**ZONING BOARD OF APPEALS**

**TOWN OF LEWISBORO**

**MINUTES**

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, July 27, 2016 at 7:30 P.M., at the Town of Lewisboro Offices at Orchard Square, Cross River, New York 10518.

Board Members: Present: Robin Price, Jr. Chairman

 Jason Krellenstein

Thomas Casper

 Absent: Todd Rendo Carolyn Mandelker

Also Present: Aimee Hodges, ZBA Secretary

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

The Meeting was called to order at 7:40 P.M. Chairman Price introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting is scheduled for Wednesday, September 28, 2016 with a site walk scheduled for Saturday, September 24th. The Board cancelled the August meeting.

**I. Review and adoption of the Minutes of June 22, 2016**

Mr. Casper moved to adopt the minutes of June 22, 2016. The motion was seconded by Mr. Krellenstein; In Favor: Mr. Krellenstein, Chairman Price, and Mr. Casper. Absent: Mr. Rendo and Mrs. Mandelker.

**II. PUBLIC HEARINGS**

**Cal. No. 18-16-BZ**

**Application of Michael Fuller Sirignano, Esq., 892 Route 35, Cross River, NY [Contract Vendee: 1410 Route 35, LLC (Elegant Banquets, LLC), 506 Candlewood Lake Rd., Brookfield, CT 06804] [South Salem Owners, LLC, 73-44 177th St., Fresh Meadows, N.Y., owner of record] for a variance of Article VII, Sections 220-55E(5) to allow improvements to parking lots without planting shade trees in or adjacent to parking areas where one shade tree is required for every 10 required parking spaces [6 trees required but not provided].**

**The property is located on the northerly side of (#1410) NYS Route 35 and designated on the Tax Maps of the Town of Lewisboro as Sheet 39, Block 10549, Lot 17, in an R-4A, Four Acre Residential District consisting of approximately 24.23 acres.**

There were no objections to the notice of public hearing as published in The Journal News.

Michael Sirignano, Esq. was present with his client.

Mr. Sirignano requested that this matter be held over until the next meeting given that Mr. Krellenstein had recused himself from the application and therefore there was not a quorum of the Board.

The Board adjourned the hearing this evening. The hearing will be reconvened September 28, 2016.

**CAL. NO. 19-16-BZ**

**Application of Jeri-Lynn Capobianco, 197 Ridgefield Avenue, South Salem, NY for a variance of Article IV § 220-23E of the Zoning** **Ordinance in the matter of an as-built shed that is closer to the side lot line than permitted (9’ at closest existing where 40’ is required) in an R-2A, Two-Acre Residential District.**

**The property is located on the south side of (#197) Ridgefield Avenue, South Salem, New York and designated on the Tax Map as Sheet 40, Block 10263, Lot 63, in an R-2A, Two-Acre Residential District consisting of approximately 2.16 acres.**

There were no objections to the notice of public hearing as published in The Journal News.

Jeri-Lynn Capobianco was present.

Mrs. Capobianco advised that the shed had been erected the previous summer as part of a pool project. She noted that the proper permits were received. At the time of the final inspection the Deputy Building Inspector, Paul Bauer advised that the shed had been erected too close to the side yard lot line. She was aware that the shed was too close but as previously explained, a variance was received when their house was under construction for encroachment in the side yard setback. She was under the belief that it would be okay to build the shed within the setback as well. As soon as she was made aware that a variance would be required Mrs. Capobianco went to the Town offices and filed the application. Mrs. Capobianco further noted that the property adjacent to the shed is a hiking trail owned by the Town and is a part of the Leon Levy Preserve.

Chairman Price advised that the three Board members present this evening walked the property on Saturday.

Mr. Krellenstein advised that he was the hardest to convince but noted that although the property is large, there is a limited amount of level space. It was his opinion that there was the absence of bad faith given that the applicant had received permits and variances in the past. There is little space where the shed could have been located, it would not impact any of the neighboring properties, and the property immediately adjacent received a variance for a shed located too close to the property line.

