

February 22, 2023
ZBA minutes

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**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, February 22, 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
Daniela Infield
Todd Rendo

Absent: Carolyn Mandelker
Tom Casper

Also Present: Donna Orban, Secretary
Kevin Kelly, Building Inspector

The Meeting was called to order at 7:37 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, March 22, 2023.

I. Review and adoption of minutes for January 25, 2023.

The Board reached consensus to approve the meeting Minutes for January 25, 2023. Ms. Infield made a motion to approve the minutes. The motion was seconded by Mr. Rendo. To approve: Mrs. Infield, Mr. Rendo and Chair Price. To Abstain: none.

II. PUBLIC HEARINGS

CAL. NO. 01-23-BZ

Application of Leonard Brandes, AIA, [70 Cove Road, LLC, owner of record], 70 Cove Road, South Salem, NY for the following variances of the detached accessory structure that is located within the required front yard setback. The property is located within the R-1/4A 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 applicant is also proposing to install new decks at the front and rear of the main structure. While the decks do not increase the preexisting nonconformity, the proposed work is an extension of the nonconformity and should be documented through a variance. The required side yard setbacks for the main building are 12'. The existing and proposed setbacks are 3.5' on the left side, and 5.4' on the right side. This will require a variance of 8.5' and 6.6' respectively, Requirements 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.

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

Mr. Levy, property owner, was present.

Chair Price stated that the board had done a site visit on Saturday, January 21, 2023. A couple of questions were asked at the site visit. The public notice had to be revised due to an addition of side yard variances that were not on the original denial letter, which then was not on the public notice.

Mr. Levy presented the application to the board. Mr. Levy explained the need for a larger shed to be built which would house boats. Mr. Levy's mother, who resides part time on the property, suggested a walkway. The walkway would give more accessibility from the parking area to the house. The proposed structure will have a raised roof from the current structure, a proposed new balcony area on the rear of the house and giving a view of the lake from the bedrooms. The proposed structure does not change the footprint of the house, only adds the walkway and the storage shed.

Chair Price asked if there were any questions from the board. No comments.

Chair Price asked if Mr. Kelly had any questions. Mr. Kelly commented that the side lot setback had been discussed. Mr. Kelly addressed the cantilever on the second floor is not in the setback and technically needs a variance for the 2' overhang. Mr. Kelly pointed out that a variance would not be needed for the front yard setback if the shed had been proposed closer to the house.

Mr. Levy replied that with that there is not much area between the house and the shed. Space is needed between the house and shed for what they are planning on storing in the shed. The plan is to have the shed constructed against a low bearing wall. The shed would go up against the wall to help support the wall.

Mr. Kelly brought up his concern for the steep slope of a section of the walkway.

Chair Price commented that the setback in the front is acceptable for the required variance, with building against the stone wall. The cantilevered deck 7.5' to the property line which is decreased and does not stay the same. This is not written in the denial letter, and the reason it has not been on the public notice. Chair Price informed Mr. Levy that we could notice it and go through the whole application again or vote on what is requested in the application being presented. Another application can be presented with a denial letter stating the variance requested for the cantilevered deck overhang in the back. Chair Price apologized for the inconvenience of not having this noticed and sent a denial letter for the application.

Mr. Levy replied that he would work on getting this revised for next month's meeting.

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Mr. Rendo commented that the presented application can be approved tonight and the 2' variance needed for the cantilever deck can be noticed next month at the March meeting.

Mr. Levy questioned the board that with what is approved tonight he would then be able to start the work on the project, with the exception on the cantilevered deck.

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

Chair Price and Mr. Kelly suggested another option to Mr. Levy which would not require a variance. Mr. Levy wanted to keep the plan as is without any new adjustments.

Chair Price stated that the vote tonight would be for the side yard variances for the front of the house and the front yard setback as 22' instead of 25'.

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.

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

CAL. NO. 04-23-BZ

Application of Gregory Wark [Petrosian, Valery & Wark, Gregory S., owner of record], 29 Bishop Park Road, Pound Ridge, NY for the following variance to install a propane tank, 28' feet from the front yard setback, whereas 40' is required 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; 21' feet from the side yard setback, whereas 30' is required 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; 25' feet from the rear yard setback, whereas 40' is required 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 east side of (#29) Bishop Park Road, Pound Ridge, NY designated on the Tax Map as Sheet 0045, Block 10269, Lot 003, in an R-1AC, One-Acre Residential District consisting of approximately 0.13 acres.

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

Mr. Wark, owner of record, was present.

Chair Price commented that the board did a site visit on Saturday, February 18th. The application is for the new tanks to join the existing tanks. Chair Price commented that he did not see any other options for the placement of the tanks.

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Chair Price asked if anybody from the board would like to comment on the application. There were no comments.

Chair Price asked if anybody from the public wanted to comment. There were no comments.

Chair Price asked if Mr. Kelly wanted to comment.

Mr. Kelly stated that any time there is a situation like this, he wanted to know that the neighboring property owners have been informed of the project.

Chair Price commented that there was a letter from the neighbor, Ms. Trunzo of 27 Bishop Park Road, Pound Ridge, NY had sent an email stating that there was no issue/problem with the project. This is the house next to Mr. Wark's property.

Mr. Rendo questioned Mr. Wark if Ms. Trunzo is the closest neighbor. Mr. Wark answered, yes.

Chair Price commented that the tank closest to the generator is closest to the rear property line.

Mr. Kelly commented about the addition screening around the tanks. Mr. Wark and Chair Price agreed with the additional screening. Chair Price suggested that the screening be from the traveled way. An evergreen type of planting, something that stays green all year. The evergreens should be at least three quarters the height of the tanks. Chair Price sketched on the site plan the area of the evergreens to be planted.

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. Chair Price second the motion. To Approve: Chair Price, Mr. Rendo and Mrs. Infield. To Deny: none. To Abstain: None.

III. CORRESPONDENCE & GENERAL BUSINESS

IV. NEXT MEETING

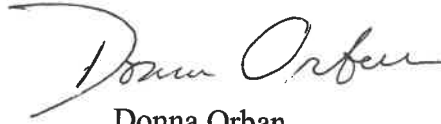
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V. ADJOURN MEETING

Chair Price made a motion to adjourn. Ms. Infield second the motion. The board reached consensus to adjourn the meeting at 8:10 P.M.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Donna Orban". The signature is fluid and cursive, with a large initial "D" and "O".

Donna Orban

Secretary, Zoning Board of Appeals