ZONING BOARD OF APPEALS
TOWN OF LEWISBORO
MINUTES

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, June 30th 2010 at 8:15 p.m., at the Town House, 11 Main Street, South Salem, New York 10590

Board Members: Present: Geoffrey Egginton, Chairman
Carolyn Mandelker
Robin Price, Jr.
Thomas Casper
Jason Krellenstein

Absent: None

Also Present: Alex Posadas
ZBA Secretary

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

Chairman Egginton 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. Chairman Egginton announced that the next ZBA Meeting will be Wednesday, July 28th 2010 with a site walk scheduled for the morning of Saturday, July 24th 2010. He 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 May 26th ZBA meeting were held. Chairman Egginton moved to approve the minutes as prepared. The motion was seconded by Mr. Krellenstein; In favor: Mr. Krellenstein, Mr. Casper, Mr. Price and Chairman Egginton; Absent: None; Abstained: Ms. Mandelker;

I. DECISIONS- (Tentative)

CAL. NO. 08-07-BZ Wendy Gennimi, 19 Lower Salem Road, S. 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.

Chairman Egginton stated that this matter will be adjourned until such time that litigation in the Federal 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.

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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.

Chairman Egginton stated that this matter will be adjourned until such time that litigation involving the applicant and the Town is resolved.

**CASE ADJOURNED.**

**CAL. NO. 09-10-BZ/SP**

Contract Vendee: John DeRosa, 29 Roseholm Place, Mount Kisco, New York 10549 [Owner of Record: Ellen Gallo, 233 Increase Miller Road, Katonah, New York 10536]

Application for a variance of Article V § 220-40C (1) of the Zoning Ordinance in the matter of a proposed accessory apartment with floor area over 25% of the total floor area of a dwelling and [2] a Special Permit pursuant to Article V, Section 220-40 of the Zoning Ordinance in the matter of a proposed accessory apartment in the basement of the residence.

The property is located on the east side of Increase Miller Road, designated on the Tax Map as Sheet 09, Block 10798, Lot 46, in an R-2A, Two-Acre Residential District.

Mr. and Mrs. DeRosa were present at the June 30th meeting.

Chairman Egginton stated that a site walk was conducted on the morning of Saturday, June 26th. He asked if anyone wished to comment on the site walk.

Mr. Krellenstein stated that it was fine and he did not see a practical way to reduce the size of the accessory apartment. He stated that if you took into account the boiler room, the increase over the 25%, the magnitude is actually not as great. Mr. Krellenstein stated that they have not had negative comments from the neighbors.

Chairman Egginton stated that the basement apartment is separated vertically and has a separate entrance. He stated that because of the floor plan of the house, the footprint of the apartment is greater than 25%. Chairman Egginton stated that the house is somewhat unique because the upper portion of the house has 2 story high spaces which cuts down on the total floor area. He stated that the percentage of the actual apartment is greater than 25% but it meets all the other criteria for a Special Permit.

Ms. Mandelker stated that it is not as large as it seems because a portion of the apartment is taken up by the boiler room and that can not be used.

Mr. Krellenstein asked if the applicant is living in the house now.

Mr. DeRosa responded yes, they moved in on June 24th which was the day of the site walk.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed. No one responded. Chairman Egginton 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, it is an existing building;
• That there is no practical alternative to request a variance due to the composition of the apartment with respect to the overall area of the house;
• That the area variance is relatively unsubstantial, it is 30-35% as opposed to the 25%;
• That there will be no adverse environmental impact;
• That the difficulty is not self-created;

Chairman Egginton stated that the application meets all of the criteria of the Zoning Ordinance for a Special Permit. He stated an application for a Special Permit unlike a variance, is a legislative finding by the Town Board not the Zoning Board of Appeals that if it meets the criteria of the ordinance then the permit must issue. Chairman Egginton stated for all those reasons he moved that the application be approved as presented for a period of 10 years.

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

III. PUBLIC HEARINGS
CAL. NO. 08-10-BZ Frances Wright, 29 Mark Mead Road, Cross River, NY 10518
Application for a variance of Article III, Section 220-12E of the Zoning Ordinance in the matter of a proposed 6 foot high stockade fence where 4 feet is allowed.

