

ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Town of Lewisboro will hold a Public Hearing on Wednesday, July 30, 2014 at 7:30 P.M., at the Town of Lewisboro Offices at Orchard Square, 20 Cross River Shopping Plaza, Lower Level, 20 North Salem Road, Cross River, New York regarding the following:

Cal. #14-14-BZ

Application of Renee Goldstein, 26 Cove Road, South Salem, New York for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of a proposed staircase for an existing deck that will be closer to the side line than permitted (9' proposed where 12' is required) in an R-1/4A, Residential District.

The property is located on the south side of (#26) Cove Road, designated on the Tax Maps of the Town of Lewisboro as Sheet 33A, Block 11157, Lot 20, in an R-1/4A, Quarter Acre Residential District.

Additional information regarding this application may be obtained from the Secretary to the Zoning Board of Appeals at Town of Lewisboro Offices at Orchard Square, 20 Cross River Shopping Plaza (PO Box 725), Lower Level, 20 North Salem Road, Cross River, New York 10518 during regular business hours. At such hearing, all interested parties may attend and will be heard.

**Dated this 17th day of July, 2014
in South Salem, New York**

By:

**ZONING BOARD OF APPEALS
TOWN OF LEWISBORO
GEOFFREY EGGINTON
CHAIRMAN**

The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to attend or participate in this meeting is encouraged to notify the Secretary to the Zoning Board of Appeals in advance.

Town of Lewisboro

P. O. Box 725
20 North Salem Road, Cross River, New York 10590

APPLICATION TO THE BOARD OF APPEALS

*Cal. No. 14-14-BZ (B.Z.) **Cal. No. (S.P.)

I. IDENTIFICATION OF APPLICANT & PROPERTY OWNER

Applicant's Name: RENEE GOLDSTEIN Phone: CELL 914 419 6623
Address: 26 LOVE RD SOUTH SALEM E-Mail: renee.goldstein@gmail.com
Owner's Name: RENEE GOLDSTEIN Phone: HOME 914 977 3860
Address: 26 LOVE RD SOUTH SALEM E-Mail:

II. TO THE ZONING BOARD OF APPEALS OF THE TOWN OF LEWISBORO:

Application is hereby made for:

- [X] A Variation of Article Section 220-23E of the Zoning Ordinance.
[] A Special Permit pursuant to Article Section of the Zoning Ordinance.
[] An Interpretation of the Zoning Ordinance or Zoning Map.
[] A Variation of Section 280 (a) of the Town Law.
[] An appeal from an Order of the Building Inspector to correct a Violation of the Housing Code Section
[] (Other)

AND FURTHER DESCRIBED AS FOLLOWS: Closer to side line than permitted in R14A. 12' required, 9' proposed

III. IDENTIFICATION OF PROPERTY:

Location of Affected Premises:
Tax Map: Sheet 33A Block 1157 Lot(s) 20
Zoning District: R14A Lot Area: Acres

IV. ADDITIONAL INFORMATION

Have previous appeals/special permits been filed in regard to these premises? NO
(If yes, please give calendar number & date)

Cal. No. Date Cal. No. Date
Cal. No. Date Cal. No. Date

Has a court summons been served relative to this matter?

Have you inquired of the Clerk of the Town of Lewisboro whether there is any petition pending to change the use district regulations affecting the block on which these premises are located?

Attached hereto and made a part of this application, I submit the following:

- A copy of the ground and floor plans with all necessary measurements.
A property survey.
A signed consent by the owner of the property if the applicant is not the owner.

V. APPROVED FOR SUBMISSION:

Applicant's Signature: Renee Goldstein Date: 6/2/14

VI. RECEIPT:

Date Received by Clerk 6/6/14 Fee Received \$ 252*
Check #: 1259 Receipt #: 24570

* EXPIRATION: (§ 220-74E(5)) "A variance shall be deemed to authorize only the particular use or uses specified in the decision, and unless other provisions are set forth by the Zoning Board of Appeals in connection with their decision, shall expire if work is not initiated pursuant thereto within one (1) year, or if said use or uses shall cease for more than one (1) year."

**Storage of Contractor's Equipment requires an additional fee for each required off-street parking space.

*** Accessory Apartment applications will also require an additional fee for filing the legal instrument with Westchester County.

AFFIDAVIT OF OWNERSHIP

State of New York, Renee Goldstein being duly sworn, deposes
County of

and says that he resides at 26 Love Rd in the Town of South Salem
in the County of Westchester in the State of NY and that
he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the
Town of Lewisboro, N.Y., aforesaid and known and designated on the Tax Map as Lot Number
in Block on Sheet and that he hereby authorizes
to make the annexed application in his behalf
and that the statements of fact contained in said application including the statements contained in all
of the exhibits transmitted herewith are true.

