

November 15, 2023
ZBA minutes

**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, November 15, 2023 at 7:31 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
Todd Rendo

Board Member Absent: Thomas Fischetti

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

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, December 20, 2023.

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

The Board reached consensus to approve the meeting Minutes for October 25, 2023. Ms. Infield made a motion to approve the minutes. The motion was seconded by Mr. Rendo. To approve: Ms. Infield, Mr. Rendo, and Mr. Price. To Abstain: Ms. Mandelker.

II. PUBLIC HEARINGS

CAL. NO. 30-23-BZ

Application of Elizabeth Ferran, [Ferran, Elizabeth, owner of record], 7 Lake Path, South Salem, NY, the applicant is seeking to legalize an exterior Bosh wall-mounted ductless split air conditioner/heat pump unit mounted on an existing non-conforming residence that will have a side yard setback of 0.10' whereas the code requires 12' therefore requiring a side yard variance of 11.2' as per article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the east side of (#7) Lake Path, South Salem, NY designated on the Tax Map as Sheet 042D, Block 10283, Lot 016, in an R-1/4AC, One Quarter-Acre Residential District consisting of approximately 0.42 acres.

Ms. Ferran, owner of record, was present.

There was no objection to the public notice.

Mr. Price requested that Ms. Ferran explain why the air conditioner was mounted onto the side of the house, and why it was not installed in a different location that would not require a variance.

Ms. Ferran referenced a letter that she had submitted explaining that a 22-year-old unit had stopped working in July of 2022, during a heat wave. She was unable to install the new unit in the previous location. An HVAC company advised that she have the new unit installed on the side of the house, since there were windows, a chimney and a very steep slope ledge that would hinder the placement elsewhere on the property. Ms. Ferran had the board look at pictures of all sides of the house, so the board could see the obstructions keeping the placement of the air conditioner in a different location. Ms. Ferran commented that she put in an application for a building permit in July 2022, the building inspector at that time, commented that they would not be able to look at the site for the air conditioner earlier than August 2022. Ms. Ferran explained that she asked her neighbor at that time if he had any issues with the placement of the air conditioner. The neighbor at that time did not have any issues with the placement of the air conditioner. Ms. Ferran explained that multiple times she attempted to get a denial letter, in August, and October, and November 2022, and in February 2023 inquired again. Ms. Ferran stated that it was not on her radar, and she must have forgotten about the permit. When she went to the building department in July 2023 and was applying for a permit for the fence, she asked about the outstanding permit that she had applied for the air conditioner. Ms. Ferran commented that the building department was not aware of the outstanding permit for the air conditioner. The building department located the file for the air conditioner.

Mr. Kelly spoke about writing the denial letter, he was concerned about the fire separation code. Mr. Kelly explained that the applicant appealed his decision and went to the State.

Ms. Ferran read the letter from Neil Michael Collier RA CEO, Senior Architect, Division of Building Standards and Codes, New York Department of State; (the board was given a copy of the letter in their packet, before the site visit).

Mr. Price questioned that the concern with the air conditioner is that someone walking along the side of the house could run into it.

Ms. Infield commented on the fence that is already in place by the air conditioner.

Ms. Ferran explained that the fence is deer fencing. She explained that the deer fencing would help prevent anyone from bumping into the air conditioner.

Mr. Kelly explained that the deer fence is parallel to the house and air conditioner, the proposed wood fence will be perpendicular to the air conditioner.

Mr. Price suggested that the proposed wood fence have a gate so no one would walk into the unit and the gate would allow access to the unit.

Ms. Ferran agreed to install a gate with the proposed wood fence.

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

Ms. Dedvukaj, a neighbor commented that the community is pleased to see that 3 Lake Path is being cared for. Ms. Dedvukaj expressed concern with the air conditioning unit only inches from the neighborhood, 3 Lake Path's property, she had concern with the venting of the unit, since it will be close to a fence. Ms. Dedvukaj spoke of concern with the noise of the air conditioner.

