

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

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, February 29, 2019 at 7:30 P.M., at the Town of Lewisboro Offices at 79 Bouton Road, South Salem, New York.

Board Members:

Present: Robin Price, Jr. Chairman  
Thomas Casper  
Carolyn Mandelker  
Jason Krellenstein  
Todd Rendo

Also Present:

Kara Sullivan, Secretary  
Joseph Angiello, Building Inspector  
Anthony Molé, Attorney

\*\*\*\*\*

The Meeting was called to order at 7:41 P.M. Chairman Price introduced the members of the Board and others present and noted the emergency exits. (The next ZBA meeting is scheduled for Wednesday, March 27, 2019, with a site visit scheduled for Saturday, March 23, 2019.)

**I. Review and adoption of minutes of November 2018 and December 2018**

Mr. Krellenstein moved to adopt the minutes of November 28, 2018 and December 19, 2018. The motion was seconded by Mr. Rendo; To approve: Mr. Krellenstein, Mr. Rendo, Chairman Price, and Mr. Casper and Mrs. Mandelker

**II. PUBLIC HEARINGS**

**CAL. NO. 17-18-BZ**

**Application of Bruce & Melinda Cascio, [Bruce & Melinda Cascio Revocable Trust, owner of record], 1 Old Oscaleta Road, South Salem, New York, for a variance of Article III § 220-9C (1) of the Zoning Ordinance in the matter of the proposed enlargement/extension of the office and storage area in an existing commercial structure (automobile repair shop) in an R-2A, Two-Acre Residential District.**

**The property is located on the northeast corner (#1) Old Oscaleta Road and Oscaleta Road, designated on the Tax Map as Sheet 35, Block 11826, Lot 2, in an R-2A, Two-Acre Residential District consisting of approximately 2.5 acres.**

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

Bruce Cascio, owner of record, was present with his attorney, Michael Fuller Sirignano, Esq.

Mr. Sirignano noted that since he and the applicant were last in front of the board in December 2018, the plans have been revised. Mr. Sirignano explained that, based upon concerns from board members pertaining to the proposed storage area at that time and the connecting door from that new storage area into the private garage which is unrelated to the business operations, the project architect, Jerome Kerner, eliminated the storage area and the connecting door to the large barn building. Mr. Sirignano stated he submitted a letter dated January 10<sup>th</sup> 2019 with revised drawings that now allow for an 'L' shaped route or pathway for Mr. Cascio to get from the office to the front of the garage. Mr. Sirignano stated they substantially reduced the structures they were originally seeking variances for and they have provided their explanations within the January 10<sup>th</sup> plan revision submitted. He noted that they have established the standard for the relief needed which is now a reduced amount of relief and is essentially handicapped access from the office to the garage.

The Board reviewed the revised plan dated January 10<sup>th</sup>.

Mr. Sirignano reiterated that the revised plan is now basically an 'L' that wraps around just in the office and that the new roof line is going to be lower than the existing roof lines both in the office and adjoining private barn. Mr. Sirignano stressed this 'L' shaped addition is not going to be visible from the street or any other neighboring property.

Mr. Casper stated he felt this completed the boards' concerns as long as Mr. Cascio felt his needs were being accommodated. Mr. Casper stressed his concern that if the garage was ever connected to the existing building the preexisting nature of the structure would be lost.

Mrs. Mandelker stated she has no objections to the new revised plan.

Mr. Rendo stated since Mr. Krellenstein was not voting, the Board should possibly postpone this matter until they had a full 5 people but that this was just an observation.

Chairman Price stated that the application as presented was being approved under the following conditions:

- (1) The applicant was to proceed with this revised drawings submitted January 10<sup>th</sup> 2019.
- (2) The office was not to be connected to the barn in the back.

Mr. Casper moved to approve the application as amended. The motion was seconded by Mrs. Mandelker; To Approve: Chairman Price, Mrs. Mandelker, Mr. Rendo, and Mr. Casper. To Deny: None. Abstain: Mr. Krellenstein

**CAL. NO. 1-19-BZ**

Application of Absolute Green Homes Inc. (S. Cote) [90 Spring St. LLC, owner of record] 33 Truesdale Lake Road, South Salem, NY, for a variance of Article III § 220-23D(11) of the Zoning Ordinance in the matter of the construction of an addition/alteration to the existing garage that is proposed to increase the floor area to 968 square feet whereas 600 square feet is the maximum permitted.

The property is located at 90 Spring Street, designated on the Tax Map as Sheet 30, Block 10542, Lot 20 in an R-1A SC, One-Acre Special Character District, consisting of approximately 3.0261 acres.

Patricia Antonelle, owner of record, was present with her builder, Sylvain Cote.

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

Mr. Cote stated the plans submitted depict that space would be taken from back of the garage and added to the side of the garage slightly increasing the overall square footage but keeping the roof line the same. Mr. Cote pointed out that the building was already non-conforming over the six hundred square foot code requirement and that the garage was altered at some point in the 1970's causing a partial obstruction to the entrance. Mr. Cote stressed his plan was to rectify the garage obstruction by building to the east side so the driveway would then be aligned with the garage.

The Board reviewed the submitted plans.

Chairman Price stated that the garage was already 728 square feet without the addition and inquired if Mr. Cote was aware of when the garage was built.

Mr. Cote responded, although it was unclear, he estimated the garage was built in the 1940's or 1950's.

Mr. Rendo commented that the applicant was asking for a 140 square foot variance totally 968 square feet.

Jason Krellenstein asked since the building was already an existing non-conforming, can the Board allow for the expansion of a non-conformity.

Mr. Mole, the Town's attorney, responded affirmatively.