Sworn to before me, this 3rd
day of June, 2014

[Signature]
(sign here)

(over)



TOWN OF LEWISBORO
WESTCHESTER COUNTY
NEW YORK

DATE: 6/11/14

Application for Building Permit
INSTRUCTIONS
(attached)

NO. 0162-2014

Owner RINEE GOLDSTEIN 26 COVE ROAD S. SALEM
NAME ADDRESS PHONE

Location 26 COVE ROAD
(Give street number, name, side and distance from nearest cross street)

Sheet: 33 AB Block: E 11157 Lot: 20 20 Zone Dist. 1/4 A

1. Existing use and occupancy FAMILY RESIDENCE

2. Intended use and occupancy _____

3. Nature of Work: New Building: _____ Repair: _____ Demolition: _____ Other: _____
Addition: _____ Alteration: _____ Plumbing: _____

4. Description of work: STAIR FOR EXISTING EXTERIOR DECK

5. Rooms and Spaces:

Existing N/A Liv. Rm. _____ Din. Rm. _____ Kit. _____ Dinette _____ Bedrms. _____ Decks _____ Porches _____
Half Baths _____ Full Baths _____ Playroom _____ Fam. Rm. _____ Other _____

New Liv. Rm. _____ Din. Rm. _____ Kit. _____ Dinette _____ Bedrms. _____ Decks _____ Porches _____
Half Baths _____ Full Baths _____ Playroom _____ Fam. Rm. _____ Other _____

6. Plumbing: N/A
Will there be additional plumbing fixtures? N/A Will plumbing fixtures be relocated? _____
If answer to either question is yes, then plumbing diagram is required to be submitted for approval prior to starting plumbing work.

7. Electrical: N/A
Will there be electrical work? N/A If Yes, then certificate from Board of Fire Underwriters will be required.

8. Name of Compensation Insurance and Disability Insurance Carrier: _____
Number of Policy _____ Date of Expiration _____ License No. _____

9. Architect Mary Faithorn Scott 332 Fairway Dr Mt Kisco NY 10549
NAME ADDRESS PHONE

Builder _____ NAME ADDRESS PHONE

Plumber _____ NAME ADDRESS PHONE

Electrician _____ NAME ADDRESS PHONE

10. Estimated Cost* 4000 Bldg. Permit Fee 170 C.O. Fee 40 + 52 = 732.00

*Estimated costs for the work described in the Application for Building Permit include the value of all of the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost should exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

I confirm that I understand that building permits are voided if work does not start within 3 months of the permit being issued, and that building permits expire 18 months after being issued. I understand that it is my responsibility to call the Town of Lewisboro for all required inspections during construction and to obtain a Certificate of Occupancy/Compliance upon completion thereof in compliance herewith. I also understand my responsibilities of all provisions of Town of Lewisboro Zoning Laws, New York State Uniform Fire Prevention & Building Code and State of New York Department of Labor requirements whether specified herein or not. The Town of Lewisboro Zoning Law can be researched at www.lewisborogov.com (click: Links, Town Code).

STATE OF NEW YORK
COUNTY OF WESTCHESTER

Mary F. Scott being duly sworn deposes and says that he is the owner, contractor, agent, ARCHITECT
corporate officer, etc. (choose one) for this property, and is duly authorized to perform or have performed the said work and to make and file this application; that all statements contained in this application are true to the best of his knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

