

**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, June 28, 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
Carolyn Mandelker
Thomas Fischetti

Also Present: Donna Orban, Secretary
Kevin Kelly, Building Inspector
Greg Folchetti, Town Attorney

The Meeting was called to order at 7:35 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, July 26, 2023.

I. Review and adoption of minutes for May 24, 2023.

The Board reached consensus to approve the meeting Minutes for May 24, 2023. Mr. Rendo made a motion to approve the minutes. The motion was seconded by Ms. Infield. To approve: Mrs. Infield, Mr. Rendo, Ms. Mandelker and Chair Price. To Abstain: Mr. Fischetti.

II. PUBLIC HEARINGS

CAL. NO. 15-23-BZ

Application of Vincent Doria, [Doria, Frances, owner of record], 129 Ridgefield Avenue, South Salem, NY for the following variance of the proposed one-story garage will have a side yard setback of 21' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 19'.

The property is located on the south side of (#129) Ridgefield Avenue, South Salem, NY designated on the Tax Map as Sheet 0041, Block 10265, Lot 008, in an R-2AC, Two Acre Residential District consisting of approximately 4.50 acres.

Mr. Doria, the applicant, was present.
Tami Cloherty & Helen Cloherty, neighbors, were present.

There was no objection to the public notice.

Mr. Doria presented the application. Mr. Doria informed the board, that from the conversation, from the site visit, he was able to take the board's recommendation and move the garage closer to the house. This would minimize the variance needed for the setback. The public notice was for 21' setback, and now the setback is for 24', needing a variance for 16'. The septic system was taken into consideration with locating the garage a little closer to the house. The original plan was to have a raised roof. The proposed design of the garage will not have a raised roof, but a flat roof. This will help minimize the impact of the building with the abutting neighbor.

Chair Price questioned Mr. Doria if he had spoken to the neighbor about the project.

Mr. Doria replied that he had spoken with the neighbor.

Ms. Mandelker commented that screening had been discussed at the site visit.

Mr. Doria replied that plants/trees would be installed to help with the screening of the garage from the abutting neighbor.

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

Chair Price asked the neighbor who was present if they approved of the project. Chair Price assured the neighbor that Mr. Doria would be screening the garage with plantings.

Ms. Cloherty replied that she approved of the project.

Chair Price asks if the Board had any comments.

Ms. Infield commented that she approved of the project, and that the public notice was noticed with the original setback and since the amended setback is less relief the application will not need to be re-noticed.

Chair Price asked if someone from the Board would make a motion to approve the application.

Ms. Infield made a motion to approve the application. Mr. Rendo seconded the motion. Chair Price stated to Mr. Doria that the application is being voted on with the condition of six trees, a minimum of 6' in height to be planted in the rear of the garage to screen from the neighbor. To Approve: Mr. Rendo, Ms. Infield, Ms. Mandelker and Chair Price. To Deny: none. To Abstain: Mr. Fischetti.

Chair Price explained that the application's approval is based on 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 not self-created.

CAL. NO. 16-23-BZ

Application of Thalia C. Wolff [The Thalia C. Wolff Living Trust, owner of record], 9 Peaceable Street, South Salem, NY for the following variance of the proposed generator and two (2), 120 gallon above ground LP tanks will have a rear yard setback of 25' and 24' respectively whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring a variance of 25' and 26' respectively.

The property is located on the north side of (#9) Peaceable Street, South Salem, NY designated on the Tax Map as Sheet 0039, Block 10549, Lot 018, in an R-4AC, Four-Acre Residential District consisting of approximately 4.49 acres.

Ms. Wolff, the applicant, was present.

Mr. Cronin, the Engineer, was present.

There was no objection to the public notice.

Mr. Cronin presented the application. Mr. Cronin informed the board that the applicant wishes to install two (2) 120 gallon above ground LP tanks 24' from the rear property line and install a generator 25' from the rear property line. Mr. Cronin spoke of the site walk with the board members and reminded the board members that the nearest neighbor is approximately 300 feet away. They feel this is a reasonable request for a variance of 24' for the LP tanks and 25' for the generator.

