

February 28, 2024
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, February 28, 2024, at 7:30 P.M., at the Town of Lewisboro Offices, 79 Bouton Road, South Salem, New York.

Board Members Present: Robin Price, Jr. Chair
Thomas Fischetti
Carolyn Mandelker
Todd Rendo
Daniela Infield

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

The Meeting was called to order at 7:34 P.M. Chair Price introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting is scheduled for Wednesday, March 27, 2024.

I. Review and adoption of the Minutes of January 24, 2024.

The Board reached consensus to approve the meeting Minutes for January 24, 2024. Mr. Fischetti made a motion to approve the minutes. The motion was seconded by Ms. Mandelker. To approve: Mrs. Infield, Ms. Mandelker, Mr. Price, Mr. Rendo, and Mr. Fischetti. To Abstain: none.

II. PUBLIC HEARINGS

CAL. NO. 01-24-SP

Application of Elizabeth Jones [Jones, Elizabeth, owner of record], 157 Spring Street, South Salem, NY 10590 for 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 north side of (# 157) Spring Street, designated on the Tax Map as Sheet 0038, Block 10808, Lot 015, in a 2-AC, Two-Acre Residential District consisting of approximately 2.00 acres.

Ms. Jones, owner of record, was present.

There was no objection to the public notice.

Mr. Price informed everyone that there was an inspection report from Mr. Kelly. The report stated that the previously approved equipment is still on site, and the truck size is adequate. Mr. Kelly recommends that the special permit be renewed based on his inspection of the site. Mr. Price stated that if there have not been any complaints the permit is usually renewed for two years. Mr. Price asked if anyone from the public wanted to speak about the application. There were no comments. Mr. Price asks if any members of the board wanted to speak about the application. There were no comments from the board. Ms. Jones did not have anything to say about the application. Mr. Price asked if a board member would want to make a motion to approve the application as presented.

Mr. Rendo made a motion to approve the application. Ms. Infield seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Rendo, Mr. Fischetti 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 was self-created but will not have an impact on the application.

Mr. Price stated that the application was approved.

CAL. NO. 01-24-BZ

Application of Darren Mercer, Architect, PLLC [Morrissey, Susan, owner of record], 10 Hoyt Street, South Salem, NY 10590 for the following variance of the proposed New Generator to an existing residence has a 19.60' front yard setback whereas 25' are required in a R-1/4 zone per article IV section 220-12 schedule of dimensional and bulk requirements for residential districts of the Town of Lewisboro Zoning Code therefore requiring a front yard variance of 5.40'

The property is located on the south side of (# 10) Hoyt Street, designated on the Tax Map as Sheet 036C, Block 11172, Lot 005, in a 2-AC, Two-Acre Residential District consisting of approximately 2.00 acres.

Mr. Mercer, Architect, PLLC, was present.

There was no objection to the public notice.

Mr. Mercer presented the application and explained that the renovation to the property had approval from the Building Department. The site engineer had prepared the drawings that had been approved showing a generator in the front of the house. When applying for a permit for the generator, it was brought to our attention that the specifications for the generator would have to be five feet away from a window. Other location options were considered. The approval for the generator was for the front of the house, however the generator would be too close to a window. The location of the generator would be moved five feet from the window which is now in the setback. With the proposed location there will be room for screening of natural foliage/trees.

Mr. Fischetti asked if the generator would run on propane.

Mr. Mercer replied that propane tanks have been set as reflected on the site plan.

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

Mr. Price asked if anyone from the board had any comments. There were no more comments from the board.

Ms. Infield made a motion to approve the application. Mr. Fischetti seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Rendo, Mr. Fischetti 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 was self-created but will not have an impact on the application.

Mr. Price stated that the application was approved.

CAL. NO. 02-24-SP

Application of Beverley Wilson, 57 Bouton Road, South Salem, NY 10590 for the renewal of a Special Permit pursuant to Article IV, Section 220-23A (9) and Article V, Section 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.

The property is located on the southern side of Bouton Road, designated on the Tax Map as Sheet 31, Block 10805, Lots 56 and 66, in an SCR-2A, Special Character Two-Acre Residential District consisting of approximately 21.30 acres.

There was no objection to the public notice.

Mr. Maddock, owner of Cutting-Edge Landscape and Design was present.

Mr. Price informed everyone that there was an inspection report from Mr. Kelly. The report stated that the equipment was in the designated area, and there have not been any complaints. Mr. Kelly recommends that the Special Permit for Storage of Contractor's equipment be renewed.

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

Mr. Price read a letter of support from the neighbors, Mr. Gabriel & Ms. Prete directly across from Mrs. Wilson's property.

Mr. Price asked if any of the board members wished to comment on the application.

Mr. Rendo questioned why the year of the vehicle is on the equipment list.

Mr. Kelly replied that if the vehicle changed in size, this helps keep with the consistency of the vehicle.

Mr. Price commented that these Special Permits are typically renewed as long as there have not been any complaints in the area.

Ms. Mandelker made a motion to approve the application. Mr. Fischetti seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Rendo, Mr. Fischetti 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 was self-created but will not have an impact on the application.