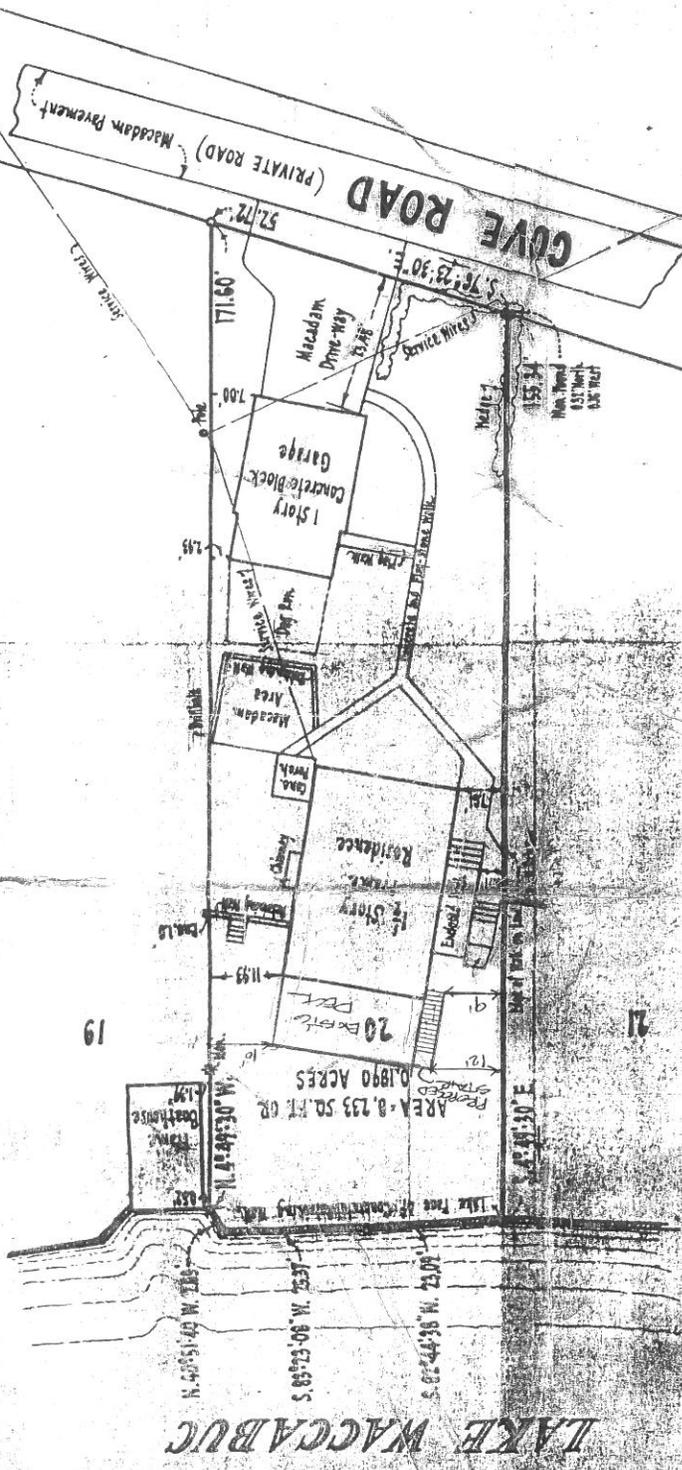
Sworn to before me
this 15 day of May, 2014

Jose L. Perez Jr.
Notary Public, State of New York
J. 01PE4991827
Resides in Dutchess County
Term Expires Feb. 10, 2018

ACTION BY BUILDING INSPECTOR

Examined _____
Approved _____ Permit No. _____
Disapproved a/c Request 2 BFT - 220-230. Closets side view term permitted
in 1/4 A 12' Required - 9' proposed

ACTION BY THE BOARD OF APPEALS



SITE PLAN 1" = 20'-0"
 26 COVE ROAD
 SOUTH SALEM, NY

Premises herein being Lot 20 as shown on map entitled "Map of Section No. 1 of George I. Boreas Subdivision", filed in the Westchester County Clerk's Office Division of Land Records, February 4, 1924 in Volume 57 Page

Controlled by First Charter, Rye Springs Bank and the Rye Savings Bank Title Guaranty and Mortgage Company in accordance with the Minimum Standards for Title Surveys of the New York State Land Title Association.

All certifications hereon are

PREMISES HEREON BEING LOCATED ON SHEET
 BLOCK 1117 IN WESTCHESTER COUNTY BLOCK IN
SURVEY OF PROPE
 PREPARED FOR

ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Town of Lewisboro will hold a Public Hearing on Wednesday, July 30, 2014 at 7:30 P.M., at the Town of Lewisboro Offices at Orchard Square, 20 Cross River Shopping Plaza, Lower Level, 20 North Salem Road, Cross River, New York regarding the following:

Cal. #15-14-BZ

Application Michael Fuller Sirignano, Esq., 892 Route 35, Cross River, New York 10518 (Owner of Record: Adam & Nancy H. Sarnier, 25 Bishop Park Road, Pound Ridge, New York 10576) for a [1] 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 additions to the residence, rear deck and covered front porch where the addition and rear deck will be closer to the side lot lines (western side line proposed 18.33 feet; eastern side line proposed 29.50 feet where 30 feet is required) and where the covered front porch will be closer to the western side lot line (22.91 feet proposed where 30 feet is required) and closer to the front lot line (26.91 feet where 40 feet is required) in an R-1A, Residential District.

The property is located on the southeast side of (#25) Bishop Park Road, designated on the Tax Maps of the Town of Lewisboro as Sheet 45, Block 10269, Lot 2, in an R-1A, One Acre Residential District.