Chair Price reminded Mr. Cronin of the conversation at the site walk, with possibly locating the tanks and generator closer to the house.

Mr. Cronin replied that they wished to leave the application as is. Mr. Cronin said that a generator company still needed to be selected at the time of the meeting.

Chair Price asked the Board if they had any comments.

Ms. Infield commented that the location seemed to be isolated and reasonable.

Ms. Mandelker commented that no one should be able to see the generator, maybe only hear it.

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

Chair Price asked if someone from the Board wanted to make a motion to approve the application.

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

Chair Price explained that the application's approval is based on five factors. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There

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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 not self-created.

CAL. NO. 12-23-BZ

Application of Michael Fuller Sirignano, Esq. [Waccabuc Country Club, owner of record], 74 Mead Street, Waccabuc, NY. The proposed pickleball courts create an increase in the existing non-conforming private recreation club use and therefore require a variance pursuant to Article III, Section 220-9E(5) of the Town of Lewisboro Zoning Code and the proposed pickleball courts create an increase in the applicable setbacks for private club “active recreational facilities, such as tennis courts and swimming pools” and provides that such recreational facilities be “set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district as per Article V, Section 220-36C” of the Town of Lewisboro Zoning Code, in that the proposed pickleball courts will have a side yard setback of 51’ from the northerly property line and 98’ from the southerly property line, where 100’ (doubled) side yard setback is required under Section 220-36C of the Town of Lewisboro Zoning Code, therefore requiring a side yard setback variances of 49’ and 2’, respectively.

The property is located on the west side of (#74) Mead Street, Waccabuc, NY designated on the Tax Map as Sheet 0022, Block 10802, Lot 023, in a SCR-4AC, Special Character Four-Acre Residential District consisting of approximately 6.11 acres.

Michael Fuller Sirignano, Esq., was present.

Kim Millhon, 104 Chapel Rd, was present.

John Assumma, Waccabuc Club Manager, was present.

Dawn McKenzie, Insite Engineering, was present.

Donald Rossi, Esq was present.

Chair Price informed that this application is a holdover from the April 26 and May 24, meeting.

There was no objection to the public notice.

Mr. Sirignano reminded the board that this application is pending, having had public hearings in April and May. Mr. Sirignano stated that at the May 24, 2023, meeting, Mr. Rossi and he had reached a resolution in concept. The board reach a consensus to holdover their decision till the June 28, 2023, meeting. The board wanted a draft of a written resolution to review and comment on before the June 28, 2023, meeting. The board requested that the Town Attorney to be able to review and comment on the drafted resolution before the meeting. Mr. Sirignano commented that the same site plan will be submitted to the Planning Board.

Ms. McKenzie presented the amended site plan. Ms. McKenzie explained to the Board that a berm has been added, south and westerly. On top of the berm will be a six-foot-high privacy fence. There will be a noise deafening cloth added to the chain link fence surrounding the pickleball courts. More plantings will be added, which will be Norway Spruce, Arborvitae, and American Holly.

Ms. Infield questioned what the elevation of the berm and fence will be.

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Ms. McKenzie replied that the elevation would range from 9' high to 11' high.

Mr. Rendo questioned if this is more disruptive.

Mr. Sirignano replied that the Club is trying to be a good neighbor. Mr. Sirignano asked if there were any other questions. If not, he asked that the Board vote on the application.

Chair Price asked if the Board had any comments. There were no comments.

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

Mr. Rossi commented that there had been an extensive set of improvements, the sound deafening cloth will be installed on the interior of the stockade fence which was previously submitted to the Board but was not specified on the site plan.

Chair Price read the conditions of the Resolution from the Resolution draft that was emailed to the ZBA.