The property is located on the north side of Mark Mead Road, designated on the Tax Map as Sheet 20, Block 10800, Lot 12 in an R-½A, One-Half Acre Residential District.

Chairman Egginton asked if anyone objected to the notice as it appeared in the Lewisboro Ledger. No one responded. Chairman Egginton stated that the application came before the ZBA last month but due to notification issues the application was held over for the June meeting.

Ms. Wright was present at the June 30th meeting. She stated that it is a proposal to continue the stockade fence around the house, along Route 35 and between the neighbor on the east side.

Chairman Egginton asked if the proposed fence will be on the west side.

Ms. Wright stated that is correct, the existing fence is on the east side and she is proposing to continue the fence on the west side. She stated that the proposed fence will afford a nice visual effect and privacy.

Chairman Egginton read a letter dated May 14th from Michael Sirignano, Esq. into the record.

Chairman Egginton stated that there is an easement along Route 35 and the Board could not approve a fence within the easement as per Town Code. Chairman Egginton asked if anyone wished to be heard either in favor or opposed. No one responded.

Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, July 24th 2010.
THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 10-10-BZ Henry Silverman, 267 Peconic Bay Blvd., Riverhead, New York 11901 [Property location 68 Hemlock Road, South Salem, New York 10590]
Application for an amendment to a condition of the previously approved resolution under Cal. No. 26-09BZ.

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The property is located on the west side of Hemlock Road, designated on the Tax Map as Sheet 42E, Block 10284, Lots 4, 5 & 7 in an R-½A, One Half-Acre Residential District.

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

Mr. Scott Frey was present at the June 30th meeting.

Chairman Egginton read a letter dated June 24th from Elvira Franco into the record. He asked Mr. Frey to refresh the Board members and members of the public on the history of the application since the approval.

Mr. Frey stated that he went to the Building Department to obtain the building permit and the inspector told him to go to the Health Department to get the Microfast Septic system signed off. He stated that the Health Department asked him to have it drawn up and later the Health Department denied it because the existing septic had no failure on record with them. Mr. Frey stated that ultimately the Health Department did not want that technology used on that site.

Ms. Mandelker asked why.

Mr. Frey stated that it is because there was no failure on record. He stated that he was told that the Microfast Septic system is for remediation of a failing septic system. Mr. Frey stated that the letter from Rebecca LePore danced around and he could not understand it.

Chairman Egginton asked what the plans are now.

Mr. Frey responded that he will replace the tank with a 1250 gallon tank and the effluent will be cleaner. He stated that normally for a 2 bedroom house there would be a 700 gallon septic tank and they are willing to install a 1250 gallon tank which the Health Department agreed to. Mr. Frey stated that the land is high and dry. He stated that the biggest issue with the existing tank was the metal.

Chairman Egginton asked if there is any other change to the application.

Mr. Frey responded no.

Chairman Egginton stated that in addition to the balancing act that the Zoning Board does, the previous resolution was subject to a Microfast wastewater treatment system installation. He stated that the Microfast system was not approved by the Board of Health; now it puts a different spin on the application. He stated that if no other conditions have changed, the Board could condition the approval on the larger septic tank. Chairman Egginton stated that Mr. Casper is abstaining and asked the Board members for their comments.

Mr. Price stated that the County is the authority on the subject and the ZBA actually does not have a say on the subject. He stated that they are there to grant a variance for the building and the proposed septic system got mixed into the application and it seemed like a win win situation for everyone at the time. Mr. Price stated that the Board can not vote against the Health Department.

Mr. Frey stated that regardless he is willing to do the larger tank because he believes it is a good solution.
Mr. Price stated that he is reluctant to put that in the approval because it is not their jurisdiction.

Chairman Egginton stated that he appreciates Mr. Price’s position but has no problem putting a condition on the approval. He stated that he feels strongly about that.

Mr. Krellenstein stated that it is prudent and the applicant is representing on the record that he will do it which suggests that the Board will take that it into account in granting the resolution. He stated that whether it is a condition or not, it is part of the balancing act and he would vote in favor of it. Mr. Krellenstein stated that is the reason why he would vote in favor of it. Mr. Krellenstein stated that the fact that the County has turned down this particular septic doesn’t mean that the applicant is not going to have the best septic upgrade. He stated that he found the Health Department letter to be incomprehensible and if you can pull out of it a denial, his hat is off to them. Mr. Krellenstein stated that the applicant can not be denied the use of the property.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed.