Chairman Price and Mr. Casper concurred with Mr. Krellenstein’s observations.

Chairman Price moved to grant the variance as presented for the following reasons:

* There is no undesirable change to the character of the neighborhood or detriment to nearby properties.
* There is no practical alternative to the variance requested due to the constraints of the property.
* The requested variance is not substantial.
* There will not be an adverse effect or impact on the physical or environmental condition of the neighborhood.
* The Board found that it was likely that the difficulty may have been partially self-created, but due to the constraints of the property there is very little area to place the shed.

The motion was seconded by Mr. Casper; To Approve: Mr. Krellenstein, Chairman Price, and Mr. Casper. To Deny: None. Absent: Mr. Rendo and Mrs. Mandelker.

**CAL. NO. 20-16-BZ**

**Application of Brian Graham, 1 Shoshone Drive, Katonah, NY [Brian Y. Graham & Jane M. Bender, owners of record] for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of a proposed shed that is closer to the side lot line than permitted (2’ proposed where 30’ is required) in an R-1A, One-Acre Residential District.**

**The property is located on the south easterly corner of (#1) Shoshone Drive & Indian Hill Road, Katonah, New York and designated on the Tax Map as Sheet 10, Block 11152, Lot 185, in an R-1A, One-Acre Residential District consisting of approximately 1.16 acres.**

The Chairman advised that the Board was in receipt of an e-mail dated July 26, 2016 advising that the applicant had withdrawn their petition for a zoning variance for the proposed shed.

**CAL. NO. 21-16-SP**

**Application of Young Su Lee-Grasic, 31 Dingee Road, South Salem, NY [Ignac Igor Grasic & Young Su Lee-Grasic, owners of record] for a Special Permit pursuant to Article V, § 220-32B (2) (c) and § 220-40 of the Zoning Ordinance to construct an accessory apartment above the existing garage in an existing one-family residence.**

**The property is located on the easterly side of (#31) Dingee Road, designated on the Tax Map as**

**Sheet 29, Block 10553, Lot 109, in an R-2A, Two-Acre Residential District consisting of**

**approximately 8 acres.**

There were no objections to the notice of public hearing as published in The Journal News.

Heike Schneider, AIA was present with Young Su Lee-Grasic.

Ms. Schneider displayed the front elevation of the existing residence located on an eight acre property within the R-2A zoning district. She noted that that given that the square footage of the existing residence is 3120 s.f. her client would be permitted to construct an 825 s.f. apartment. The apartment being proposed is 682 s.f. within the existing attic space over the three car garage. Ms. Schneider noted the proposed stairs and deck that would serve as the entrance to the apartment; a parking area for the tenant is provided under the deck. This proposal meets all setback requirements.

The Board members agreed that this application met the criteria of the code. Mr. Krellenstein pointed out that the maximum size of the apartment permitted is 788 s.f. and is correctly noted on the plans.

Mr. Krellenstein moved to approve the Special Use permit for the accessory apartment for a period of ten years for the following reasons:

* There will be no undesirable change to the character of the neighborhood or detriment to any nearby properties.
* The request is not substantial with regards to the change of the building.
* There is no adverse effect or impact on the physical or the environmental condition of the neighborhood.
* The application meets all the criteria of the Zoning Ordinance for a Special Permit.

 The motion was seconded by Casper; In Favor: Mr. Krellenstein, Chairman Price and Mr. Casper. To Deny: None. Absent: Mr. Rendo, and Mrs. Mandelker.

**IV. CORRESPONDENCE & GENERAL BUSINESS**

Mr. Krellenstein moved to adjourn the meeting at 7:55 P.M. The motion was seconded by Mr. Casper; In Favor: Mr. Krellenstein, Chairman Price, and Mr. Casper.

Respectfully submitted,

Aimee M. Hodges

Secretary, Zoning Board of Appeals