Additional information regarding this application may be obtained from the Secretary to the Zoning Board of Appeals at Town of Lewisboro Offices at Orchard Square, 20 Cross River Shopping Plaza (PO Box 725), Lower Level, 20 North Salem Road, Cross River, New York 10518 during regular business hours. At such hearing, all interested parties may attend and will be heard.

Dated this 17th day of July, 2014
in South Salem, New York

By:

ZONING BOARD OF APPEALS
TOWN OF LEWISBORO
GEOFFREY EGGINTON
CHAIRMAN

The Town of Lewisboro is committed to equal access for all citizens. Anyone needing accommodations to attend or participate in this meeting is encouraged to notify the Secretary to the Zoning Board of Appeals in advance.

Town of Lewisboro

P. O. Box 725
20 North Salem Road, Cross River, New York 10590

APPLICATION TO THE BOARD OF APPEALS

*Cal. No. 15-14- (B.Z.) **Cal. No. (S.P.)

I. IDENTIFICATION OF APPLICANT & PROPERTY OWNER

P.O. Box 734

Applicant's Name: Michael Fuller Sirignano, Esq. Phone: (914) 763-5500

Address: 892 Route 35, Cross River, NY 10518 E-Mail: michael@sirignano.us...

Owner's Name: Adam & Nancy Sarner Phone:

Address: 25 Bishop Park Road, Pound Ridge, NY 10576 E-Mail:

II. TO THE ZONING BOARD OF APPEALS OF THE TOWN OF LEWISBORO:

Application is hereby made for:

- X [X] A Variation of Article ...III... Section 220-9D(2)... of the Zoning Ordinance.
[] A Special Permit pursuant to Article ... Section ... of the Zoning Ordinance.
[] An Interpretation of the Zoning Ordinance or Zoning Map.
[] A Variation of Section 280 (a) of the Town Law.
[] An appeal from an Order of the Building Inspector to correct a Violation of the Housing Code Section ...

X [] (Other) Variations of Article IV, S220-23F

AND FURTHER DESCRIBED AS FOLLOWS: See Addendum

III. IDENTIFICATION OF PROPERTY:

Location of Affected Premises: Southeast side of Bishop Park Road

Tax Map: Sheet 45 Block 10269 Lot(s) 2

Zoning District: R-1A Lot Area: 0.298 Acres

IV. ADDITIONAL INFORMATION

Have previous appeals/special permits been filed in regard to these premises? Yes

Cal. No. 37-07-EZ Date 8/22/07 withdrawn

Cal. No. Date Cal. No. Date

Has a court summons been served relative to this matter? No

Have you inquired of the Clerk of the Town of Lewisboro whether there is any petition pending to change the use district regulations affecting the block on which these premises are located? Yes. There is no such pending action.

Attached hereto and made a part of this application, I submit the following:

- A copy of the ground and floor plans with all necessary measurements.
A property survey.
A signed consent by the owner of the property if the applicant is not the owner.

V. APPROVED FOR SUBMISSION:

Applicant's Signature: Date: 6/24/14

VI. RECEIPT:

Date Received by Clerk 6/26/2014 Fee Received \$ 250.

Check #: 377-177. Receipt #: 25503

* EXPIRATION: (§ 220-74E(5)) "A variance shall be deemed to authorize only the particular use or uses specified in the decision, and unless other provisions are set forth by the Zoning Board of Appeals in connection with their decision, shall expire if work is not initiated pursuant thereto within one (1) year, or if said use or uses shall cease for more than one (1) year."

**Storage of Contractor's Equipment requires an additional fee for each required off-street parking space.

*** Accessory Apartment applications will also require an additional fee for filing the legal instrument with Westchester County.

AFFIDAVIT OF OWNERSHIP

State of New York, ADAM SARNER being duly sworn, deposes
County of Westchester

and says that he resides at 25 Bishop Park Road in the Town of Lewisboro
in the County of Westchester in the State of New York

and that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the
Town of Lewisboro, N.Y., aforesaid and known and designated on the Tax Map as Lot Number
2 in Block 10269 on Sheet 45

Michael Fuller Siffignano, Esq. and that he hereby authorizes
to make the annexed application in his behalf
and that the statements of fact contained in said application including the statements contained in all
of the exhibits transmitted herewith are true.