Mr. Boku Prince, 62 Hemlock Road stated that one of the reasons for granting the variance was based on the enhanced septic system and now it is not allowed. He asked if the tank is being upgraded to a 1000 gallon tank.

Mr. Frey stated that it will be a 1250 tank.

Mr. Prince stated that the problem is more about the leech field and where the liquid wastes go, not the tank. He stated that the proximity of the lots is a concern from a health standpoint.

Chairman Egginton stated that he has to defer to the Board of Health and their engineers with respect to this application. He stated that the condition of the previous approval was for a septic system that would have taken care of a lot of these concerns but the applicant has made a good faith effort to double the size of the tank. Chairman Egginton stated that for him that is good enough and he will recommend that it is a condition of the approval. He stated that the next step is to get Department of Health approval.

Mr. Prince stated that in his opinion, doubling the size is almost a bad thing on a tiny lot and it will be a few feet closer to his property.

Chairman Egginton moved that the amendment to the resolution be approved as presented

- Subject to the condition that the applicant installs a 1250 gallon septic tank subject to Westchester County Department of Health approval.

Mr. Frey stated that this is a septic repair and requested that the Building Inspector could review the receipt for compliance.

Chairman Egginton stated that it is conditioned on a best faith effort by the applicant.

Mr. Krellenstein stated that it should be a good faith effort.

Mr. Frey stated that ultimately the Building Inspector would see that it was done. Mr. Frey asked if the Building Inspector would be notified so that he would not have to wait for the resolution.

Chairman Egginton stated that he could not do that because the summer time is very active with
applications.

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

CASE ADJOURNED.

CAL. NO. 11-10-BZ Dana Owen, PO Box 589, Cross River, New York 10518
[Owner of Record: John and Kathy Finne, 98 Lake Kitchawan Drive, South Salem, New York 10590]
Application for [1] Article IV § 220-23E and [2] Article III § 220-9D(2) of the Zoning Ordinance in the matter of the proposed demolition of the existing residence and proposed reconstruction of a new residence with a first floor addition and second story addition that will be closer to the side lot line (existing 6.8’, proposed 6.8’ where 12’ is required) and to the front lot line (existing 11.6’, proposed 11.6’ where 25’ is required) and that will result in an increase in non-conformity other than use than permitted in an R½-A, One Quarter-Acre Residential District.

The property is located on the west side of Lake Kitchawan Drive, designated on the Tax Map as Sheet 22, Block 10287, Lot 18 in an R½-A, One Quarter-Acre Residential District.

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

Mr. Dana Owen was present to represent the applicant at the June 30th meeting. He stated that the existing house is a one story one bedroom home. Mr. Owen stated that the bedroom count will not change and they are proposing to take down the house, leave the existing foundation and construct the new house. He stated that the septic is operating and they would create a two story home. Mr. Owen stated that they will square off the front of the house with a 2 story addition which is why it is non-conforming in the front and the side yard setback. He stated that the proposed addition will be approximately 300 square feet.

Chairman Egginton asked if the existing home is a single story.

Mr. Owen responded correct. He stated that the back deck and foundation will remain. Mr. Owen stated that all the existing lumber on the house is rotted and termite infested, therefore the house is a candidate for a tear down. He stated that they are 85 feet from wetlands with minimal disturbance due to the squared off addition in front.

Chairman Egginton asked if it will be the existing foundation.

Mr. Owen responded correct. He stated that they do not have a basement it is actually a crawl space and they will do the same thing under the new addition.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed.

Mrs. Marianne Reifenheiser stated that she is the owner of 96 Lake Kitchawan Drive and asked what the square footage of the existing home is as well as the proposed square footage.

Mr. Owen stated that the existing house is approximately less than 800 square feet and it is proposed to be a little less than 1800 square feet.

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Mrs. Reifenheiser stated that it would be a significant change. She stated that they own the cottage next door and her property is the same size as the Finne property. Mrs. Reifenheiser stated that the new house will loom over her cottage.

Mr. Krellenstein asked how tall the Reifenheiser’s house is.

Mrs. Reifenheiser responded a one story and it is 780 square feet.

Mr. Krellenstein asked if there are any other two story homes near it.

Mrs. Reifenheiser responded there are some two story houses.