Mr. Rendo asked Ms. Dedvukaj where her property is in relation to 7 Lake Path.

Ms. Dedvukaj replied that her property is behind 7 Lake Path, she can see the 7 Lake Path now that the leaves have fallen from the trees.

Ms. Infield asked Ms. Dedvukaj if she could see the air conditioning unit from her property.

Ms. Dedvukaj answered that she cannot see the air conditioner.

Mr. Serigio Ferreira, contractor for 3 Lake Path, commented with concerns with fixing the air conditioner and how there will be minimal room for the repair person to work on the unit being close to the property line and the addition of a fence.

Mr. Kelly informed the board that at the time of the installation of the air conditioner there was no deer fence. Mr. Kelly clarified that the applicant had a right to install a deer fence without a permit. The deer fence allows for venting.

Mr. Rendo states that he wants to hear from the owner of 3 Lake Path, who would have vested interest in the placement of the air conditioner.

Mr. Olivera read his statement to the board. Mr. Olivera read that he has no objection to Ms. Ferran installing a fence on her property, the only objection is that he does not want the fence to encroach onto his property. Mr. Olivera read his concerns about the air conditioning unit which was installed without a permit, and his concerns about the noise from the unit. He suggested that the unit might be able to be moved to another side of the house. Mr. Olivera implored the board to reject the request for a variance.

Ms. Mandelker asked Mr. Olivera approximately how far his house is from the air conditioning unit.

Mr. Olivera replied that it is approximately 60 feet.

Ms. Mandelker questioned Mr. Olivera's objection with the air conditioner unit is with the sound of the unit.

Mr. Olivera replied that it's not just the sound he is concerned about, but the fact that he is constructing a four-foot-high stone wall on the perimeter of his property, and this will affect the

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air flow with the air conditioning unit. He referenced that he will be constructing a patio and does not want to hear the unit when it's operating.

Ms. Mandelker questioned cameras.

Mr. Olivera replied that the Town of Lewisboro Police instructed Mr. Olivera to remove the cameras, which he did comply.

Mr. Fischberg, 20 Post Office Road, Waccabuc, spoke of the difficulties of the board's job to issue a variance. Mr. Fischberg commented that the issue for him was the discrepancy between what exists and what the applicant is asking for is quite large.

Mr. Rendo explained that the board reviews each application on its individual merit.

Mr. Niola, 27 Grandview Road, South Salem, reiterates that the board makes decisions on individual cases. Mr. Niola addressed the board with his concern of discrimination.

Mr. Rendo responded to Mr. Niola's comment that the board was not going to speak about discrimination.

Mr. Niola spoke of the cameras that were commented on.

Mr. Rendo questioned Mr. Niola as to what his specific concern with this variance was. Mr. Rendo explained that he was not going to get into discrimination and cameras with this case.

Mr. Niola commented that Mr. Olivera was a first responder, and that Mr. Olivera was asking the board to consider the impact of the air conditioner/heat pump's noise that it makes with the disruption of sleep he will experience.

Mr. Price asked what the decibel rate of this unit was.

Ms. Ferran replied that the decibel rate of this unit is 59 decibels, according to the specs of the unit. Ms. Ferran explained that when the board was at the site visit the unit was running. Ms. Ferran commented that she spoke with the company about the possible repair of the unit, the company explained that they would be able to get at the unit from both sides.

Mr. Kelly explained that the Bosch unit sits on a track, which can be released allowing more room for repair.

Mr. Oliveria commented that he is constructing a four-foot-high stone wall and is concerned that the wall's height will not allow for air flow with the air conditioner.

Mr. Price commented that the air flow for the unit really is not Mr. Oliveria's problem.

Mr. Niola commented again on the sound that the unit will be making when running.

Ms. Dedvukaj commented on the decibel rate and the sound of the unit.

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Ms. Infield questioned if the decibel rate of the unit is within our Town code.