Mr. Price stated that the application was approved.

CAL. NO. 35-23-BZ Amended

Application of Michael Fuller Sirignano [Tomfohr, John, owner of record], 264 Hawley Road, North Salem, NY for the following variance of the proposed replacement of an in-ground pool, (1) the pool and other accessory structures, will not be on the same lot as the house, the principal building which is located in the Town of North Salem on a different tax lot; and (2) the pool and other accessory structures will be zero feet from the rear lot line where a 50 foot setback is required. The following variances will be required for the proposed replacement pool and other accessory structures referenced above: 1. A variation of Article III, Section 220-10A of the Zoning Ordinance that requires accessory structures to be on the same lot as a duly authorized principal building to which it is accessory as the proposed pool and other accessory structures will be located on tax lots separated from the lot on which the house is located by the Town Line between the Town of North Salem and the Town of Lewisboro. 2. A variation of Article IV, Section 220-23E of the Zoning Ordinance to permit a pool and other accessory structures, including hot tub, pool, pool deck, BBQ area, two tree box planters, stone garden wall/retaining walls, gates and fences, pool equipment, and utility tank, to be located zero feet from the rear lot line where a 50-foot setback is required.

The property is located on the south side of (#264) Hawley Road, North Salem, NY designated on the Tax Map as Sheet 0033, Block 11155, Lots 116 & 014 & 027 (includes lots 036, 177 & 178), in an R-4AC, Four-Acre Residential District consisting of approximately 12.43 acres.

There was no objection to the public notice.

Mr. Sirignano, Attorney, was present.

Ms. Juhasz, neighbor 260 Hawley Road, North Salem.

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Mr. Tetelman, 124 Oscaleta Road, South Salem.

Mr. Sirignano presented the application as representative of the property owner, John Tomfohr, 264 Hawley Road, North Salem, NY. Mr. Sirignano addressed the hammering sounds that the nearby communities have been hearing for several weeks. Mr. Sirignano assured everyone that the hammering would be over by the end of the week, as per the contractor. Mr. Sirignano spoke of how the North Salem structure had been demolished and the pool would also be removed from the Lewisboro property. North Salem has granted a variance of 97' for the house to be built 3' from the property line when it should be 100'. The pool will be built on the Lewisboro side, approximately in the same location as the previous pool. Mr. Sirignano commented that there really is not another location since the topography of the land slopes down a steep drop off toward Lake Waccabuc. The town boundary line cuts between the house and the pool, technically the pool is on a separate lot from the house. Lewisboro code states that you cannot have an accessory building on a parcel without the principal structure, a variance is needed. A second variance is needed for the setback of the pool and additional accessory structures as stated in the public notice. The total property consists of 12.43 acres of which 8.87 acres are in Lewisboro. The variances requested will not have any impact on neighbors. The applicant is replacing structures which had been there for approximately sixty years. Mr. Sirignano answered the five factors for the two variances requested, that there will be no undesirable change in the character of the neighborhood or detriment to nearby properties, the homeowner is replacing what has been in this location for approximately sixty years. The benefit of the applicant cannot be achieved by some other method other than the two variances that are being requested. The variances are numerically significant they are 100 percent variance, the reality is that it has no impact to the physical or environmental conditions of the neighborhood. The difficulty was not self-created, the pool existed when the present homeowners purchased the property. The homeowners simply want to replace the pool.

Ms. Juhasz spoke of the hammering noise.

Mr. Rendo commented that the hammering noise is not for the Lewisboro Zoning Board.

Mr. Tetelman spoke about the rock hammering noise that had been going on for approximately 8 weeks, which had affected the environment. Mr. Tetelman commented that if the hammering were to continue, he would ask the board to consider not granting the variances, since the noise has been an environmental issue to the surrounding area.

Ms. Mandelker asked Mr. Sirignano if the applicant considered putting the pool on the North Salem side.

Mr. Sirignano replied that the only possible site for the pool to be constructed on the North Salem side would be at the top of the property to the left, but that is where the new septic will be. Mr. Sirignano commented that the pool is part of the rear of the house.

Mr. Price asked if a demolition permit had been issued.

Mr. Kelly replied that a demolition permit had not been issued yet.

Mr. Sirignano commented that they are delaying the pouring of the foundation on the house until the pool is demolished.

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Mr. Price asked if a board member would like to make a motion to approve the application as presented with the plan dated 6/6/2023.

Ms. Infield made a motion to approve the application as presented with the plan dated 6/6/2023. Mr. Fischetti seconded the motion. To Approve: Ms. Infield, Ms. Mandelker, Mr. Rendo, Mr. Fischetti 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 was self-created but will not have an impact on the application.

Mr. Price stated that the application was approved.

III. CORRESPONDENCE & GENERAL BUSINESS


IV. NEXT MEETING

March 27, 2024

V. ADJOURN MEETING

Ms. Mandelker made a motion to adjourn. Ms. Infield seconded the motion. The board reached consensus to adjourn the meeting at 8:10 P.M.

Respectfully submitted,



Donna Orban

Secretary, Zoning Board of Appeals