Ms. Mandelker asked what the size of the Reifenheiser’s property is.

Mrs. Reifenheiser responded .12 acres and the Finne’s probably have .15 acres.

Mr. Owen stated that the only reason the application is before the ZBA is for the small addition. He stated that they are not before the ZBA for a second story. Mr. Owen stated that they were approved by the Health Department to take this down and if they wanted to, they could take down the structure and still be conforming. He stated that they could tear down the existing house and rebuild a two story home on the existing foundation and they would only need a building permit.

Chairman Egginton asked if Mr. Owen was sure about that because of the floor area ratio with respect to the size lot. He stated that he is just asking the question; if you add a second story to the house will the total area of the house exceed the allowable percentage of the lot.

Mr. Owen stated that is where the Health Department comes in. He stated that he would like to put his best foot forward and find out what that ratio is and if they conform to that ratio then the only concern is the proposed work.

Chairman Egginton stated that if the applicant does not exceed the allowable area.

Mr. Casper asked where the setback is. He stated that if you add a second floor within the setbacks that would be another variance request.

Chairman Egginton stated that if you are legally non-conforming with respect to the setbacks and you increase the front even though you are not moving closer that is another variance request.

Mr. Reifenheiser asked what the square footage of the land is.

Chairman Egginton stated that the property is 0.13 acres.

Mr. Casper asked if the Reifenheiser’s reside in the home.

Mrs. Reifenheiser stated that they live in Darien. She stated that the property was owned by her father, Robert Bell. Mrs. Reifenheiser stated that she has done a lot of work on her property and it is a cute cottage. She stated that the proposed work to the Finne home will reduce the value of her property and ability to sell her cottage.

Mr. Price asked why.
Mrs. Reifenheiser stated that it will loom over her cottage and it is disproportionate. She stated that the Board should do a site walk.

Mr. Reifenheiser asked where the septic field is for this house. He stated that the Finne’s septic intrudes on the property that the Land Trust owns.

Mr. Casper stated that they are not the Health Department and they do not dig up the ground.

Mrs. Reifenheiser stated that there are wetlands behind the Finne home.

Ms. Mandelker stated that the real objection is not to the area that the applicant is seeking a variance for. She asked if they are just objecting to the second story.

Mrs. Reifenheiser stated that they would look right into the cottage.

Mr. Reifenheiser stated that it should be a house of proportionate size.

Mr. Owen asked what would happen if someone purchases the Reifenheiser’s cottage and wants to build a second floor. He stated that if the Board denies his application, can the new neighbor be approved.

Chairman Egginton stated that they review each application on a case by case basis.

Mrs. Reifenheiser stated that they own an acre now because they purchased more land.

Chairman Egginton stated that the Board conducts a site walk which is very illuminating and gives the project a sense of scale.

Mr. Krellenstein asked when the existing house was built.

Mr. Owen responded 1927.

Mr. Krellenstein stated that in an R¼-Acre there is 25% maximum coverage. He asked if the applicant is proposing more than that.

Mr. Owen responded no.

Chairman Egginton asked if it is the footprint or total square footage of the house.

Mr. Krellenstein stated that he thought it was the footprint.

Chairman Egginton stated that the Code is unclear and they have had this dilemma many times.

Mr. Krellenstein stated that the Code reads 2½ stories or 35’ and they aren’t going above that.

Mrs. Reifenheiser questioned the 2½ stories.

Mr. Krellenstein stated that he is interpreting the Code.

Chairman Egginton stated that it is a general rule.
Ms. Mandelker asked if the Reifenheiser’s live in the house they are trying to sell.

Mrs. Reifenheiser responded no, they live in Darien. She stated that she inherited the house from her father, they fixed it up and rented it and now it is time to sell.

Mr. Krellenstein asked if the Finne’s will live in the house after it is rebuilt.

Mr. Owen responded yes.

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

Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, July 24th 2010.

THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 12-10-BZ  Waccabuc Country Club, 90 Mead Street, Waccabuc, NY 10597
Application for a variance of Article III § 220-9E of the Zoning Ordinance in the matter of the construction of a new wastewater treatment plant 2.5 story building where no building now exists, to replace the existing on grade chlorination/sand filter system that will result in the alteration, improvement or reconstruction of a non-conforming use in an R-4A, Four-Acre Residential District.

