

ZBA meeting minutes  
December 21, 2022

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Town Clerk  
Town of Lewisboro

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

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

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, December 21, 2022 at 6:30 P.M., at the Town of Lewisboro Offices, 79 Bouton Road, South Salem, NY.

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

Also Present: Donna Orban, Secretary

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The Meeting was called to order at 6:40 P.M. by Chair Price who introduced the members of the Board and noted the emergency exits.

**I. Discussion**

Chair Price explained that this portion of the meeting is a special meeting/work session discussion of the Comprehensive Plan with Nelson Pope Voorhis (NPV) as to what is expected of the zoning board. Chair Price introduced Valerie Monstra, consultant for NPV and presenter of the Comprehensive Plan proceedings. Ms. Monstra handed out copies of the presentation,(attachment A).

Ms. Monstra commeted that first will be the background information of the Comprehensive Plan and then open the conversation for the thoughts and concerns for the future of the Comprehensive Plan.

Ms. Monstra stated that the list of thoughts, visions and concerns that was discussed at the November, ZBA work session meeting, had been received, (attachment B). There have been meetings with other committees and boards, via zoom or in person, a printout outlining the Comprehensive Plan procedure was given to the board members. She explained the Comprehensive Plan is authorized by New York Town Law. The Comprehensive Plan is a document of materials written with graphic information, including maps, charts, and studies that when put together it would identify the goals and objectives and principles and policies which would guide the Town with moving forward into the future. The process is with a steering committee which consists of Town residents and Chairs of the Planning Board, Zoning Board and Architecture & Community Appearance Review Committee and two Town board liaisons.

Ms. Infield asked for clarification with the economics area of the Plan Topics portion, of the presentation. Ms. Monstra gave answers with examples using the Town demographics and locations of business/commercial areas of the Town. Ms. Monstra also noted the surrounding towns of Lewisboro and what they offer to residents of Lewisboro.

Ms. Monstra commeted that there are in person public meetings and virtual meetings scheduled starting in January 2023. This will give the community a chance to give their thoughts, ideas, and concerns with the future of Lewisboro. There will be public surveys sent to residents asking three open ended questions. The results of the survey will be communicated on the Town website.

Ms. Monstra emphasized that the last Comprehensive Plan was done in the 1980's. The updated plan will include some initiatives that have been started with community groups and will be helpful when there is a document in place which will help with what should be continuing within the Town.

The Board discussed with Ms. Monstra issues relating to zoning, climate change, broad band, and constraints within the town.

The board thanked Ms. Monstra for speaking with them. Ms. Monstra commented that this meeting will help identify what issues need additional studies.

Chair Price called the meeting to order at 7:33 P.M., explaining that this is the regular scheduled meeting. Chair Price introduced the members of the Board and noted the emergency exits.

#### **Review and adoption of minutes for November 16, 2022.**

The Board reached consensus to table the meeting Minutes for November 16, 2022, until the January 25, 2023, meeting, pending an addition with wording of the minutes.

#### **I. PUBLIC HEARINGS**

##### **CAL. NO. 28-22-BZ**

**Application of Michael Lynch, [Lynch, Michael J. & Sarah B., owner of record], 41 Grandview Road, South Salem, NY for the following variances of the proposed detached garage and is requesting two side yard setbacks of 4.2'and 12' whereas 15' is required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code; the proposed detached garage will be a total square footage of 672' 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 (#41) Grandview Road, South Salem, NY designated on the Tax Map as Sheet 045F, Block 10273, Lot 008, 009 & 010 in an R-1/2AC, One Half Acre Residential District consisting of approximately .406 acres.**

There was no objection to the public notice.

Mr. Lynch, owner of record, was present.  
Mr. Wetzel, neighbor, was present.

Mr. Lynch presented the application of the proposed detached garage. Mr. Lynch explained that his home does not currently have a garage. There is a steep slope in the front of the property which would not allow for construction of a garage. The rear of the property has access to what is called a "paper road" which neighboring homes also share. Mr. Lynch proposed to build the detached garage in the rear of the property. Mr. Lynch explained the topography of the property and the need of the setback variances.

Ms. Infield requested clarification of the location of the proposed garage as she was looking on the plans and reflecting on her site visit.

Mr. Lynch explained the location and that there would not be any cutting down of trees.

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

Mr. Casper commented that the proposed garage looked like it should fit into the small community appearance.

Ms. Mandelker questioned the proximity of the proposed garage to the neighbor and the impact on them. Ms. Mandelker inquired if the neighbor was agreeable with the location of the garage.