Sworn to before me, this 24th
day of June, 2014


(sign here)

(over)



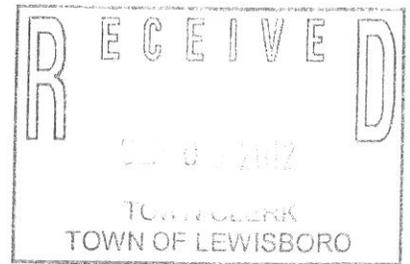
CONSTANCE PAGANELLI
Notary Public, State of New York
No. 60-8255040
Qualified in Westchester County
Commission Expires January 31, 2015

ADDENDUM TO SARNER VARIANCE APPLICATION

Application is respectfully made to the Town of Lewisboro Zoning Board of Appeals for the following variances:

[1] Article IV, §220-23E of the Zoning Ordinance in the matter of the construction of addition to residence, rear deck and covered front porch where addition and rear deck will be closer to side lot lines (western side line existing 22.50 feet, proposed 18.33 feet; eastern side line existing 17.33 feet, proposed 29.50 feet when 30 feet is required on each side); and where covered front porch will be closer to the western side lot line (22.91 existing; 22.91 proposed; and whose covered porch will be closer to the front lot line existing 26.91 feet; proposed 26.91 feet when 40 feet is required).

[2] Article III, §220-9D(2) of the Zoning Ordinance to permit the aforesaid addition, rear deck, front porch and second floor that will result in an increase in non-conformity other than use than permitted in an R-1A, One-Acre Residential District.



**ZONING BOARD OF APPEALS
TOWN OF LEWISBORO**

In the matter of:

CAL. NO. 14-12-BZ

Application of Stacy Trunzo, 27 Bishop Park Road, Pound Ridge, New York 10576 [c/o Charles Banks, Esq. Shapiro, Gettinger and Waldinger, LLP, 118 North Bedford Road, PO Box 320, Mount Kisco, New York 10549] for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the reduction of a side yard setback from an existing home to the proposed westerly lot line from 36.5 to 23.9 in an R-1A, One Acre Residential District.

The Public Hearings were held on Wednesday, June 27th and July 25th 2012, at the Town House, 11 Main Street, South Salem, NY, at 7:30 p.m.

Board Members: Present: Geoffrey Egginton, Chairman 7/25/12
Carolyn Mandelker
Thomas Casper
Robin Price, Jr.
Jason Krellenstein

Absent: Geoffrey Egginton 6/27/12

The Property: The property is located on Bishop Park Road, designated on the Tax Map as Sheet 45, Block 10269, Lot 1 in an R-1A, One Acre Residential District.

Appearances: For Applicant: Mr. Charles Banks, Esq.

References: Minutes of the Public Hearings; Letter of Support from Adam and Nancy Sarner, dated 6/18/12; Survey of Property Belonging to Sarner and to Trunzo, revised date 12/21/11; Memo from Kellard Sessions, dated 1/20/12;

Action of the Board: THE APPLICATION IS APPROVED.

The Vote: To Approve: July 25th 2012

To Approve: Mandelker, Krellenstein, Price and Egginton

To Deny: Casper

Absent: None

Abstain: None

**NATURE OF APPLICATION
AND
SUMMARY OF EVIDENCE PRESENTED**

Application for a variance of Article IV § 220-23E of the Zoning Ordinance in the matter of the reduction of a side yard setback from an existing home to the proposed westerly lot line from 36.5 to 23.9 in an R-1A, One Acre Residential District.

The property is located on Bishop Park Road, designated on the Tax Map as Sheet 45, Block 10269, Lot 1 in an R-1A, One Acre Residential District.

Mr. Charles Banks, Esq. was present to represent Ms. Trunzo also present. Mr. David Tyler, Esq. was present to represent the Sarners. Mr. Banks stated that the application is for a side yard setback variance for a negotiated lot line change before the Planning Board. He stated it started as a property line dispute in 2004 which escalated to litigation and was settled by stipulation in 2007 which called for a lot line adjustment between the properties to settle their dispute. Mr. Banks reviewed the site plan. He stated that the wells and septic systems have been professionally located and they will not be affected by the lot line change. Mr. Banks stated that there is a small wetland and a drainage swale and the drainage feature has been problematic to the Sarners because it washes out the driveway and the basement floods. He stated that the proposed property line will run across the most easterly edge of the drainage feature.

Mr. Krellenstein asked if Mr. Banks represents both the Trunzos and the Sarners.

Mr. Banks responded yes. He stated that they have been working with the Planning Board for many years. Mr. Banks stated that Ms. Trunzo's side yard setback will decrease 36.5' to 23.9' while the Sarner's setback from their garage will increase from 3' to 15.6'. He stated that the area of Ms. Trunzo's lot exceeds the minimum both before and after while the area of the Sarner's property is non-conforming both before and after.

Mr. Krellenstein read a letter of support dated June 18th 2012 from Adam Sarner. He stated that maybe there was a mistake in the deed and to settle this the parties have agreed to shift some property thereby creating a non-conformity, the houses already exist and this will settle a litigation caused by an erroneous deed.

