

**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, September 27, 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  
Carolyn Mandelker  
Thomas Fischetti

Board Member Absent: Todd Rendo

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

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The Meeting was called to order at 7:31 P.M. by Mr. Price who introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting is scheduled for Wednesday, October 25, 2023.

**I. Review and adoption of minutes for July 26, 2023.**

The Board reached consensus to approve the meeting Minutes for July 26, 2023. Ms. Infield made a motion to approve the minutes. The motion was seconded by Mr. Fischetti. To approve: Ms. Infield, Ms. Mandelker, Mr. Fischetti and Mr. Price. To Abstain: none.

**II. PUBLIC HEARINGS**

**CAL. NO. 17-23-BZ**

**Application of James & Siming Vautin [Vautin, James E. & Siming., owner of record], 4 Webb Lane, Goldens Bridge, NY for the following variance of the proposed new home office/artist studio with a 25.1' side yard setback in a 2-A zoning district whereas are 40' as per Article IV Section 220-23E of the Town of Lewisboro Zoning Code required therefore requiring a 14.9' side yard variance, and the proposed new home office/artist studio which will be 780 square feet, whereas 600 square feet is the maximum permitted per Article IV Section 220-23D(11) of the Town of Lewisboro Zoning Code therefore requiring a 180 square foot variance.**

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**The property is located on the north side of (#4) Webb Lane, Goldens Bridge, NY designated on the Tax Map as Sheet 0011, Block 11137, Lot 111, in an R-2AC, Two-Acre Residential District consisting of approximately 2.26 acres.**

Mr. Vautin, property owner of record, was present.

Mr. Faustini, Architect, was present.

There was no objection to the public notice.

The public notice was amended from the July application due to an increase in square footage.

Mr. Vautin presented the application. Mr. Vautin explained that there are two variances requested. The variance for the setback needed due to the topography of the property and the landscape of a hill. The location of the proposed office/studio will be isolated from the surrounding neighbors. The second variance requested is an area variance for the square footage over the maximum allowed of 600 square feet. Mr. Vautin explains that he and his wife work from home and 600 square feet would not be enough workspace for the two of them. Mr. Vautin described the office/studio would be keeping with the style of the residence, which is midcentury modern. He shares with the board that he has a letter of support from the neighbor at 6 Webb Lane.

Ms. Infield requests that Mr. Vautin explain the proposed location again.

Mr. Vautin explained the proposed location using the site plan and the photos that had been submitted with the application. It was explained that no neighbors would be able to see the structure from their properties.

Mr. Price shares that there is a letter of support from Rich and Brittney Kamienska, 6 Webb Lane.

Mr. Price asks if there is anybody from the public who wanted to comment on the application. There were comments from the public.

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

Mr. 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 self-created but due to the topography of the land and the size of the structure.

Mr. Price stated that the application was approved.

#### **CAL. NO. 21-23-BZ**

**Application of D'Amico Electric [Pedraza, Jorge & McQuaid, Jennifer, owners of record], 29 Knapp Road, South Salem, NY for the following variance to legalize the existing generator**

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**which has a side yard setback of 14.2' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring a variance of 25.8'.**

**The property is located on the west side of (#29) Knapp Road, South Salem, NY designated on the Tax Map as Sheet 034C, Block 11826, Lot 020, in an R-2AC, Two-Acre Residential District consisting of approximately 0.28 acres.**

Mr. Pedraza, owner of record was present.

There was no objection to the public notice.

Mr. Pedraza presented the application. Mr. Pedraza explained the reason and need for the generator. He commented that he did not know that it was a forty-foot setback, he thought that it was less.

Mr. Price questioned Mr. Pedraza as to when the generator was installed. Mr. Pedraza recalls maybe last spring. Mr. Price asked if Mr. Pedraza had gotten a permit for the generator.

Mr. Pedraza explained that they did get a permit and the generator was to be installed in the middle of the lot, since the lot is small. He stated that there had been an original survey. He commented that they provided an as-built survey and that is when they got caught up in this situation. He stated that they were depending on the installer.

Ms. Infield commented that there was no way to make the location of the generator legal.

Mr. Price agrees with Ms. Infield.

Mr. Price discussed an alternative location; however, the size of the lot prohibits a different location. Mr. Price asked if Mr. Pedraza had been in contact with any of the neighbors.

Mr. Pedraza commented that the neighbors have been in the area for a long time, and they have a good relationship with all of the neighbors.

Mr. Price asked the board for comments.

Ms. Infield commented that there were no alternatives.

Ms. Mandelker agreed that there is no other alternative.

Mr. Price asked if anybody from the public wanted to speak on the application.

Mr. Price asked if a motion to approve the generator as is with the location of it as is.

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

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Mr. 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 practically self-created due to the size of the lot.

Mr. Price stated that the application was approved.

