Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, August 20, 2008 at 8:15 p.m., at the Town House, 11 Main Street, South Salem, New York 10590.

Board Members:  Present:  Carolyn Mandelker
                 Acting Chairperson
                 Robin Price, Jr.
                 Jason Krellenstein

Absent:  Geoffrey Egginton
         Thomas Casper

Also in Attendance:  Alex Posadas
                     ZBA Secretary

The Meeting was called to order at 8:15 p.m. Ms. Mandelker introduced herself and the Board members; Mr. Price and Mr. Krellenstein.

Ms. Mandelker announced that in the preparation of a Resolution, a decision is drafted from the minutes of all Public Hearings on a particular application; therefore, it takes approximately thirty to forty-five days to prepare a Resolution.

Ms. Mandelker announced that the next ZBA Meeting will be Wednesday, October 1, 2008 with a site walk scheduled for the morning of Saturday, September 27, 2008. She stated that the site walk is part of the public hearing and all interested parties may attend.

Review and adoption of the Minutes of the ZBA meeting of July 30, 2008 were held over until the October 1st meeting.

Decisions-  (Tentative)

CAL. NO. 08-07-BZ  Wendy Gennimi, 19 Lower Salem Road, South Salem, NY 10590

Application for a variance of Article III, § 220-12E (b) (d) of the Zoning Ordinance in the matter of existing fencing (actual 151 feet) which is longer than 100 feet in length on the street than permitted in an R-1A, One Acre Residential District. Violation dated November 14, 2006.

The property is located on the east side of Lower Salem Road, designated on the Tax Map as Sheet 32C, Block 10819, Lot 15, in an R-1A, One-Acre Residential District. No one was present to represent the applicant.

Ms. Mandelker stated that this matter will be adjourned until such time that litigation in the Supreme Court in White Plains involving the applicant and the Town is resolved.
CASE ADJOURNED.

CAL. NO. 25-07-SP  Douglas K. Paulding, 20 Wakeman Road, South Salem, NY 10590 [Owner of record: Linda B. Paulding, 20 Wakeman Road, South Salem, NY 10590]
Application for the renewal of a Special Permit pursuant to Article V, Section 220-38 of the Zoning Ordinance to authorize the storage of Contractor’s Equipment.

The property is located on the south side of Wakeman Road, designated on the Tax Map as Sheet 47C, Block 10066, Lot 15, in an R-2A, Two-Acre Residential District.

No one was present to represent the applicant at the meeting.

Ms. Mandelker stated that this matter will be adjourned until such time that litigation involving the applicant and the Town is resolved.
CASE ADJOURNED.

CAL. NO. 55-07-BZ  Teo Siguenza, 460 Old Post Road, Bedford, New York 10506 [Owners of Record: Carroll and Laurent Paulhac, 65 Chapel Road, Waccabuc, New York 10597]
Application [1] for a variance of Article IV Section 220-23A(1) of the Zoning Ordinance in the matter of a proposed 2 story, 9702 square foot single family residence where only 1 one-family detached dwelling per lot is permitted in an R-2A, Two-Acre Residential District. [2] a variance of Section 280A of the Town Law in the matter of the proposed construction of a one family residence which does not have frontage on a road which is improved to the satisfaction of the Town, said parcel consisting of 6.11 acres.

The property is located on the north side of Chapel Road, designated on the Tax Map as Sheet 23, Block 11154, Lot 22 in an R-2A, Two-Acre Residential District.

No one was present to represent the applicant.

Ms. Mandelker stated that the public hearing was opened in November for 3 applications. She stated that one application was denied and one application was withdrawn with prejudice. Ms. Mandelker stated that the applicant needs to submit revised materials.
THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 18-08-BZ  Ronald and Marie Crispi, 1 Gideon Reynolds Road, Cross River, NY 10518
Application for a variance of Article III, § 220-12E (2) (a) (b) of the Zoning Ordinance in the matter of the proposed installation of a 2 foot wooden fence attached to a pre-existing stone wall which is longer than 100 feet in length and less than 10 feet from the street line (on Route 121) in an R-4A, Four-Acre Residential District.