Mr. Casper made a motion to approve the application. The motion was seconded by Mrs. Mandelker; To Approve: Mrs. Mandelker, Mr. Rendo, Chairman Price and Mr. Casper. To Deny: Mr. Krellenstein.

**CAL. NO. 2-19-BZ**

**Application of James Polera [Kaplan, Rich, owner of record], 120 Old Lake Street, West Harrison, NY, for a variance of Article III § 220-23(E) of the Zoning Ordinance in the matter of construction of an addition that will have a front yard setback of 48'6" whereas 50' are required.**

**The property is located at 5 Pamela Lane, South Salem, NY and designated on the Tax Map as Sheet 26-A, Block 10822, Lot 3 in an R-2A Residential District, consisting of approximately 1.0 acres.**

James Polera, the applicant, was present on behalf of the owner.

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

Mr. Polera stated that the way the house was built, in his best estimate in the 1800's, it was entirely in the front setback so any modification made, even in the rear of the house, would also be in the front setback.

The Board reviewed the submitted plans.

Mr. Krellenstein moved to approve this application as noticed for the following reasons:

- These were modest changes.
- The additional would be a welcomed property improvement.

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

**CAL. NO. 3-19-BZ**

**Application of David Oddo [Oddo, David and Maria, owners of record], 70 Lambert Ridge Cross River, NY for a variance of Article III § 220-23E of the Zoning Ordinance in the matter of an as-built outdoor stone fireplace that has a side yard setback of 14' whereas 30' are required.**

**The property is located at 70 Lambert Ridge, Cross River, NY and designated on the Tax Map as Sheet 16, Block 10533, Lot 414 in an R-1A, One-Acre Residential District, consisting of approximately 1.374 acres.**

Chairman Price advised that this matter has postponed and will be reconvened on March 27, 2019.

**CAL. NO. 4-19-BZ**

**Application of Margaret Bowen [Robert and Patricia Bowen, owners of record] 51 Gilbert Street, South Salem, New York, for a variance of the Zoning Ordinance in the matter of an as-built deck that has a rear yard setback of 27' whereas 30' is required and a side yard setback of 9.2' whereas 15' is required per Article IV, § 220-23E of the Town of Lewisboro Code in an R-1/2A, One-Half-Acre Residential District.**

The property is located on the south side of Gilbert Street, designated on the Tax Map as Sheet 36D, Block 11161, Lot 16, in an R-1/2A, One-Half-Acre Residential District, consisting of approximately 0.22 acres.

Margaret Bowen, the applicant, was present with a representative from Get My C.O., Michael Lener.

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

Mr. Lener displayed the site plan and supporting photographs of the as-built deck and indicated it was constructed over 40 years. He reiterated the two variances being requested as stated in the public hearing. Mr. Lerner stressed that the deck was needed as there are three means of egress from the house leading to the deck. Removal of the deck would pose a drop down or safety concern and lack of means of egress.

Mr. Krellenstein inquired if the deck was as-built to which Mr. Lener replied yes.

Mr. Casper stated he viewed the deck on the site visit and it didn't require a lot of studying. He commented that compared to the many things the Board sees, this is an easy things to approve.

Mr. Krellenstein asked an audience member, Mr. Mason, if this was the application he was appearing on.

Mr. Mason, who was representing the potential buyer of this house, stated he merely wanted to observe the hearing for his buyer and had no objections on the matter.

Mr. Krellenstein alerted the Board that he and Mr. Mason were acquainted on an entirely different matter and there were no conflicts of interests.

Mr. Krellenstein stated he has no problem with the variance and if the deck wasn't there, people would fall out the window. He felt it was a minor application and it should be approved.

Mr. Casper moved to approve the application as noticed.

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

#### **IV. CORRESPONDENCE & GENERAL BUSINESS**

- Mr. Sirignano asked if he could address the Board regarding next month Mercedes Benz application and explained that the Town Attorney, Anthony Mole, Esq., would guide the Zoning Board through the prospective proceedings. Mr. Sirignano informed the Board that, rather than vote on the matter, they were being asked for their voluntary feedback of particular issues requested the by Town Planning Board that could arise because of the variances being sought. Mr. Sirignano stressed that they were in the preliminary stages of this Zoning Board process and further communication would be received either from the Town Attorney or the Planning Board directly prior to March's Zoning Board of Appeals meeting.

The Zoning Board discussed the prospective agenda item proceedings and expressed concerns that is practice is not typical in nature.

Mr. Mole, Town Attorney, responded to the Zoning Boards' inquiries indicating that the Planning Board was acting as lead agency for that application which makes the Zoning Board and the Town Board involved agencies. Mr. Mole emphasized that, as per the New York State Environmental Quality Review Act, involved agencies are required to comment on the applications that are pending before the Planning Board and that the Zoning Board will have a separate proceeding for their variance application. Mr. Mole emphasized this has to be a coordinated review because the Town Board cannot rule on a zone change petition without getting to a certain point in the SEQR process so this would require a lot of coordination between the three boards in terms of timing.

Chairman Price stated they would wait for the communication that coming and determine at that point how it would be approached.

- Mr. Casper stated that, in conjunction with the new Board alternates, he thought it was important to discuss the process and how it should be implemented. He also asked if the Ethics Committee could help them define conflicts that the Board may have and provide direction for dealing with conflicts if they were to arise. He inquired if Chairman Price could sign a simple letter to the Town Board regarding this.

Chairman Price stated he thought that was appropriate.

Mr. Krellenstein moved to adjourn the meeting at 8:25 P.M. The motion was seconded by Mr. Rendo. The Board reached consensus to adjourn the meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kara Sullivan', is written over a faint, circular official stamp.

Kara Sullivan  
Secretary, Zoning Board of Appeals