Mr. Lynch commented that he did not have a chance to speak with the neighbor. However, Mr. Lynch explained that he did speak with the neighbor about a month ago and explained the project and that a public notice was being sent out from the Zoning Board of Appeals.

Chair Price asked if anyone from the public wanted to comment.

Mr. Wetzel commented that he did not have any objections with the construction of the garage.

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

Chair Price read aloud the five factors. 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 maybe self-created, with no other alternative with the side lines. The application was approved.

**CAL. NO. 29 -22-BZ**

**Application of Andrew Bowles, [Bowles, Andrew & Cahill, Kristen, owner of record], 28 Todd Road, Katonah, NY for the following variance of a proposed standby generator and (4) 120-gallon propane tanks for their home and are requesting a side yard setback of 29.6'**

**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 (#28) Todd Road, Katonah, NY designated on the Tax Map as Sheet 0005, Block 10777 Lot 010, in a R-4AC, Four-Acre Residential District consisting of approximately 4.35 acres.**

There were no objections of the public notice.

Mr. Bowles, owner of record, was present.

Mr. Bowles presented the application to the board, explaining the project is to install a generator and four LP tanks behind the garage. The generator would be approximately 26' from the property line and the LP tanks would be a little closer to the line.

Chair Price read a letter of support from the neighbor, Ms. Adler. Chair Price commented that this neighbor would be most affected from the position of the generator and LP tanks on the east side of the property.

Mr. Casper commented that he would like screening placed around the project.

Chair Price questioned that the LP tanks would be going behind the garage. Mr. Bowles stated that is where the tanks are proposed to be installed.

Ms. Infield commented that the project did not seem to be much of a change and the neighbor that will be affected is in support of the project.

Chair Price commented that there was no one from the public to comment. Chair Price asked if anyone from the board would make a motion to approve the application.

Ms. Mandelker made a motion to approve the application. Mr. Casper second the motion, with screening of the generator and LP tanks. To Approve: Mr. Rendo, Ms. Mandelker, Mr. Casper, Chair Price and Mrs. Infield. To Deny: none. To Abstain: none.

Chair Price read aloud the five factors. 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 maybe self-created but has no impact on the surrounding area. The application was approved.

## **II. CORRESPONDENCE & GENERAL BUSINESS**

No correspondence.

**III. NEXT MEETING**

**January 25, 2023**

**IV. ADJOURN MEETING**

Mr. Casper made a motion to adjourn. Ms. Infield second the motion. The board reached consensus to adjourn the meeting at 7:50 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna Orban", written in a cursive style.

Donna Orban

Secretary, Zoning Board of Appeals

## Attachment A

# Town of Lewisboro Comprehensive Plan Update

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AUGUST 29, 2022



# What is A Comprehensive Plan?

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- Authorized by Town Law 272-a and defined as follows:

“Means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.”

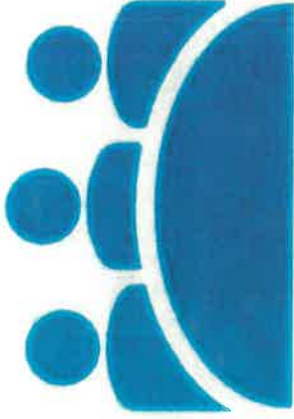
- A document that identifies the **goals, objectives, and recommendations** (principles, guidelines, policies, standards) to guide **immediate and long-range growth, protection, enhancement and development** in a Town.