Mr. Kelly replied that the decibel rate is acceptable in the Town code. Mr. Kelly commented that the only grey area is when the stone wall is constructed the unit will possibly have less air intake. The life expectancy of the unit might be shortened due to the compromised air flow.

Mr. Price addressed the board that there are two options, the board could wait to make a decision with regard to getting more information from the manufacturer.

Ms. Mandelker requested to ask a question as to whether the proposed stone wall will help mitigate the sound.

Mr. Oliveria replied that the unit will echo off the stone wall.

Mr. Price spoke to the board about two options. One they could wait and get more information whether the Bosch unit would survive with the stone wall being near it, or the board could vote on the application that evening.

Ms. Infield commented that she felt that they should vote on the application with the facts that had been presented. She commented that the wall could take many years to build.

Ms. Mandelker commented that she wanted to wait for a vote and find out more information about the air flow question with the Bosch company.

Mr. Price commented that he felt the board should proceed to vote on the application.

Mr. Price asked if anyone else from the board wanted to speak on the application. There were no more comments from the board.

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

Ms. Infield made a motion to approve, with a comment about the circumstances, with the issue of the closeness of the house to the property line, which cannot be changed. Ms. Infield commented that other locations were considered, and the fact was that the location of the air conditioner had no other options, this appeared to be the most logical.

Mr. Price seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, and Mr. Price. To Deny: Mr. Rendo. To Abstain: none.

Mr. Rendo stated that he believes that people should be allowed to do what they want with their property if it does not impact neighbors. Having listened to the people who spoke on the application, that maybe it would be a good idea to re-evaluate another location for the air conditioning unit.

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

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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. 31-23-BZ

Application of Elizabeth Ferran, [Ferran, Elizabeth, owner of record], 7 Lake Path, South Salem, NY, the applicant is proposing a 6.0' Spruce wood stockade privacy fence in a 1/4A residential zone whereas the code allows 4.0' therefore requiring a variance of 2.0' as per article IV section 220-12 of the town of Lewisboro zoning code.

The property is located on the east side of (#7) Lake Path, South Salem, NY designated on the Tax Map as Sheet 042D, Block 10283, Lot 016, in an R-1/4AC, One Quarter-Acre Residential District consisting of approximately 0.42 acres.

Ms. Ferran, owner of record was present.

There was no objection to the public notice.

Ms. Ferran presented the application. Ms. Ferran explained that the proposed fence will be 16', from the kitchen window to the patio. Ms. Ferran commented that for twenty years there had been privacy hedges. Ms. Ferran explained that the nice side of the fence will face the neighbor.

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

Mr. Price stated that the fence will be 6' in height and 16' in length and will go by the patio to help block the view of the neighbors.

Ms Dedrukaj, a neighbor, spoke of her concerns with the hvac unit on the side of the house and a fence positioned by the hvac unit, this would not help with air flow for the hvac unit.

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

Mr. Price asked if anyone from the board wanted to comment. There were no more comments from the board.

Mr. Price asked if anyone 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: Ms. Infield, Ms. Mandelker, Mr. Rendo 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

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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. 02-23-SP

Application of John Buzzeo & Carol Coleman, Executors of the Estate of Tomasina Buzzeo, 17 Orchard Drive, South Salem, NY 10590 for a renewal of a Special Permit pursuant to Article V, Section 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.

The property is located on the east side of Orchard Drive, designated on the Tax Map as Sheet 34A, Block 11827, Lot 9, in an R-1/2A, One-Half-Acre Residential District consisting of approximately 0.844 acres.

Mr. Buzzeo, Executor of the Estate of Tomasina Buzzeo, was present.

Ms. Coleman, Executor of the Estate of Tomasina Buzzeo, was present.

There was no objection to the public notice.

Mr. Price commented that the Building Inspector conducted a site inspection on October 18, 2023.

