

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

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, April 24<sup>th</sup> 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.  
Jason Krellenstein

Absent: None

Also Present: Aimee Hodges, ZBA Secretary

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The Meeting was called to order at 7:30 P.M. Chairman Egginton introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting will be Wednesday, May 22<sup>nd</sup> with a site walk scheduled for Saturday, May 18<sup>th</sup> 2013.

Chairman Egginton moved to approve the minutes of the March 20th. The motion was seconded by Mr. Krellenstein; In favor: Mr. Price, Mr. Krellenstein, Chairman Egginton, Ms. Mandelker and Mr. Casper

**I. DECISIONS- (Tentative)**

**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.

Judith Gerst was present accompanied by Jeffrey Kane, Esq.

Mr. Kane reminded the Board that at the meeting in February he had advised that there is a related application that had not been filed for a carport. He requested that this matter for the breezeway be adjourned this evening so that the two applications could be considered together.

**THE PUBLIC HEARING IS HELD OPEN.**

**Cal. No. 09-13-BZ**

Application of Golden’s Bridge Community Association, PO Box 701, Golden’s Bridge, New York 10526 for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the installation of a generator for the public water supply which will be closer to the front lot line (proposed 15’ where 40’ is required) and that will be closer to the rear lot line (proposed 5’ where 40’ is required) in a R-1A, One Acre Residential District.

The property is located on the east side of Branch Street, designated on the Tax Map as Sheet 7E, Block 12662, Lot 7, in an R-1A, One Acre Residential District.

Ron Arnstein was present.

Mr. Arnstein advised that the generator is 69 decibels and is the quietest one they could purchase. He advised that he spoke to the residents who wrote the letter expressing concern with the noise. These residents did not realize that this generator is quiet and noted that they have generators that are 90 decibels. Given the location, he was not sure how they could plant the landscaping requested. Mr. Arnstein distributed the specs for the generator to the Board members.

The Board members expressed apprehension given the concerns of the neighboring property owners and noted that nothing subsequent had been received retracting the concerns expressed in the February 26, 2013 letter.

Chairman Egginton moved that the application be approved as presented subject to the condition that the Zoning Board of Appeals receives a letter from the neighbors stating that they do not object to the noise when the generator is tested within 60 days of the generator being installed. If such letter is not received after 60 days, the applicant will be required to install a buffer or landscape screening. The application was approved 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

The motion was seconded by Mr. Krellenstein; In favor: Mr. Krellenstein, Mr. Price, Mrs. Mandelker, Mr. Casper and Chairman Egginton; To Deny: None  
**CASE CLOSED.**

**CAL. NO. 10-13-BZ**

Application of Waccascape LLC, 32 Perch Bay Road, Waccabuc, New York 10597] for a variance of [1] Article IV, §220-23D (11) of the Zoning Ordinance in the matter of the construction of an accessory building that will exceed 600 square feet (proposed 1156.5 square feet) in an R-2A, Two Acre Residential District.

The property is located on the north side of Perch Bay Road, designated on the Tax Map as Sheet 25A, Block 10813, Lot 04, in an R-2A, Two-Acre Residential District.

Mr. O'Brien, AIA and Mr. Durst were present.

Chairman Egginton advised that the Zoning Board attended a site visit on the previous Saturday and determined that although the lot is relatively large, there were concerns with the height and overall mass of the building with respect to the immediate neighbor.

Mr. Durst advised that he understood that the neighbor, Andrea Lustig had sent an e-mail expressing her support for the application. In response to the Member's concern with the size of the structure, he questioned whether it would be possible to build two 550 SF structures and was advised that this was a question for the Building Inspector.

It was noted that the accessory structure being requested is twice the size than what is permitted and that the applicant would need to justify the need and reason to expand beyond what is permitted in the code. In addition, the criteria utilized for granting area variances requires

that the ZBA determine whether the difficulty is self created or if there is any hardship. It was noted that if the Board were to vote this evening, that the variance would be denied. The applicant asked that the matter be held over to determine their options.