Mr. Banks stated that there was a misunderstanding on the part of the Sarners as to where their property was. He stated that the title company has accepted the responsibility for the misunderstanding.

Mr. Krellenstein stated that that speaks volumes to this not being self created which is helpful justification for the request.

Mr. Casper asked if this application should be a two part variance application.

Mr. Banks responded that he did not think so because there is no decrease for the Sarners, an increase towards conformance.

Mr. Krellenstein read §220-9D (2).

Mr. Casper stated that it refers to structures.

Mr. Krellenstein stated that the section is non-conformities other than use, the area variance section but it does talk about the non-conformity and other dimensional requirements of the chapter. He stated that they should conduct a site walk because nothing is going to change. Mr. Krellenstein asked if they have been before the Planning Board.

Mr. Banks responded that the applicant is not before the ZBA based on a referral from the Planning Board.

Mr. Krellenstein asked if a stipulation of settlement is filed.

Mr. Banks responded yes.

Mr. Krellenstein asked if the court case is discontinued.

Mr. Tyler responded yes.

Mr. Krellenstein stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, July 21st.

FINDINGS AND CONCLUSIONS

Chairman Egginton stated that there is a drainage swale on Ms. Trunzo's current property. He stated that there is a lot line change to give the Sarner's control of the swale

Mr. Casper stated that there are 3 lots and 2 owners and questioned the location of the property lines.

Mr. Banks responded that there are 3 tax lots and 2 owners and reviewed the site plan.

Chairman Egginton stated that both property owners don't need a variance just Ms. Trunzo because the Sarner's side yard is increasing but will still be non-conforming.

Mr. Banks stated that the Sarner's are experiencing a substantial hardship because they can not deal with the drainage issue. He stated that it was not a self created hardship and when the Sarner's purchased their property there was a reasonable expectation that this would be their property line and the title company has accepted responsibility for the confusion. Mr. Banks stated that it is the minimum that is required.

Chairman Egginton asked if this has been reviewed by an engineer.

Mr. Banks advised that the project was designed by a wetland engineer. He stated that there is no alternative and that there is no other means of achieving this result. Mr. Banks stated that there is no change to the character of the neighborhood and both property owners support this.

Mr. Casper asked if the side yard setback is of the property line or the lot line.

Mr. Krellenstein asked if there is a reason that these lots have not been merged.

Mr. Molé responded that once it is merged it will be off of the property line, it could be a condition of the approval.

Mr. Banks advised that they will be merged.

Mr. Casper stated that if there are 2 non-conforming side yard setbacks then both applicants should seek a variance.

Mr. Krellenstein read § 220-9D (2) and § 220-9D (1). He stated that the applicant does not need a variance to reduce the non-conformity.

Mr. Molé stated that it is a structural non-conformity.

Mr. Krellenstein stated that the reason he thinks that it is clear is it would be illogical.

Mr. Casper stated that he is concerned about oversight.

Mr. Banks stated that if Ms. Trunzo could move her property line and not need a variance, they would not be before the ZBA. He stated that a simple lot line change is controlled by the Planning Board and one will be increased and one will be decreased. Mr. Banks stated that the applicant who is being increased does not require a variance.

Mr. Casper stated that the side yard ends up being less than it should be and for that reason the ZBA should grant two variances.

Mr. Krellenstein stated that he understands the point but reads the Code differently but there is a practical problem. He stated that they have one applicant in front of them now and he is uncomfortable granting a variance to an applicant who has not applied for one. Mr. Krellenstein stated that he is more comfortable reading the Code to say in this particular instance any structure may be altered to decrease a dimensional non-conformity can be read to also mean any area can be altered to decrease a dimensional non-conformity. He stated that it is as much a practical approach in this unique situation, the alternative here would be to have the other applicant apply.

Mr. Casper stated that they should take a little more time; it is so obvious it should have been in the Code if it were intended.

Mr. Bank stated that no zoning board has ever required that the party's whose dimensional non-conformity has decreased apply for a variance because it does not make sense.

Mr. Molé stated that in fairness there is a standard provision in a lot of zoning codes that if there is non-conformity and you make it more conforming, you do not need to get a variance.

Chairman Egginton stated that there is relief.

Mr. Casper stated that there are codes that allow for what the applicant would like to do and have the language. He stated that he will vote against it only because of that because they have to be consistent.

Mr. Bank stated that they have the reciprocal variance before them and can't do one without the other.

Mr. Casper stated that they only have a variance before them and don't have the reciprocal variance.

Mr. Molé stated that it is at the ZBA's discretion, if the co-applicant wants to come in on the same application.

Chairman Egginton stated that he does not think that that is necessary.