The property is located on the north side of Gideon Reynolds Road, designated on the Tax Map as Sheet 16, Block 10533, Lot 504 in an R-4A, Four-Acre Residential District.
Mr. and Mrs. Crispi were present at the August 20th meeting and accompanied by Mr. Bernard De La Paz.

Ms. Mandelker stated that a site walk was conducted on the morning of Saturday, August 16th. She asked if anyone wished to comment on the site walk.

Mr. Price stated that adding 2 feet on top of the existing stone wall would blend in well. He stated that the existing stone wall is 3’6” in height.

Ms. Mandelker stated that they observed that Route 121 rises and took that into consideration.

Mrs. Crispi submitted letters in support from Ronald and Donna Knox at 3 Gideon Reynolds Road and Mark Brennan at 71 North Salem Road.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Ms. Mandelker moved that the application be approved as presented for the following reasons:

- That there will be no undesirable change in the character of the nearby property,
- That there is no practical alternative to request a variance;
- That the fence is relatively unsubstantial;
- That there will be no adverse environmental impact;
- That the difficulty is not self-created;

Ms. Mandelker stated that the neighbors do not object to the application.

The motion was seconded by Mr. Krellenstein; In favor: Ms. Mandelker, Mr. Price, and Mr. Krellenstein; To Deny: None; Abstain: None; Absent: Mr. Casper and Chairman Egginton;

**CASE ADJOURNED.**

**CAL. NO. 19-08-BZ**  
Drew Hoffman and Mindy Gelbart Hoffman, 44 Lambert Ridge Road, Cross River, NY 10518

Application for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the proposed construction of an addition consisting of a one car garage (with relocated side entry, a full bathroom and laundry room) with storage on the second story that will be closer to the side lot line (proposed 18 feet where 30 feet is required) than permitted in an R-1A, One-Acre Residential District.

The property is located on the north side of Lambert Ridge Road, designated on the Tax Map as Sheet 17, Block 10533, Lot 428, in an R-1A, One-Acre Residential District.

Mr. Dana Owen was present at the August 20th meeting to represent the applicants.
Ms. Mandelker stated that a site walk was conducted on the morning of Saturday, August 16th. She asked if anyone wished to comment on the site walk.

Mr. Price stated that he spoke with the representative at the site walk and they discussed the proposed size of the building addition and the garage doors.

Mr. Owen stated that he spoke with the owners and they are comfortable with reducing the side yard setback and addition by 2 feet. He stated that they will be able to accommodate what they intend to do there.

Mr. Price stated that Mr. Owen also agreed to reduce the size of the garage doors from 12 feet to 10 feet.

Mr. Owen responded that is correct, to reflect the reduction of the size of the building.

Mr. Krellenstein stated that he is comfortable with that.

Mr. Price asked for the revised drawings.

Mr. Owen stated that he would drop the revised plans off at the ZBA office.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Ms. Mandelker moved that the application be approved as revised for the following reasons:

- That there will be no undesirable change in the character of the nearby property;
- That there is no practical alternative to request a variance;
- That the addition is relatively unsubstantial;
- That there will be no adverse environmental impact;
- That the difficulty is not self-created;

Subject to the following conditions:

- the size of the building be reduced by 2 feet in width and the size of the garage door will be reduced from 12 feet to 10 feet;
- the approved side line variance is for 10 feet rather than 12 feet;

Ms. Mandelker stated that the neighbors do not object to the application.

The motion was seconded by Mr. Krellenstein; In favor: Ms. Mandelker, Mr. Price, and Mr. Krellenstein; To Deny: None; Abstain: None; Absent: Mr. Casper and Chairman Egginton;

**CASE ADJOURNED.**
Ordinance in the matter of an existing accessory structure constructed without a Building Permit on a parcel without a principal dwelling and that is closer to the side lot line (existing 0.7’ where 12’ is required) in an R-¼, One Quarter-Acre Residential District.