# Why is a Comprehensive Plan Important?

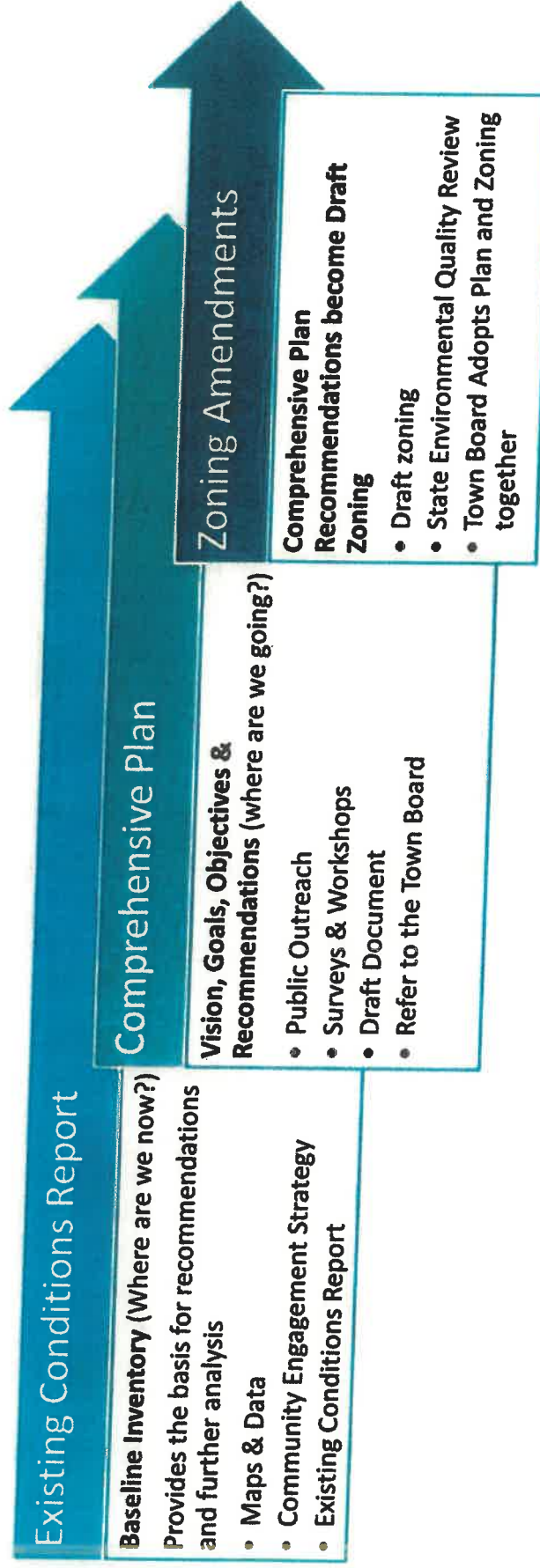
- “All Town land use regulations must be in accordance with a comprehensive plan” as required by NYS Law.
  - This Comprehensive Plan process will be followed by updates to the Town Code to be consistent with the Plan as applicable and to facilitate the goals of the Plan.
- Proactive vs Reactive- community consensus, leadership, and coordination
  - Investment
  - Development
  - Regulation
- Clear Comprehensive Plans can attract investment and support future funding opportunities.

# The Comprehensive Plan Process



- Town Board Created Comprehensive Plan Steering Committee.
- Make recommendations to the Town Board in the selection of a planning consultant that will assist in preparing the plan.
- Review documents and information presented by the consultants.
- Provide feedback and ideas on the goals, objectives and recommendations developed throughout the process.
- Contribute to the development of the community engagement process.
- Participate in meetings and workshops.
- Be an advocate for the comprehensive planning process.
- Assist in gathering community input throughout the process.

# Deliverables



# The Comprehensive Plan Process



- Comprehensive Plan Steering Committee recommends Plan to the Town Board.
- Town Board conducts State Environmental Quality Review (SEQR) on the Plan.
- Town Board holds public hearings on the Plan.
- The Town Board adopts the Plan.



Katherine McGinn, Chair  
Charlene Indelicato, Resident  
Larry Mango, Resident  
Mark Robbins, Resident  
John Wolff, Resident

Ciorsdan Conran, Comprehensive Plan Steering Committee  
Administrator

Council Member Andrea Rendo – CPSC Liaison  
Council Member Dan Welsh – CPSC Liaison  
Janet Andersen, Planning Board – CPSC Liaison  
Robin Price, Zoning Board of Appeals – CPSC Liaison  
Rose Bonanno, Architecture and Community Review Council  
– CPSC Liaison

# Lewisboro Comprehensive Plan Steering Committee (CPSC)

# Comprehensive Plan Topic Areas

- **Plan Topics:**
  - Land Use & Zoning
  - Environmental Resources
  - Transportation & Mobility
  - Community Facilities
  - Infrastructure – stormwater, sewer, water, and wireless communications
  - Demographics
  - Housing
  - Economics
  - Parks and Recreation/Open Space
  - Historic and Scenic Resources
  - Resiliency & Climate Change
  - Community Character



TASK		PROPOSED SCHEDULE																	
No.	Title	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
A	Project Kickoff																		
	Document Review																		
	Kickoff Meeting																		
	Site Visit																		
B	Community Outreach Plan																		
C	Existing Conditions																		
	Existing Conditions Analysis																		
	Opportunity Sites																		
	Draft Report																		
D	First Workshop, Public Survey and Meetings with Town Boards, Councils, and Committees																		
	First Workshop																		
	Public Online Survey																		
	Town Committee Meetings																		
	Town Land Use Board and Council Meetings																		
	Town Board Work Sessions																		
E	Develop Vision, Goals and Objectives																		
	Visioning, Goals, Objectives																		
	Public Workshop (Town and Hamlets)																		
	Town Land Use Board and Council Meetings																		
	Town Board Work Session																		
F	Draft Comprehensive Plan																		
	Draft Comprehensive Plan																		
	Town Board Review/Meetings																		
	Public Hearing																		
G	Zoning Amendments																		
	Prepare Zoning Amendments																		
	Public Workshop																		
	Town Board Review/Meetings																		
H	SEORA/Adoption																		
	SEORA EAF Part I, II, and III																		
	Town Board Hearing																		
	Town Board Review/Meetings																		
	Adoption of Plan/Zoning																		