NOW, THEREFORE BE IT RESOLVED, that the Lewisboro Zoning Board of Appeals hereby approves the expansion of the existing non-conforming country club use, as Per Article III §220-9.E(5) Extension of Non-Conforming Use of the Zoning Code, to permit the conversion of the existing tennis court into 4 pickleball courts, subject to the conditions hereinafter stated.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Lewisboro Zoning Board of Appeals hereby grants the requested area variances of 2' and 49', respectively, from the doubled setbacks under Section 220-36C of the Zoning Code for said pickleball facility, subject to the conditions hereinafter stated.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Lewisboro Zoning Board of Appeals hereby imposes the following conditions of approval pursuant to its authority under Town Law §267-b(4) and as conditions to the relief granted hereunder pursuant to Zoning Code Section 220-9(E)(5):

1. The existing fence enclosure around the pickleball facility shall be entirely lined with the heavy closed cloth mesh shown to the ZBA.

2. The applicant has submitted to the ZBA, to the Planning Board and to the Daytons and Ms. Donovan Fisher a revised "Overall Site Plan" for the pickleball facility prepared by InSite Engineering, Surveying & Landscape Architecture, P.C. dated June 23, 2023, and is hereby incorporated in this Resolution. The pickleball facility shall be constructed in strict conformity to the revised Overall Site Plan. No certificate of compliance, completion or occupancy shall be issued by the Building Department until all work to be performed by the applicant as shown on the Overall Site Plan, and such additional work as may be required by the Planning Board, has been completed to the satisfaction of the Building Department. Thereafter, the berm and fencing shall, in perpetuity, be kept in good order and repair, and all trees shall be properly maintained in accordance with customary landscape practices and any dead or diseased trees shall be replaced "in kind".

3. Club members shall only access the pickleball facility from the Club's abutting tennis facilities and Pro Shop, and only on foot, via the mulched connecting pathway. No Club members or guests shall drive onto or park vehicles on 74 Mead Street to access the pickleball facility.

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4. Club members' play on the pickleball courts shall be limited to the hours of 8:00 am to 6:00 pm. Public address systems are prohibited. No artificial lighting shall be temporarily or permanently installed at or around the pickleball facility. There shall be no spectator seating. No more than four (4) park benches shall be placed at the facility.

5. No more than five (5) interclub matches shall be permitted between the hours of 2pm to 5pm on Saturdays, and no more than five (5) annual "Club Championship" events shall be permitted, to be held between the hours of 9am to 5pm on Saturdays and Sundays.

6. The Club shall complete its site plan review process with the Planning Board, shall obtain site plan approval or a waiver from the Planning Board, and shall thereafter comply with all terms and conditions imposed by the Planning Board, this Resolution of approval and the final site plan approved by the Planning Board. The relief granted hereby is limited to use of the pickleball facility only and shall not permit any additional Club-related use of the 74 Mead Street property which is not permitted "as of right" under the Zoning Code.

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

Chair Price stated that the application was approved.

III. CORRESPONDENCE & GENERAL BUSINESS

Discussion and signing of the Town of Lewisboro Town Board Lead Agency Notice.

Re: Waccabuc/Truesdale Wastewater Collection System and Treatment Plant, Lewisboro, NY 10590

Chair Price explained to the Board that the Town Board is informing the ZBA of the Lead Agency request for the Waccabuc/Truesdale Wastewater Collection System and Treatment Plant, Lewisboro, NY.

Mr. Folchetti informed Chair Price that no action needed to be taken.

Chair Price checked off the box to agree that the Lewisboro Town Board serve as Lead Agency. Chair Price signed the document.

IV. NEXT MEETING

July 26, 2023

V. ADJOURN MEETING

Ms. Infield made a motion to adjourn. Mr. Rendo second the motion. The board reached consensus to adjourn the meeting at 8:25 P.M.

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Respectfully submitted,

Donna Orban

Secretary, Zoning Board of Appeals

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