### **CAL. NO. 22-23-BZ**

**Application of Terence & Cynthia McNamara, [McNamara, Terence F. & Cynthia M., owner of record], 59 East Street, South Salem, NY for the following variance of the proposed new front entry roof with a 22.9' front yard setback in a R 1/2 A zoning district whereas 30' are required as per Article IV Section 220-12 of the town code of Lewisboro zoning code therefore, requiring a 7.1' front yard variance.**

**The property is located on the west side of (#59) East Street, South Salem, NY designated on the Tax Map as Sheet 0053, Block 09834, Lot 045, in an R-1/2AC, Half Acre Residential District consisting of approximately 0.43 acres.**

Mr. McNamara, owner of record was present.

There was no objection to the public notice.

Mr. McNamara presented the application. Mr. McNamara gave an overview of the property and residence. He explained the existing stairs and roof of the current front porch. Mr. McNamara explained that they would like to construct a gable style roof that would tie back into the house roof. He commented that this should improve the appearance of the house and would help with the rain deteriorating the front door. The proposed porch will have the same footprint as the existing porch.

Mr. Price reiterated that only the roof is changing. Mr. Price questioned if there were letters of support.

Mr. McNamara explained that he had eight letters of support. He told the board that he went to each neighbor and showed them the plan and explained the project.

Mr. Price comments that there is one letter of opposition. Mr. McNamara explains that his neighbor claims that he is draining water onto their property, ever since an addition to the house.

Mr. Price questioned Mr. McNamara where the neighbors are located, who sent in the letters of support and where is the neighbor located who is opposed to the project.

Mr. McNamara answered the Mr. Price's question as to where the supporters and the opposing neighbor are located from his property.

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

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

Ms. Mandelker commented that she spoke with Ms. McNamara. Ms. Mandelker commented that she does not see that there will be any impact on the neighborhood. She requested that the drainage situation with the neighbor be given attention.

Mr. Price asked if anyone from the board wanted to make a motion to approve the application.

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

Mr. 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 is not self-created.

Mr. Price stated that the application was approved.

#### **CAL. NO. 23-23-BZ**

**Application of Barbara Arnold [Arnold, Stephen & Barbara S., owner of record], 28 Main Street, South Salem, NY for the following variance of the proposed screened in porch will have a left-side yard setback of 6.78' and a right-side yard setback of 38' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 33.22' and 2' respectively; the proposed screened in porch will have a rear yard setback of 47.30' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 2.70'; the proposed house (1,023.12sqft), garage (427.09sqft), screened porch (299.76sqft) & patio (289.99sqft) will have a total building coverage of 22.6% (2039.96sqft) whereas 9%' is required per Article IV Section 220, attachment 1, *Schedule of Dimensional and Bulk Regulations for Residential Districts* of the Town of Lewisboro Zoning Code therefore requiring variance of 13.6%.**

**The property is located on the west side of (#28) Main Street, South Salem, NY designated on the Tax Map as Sheet 0031 Block 10805 Lot 019, in a SCR-2AC, Special Character Two-Acre Residential District, consisting of approximately .20 acres.**

Ms. Arnold, owner of the record was present.

Mr. O'Neil, the architect, was present.

Mr. Price asked if there were any objections to the public notice. Mr. O'Neil replied that he had several.

Mr. O'Neil presented the application. Mr. O'Neil addressed the board about the discrepancy of the measurements of the side yards setbacks which had been on the public notice. He explained that the screened porch will be constructed on the existing concrete patio. Mr. O'Neil commented that

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this is a pre-existing non-conforming lot, which is a very small lot. It is a two-acre zone with a lot that is 0.20 acre. He explained that the closet neighbor is on the right side, and the neighbor had given a letter of support. Mr. O'Neil explained that with the proposed screened porch being constructed on the existing patio there would be no additional lot coverage.

Mr. Price questioned that there would be addition to the non-conformity. Mr. O'Neil replied, yes.

Mr. O'Neil noted that he feels that they need three variances. Mr. O'Neil explained to the board that he felt the building coverage would be less than 2% coverage if this was on a two-acre lot.

Mr. Price commented that really does not change anything. The house is covering a lot more of the lot than it should be. Mr. Price explained that this house cannot be compared to other lots and coverage.

Ms. Infield commented that the coverage of the house as it exists is already over the 9% of allowable maximum coverage.

Mr. Kelly explained that coverage is not being added, but constructing a structure on the existing coverage.

Mr. Price questioned Mr. O'Neil about the numbers that are presented for the setbacks.

Mr. O'Neil explains that the numbers are incorrect. The variance requested for 38" should be 22', which would be a greater variance requested.

Mr. Price and Mr. O'Neil went over the numbers for the setbacks to help with clarifying the confusion with the setback numbers. Mr. Price asks what the correct setback variances are requested. Mr. O'Neil replied with the numbers he figured were needed. The setback numbers that he calculated were more than what was noticed. Mr. Price explained that the application will have to be re-noticed since the request is for a greater amount than what was noticed.

Mr. O'Neil informed the board that the other item that is wrong with the notice is that the patio is part of the coverage.

Mr. Kelly commented that the patio coverage is in the town code.