The property is located on the north side of Carriage House Road, designated on the Tax Map as Sheet 22, Block 10802, Lot 61 in an R-4A, Four-Acre Residential District.

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

Mr. John Assumma of Waccabuc Country Club, Mr. Pat Daigle and Mr. Sean McGowan of Malcolm Pirnie were present at the June 30th meeting.

Ms. Mandelker asked why the applicant is returning to the ZBA.

Mr. Daigle responded that the variances expired. He stated that the technology is the same. Mr. Daigle stated that the contractor is ready and was awarded the bid.

Chairman Egginton asked how long they have been working on the project.

Mr. Daigle responded about 10 years. He stated that unfortunately the variances expired.

Chairman Egginton explained the procedure for expired variances. He stated that the Board likes to see documentation of a good faith effort and the applicant should inform the secretary 2 months prior to expiration of the variance that they are unable to obtain a building permit prior to the expiration.

Mr. Casper asked if the applicant is asking for a continuation or if it is the same application and they just needed to submit it again. He asked if the applicant will be showing the Board documentation that they have actively pursued the application.
Mr. Daigle stated that they went to the Planning Board.

Mr. Casper asked when did that end.

Chairman Egginton asked if that was after the ZBA granted the variances.

Mr. Daigle responded yes.

Chairman Egginton asked if the application just expired.

Ms. Posadas responded it was granted November of 2007 and expired November of 2008.

Chairman Egginton stated that it has been expired for a long time. He stated that granted things may not have changed; we can go forward from here.

Mr. Casper stated that it should be treated as a new application.

Mr. Daigle stated that they have approval from the Planning Board, Wetland consultant and DEP.

Mr. Assumma stated that with the number of regulatory agencies involved to jump to the next phase you have to wait for approval.

Mr. Daigle asked if the Planning Board approval comes to the ZBA.

Mr. Casper asked if the applicant is done with everyone else. He asked if the applicant is at risk for losing any other approvals.

Mr. Daigle responded no. He explained the existing site with sand filters and that this project is a requirement of New York City.

Chairman Egginton asked if the location is exactly the same.

Mr. Daigle responded yes, but there had been an attempt to move it closer to the residences and the club. He stated that the ZBA was not in favor of that and they made concessions to the Planning Board. Mr. Daigle stated that the driveway has changed and by approving the driveway there is less disturbance. He stated that they were not required to do Storm Water retention but agreed to address it in the process and are adding a stormceptor. Mr. Daigle stated that it discharges to an intermittent stream which basically collects the run off on the site.

Chairman Egginton asked if it is by Carriage House Road.

Mr. Daigle stated that the site drains to this area and they agreed to install a stormceptor to deal with roof run off. He stated that they added Norway spruce screening near Mr. Paltrow’s house.

Chairman Egginton asked if the size of the building has changed.

Mr. Daigle stated there has been no change to the size of the building. He stated that there is a stand by generator in the building and UV disinfection.

Mr. Casper asked if the building is similar to the ones at the elementary schools.
Mr. Assumma stated that the process is comparable but aesthetically it is designed to look like the other buildings similar to a barn.

Mr. Daigle stated that from a height standpoint it is not taller.

Mr. Casper asked about the nonconforming use.

Mr. Daigle stated that the non-conforming use is the golf course. He stated that it is a change to a non-conforming site so anything that they do needs to be reviewed.

Mr. Casper responded that it is not the construction of the wastewater treatment plant.

Chairman Egginton stated that it is a non-conforming use in a residential district.

Mr. Assumma stated that they already have a wastewater treatment plant but due to New York City’s regulatory requirements they have to make the improvements.

Mr. Daigle stated that ACARC does not have jurisdiction.

Chairman Egginton stated that ACARC does have jurisdiction on Mead Street.

Mr. Daigle stated that the proposed work is beyond the 400 foot Special Character District.

Chairman Egginton stated that they have walked the site in the past. He stated that Mr. Krellenstein is the only member that has not seen the site.

Mr. Krellenstein asked if the Board will be conducting a site walk.

Mr. Daigle asked if it is necessary to walk the site again.

Mr. Krellenstein stated that he will not vote on something that he has not seen.

Chairman Egginton stated that the Board would conduct a site walk on July 24th.