**THE PUBLIC HEARING IS HELD OPEN.**

**CAL. NO. 11-13-BZ**

Application of Michael F. Sirignano, Esq., 892 Route 35, Cross River, NY 10518 [Owner of record: Sue K.Feld, Peter Feld and Elizabeth Feld Herzberg, 770 Park Avenue, New York, New York [Property Address: 287 Todd Road, South Salem, New York 10590] for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the construction of a 2 car detached garage replacing a storm damaged car port that is closer to the side lot line (proposed 5', existing 8' where 50' is required) in a R-4A, Four-Acre Residential District.

The property is located on the north side of Todd Road, designated on the Tax Map as Sheet 13, Block 11152, Lot 17, in an R-4A, Four-Acre Residential District.

Mr. Michael Sirignano, Esq. was present and accompanied by Mr. Teo Siguenza, AIA.

Chairman Egginton advised that the Zoning Board attended a site visit on the previous Saturday. Mrs. Mandelker advised that the Zoning Board observed that the site was beautiful. The building was destroyed during Hurricane Sandy; the applicant is not looking to construct anything major.

Chairman Egginton read into the record the April 23, 2013 correspondence received from Mrs. Valerie Altesman (current property owner, 281 Todd Road), Dr. Mark D'Agostino and Mrs. Lara D'Agostino (future property owners, 281 Todd Road).

Mr. Sirignano advised that since their last appearance, the applicant had appeared before the Planning Board for a wetland activity permit approval. Referring to the April 23<sup>rd</sup> request of the adjacent property owners to plant bamboo, he advised that the Planning Board has asked his client to remove the bamboo. The Felds do not object to the installation of some planting between the garage and the property line. He does not wish to be bound by any agreement as to what they will plant on their own property.

Chairman Egginton moved to approve the application as presented for the following reasons:

- There is no undesirable change to the neighborhood, there will be an improvement;
- There is not an alternative to the requested variance as it is being built on an existing carport slab;
- The requested variance is not substantial, because it is an existing legal non-conforming site;
- There will be no adverse effect or impact to the physical environment or condition to the neighborhood;
- The difficulty is not self-created;

This approval is subject to the installation of appropriate plantings within the five foot strip between the garage and the adjacent parcel currently under contract.

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

**CASE CLOSED.**

**CAL. NO. 12-13-BZ**

Application of David and Marie Gibson, 14 Woods Ridge Road, Katonah, New York 10536 for a

[1] a variance of Article III § 220-9D (2) and [2] Article IV § 220-23E of the Zoning Ordinance in the matter of an increase in non-conformity other than use due to the proposed second floor addition that will be closer to the side lot line (proposed 22.41' where 30' is required per §220-12C) than permitted in an R-½A, One Half Acre District.

The property is located on the south side of Woods Ridge Road, designated on the Tax Map as Sheet 9A, Block 10789, Lots 75-85 & 111, in an R-½A, One Half Acre Residential District.

Mr. and Mrs. Gibson were present.

Chairman Egginton advised that the Zoning Board had attended a site visit on the previous Saturday.

Chairman Egginton moved to approve the application as presented for the following reasons:

- There will be no undesirable change to the character of the neighborhood or detriment to nearby properties;
- There are no alternatives to the requested variances; they are building up on their existing home;
- The requested variance is not substantial;
- There is no adverse effect or impact to the physical environment or condition to the neighborhood;
- The difficulty is not self-created;

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

**CASE CLOSED.**

Chairman Egginton moved to adjourn the meeting at 8:15 P.M. The motion was seconded by Mrs. Mandelker; In favor: Mr. Krellenstein, Mr. Price, Mrs. Mandelker, Mr. Casper and Chairman Egginton.

Respectfully submitted,

Aimee M. Hodges  
Zoning Board Secretary