The property is located on the south side of Birch Spring Road, designated on the Tax Map as Sheet 42A, Block 10545, Lot 30 in an R-¼, One Quarter-Acre Residential District.

No one was present to represent the applicant at the August 20th meeting.

Ms. Mandelker stated that a site walk was conducted on the morning of Saturday, August 16th. She asked if anyone wished to comment on the site walk.

Mr. Krellenstein noted that § 220-10A of the Zoning Ordinance is not cited here on the application but the applicant pointed out the existing shed is without primary residence. He read § 220-10A. Mr. Krellenstein stated that there is no duly authorized principal building or structure on this lot, just a shed. He stated that where a 12 foot side setback is required, there is 0.7 feet. Mr. Krellenstein stated that he would not be inclined to grant the requested variance.

Mr. Price stated that he agrees it did not meet the criteria from the start.

Ms. Mandelker stated that the owners of the property live on an almost adjacent property; it is separated by property owned by the town. She stated that it does not meet the criteria.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Ms. Mandelker moved that the application be denied because it does not meet the criteria.

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

CASE ADJOURNED.

**CAL. NO. 21-08-BZ** Bedford Poolscapes, Inc. PO Box 793, Bedford New York 10506 [Owners of Record: Daniel and Mihaela Stan, 39 Cross Pond Road, Pound Ridge, New York 10576]

Application for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the proposed construction of a pool that will be closer to the side lot line (proposed 30 feet where 40 feet is required) than permitted in an R-2A, Two-Acre Residential District.

The property is located on the east side of Cross Pond Road, designated on the Tax Map as Sheet 41, Block 10266, Lot 09, in an R-2A, Two-Acre Residential District.
Mr. Thomsen of Bedford Poolscapes was present at the August 20th meeting and accompanied by Mrs. Stan. Ms. Mandelker stated that a site walk was conducted on the morning of Saturday, August 16th. She asked if anyone wished to comment on the site walk.

Mr. Price stated that they reviewed the site and several alternate locations for the pool. He stated that this is the only place the pool could be located. Mr. Price stated that the shed will be moved to the rear yard and they had questions about fencing and screening near the neighbor’s driveway on the side line. Mr. Price stated that they did receive a letter from that neighbor approving the proposed pool. He stated that he does not have a problem with the application and it will not impact anyone by the side line.

Ms. Mandelker stated that at the site walk they discussed the fence will be built to code and the landscaping will be planted between the fence and pool. She stated that the shed will be moved and the macadam will be removed.

Mr. Krellenstein agreed with the conditions and stated that there is a letter from the Van Sicklin’s supporting the application.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Ms. Mandelker moved that the application be approved as presented for the following reasons:

- That there will be no undesirable change in the character of the nearby property;
- That there is no practical alternative to request a variance;
- That the variance is relatively unsubstantial;
- That there will be no adverse environmental impact;
- That the difficulty is not self-created;

Subject to the following conditions:

- The fence will be built to code.
- There will be landscaping between the fence and the pool.
- The shed will be moved and returned to another location on the property.
- The macadam will be removed.

Ms. Mandelker stated that the neighbors do not object to the application.

The motion was seconded by Mr. Price; In favor: Ms. Mandelker, Mr. Price, and Mr. Krellenstein; To Deny: None; Abstain: None; Absent: Mr. Casper and Chairman Egginton;

CASE ADJOURNED.

CAL. NO. 22-08-BZ Timothy Lener, AIA, 394 Bedford Road, Pleasantville, New York 10570 [Owners of Record: Andrew and Lori Laub, 23 Cornel Drive, Goldens Bridge, New York 10526]
Application for a variance of Article IV § 220-23 of the Zoning Ordinance in the matter of the proposed increase in building coverage [proposed 9.46% (6657 square feet) where 9% (6326 square feet) is required] than permitted in an R-2A, Two-Acre Residential District.