Mr. Kelly informed the board that he did a follow up inspection of the site, Wednesday, November 15, 2023. Mr. Kelly commented that in the original inspection report he noted that there were two unregistered vehicles on the property, and they have been removed to comply with the property maintenance code. The applicant had a trailer located on the state (county) property, which has been removed.

Mr. Price explained that if the applicant is conforming to the rules and regulations of the Town and there are no complaints, and the Building Inspector's report is favorable.

Mr. Price welcomed any discussion from the board. There were no comments from the Board.

Mr. Price asked for a motion to approve the application as presented. Mr. Rendo made a motion to approve the application.

Mr. Kelly stated that the Zoning Board Administrator had requested documentation of the appointment of executor and had not received any documentation. Mr. Kelly spoke to Mr. Buzzeo and said that legal documentation is needed to show that Mr. Buzzeo is the executor of the estate.

Mr. Buzzeo commented that he had been coming before the Board for more than twenty years.

Mr. Price explained that this is different than before since it is now an estate.

Ms. Coleman was able to give Mr. Price a copy of the Certificate of Appointment of Executors from the Surrogate's Court of the State of New York, Westchester County.

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

Mr. Price stated that the application was approved for a period of two years.

CAL. NO. 23-23-BZ Amended

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 to the existing non-conforming residence will have a south side yard setback of 6.9' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 33.1' and north side yard setback of 22.9' whereas 40' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 17.1', the proposed screened in porch to the existing non-conforming residence will have a rear yard setback of 47.1' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 2.9', the existing non-conforming residence has a total building coverage of 16.04% and the proposed screened in porch will have a total building coverage of 19.31% whereas 9% is the maximum allowed 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 a total variance of 10.31% which is an additional 3.27% above the existing non-conforming status.

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. Croke, the architect, was present.

Mr. Price asked if there were any objections to the public notice.

Mrs. Arnold requested to address the Board about the events of the September meeting. Mrs. Arnold apologized to the Chairman, members of the Board and Mr. Kelly for how they were disrespected.

Mr. Croke presented the application. Mr. Croke commented that there had been some confusion at the last meeting as to what was being presented. Mr. Croke explained that they had the property surveyed to verify the property lines. Mr. Croke commented that he and Mr. Kelly had reviewed everything with the application. Mr. Croke explains that this is a non-conforming lot in a two-acre zone. The house is slightly askewed counterclockwise. The proposed screened porch will go over an existing concrete terrace. Mr. Croke explained to the Board the setback dimensions and how the coverage was based on existing coverage, from the survey and the proposed 293 square feet screened porch addition. Mr. Croke commented that lot coverage has been included on the site plan. There has not been any change in lot coverage since the proposed screened porch will be going over the existing concrete terrace. The addition will be an extension of the gable roof of the house.

Ms. Infield commented that they did a site visit of the property.

Mr. Price questioned if this was going to be heated.

Mr. Croke replied that there will not be any heat, there will be electricity for lights.

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

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

Mr. Price asked if there was approval for this application. Mr. Price commented on the record that this application was before the Board in September.

Mr. Rendo made a motion to approve the application; Ms. Mandelker seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Rendo 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. 27-23-BZ

Application of Luis Pena, [Pena, Luis, Jr. & Santos, Solangel, owner of record], 2 Silvermine Drive, South Salem, NY for the following variance for the proposed shed/ Dutch barn which will have a side yard setback of 10' whereas 40' are required per Article IV 220-23E of the Town of Lewisboro Zoning Code therefore requiring a side yard variance of 30' and will have a rear yard setback of 20' whereas 50' are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring a rear yard variance of 30'.

The property is located on the south side of (#2) Silvermine Drive, South Salem, NY designated on the Tax Map as Sheet 0048, Block 10057 Lot 119, in an R-2AC, Two- Acre Residential District consisting of approximately 1.11 acres.

Mr. Pena, owner of record, was present.

There was no objection to the public notice.

Mr. Pena presented the application. The proposed shed will be in the far corner of the lot. Mr. Pena explained that if he has the shed installed where the Town code allows, the shed will be encroaching the septic field. He explained that the shed is pre-built.