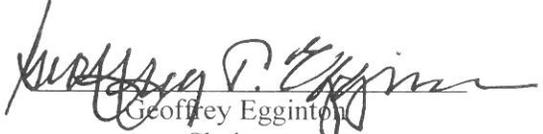
Mr. Banks stated that the code did not seem to suggest that someone decreasing the non-conformity would have to do that.

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,
- That the area variance is relatively unsubstantial;
- That there will be no adverse environmental impact, there will be an improvement;
- That the difficulty may be self-created, but does not preclude the granting of the variance;

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

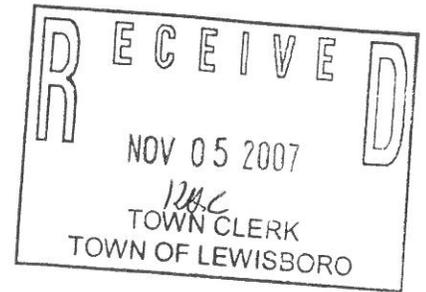
Prior to commencement of any work done under this approval, the Applicant is directed to contact the Building Department to obtain such permits as may be necessary and to pay such fees as may be required.


Geoffrey Egginton
Chairman

Dated in South Salem, New York
This ___ day of August 2012

Expiration: The variance shall be deemed to authorize only the particular use or uses specified in the decision, and unless other provisions are set forth by the Zoning Board of Appeals in connection with its decision, shall expire if work is not initiated pursuant thereto within one (1) year of the date said decision is filed with the Office of the Town Clerk or if said use or uses shall cease for more than one (1) year.

**ZONING BOARD OF APPEALS
TOWN OF LEWISBORO**



In the matter of:

CAL. NO. 37-07-BZ

Application of Adam and Nancy Sarner, 25 Bishop Park Road, Pound Ridge, NY 10576 for [1] a variance of Article III § 220-9D (2) and [2] Article IV § 220-23E of the Zoning Ordinance in the matter of the construction of an addition to the existing kitchen and bedroom and the construction of a second story consisting of a loft and attic space closer to the side lot lines (western side line existing 15', proposed 14', and eastern side line existing/proposed 19' where 40' is required) and that will result in an increase in non-conformity other than use than permitted in an R-2A, Two-Acre Residential District.

The Public Hearings were held on Wednesday, August 22nd 2007, September 26th 2007 and October 24th 2007 at the Town House, 11 Main Street, South Salem, NY, at 8:15 p.m.

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

Absent: Thomas Casper (8/22/07)

The Property: The property is located on the southeast side of Bishop Park Road, designated on the Tax Map as Sheet 45, Block 10269, Lot 2, in an R-2A, Two-Acre Residential District.

Appearances: For Applicant: Mr. and Mrs. Sarner
[Applicant]

In Opposition: Ms. Stacy Trunzo
27 Bishop Park Road

References: Minutes of the Public Hearings;
Survey, dated 9/14/00; Existing First Floor Plan, Front View, Side (Right) View, Existing Back of House, Side (Left) View, undated; Survey, dated

4/24/02; Photos, undated; Letter from Stacy Trunzo, dated 8/22/07; Letter from Patrick Croke, dated 8/21/07; Letter from Eugene Philips, dated 8/20/07; Letter from John Pavone and Dianne Sutter, undated; Letter from Leslie and Benjamin Arnow, dated 8/20/07; Letter from Jennifer and Joshua Sarner, undated; Letter from Adam and Nancy Sarner, dated 9/14/07; Letter of withdrawal from Adam and Nancy Sarner, dated 10/19/07; Court transcript dated 1/23/07;

Action of the Board:

APPLICATION IS WITHDRAWN WITHOUT PREJUDICE.

The Vote:

To Approve:

October 26, 2007

Affirmative:

Price, Mandelker, Egginton, Casper Lonergan

Negative:

None

Abstain:

None

Absent:

None

**NATURE OF APPLICATION
AND
SUMMARY OF EVIDENCE PRESENTED**

Application for [1] a variance of Article III § 220-9D (2) and [2] Article IV § 220-23E of the Zoning Ordinance in the matter of the construction of an addition to the existing kitchen and bedroom and the construction of a second story consisting of a loft and attic space closer to the side lot lines (western side line existing 15', proposed 14', and eastern side line existing/proposed 19' where 40' is required) and that will result in an increase in non-conformity other than use than permitted in an R-2A, Two-Acre Residential District.

The property is located on the southeast side of Bishop Park Road, designated on the Tax Map as Sheet 45, Block 10269, Lot 2, in an R-2A, Two-Acre Residential District.