The property is located on the west side of Cornel Drive, designated on the Tax Map as Sheet 13, Block 11152, Lot 233, in an R-2A, Two-Acre Residential District.

Mr. Tim Lener, AIA was present to represent the applicant at the August 20th meeting.

Ms. Mandelker stated that a site walk was conducted on the morning of Saturday, August 16th. She asked if anyone wished to comment on the site walk.

Mr. Krellenstein asked if Mr. Lener could confirm that the addition is not within the side yard setback.

Mr. Lener responded yes, the footings will be staked prior to pouring the foundation walls.

Mr. Krellenstein asked if the wetland issues have been addressed.

Mr. Lener responded yes.

Mr. Krellenstein stated that the coverage issue is the only issue before the ZBA.

Mr. Lener stated that as far as coverage goes the gazebo which was originally included in the application no longer counts resulting in 74 square feet less. He stated that the actual number is 9.36%.

Mr. Krellenstein stated that under those conditions he agrees.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Ms. Mandelker moved that the application be approved as presented for the following reasons:
- That there will be no undesirable change in the character of the nearby property,
- That there is no practical alternative to request a variance;
- That the area variance is relatively unsubstantial;
- That there will be no adverse environmental impact;
- That the difficulty is not self-created;

Ms. Mandelker stated that the neighbors do not object to the application.

The motion was seconded by Mr. Krellenstein; In favor: Ms. Mandelker, Mr. Price, and Mr. Krellenstein; To Deny: None; Abstain: None; Absent: Mr. Casper and Chairman Egginton;

CASE ADJOURNED.
Michael and Mary Ann Albanese, 206 Smith Ridge Road, South Salem, New York 10590

Application for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the construction of a shed closer to the front lot line (existing 27 feet where 50 feet is required) than permitted in an R-2A, Two-Acre Residential District.

The property is located on the west side of Smith Ridge Road, designated on the Tax Map as Sheet 45A, Block 9827, Lot 135, in an R-2A, Two-Acre Residential District.

Ms. Mandelker asked if anyone objected to the notice as it appeared in the Lewisboro Ledger. No one responded.

Mr. Albanese was present at the August 20th meeting. He stated that he wanted to build a storage shed on his property and obtained a Building Permit. Mr. Albanese stated that he staked out the area to place the shed. Mr. Albanese stated that the Building Inspector told him that he needed a wetland inspection and when the Wetland Inspector came out to the property, the Wetland Inspector informed him that the shed had to be moved back. Mr. Albanese stated that he did not realize that he had to go back and tell the Building Inspector that the shed was moved into the setback. Mr. Albanese stated that he thought that the Wetland Inspector was giving him approval to do that.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Mr. Krellenstein asked if the original location was in the wetland area.

Mr. Albanese responded that it was in the wetland buffer.

Mr. Krellenstein responded that the relocated site was inadvertently within the setback.

Ms. Mandelker read the Order to Remedy into the record.

Mr. Krellenstein asked if the shed is up on blocks. He asked if it could be moved out of the setback.

Mr. Albanese responded yes.

Ms. Mandelker stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, September 27th 2008. THE PUBLIC HEARING IS HELD OPEN.
Application in the matter of a Special Permit pursuant to Article V § 220-40 of the Zoning Ordinance in the matter of an existing accessory apartment in an existing accessory building in an R-1A, One Acre Residential District.

The property is located on the north side of Bouton Road, designated on the Tax Map as Sheet 32B, Block 10804, Lot 33, in an R-1A, One-Acre Residential District.

Ms. Mandelker asked if anyone objected to the notice as it appeared in the Lewisboro Ledger. No one responded. She asked the representative to explain the application.