 Comprehensive Plan Committee Meetings  
 Public Workshop/Public Hearing

 Town Board Meetings

# Comprehensive Plan Public Outreach and Engagement Plan

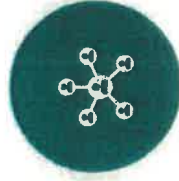
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COMPREHENSIVE  
PLAN STEERING  
COMMITTEE  
MEETINGS



THREE PUBLIC  
WORKSHOPS AND  
SIX HAMLET  
WORKSHOPS



OUTREACH TO  
TOWN COMMITTEES  
AND BOARDS



SURVEYS



SOCIAL MEDIA

Website - <https://www.lewisborogov.com/cmpsc>

Email Contact- [steering@planlewisboro.com](mailto:steering@planlewisboro.com)



## Attachment B

ZBA

November 2022

## Things to consider in Master Plan/Comprehensive Plan

Solar cell and other zero-emissions energy sources locations and size

Solar panels: location for commercial and residential use. (If residential, where will they be placed if not on top of roofs? If commercial, same question with an added one: Will current and future parking lots be covered in order to accommodate solar panels and other non-fossil fuel-generating power infrastructure?)

Review impact of EV chargers on local grid

EV chargers: If installed outside of residences, will they be treated like generators or other types of appliances? While not noisy, there will be some visual impact, and maybe even some potential parking issues down the line. For commercial use, consider location and visual impact. The impact of EV charges and the number of vehicles accessing them also should be considered. Any rules about underground wiring?

Review whether EV chargers should be treated like generators, heat pumps and A/C's when it comes to setbacks

Should plans be considered for locating utilities (electric, phone and cable) underground

Status of septic systems and whether sewers should be given serious consideration, at least for lake communities.

How will climate change and flooding impact future septic systems? Need for sewers in various districts? Construction of swimming pools? What will be considered as "buildable"? (Yes, much of Lewisboro has already been developed, but not all, and there are many large properties that might be sub-divided in the future.)

Can our approach to road maintenance be reviewed?

Eliminate pergolas as a means of circumventing accessory structure requirements (when employed as a connector, they can be a means of turning two structures into one)

Are there practical considerations for elder housing. A community should make its best efforts to accommodate all generations.

Affordable housing (read: elderly, young workforce, emergency service people): will zoning change to accommodate more such housing?

Consider we create a more effective incentive for the construction of affordable housing. This isn't exclusionary, but it is a way to help our young people, our volunteers and modest income

earners to remain here, near friends and family; in all likelihood finding themselves in positions that are nonetheless a vital part of a healthy community.

NYS's mandates for energy efficiency may lead to a movement to reduce local zoning powers.. Is the Town prepared for this?

There is a possibility that the greater impact from climate change (i.e. flooding) may lead to the need for rules about development on higher ground, foundation requirements, proximity to wetland areas.

Will the Town need to provide zoning incentives for developers to relinquish their land rights on flood-prone properties and place those properties into conservation easements?

If working remotely increases, how will the Town regard those residences where business is conducted? How will parking be regulated for businesses conducted from residences? Taxation?

Categories such as "cottage industries," "small manufacturing" (some types of retail would be included), services that would have an impact on car and truck traffic, and parking?

There may be bed and breakfast rules now, but what about Airbnb, where individual homeowners essentially run lodging businesses? How will that be zoned? regulated? taxed?

Re: Fiber to the home ("FTTH") and the advent of 5g and other broadband technologies which will be installed in the next 15-20 years: At the moment, we review cell towers. But with new technology coming down the pike, how will this impact zoning and planning? And what steps can we take to weave this into the plan?

Zoning rules for nighttime lighting in commercial and residential areas: How does current and projected lifestyle mesh with greater demand? Should the impact of unusual and excessive amounts of Christmas lighting (and music) on adjacent residential areas be considered? (The kind of displays that attract nighttime traffic and crowds?)

Do we need to revisit current zoning as pertains to steep slopes, pergolas, accessory buildings, noise and light pollution?

Interior closed porch language?

600 square feet for accessory building may too small a standard for certain (but not all) properties. Can the definition and requirements be expanded? 1000 sq. feet? 1200? We could recommend larger more in keeping with garages of today...