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Ms. Mandelker questioned how far it would be from the beginning of the septic system.

Mr. Pena explained that if he used the 40' side yard setback and the 50' rear yard setback that the Town Code allows, the shed would be on top of the field. Mr. Pena commented that he provided a survey.

Ms. Mandelker asked if they could request if the shed be moved to lessen the impact of the variance. Ms. Mandelker questioned whether there was another location on the property.

Mr. Pena replied that the shed could possibly be placed in the opposite corner of the property. Relocating to the opposite corner of the property would not allow for the setbacks from the Town code, since there is the garage and driveway to consider. Mr. Pena submitted to the Board, two letters of support from neighbors.

Mr. Price questioned Mr. Pena as to where the neighbors lived in relation to Mr. Pena's property.

Mr. Pena replied that one of the neighbors is from Lockwood Road, Ms. Helmes, who lives across the street and would be the most affected since they might be able to see the shed. The other neighbor on Silvermine is also across the street.

Mr. Rendo commented that Ms. Helmes came into the zoning office and looked at the plans and found no problem with the shed.

Mr. Price suggested that some evergreen-type trees be planted in the front of the shed, to help with screening.

The Board and Mr. Pena came to a consensus after a discussion of trees, scrubs and flowers for screening of the shed, the condition of the Resolution will be a planting of two scrubs/trees, 4' minimum in height, planted anywhere between the shed and street within 20' of the shed.

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

Ms. Infield made a motion to approve the application, with the condition of two scrubs, a minimum of 4' in height, within 20' from the shed, Mr. Rendo seconded the motion. To Approve: Mr. Rendo, 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.

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Application of Gossett Brothers Nursery, [Thomas Gossett, Trustee for the Thomas Gossett Revocable Trust, owner of record] 1202 Route 35, South Salem, NY 10590, for the renewal of a Special Permit pursuant to Article V, Section 220-32B (2)(f) to operate a non-conforming nursery business.

The property is located on the north side of Old Post Road (Route 35), designated on the Tax Map as Sheet 0031, Block 10805, Lot 046, in an R-2A, Two-Acre Residential District consisting of approximately 5.50 acres.

Mr. Gossett, Trustee, was present.

There was no objection to the public notice.

Mr. Price stated that Mr. Gossett is requesting a renewal for a special permit for a non-conforming nursery business. Mr. Price commented that there had been a site inspection on October 31, 2023, conducted by the Building Inspector, Mr. Kelly.

Mr. Kelly informed the board that he had been out to the nursery for the inspection and noted that there was an unacceptable amount of wood pallets on the property. He requested that the number of wood pallets be reduced to comply with the NYS Building and Fire Code. Mr. Kelly commented that he had visited the site after the inspection and the wood pallets had been reduced to comply with the code.

Mr. Price explained that if the applicant is conforming to the rules and regulations of the Town and there are no complaints, and the Building Inspector's report is favorable, the special permit will be renewed for a period of two years.

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

Mr. Price stated that the application was approved.

CAL. NO. 28-23-BZ

Application of Lon Kaiser, [McCaffrey, Suzanne & Kaiser, Lon Webb, owner of record], 5 Big Rock Loop, Katonah, N.Y., the proposed existing garage conversion to a music room will have a front yard setback of 22'-0" whereas 30'-0" are required per Article IV 220-23E of the Town of Lewisboro Zoning Code, therefore requiring variance of 8'-0" and will have a centerline of the street setback of 38'-0" whereas 55'-0" are required per Article IV Section 220-23E of the Town of Lewisboro Zoning Code therefore requiring variance of 17'-0".

The property is located on the east side of (#5) Big Rock Loop, Katonah, NY designated on the Tax Map as Sheet 009A, Block 10790 Lot 009, in an R-1/2AC, One Half-Acre Residential District consisting of approximately 0.54 acres.

