would be used.

Mr. Assumma replied that when the camp and club members private functions are using the beach facility this is an area of cover for getting out of the heat of the sun and possible occasions of rain. Mr. Assumma assured the board that the pavilion is not a large area and is mainly to get cover from the elements of the weather. Mr. Assumma stated that the deck will be able to hold 130 people.

Ms. Mandelker stated that she is concerned about the proposed additional parking spaces.

Mr. Pearson described that the new access to the handicap parking spaces is what influence the site development improvements. There will be two new handicap parking spaces.

Chair Price informed Mr. Pearson that the parking issues need to be addressed. Chair Price commented that there are currently 53 parking spaces and are asking for 120 parking spaces but are not going to expand the parking.

Mr. Pearson replied that based on the Town code they are supposed to have 130 parking spaces. Mr. Pearson pointed out the potential parking spaces on the site plan. Mr. Pearson stated that they worked with the fire department as to the placement of the fire lane and then the proposed parking spaces.

Mr. Sirignano commented that the club does not want more parking nor is the Planning Board in favor of more parking, which would mean more disturbance. Mr. Sirignano stated they are asking for a variance of 120 parking spaces.

Ms. Mandelker questioned why the board cannot approve 53 parking spaces as opposed to the 120 parking spaces, since there will not be any changes nor any paving for spaces. Ms. Mandelker commented that she is concerned that in the future decade or so on that there will be a want for a change in the number of parking spaces.

Mr. Sirignano replied that they do not want a variance granted for 130 parking spaces.

Chair Price explained that the Club is asking for relief from having to put in 120 parking spaces. It would be justified to have the 53 parking spaces and leave the land as is.

Mr. Sirignano explained that it will be 53 parking spaces and not necessarily compliant. Mr. Sirignano recommended that the parking assessment plan be referenced with drawing a number and date the revision, which will allow for a variance.

Mr. Casper commented that it is for 53 parking spaces which will be identified on the plan.

Mr. Assumma explained to the board that whenever the club has had an event that will not allow for many vehicles the members and their guests park at the club and transportation is supplied to the beach location.

Chair Price commeted that the record will show that there is relief from having to put in 120 parking spaces. Chair Price stated that there will be a plan with 53 parking spaces and that is what will be approved.

Mr. Pearson explained the new storm water system to the board along with the expansive landscaping plan. Mr. Pearson showed the board on the plan the new septic system which will be installed. A study had been done with parking and turn around areas.

Mr. Casper commented on the fact that he is voting for a variance of 53 parking spaces and not 120 or 130 parking spaces.

Mr. Sirignano requested that 130 parking spaces be noted not 120 parking spaces.

Mr. Sirignano requested for the record to read some of the findings from the Planning Board. Mr. Sirignano read some of the twenty-two declarations that the Planning Board has set forth. Mr. Sirignano wanted the board to understand that there is not adverse environmental impact.

Chair Price asked if there were any more questions or concerns.

Ms. Infield commented on the rear yard setback which is the front yard setback for the purpose of the lake. Ms. Infield noted that she did not have any problems with it.

Mr. Sirignano explained to the board the parking standards for country clubs is for the main club not for a satellite facility. Waccabuc Country Club is unique with a beach front facility.

Chair Price asked if anyone from the public wanted to comment on the application. There were no comments.

Chair Price asked if someone from the board would make a motion to approve the application with the stipulations that there will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There is no practical alternative to the variance requested. The Board found that the variance is not substantial. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood. The Board found that the difficulty was partially self-created but has no impact on the surrounding area.

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

II. CORRESPONDENCE & GENERAL BUSINESS

IV. NEXT MEETING

February 22, 2022

V. ADJOURN MEETING

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

Respectfully submitted,



Donna Orban

Secretary, Zoning Board of Appeals