Mr. Tebbe was present at the August 20th meeting and accompanied by Mr. Steve Powers. Mr. Tebbe stated that he purchased the property 3 years ago. He stated that they are looking to get the proper permits to make this an accessory apartment. Mr. Tebbe stated that when they purchased the property, they were not aware this was an issue until they did work on the garage. He stated that in order to get a Certificate of Occupancy for the garage, they needed to apply for the proper permits for the accessory apartment.

Mr. Krellenstein asked if anyone lives there now.

Mr. Tebbe responded no.

Mr. Krellenstein asked if anyone lives on the property at all.

Mr. Tebbe responded that they do.

Mr. Krellenstein asked if they live there full time.

Mr. Tebbe responded yes.

Ms. Mandelker read a letter from Alexis Johnson, 96 Bouton Road dated 8/19/08 into the record.

Mr. Krellenstein stated that one of the requirements for an accessory apartment is that the owner of the one family lot upon which the accessory apartment is to be located shall occupy and maintain as his or her legal full time residence at least one dwelling unit on the lot. He asked if the applicant maintains this property as a full time residence.

Mr. Tebbe stated that he splits his time between another residence that he spends 6 months of the year in.

Mr. Krellenstein asked if the applicant is registered to vote here and meets all the other criteria, domicile in the State of New York.

Mr. Tebbe responded that he does not know what the other criteria are. He stated that he spends a lot of time here.
Mr. Krellenstein stated that if the ZBA asked for an affidavit under oath that this is your full time residence.

Mr. Tebbe responded that whatever the qualifications are.

Ms. Mandelker stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, September 27th 2008.

THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 25-08-BZ Gloria Stein, 6 Out Post Road, Katonah, New York 10536

Application for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the proposed construction of a deck closer to the rear lot line (proposed 14 feet where 30 feet is required) and the proposed construction of a front entry way addition closer to the front lot line (proposed 24.7 feet where 30 feet is required) than permitted in an R-½A, One-Half Acre Residential District.

The property is located on the south side of Out Post Road, designated on the Tax Map as Sheet 9A, Block 10790, Lots 13-26, in an R-½A, One-Half Acre Residential District.

Ms. Mandelker asked if anyone objected to the notice as it appeared in the Lewisboro Ledger. No one responded. She asked the representative to explain the application.

Ms. Stein was present at the August 20th meeting. She presented the Board members with a survey and photos. Ms. Stein stated that when she purchased the house, she planned an addition to the side of the house which would not have required a variance from the ZBA. She stated that the cost of the addition was prohibitive. Ms. Stein stated that she would like an 8’ by 8’ entry way in the front of the house which would have a closet. She stated that the proposed entry way would dramatically improve the house and would be 2’ shorter than the front of the house. Ms. Stein stated that the area was up-zoned. She stated that the existing deck is being removed because it is unsafe. Ms. Stein stated that she renovated her kitchen and the door to the deck does not exist anymore. She stated that they are proposing a new deck and a small corner of it will be within the setback. Ms. Stein stated that the old deck was 9’ by 21’ and the new deck is going to be smaller.

Mr. Krellenstein asked for the distances to the setback.

Ms. Stein stated that the deck is closer to the rear line proposed 14 feet where 30 feet is required.

Mr. Krellenstein asked for the distances to the setback for the entry way.

Ms. Mandelker responded that the entry way addition will be closer to the front lot line at 24.7 feet where 30 feet is required.
Ms. Stein stated that there is nothing else she could do in regards to the front entry way or the deck. She presented the Board members with a set of plans signed by her adjacent neighbors. Ms. Stein stated that another neighbor Mr. Knoeller had come in to the ZBA office to review the plans and does not have a problem with it.

Mr. Price stated that the lot lines on the tax map and survey do not make sense.

Mr. Krellenstein showed the other members both sheet 9A and 9C of the tax maps for comparison to the survey.

Ms. Mandelker asked if anyone wished to be heard either in favor or opposed. No one responded.

Ms. Mandelker stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, September 27th 2008.

THE PUBLIC HEARING IS HELD OPEN.

The meeting was adjourned.