Mr. O'Neil stated that it is not in the town code.

Mr. Kelly left the meeting at 8:18pm to retrieve a copy of the town code for Mr. O'Neil.  
Mr. Kelly returned to the meeting at 8:21pm.

Mr. Kelly explained the definition of the code for site coverage.

Mr. O'Neil disagreed with the use of the code for the patio.

Mr. Price explained that a new application will be required with correct changes and to meet with Mr. Kelly about the setbacks measurements.

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Mr. Price informed Mr. O'Neil that the meeting is adjourned, and he could come back to the board with revised plans and correct setback numbers so that a new and correct public notice can be written and noticed.

**CAL. NO. 24-23-BZ**

**Application of Adam Kaufman & Elana Shneyer [Kaufman, Adam & Shneyer, Elana, owners of record], 21 Hall Avenue, Goldens Bridge, NY for the following variance of the proposed two-story addition will have a side yard setback of 13.2' whereas 30' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 16.8'.**

**The property is located on the north side of (#21) Hall Avenue, Goldens Bridge, NY designated on the Tax Map as Sheet 007C, Block 12668, Lot 010, in an R-1AC, One-Acre Residential District consisting of approximately 0.714 acres.**

Mr. Kaufman & Ms. Shneyer, owners of record, were present.  
Mr. Paul Dennis, Architect was present.

There was no objection to the public notice.

Mr. Dennis presented the application. Mr. Dennis gave an overview of the property and the current residence which has a legal accessory apartment. He explained the project is to construct a second-floor addition and enclose the screened porch to living space with a second-floor addition. They are requesting a variance for the side yard setback.

Ms. Infield commented on a yellow ribbon at the back of the house.

Mr. Dennis replied that is the area for the screen porch.

Mr. Price questioned Mr. Dennis about moving the driveway to the right side of the house.

Mr. Dennis replied that it is proposed, to move the driveway.

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

Mr. Price read a letter of concern from the abutting neighbor. The neighbor has concerns about the possible removal of trees along the property line, the proposed addition to the screen porch, which is closer to the side lot line. Mr. Price comments that there is more concern than opposition. He also read a letter of support from the neighbor located at 18 Hall Avenue, which is across the street. Mr. Price read two more letters of support of the addition.

Mr. Price asked if anyone from the board wanted to make a motion to approve the application.

Ms. Mandelker commented that she had visited the site and walked the property. Ms. Mandelker commented that she views this as an improvement to the property. She also commented that she understood that from her site visit and speaking with Ms. Shneyer that the trees that are planned

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to be removed are the tall evergreens in the front of the house and the trees on the side of the house would stay.

Ms. Infield commented that it looks like it will be a nice improvement to the neighborhood.

Mr. Price asked if anyone from the board wanted to make a motion to approve the application.

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

Mr. 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 is not self-created.

Mr. Price stated that the application was approved.

#### **CAL. NO. 25-23-BZ**

**Application of Darren P. Mercer, Architect, PLLC [Morrissey, Susan, owner of record], 19 North Lake Circle, South Salem, NY for the following variance of the existing propane tank that has a side yard setback of 12'- 6" and the existing generator has a side yard setback of 11'- 9" whereas 15' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variances 2'-6" and 3'-3" respectively.**

**The property is located on the east side of (#19) North Lake Circle, South Salem, NY designated on the Tax Map as Sheet 034A, Block 11827, Lot 026, in an R-1/2AC, Half-Acre Residential District consisting of approximately 0.55 acres.**

Mr. Darren Mercer, Architect was present.

There was no objection to the public notice.

Mr. Mercer presented the application. Mr. Mercer explained that his client, Ms. Morrissey purchased the property in 2021 and the existing generator was installed in 2012 without a permit. The generator was inspected by a former Building Inspector, and it was noted that it was closer to the lot line than allowed. The LP tank is located behind a boxwood hedge and the generator is located behind a stonewall. Mr. Mercer commented that the requested variance is small. The possibility of changing the location is negative. The generator and tank are located beside the neighbor's detached building. There is a fence that screens it from the neighbor's house. Mr. Mercer requested that the generator and tank stay in the existing location. There have not been any complaints in the past ten years.

Mr. Price questioned if there has been any correspondence from the neighbor who is closest to the generator.



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Mr. Mercer replied that he was not aware of any correspondence.

Mr. Price commented that there is no public at the meeting at this time, so there will be no public comment.

Mr. Price asked if anyone from the board wanted to make a motion to approve the application.

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

Mr. 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 is not self-created.

Mr. Price stated that the application was approved.

### **III. CORRESPONDENCE & GENERAL BUSINESS**


### **IV. NEXT MEETING**

**October 25, 2023**

### **V. ADJOURN MEETING**

Ms. Infield made a motion to adjourn. Ms. Mandelker second the motion. The board reached consensus to adjourn the meeting at 8:45 P.M.

Respectfully submitted,



Donna Orban

Secretary, Zoning Board of Appeals