Mr. Ebert, Architect, was present.

Mr. Kaiser & Ms. McCaffrey, owners of record, were present.

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There was no objection to the public notice.

Mr. Ebert presented the application. Mr. Ebert described the location of the house on the property. The owners are proposing to convert the existing garage to a music room. The plan will include raising the roof, on account that the existing ceiling is very low. There will not be any increase in the foot print the current space. The room will be fully insulated with spray foam to help with noise control. A small, covered stoop will be added in front of the garage, but will not extend any further than the current house does now. Mr. Ebert explained that they are applying for two variances, one is for a front yard setback and the other variance is for front yard to the center line in the street. The request is a minor change. This is not self-created. There will not be any impact to the environment. Mr. Eberts commented that three neighbors have submitted letters of support.

Mr. Price commented that there are letters of support were from neighbors, Maples & Bune, Yurus, and Baker. Mr. Price asked if anyone from the public wanted to comment on this application. There were no comments.

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

Mr. Rendo commented that it should be a nice addition.

Mr. Price asked if a board member would make a motion to approve the application.

Mr. Rendo made a motion to approve the application; Ms. Mandelker seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Rendo 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. 29-23-BZ

Application of Graham, David [Rubenstein, Jake & Jennifer, owner of record], 71 North Salem Road, Cross River, NY. The applicant is proposing a new addition to an existing residence that will have a front yard setback of 34.5' whereas the code requires 50' therefore requiring a front yard variance of 15.50', a front yard setback from the centerline of street of 54.1' whereas the code requires 75' therefore requiring a front yard from the centerline variance of 20.90' and side yard setback of 39.5' whereas the code requires 50' therefore requiring a side yard variance of 10.5 as per article IV Section 220-23E of the Town of Lewisboro Zoning Code.

The property is located on the east side of (#71) North Salem Road, Cross River, NY designated on the Tax Map as Sheet 0020, Block 10801, Lot 025 & 059, in an R-4AC, Four-Acre Residential District consisting of approximately 4.20 acres.

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Mr. Graham, Architect was present.

Ms. Rubenstein, owner of record, was present.

There was no objection to the public notice.

Mr. Graham presented the application. Mr. Graham explained the location of the house on 4.16 acres with a shared driveway. The house is a small cottage built in the 1940's. The house is considered non-conforming due to the size and the setback of the house. Mr. Graham stated that there is a 50' setback all around the house and a 75' front yard setback from the centerline of street. The applicant is proposing a small carport, which encroaches on the left side setback 10-6'. Mr. Graham informed the board that Ms. Rubenstein spoke with the neighbors about the proposed project.

Mr. Price commented that a letter of support was received from the neighbor, Judith & Laurence Beller.

Ms. Mandelker commented that the house is located down a private lane, which is not very visible, the addition should not impact the neighbors. Ms. Mandelker said that she did not have any objections to the request for the variances.

Ms. Infield agreed that this addition will be a minimal change and will be an improvement.

Ms. Mandelker made a motion to approve the application. Ms. Infield seconded the motion. To Approve: Mr. Rendo, 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

Adoption of 2024 Meeting schedule

The Board reached consensus to approve the Adoption of 2024 Meeting schedule.

Ms. Infield made a motion to approve the 2024 ZBA schedule. The motion was seconded by Mr. Rendo. To approve: Ms. Infield, Mr. Rendo, Ms. Mandelker and Mr. Price. To Abstain: none.

IV. NEXT MEETING

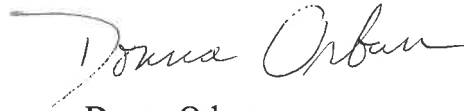
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V. ADJOURN MEETING

Mr. Rendo made a motion to adjourn. Ms. Infield second the motion. The board reached consensus to adjourn the meeting at 9:20 P.M.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Donna Orban". The signature is written in dark ink and is positioned above the printed name.

Donna Orban

Secretary, Zoning Board of Appeals