

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

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, December 7, 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 Todd Rendo Carolyn Mandelker Thomas Casper
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Also Present:	Aimee Hodges, ZBA Secretary
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The Meeting was called to order at 7:30 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, January 25, 2017 with a site walk scheduled for Saturday, January 21st.

I. Review and adoption of the Minutes of October 26, 2016

Mrs. Mandelker moved to adopt the minutes of October 26, 2016. The motion was seconded by Mr. Casper; In Favor: Mr. Krellenstein, Chairman Price, Mr. Rendo and Mrs. Mandelker and Mr. Casper.

II. REQUEST FOR AN EXTENSION OF TIME

Cal. No. 28-15-BZ

Application of Robert Lauria, North County Shopping Center, Suite 201, Goldens Bridge, NY 10526 [Stephen Cipes, P. O. Box 544, Goldens Bridge, NY, owner of record] seeking the following variances associated with the proposed new Phase 1 Development consisting of a new 2-story mixed-use building and proposed Phase 2 consisting of a new single-story retail building and all related site improvements: [1] Article III, Section 220-12E (1) in the matter of the proposed north retaining wall located within the required yard area where the maximum height proposed is 21.5 feet and the south retaining wall located within the required yard area where the maximum proposed height is 19.8 feet where six feet is permitted; [2] Article IV, Section 220-23E in the matter of a variance of the maximum site coverage (upon completion of Phase 2 the coverage of the entire property will be 63.97%, where 60% is permitted); [3] Article VII, Section 220-56D in the matter of the existing and proposed parking at the Goldens Bridge Shopping Center where 288 parking spaces are required for the existing conditions and there exists 218 parking spaces; 354 parking spaces are required for the proposed Phase 1 development and the applicant is providing 292 parking spaces; and 404 parking spaces are required for the proposed Phase 2 development and the applicant is providing 384 parking spaces.

The property is located on the east side of NYS Route 22 and on the south side of NYS Route 138 and designated on the Tax Map of the town of Lewisboro as Sheet 4, Block 11126, Lot 7 in the RB Retail Business District.

Robert Lauria, the property manager for Goldens Bridge Shopping Center and Peter J. Helmes, AIA, project architect were present.

Mr. Helmes summarized his correspondence dated October 21, 2016 addressed to Chairman Price and the Members of the Zoning Board of Appeals, which is a part of the record. He noted that the ZBA granted the requested variances on September 30, 2016 [the resolution was stamped by the Town Clerk on October 28, 2016]. The mylars have been signed by the Town Engineer, Planning Board Chairman and Secretary. They are currently waiting for the stormwater agreement with the Town to be filed with the Westchester County Clerk. Given the timing and the winter weather, the applicant is looking to commence construction in the spring.

Mr. Casper moved to grant a one year extension of time to the variances granted under Cal. No. 28-15-BZ. The motion was seconded by Mr. Rendo; To Approve: Mr. Krellenstein, Mr. Rendo, Chairman Price, Mrs. Mandelker and Mr. Casper.

III. PUBLIC HEARING

CAL. NO. 31-16-BZ

Application of John Stanley Pottinger, 49 Twin Lakes Road, South Salem, NY for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of a proposed an addition that is closer to the side lot line than permitted (11.5' proposed where 15' is required) in an R-1/2A, One-Half Acre Residential District.

The property is located on the north side of (#49) Twin Lakes Road, South Salem, New York and designated on the Tax Map as Sheet 34B, Block 11827, Lot 32, in an R-1/2A, One-Half Acre Residential District consisting of approximately 0.777 acres.

Stanley Pottinger was present with the project architect Andrew Whitelaw, RA.

There were no objections to the notice of public hearing as published in the official newspaper.

Chairman Price advised that the Board conducted a site visit on Saturday, December 3rd and had some questions.

Mr. Whitelaw advised that the applicant is proposing a seven foot addition on the east side of the residence to gain additional kitchen storage space and space in in the master bedroom. He noted that the property line goes on an angle; the front portion of the addition is proposed 11.5 feet from the property line.