Mr. Krellenstein stated that he may not be available for the July 28th meeting.

Mr. Casper asked for the status of the project.

Mr. Daigle stated that they are holding up the contractor.

Mr. Casper stated that if the Board were to approve this, the applicant would be able to get a building permit. He asked Mr. Krellenstein if he would be comfortable abstaining since the other 4 members have been out to the property in the past.

Mr. Krellenstein stated that he would be comfortable with that.

Chairman Egginton stated that there has been no change since the previous application which was approved by four of the members.

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

Mr. Casper moved that the application be approved as presented

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

Chairman Egginton stated that the variances will expire within one year from the date the resolution is received by the Town Clerk’s office. He stated that should the applicant require an extension of time they need to contact the ZBA secretary 2 months prior to expiration.

CASE ADJOURNED.

**CAL. NO. 13-10-BZ**  
Brian Stempel, 53 Boway Road, South Salem, NY 10590  
Application for a variance of Article IV, § 220-23E of the Zoning Ordinance in the matter of a proposed 8’ by 12’ shed which will be closer to the side lot line (proposed 18’6” where 50’ is required) than permitted in an R-4A, Four-Acre Residential District.

The property is located on the east side of Boway Road, designated on the Tax Map as Sheet 37, Block 10549, Lot 03 in an R-4A, Four-Acre Residential District.

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

Mr. and Mrs. Stempel were present at the June 30th meeting. Mr. Stempel stated that it is an 8’ by 12’ shed from Lowe’s. He stated that while they own 5 acres, over 3 acres are woods with a dramatic slope and a small front yard.

Chairman Egginton stated that it is referred to as steep slopes.

Mr. Stempel stated that the property does not feel like 5 acres. He stated that they found one flat small spot for the shed and the house is 60 feet from the property line.

Chairman Egginton stated that the Board will be out for a site walk.

Mr. Krellenstein asked if there have been any comments from the neighbors.

Mr. Stempel stated that they did not speak with the Scotts but he will contact them.

Mr. Casper asked if this is the Christopher’s house.

Mrs. Stempel stated that their home was owned by the Wanderer’s.

Mr. Casper stated that this has the stuff in the garden. He stated that he is sure that they have been formally noticed but it is nice to know that they are OK with it.

Mr. Stempel stated that he will do that.

Chairman Egginton asked if anyone wished to be heard either in favor or opposed.

No one responded.
Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, July 24th 2010.

THE PUBLIC HEARING IS HELD OPEN.

IV. NEW BUSINESS/CORRESPONDENCE
Mumbach/ DiNardo Discussion regarding a request for an extension of time for Cal. No.09-09-BZ, which will expire on May 28, 2010. Application for an extension of time was made on May 17, 2010.
Sheet 49C, Block 9834, Lots 05 and 127

No one was present to represent the applicant at the June 30th meeting.

Mr. Casper stated that this application should be carried over to the next month.

Chairman Egginton stated that they are requesting an extension of time on the variance.

Mr. Casper stated that they do allow for a letter on these requests.

Mr. Krellenstein stated that they wrote a detailed letter but he did not approve the variance.

Mr. Casper stated that Mr. Krellenstein can vote for the extension of time sought by the letter and not be voting on the substance of the original variance.

Mr. Krellenstein stated that he will not vote for an extension of time on a variance that he did not approve the first time.

Mr. Casper stated that they are just voting on the procedure.

Chairman Egginton agreed. He stated that at least 3 members voted for it.

Mr. Casper asked what the proof is.

Mr. Krellenstein stated that they have a lengthy chronology.

Mr. Casper asked why it fell through the cracks and did not appear on the agenda last month.

Ms. Posadas stated that the letter was received on May 17th and the expiration was May 28th we were unable to place the request on the agenda because it was received after the agenda was posted.

Mr. Casper stated that they did not meet the 2 month deadline prior to expiration.

Discussion regarding the chronology of approvals.

Mr. Casper moved that the application for the extension of time be approved as presented
The motion was seconded by Chairman Egginton; In favor: Mr. Casper, Mr. Price, Ms. Mandelker and Chairman Egginton. To Deny: Mr. Krellenstein; Abstain: None; Absent: None;

On motion by Mr. Casper, seconded by Chairman Egginton the Board voted 5-0 to adjourn the meeting.

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