

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

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, January 30th 2013 at 7:30 p.m., at the Town of Lewisboro Offices at Orchard Square, Cross River, New York 10518

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

Absent: Jason Krellenstein

Also Present: Alex Posadas, ZBA Secretary

The Meeting was called to order at 7:40 p.m. Chairman Egginton announced that the next ZBA meeting will be Wednesday, February 27th with a site walk scheduled for Saturday, February 23rd Chairman Egginton moved to approve the minutes of the November 28th meeting. The motion was seconded by Mr. Price; In favor: Ms. Mandelker, Mr. Price, and Chairman Egginton; Absent: Mr. Krellenstein; Abstained: Mr. Casper;

I. DECISIONS- (Tentative)

Cal. No 35-12-BZ

Application of Clifford Munz, 26 Hoyt Street, South Salem, NY 10590 [Owner of Record: Stephen Yalof, 20 Hoyt Street, South Salem, New York 10590] for a variance of [1] Article IV, §220-23D(11) of the Zoning Ordinance in the matter of an existing accessory building that will exceed 600 square feet (existing 597 square feet, proposed 963 square feet) and [2] Article III, § 220-9D (2) of the Zoning Ordinance in the matter of the proposed addition that will result in the increase in non-conformity and [3] a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the proposed addition to the existing accessory building which is closer to the front line (proposed 9'6", existing 1.5' where 25' is required) and closer to the street center line (proposed 34'5", existing 26'6" where 50' is required) in an R-¼A, One Quarter Acre Residential District.

The property is located on the west side of Hoyt Street, designated on the Tax Map as Sheet 36B, Block 11172, Lots 10-36, in an R-¼A, One-Quarter-Acre Residential District.

There was no objection to the hearing notice.

Mr. Munz was present at the January 30th meeting.

Chairman Egginton stated that a site walk was conducted on the morning of Saturday, December 15th.

Mr. Price stated that the extension of the garage will fit in very well in the proposed location due to the screening. He asked for the overall size of the garage and shed.

Mr. Munz responded that the total square footage will be 963.

Mr. Casper stated that it looks great and is in keeping with the neighborhood.

Ms. Mandelker agreed.

There were no comments from the public.

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;
- That there is no practical alternative to the requested variance, it is a tight site;
- That the area variance is substantial, but it makes sense to capture the buildings under one roof;
- That there will be no adverse environmental impact;
- That the difficulty is not self-created;

The motion was seconded by Mr. Price; In favor: Ms. Mandelker, Mr. Price, Mr. Casper and Chairman Egginton; Absent: Mr. Krellenstein; Abstained: None;
CASE CLOSED.

II. PUBLIC HEARINGS NEW

CAL. NO. 01-13-SP

Application of Emily and John Sinnott, 4 The Hook, Waccabuc, New York 10597 for a Special Permit pursuant to Article V, § 220-40 of the Zoning Ordinance in the matter of a proposed accessory apartment in an existing accessory structure. The accessory structure was previously granted a variance for over 600 square feet under Cal. No. 27-01-BZ.

The property is located on the west side of The Hook, designated on the Tax Map as Sheet 25A, Block 10813, Lot 09, in an R-2, Two Acre Residential District.

There were no objections to the hearing notice.

Mr. Riina was present to represent the applicant at the January 30th meeting.

Chairman Egginton asked for the square footage of the building.

Mr. Riina stated that he did not know. He stated that they have a new septic system that has been approved by Westchester County. Mr. Riina stated that the building meets all the setbacks.

Mr. Casper stated that the structure was approved in 2001, constructed and now it will be converted to an accessory apartment.

Chairman Egginton asked if it is being used as storage.

Mr. Riina responded yes.

Chairman Egginton read an email from Jennifer Garrity dated 1/30/13 into the record.

Mr. Riina stated that the Department of Health would not approve the septic system if it violated the neighbor's well. He stated that the neighbor's well is located in the front of the property. Mr. Riina stated that the building was approved many years ago. He stated that he would speak with the home owner and they can discuss it with the neighbor.

There were no comments from the public. Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, February 23rd.

THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 02-13-BZ

Application of Michael F. Sirignano, Esq., 892 Route 35, Cross River, NY 10518 [Owner of record: James T. Janover and Marcy A. Sandler, 8 Schoolhouse Road, Waccabuc, New York 10597] for a variance of [1] Article IV, §220-23D(11) of the Zoning Ordinance in the matter of an existing accessory building that exceeds 600 square feet (proposed 1445 square feet) in an R-4A, Four Acre Residential District; [2] a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the existing accessory building which is closer to the side line (proposed 25 feet where 50 feet is required) than permitted in an R-4A, Four-Acre Residential District. [3] a Special Permit pursuant to Article V, § 220-40 of the Zoning Ordinance in the matter of a proposed accessory apartment in an existing accessory building.

The property is located on the south side of Schoolhouse Road, designated on the Tax Map as Sheet 21, Block 10801, Lot 51, in an R-4A, Four-Acre Residential District.

There were no objections to the hearing notice.

Mr. Sirignano, Esq. and Mr. Nick Arpaia, AIA were present to represent the applicant at the January 30th meeting.

Mr. Sirignano stated that his clients wish to replace an existing detached 2 car garage which is non-conforming. He stated that they would also like to utilize the upper floor of the garage as an accessory apartment. Mr. Sirignano discussed the existing structure including the finished living space, with a full bathroom and previously had a kitchen which was removed prior to his client's ownership. He stated that the building is in disrepair and held together by two cables. Mr. Sirignano stated that the cost to renovate the structure was nearly to demolish and build a new structure. He stated that the structure has no footings and the existing garage was built in the 19th century and is not structurally sound. Mr. Sirignano stated that the only proposed changes are to raise the upper floor by 1' and reinstate the kitchen area on the 2nd floor as well as raising the ridge line to 23'. He stated that the building is in the same location and virtually the same size.

Chairman Egginton read a letter of support from William P. Lauder as well as Patrick Brunner and Frances Bright into the record.

Mr. Arpaia discussed photos and the existing and proposed floor plan. He stated that the existing structure has a lot of issues. Mr. Arpaia stated that the footprint will not change but they will have 3 garage bays in the proposed building and the deck is the same footprint but they will capture some space by making the gambrel roof more symmetrical. Mr. Arpaia reviewed the rendering.

There were no comments from the public. Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, February 23rd.

THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 03-13-BZ

Application of Michael F. Sirignano, Esq., 892 Route 35, Cross River, NY 10518 [Owner of record: Donald and Sharon Gale, 27 Knapp Road, South Salem, NY 10590] for a request for an extension of time for the application previously approved under Cal. No. 15-10-BZ and 27-11-BZ.

The property is located on the east side of Knapp Road, designated on the Tax Map as Sheet 34, Block 11826, Lot 59 in an R-1A, One-Acre Residential District.

There were no objections to the hearing notice.

Mr. Sirignano, Esq. was present and accompanied by Mr. and Mrs. Gale at the January 30th meeting. Mr. Sirignano stated that they are requesting an extension of time for the vacant building lot. He stated that they have been in negotiations with a potential buyer, and they have renewed the Board of Health septic and well approvals as of 12/10/12. Mr. Sirignano stated that they have been in discussions with the Planning Board consultants to relocate the proposed driveway entrance.

Mr. Casper asked if the ZBA could consider the September 27th letter to be within the 12 month application.

Ms. Posadas stated that the application was submitted within the appropriate time frame.

Mr. Casper stated that it seems reasonable.

There were no comments from the public.

Chairman Egginton moved that the application be approved for a period of one year to expire on January 30th 2014.

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

CASE CLOSED.

CAL. NO. 04-13-BZ

Application of Michael F. Sirignano, Esq., 892 Route 35, Cross River, NY 10518 [Owner of Record: K& K Real Estate Inc. PO Box 340, Cross River, New York 10518] [Subject Property: Bacio Trattoria, 12 North Salem Road, Cross River New York 10518] for a request for an extension of time for the application previously approved under Cal. No. 28-11BZ.