Mr. Pottinger advised that he had discussed the proposal with his neighbor, Allan Gottlieb [present this evening], who had raised some concerns that Mr. Pottinger felt were reasonable and was willing to address. The first being that the foundation work not cut into any of the roots of any major trees. Mr. Pottinger's contractor had indicated to him that they would not be anywhere near the root ball or

extended roots of the trees. Secondly, there are currently two propane tanks and a generator on the east side of the residence. Mr. Pottinger affirmed that neither would be moved any closer to the Gottlieb residence. They would be moved further to the north and will be screened. He further indicated that he had spoken with Suburban Propane about burying the propane tanks. The only concern is a major rock formation. No matter what the configuration of the rock is, Mr. Pottinger stressed that neither the generator or propane tank would be moved closer to the Gottlieb residence.

Chairman Price note that this Board must consider whether there is a practical alternative. The Board questioned whether the proposed addition could be bumped either to the front or back rather than within the setback.

Mr. Whitelaw advised that this was considered, but it would interfere with the flow of the kitchen and the function of having the closet space adjacent to the master bathroom. Visually, this would not be as appealing.

Mr. Pottinger believed that moving the addition toward the street would also impact the property value of his home as well as the neighboring properties.

A discussion followed pushing the addition to the rear. Mr. Pottinger advised that they had looked at this, but could not figure out how to make it work. It would create an overhang in the kitchen and would interfere with the natural light. Mr. Whitelaw indicated that this would require a major supporting beam because it would take the load of the floor and the roof.

Mr. and Mrs. Gottlieb came up and reviewed the proposed plans. Mr. Gottlieb expressed concern with what the actual fixed variance would be.

Mr. Pottinger reviewed the site plan and noted that the property line is at an angle away from the house; the actual encroachment of the southeast corner into the setback is three and one-half feet. He noted that his architect has stated four feet to be on the safe side. The rear of the proposed addition is not within the setback.

Mrs. Gottlieb would like the plans to reflect the location of the generator and propane tanks.

Chairman Price advised that he would like to see the property line staked, 20 feet apart. He also requested that the corner of the proposed house, generator and propane tank locations be staked. The Board would come back out to the site.

Mrs. Gottlieb asked for assurance that her trees would not be damaged. She further questioned whether her property value would be reduced because the neighboring residence is too close to the property line.

Mrs. Mandelker advised that this Board could not answer whether this would affect the property value. She noted that the Gottlieb residence is at a higher elevation so it is not directly next to the applicant's residence. The screening issue is important. Mrs. Mandelker advised that she was less concerned with 3 ½ feet, but noted that the roofline could be more attractive.

Mr. Krellenstein advised that should the variance be granted, the resolution could have conditions that would address the concerns of the neighboring property owner.

Mr. Casper advised that the neighbors had to be their own advocates. He suggested that they get the opinion of a real estate appraiser for the concern regarding how the value of their home would be affected and have an arborist address their concern regarding the trees. He noted that after the property is staked, it would be clear what the incursion into the setback would actually be.

The architectural plans and elevations were reviewed by the Gottlieb's.

Mr. Krellenstein noted that the actual incursion was small and further noted that the applicant's property is well kept. He briefly reviewed what the Board considered when granting or denying a variance.

It was noted that the Board would revisit the site on January 21st and asked that the staking as requested be in place. The Board requested that the site plan showing the revised location of the generator and propane tanks also include the major trees. The Board requested that the revised site plan be received prior to the site visit.

Mr. Pottinger advised that he would further consider reconfiguring the addition outside of the setback.

It was announced that this hearing would be reconvened on Wednesday, January 25th.

IV. CORRESPONDENCE & GENERAL BUSINESS

Mr. Krellenstein moved to adjourn the meeting at 8:10 P.M. The motion was seconded by Mr. Casper In Favor: Mr. Krellenstein, Chairman Price, Mrs. Mandelker and Mr. Casper.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'A. Hodges', is centered on the page.

Aimee M. Hodges
Secretary, Zoning Board of Appeals