The property is located on the south side of Route 35 and North Salem Road, designated on the Tax Map as Sheet 17, Block 10799, Lot 03, in an RB Retail Business District and R-½A, One Half –Acre Residential District.

There were no objections to the hearing notice.

Mr. Sirignano, Esq. was present to represent the applicant at the January 30th meeting. Mr. Sirignano stated that the applicant has been very active on this application between the New York City DEC as well as with Bibbo Associates who designed and submitted a SWPPP for review by

the DEP. He submitted copies of the correspondence. Mr. Sirignano stated that the DEP has changed their procedures and they do not want to review plans until the local Planning Board has finished their SEQR review. He stated that the applicant is in no way delaying this project and they would like to move forward.

Chairman Egginton stated that he can see the huge effort with the project.

Mr. Sirignano stated that the last time the applicant appeared before the Planning Board, they were generally pleased with the site plan. He stated that once they have DEP approval they are ready to move forward.

There were no comments from the public.

Chairman Egginton moved that the application be approved for a period of one year to expire on January 30th 2014.

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

CASE CLOSED.

CAL. NO. 05-13-BZ

Application of William Bocchino, Katonah Management Group, 2 Carter Street, Croton Falls, New York 10519 [Owner of Record: Meadows III Board of Managers, Building 39 Jay Court, Units 165-169, Cross River, New York 10518] for a variance of Article III, §220-12E(1) of the Zoning Ordinance in the matter of proposed fencing 8' in height, where 4' is allowed.

The properties are located on the north side of Route 35, designated on the Tax Map as Sheet 17D, Block 10533, Lots 365-369, in an R-MF, Residential Multi-Family District.

There were no objections to the hearing notice.

Mr. Bocchino was present at the January 30th meeting. He stated that there are five units and currently the decks are separated by arborvitae for privacy. Mr. Bocchino stated that they would like to install PVC fencing between the units, each being different lengths but coming out to the same distance and each would be 8' in height.

Chairman Egginton asked if the units back up to the shopping center.

Mr. Price asked for the location of the fences on the site plan.

Mr. Bocchino stated that the proposed fencing is between each unit deck to replace the arborvitae. He stated that the decks are 18" to 22" above the ground.

Mr. Price asked for the length of the fence.

Mr. Bocchino responded that there are two fences that will be 8' in length, one fence will be 12' in length and one fence will be 10' due to the setbacks of the buildings resulting in the fences all being uniform in length.

Mr. Price asked if the proposed fence will stick up 3' over the deck rail.

Mr. Bocchino responded that a 4' fence would not be helpful because you could still look over.

Mr. Pasquale Sarcuni of 128 Woodcock Knoll stated that prior to the public hearing notice; they knew nothing about the fencing. He voiced his concern that the PVC fencing does not conform to the cedar typical on the units. Mr. Sarcuni stated that this will affect the look of the condo.

Chairman Egginton stated that that is a concern of the condo board. He stated that a site walk is invaluable especially with this application. Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, February 23rd.

THE PUBLIC HEARING IS HELD OPEN.

CAL. NO. 06-13-BZ

Application of Judith Gerst, 22 Deerfield Lane, Katonah, New York 10536 for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the "As Built" breezeway that is closer to the rear lot line (existing 5' where 30' is required) in an R-½, One Half Acre Residential District.

The property is located on the south side of Deerfield Lane, designated on the Tax Map as Sheet 9C, Block 10793, Lots 68-75, in an R-½, One Half Acre Residential District.

There were no objections to the hearing notice.

Mrs. Gerst was present at the January 30th meeting. She stated that she decided to renovate the inside of the house and closed off part of the house to make an apartment for her son. Mrs. Gerst stated that several years ago, a contractor built a carport for her which she subsequently enclosed.

Chairman Egginton asked when the breezeway was constructed.

Mrs. Gerst responded last spring.

Chairman Egginton asked if the rationale was for weather protection to get from the garage to the house.

Mrs. Gerst responded yes. She stated that Mr. Barrett came to the house several times.

There were no comments from the public.

Chairman Egginton stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, February 23rd.

THE PUBLIC HEARING IS HELD OPEN.

III. NEW BUSINESS/CORRESPONDENCE