Mr. and Mrs. Sarner were present at the August 22nd meeting and accompanied by their builder. Mr. Sarner stated that they are going out about 3.5' in the back so that their

daughter will have a bigger bedroom and extend into the kitchen for a dining area. He stated that they also have a leaky roof that has been repaired a few times. Mr. Sarner stated that they would like to screen in the front porch.

Mrs. Sarner stated that they would use the existing footings for the front porch to bring it out 2'. She stated that they would be reducing the deck area from 300 square feet to 280 square feet. Mrs. Sarner stated that the existing Bilco doors will be removed. She stated that the existing house is 893 square feet and the proposed footprint of the residence would be 1094 square feet.

Discussion with the Board Members regarding the plans.

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

Ms. Stacy Trunzo, 27 Bishop Park Road read a letter dated August 22, 2007 into the record.

Chairman Lonergan asked for a copy of the stipulation and survey.

Ms. Trunzo stated that she did not have a copy of the stipulation but provided a copy of the survey and letter from her attorney Christopher Kohn, dated August 17th 2007.

Chairman Lonergan read an email from Eugene Philips, 31 Bishop Park Road dated August 20th 2007. He read a letter from Patrick Croke, 29 Bishop Park Road dated August 21st 2007. Chairman Lonergan read a letter from John Pavone and Dianne Sutter, 36 Bishop Park Road dated August 20th 2007. He read a letter from Leslie and Benjamin Arnow, 21 Bishop Park Road dated August 20th 2007. Chairman Lonergan read a letter from Jennifer and Joshua Sarner, 20 Bishop Park Road dated August 20th 2007.

Ms. Posadas stated that the ZBA office received a phone call today from Frederick and Mary Anne Schiller in support of the application.

Mrs. Sarner stated that 3 of the 4 lot lines are not in dispute. She stated that the lot line in dispute they are not getting any closer to.

Chairman Lonergan asked for the location of the boulder.

Discussion regarding the site plan.

Mr. Sarner stated that he did not know that this would be a problem. He stated that people have line disputes. Mr. Sarner stated that the house is nonconforming; the left side crosses the right side. He stated that they are not moving any closer to Ms. Trunzo's side lines.

Ms. Trunzo stated that the survey is flawed and both title insurance companies agreed it is wrong.

Chairman Lonergan stated that the public notice indicates western side line existing 15', proposed 14', and eastern side line existing/proposed 19' where 40' is required. He stated that the eastern side line 19' is being disputed. Chairman Lonergan stated that if the survey is incorrect then the notice is incorrect. He stated that if the 19' is incorrect then they may be impacted to a greater degree.

Mrs. Sarner asked even if we are not getting closer.

Chairman Lonergan stated we need to know where the lot line is located. He asked if there is a new survey.

Ms. Trunzo responded no.

Chairman Lonergan stated that at this point he is not sure if the public hearing notice accurately reflects the conditions out there. He stated until the litigation is resolved, he does not know where that line is.

Mr. Sarner stated that they will end up with more property when this is resolved.

Chairman Lonergan stated that there are different forums for different purposes. He stated that the forum that will resolve the dispute is the Supreme Court in White Plains. Chairman Lonergan stated that they want to look at the stipulation so that they can satisfy themselves with respect to the location of that line.

Mr. Egginton stated that he agrees with the Chairman and what ever has been agreed upon between the parties needs to be delineated on an approved site plan that reflects accurate side lines. He stated that he can not approve or disapprove an application that he does not know the degree of variance that is being requested. Mr. Egginton stated that it is premature to come before the Board.

Mr. Sarner stated that he is in limbo. He stated that nothing in the settlement says the side lines are different.

Chairman Lonergan stated that they will not approve it until they are satisfied.

Chairman Lonergan stated that the public hearing will remain open and a site walk will be conducted on the morning of Saturday, September 22nd 2007.

FINDINGS AND CONCLUSIONS

At the September 26th meeting, Chairman Lonergan read a letter from the applicant requesting an adjournment until the October 20th site walk and October 26th meeting.

No one was present to represent the applicant at the October 24th meeting.

Chairman Lonergan read a letter dated 10/19/07 from the applicant requesting a withdrawal of the application without prejudice.

Chairman Lonergan moved that the application to withdraw the application be approved without prejudice.

The motion was seconded by Mr. Casper; In favor: Mr. Casper, Ms. Mandelker, Mr. Price, Mr. Egginton and Chairman Lonergan.



William R. Lonergan, Jr.
Chairman

Dated in South Salem, New York
This 5th day of November 2007.

RESOLUTION ADOPTED BY THE TOWN BOARD
OF THE TOWN OF LEWISBORO
AT A MEETING HELD ON JUNE 30, 2014

RESOLVED, that the Town Board refers Pietro and Jennifer Cipriano's petition for a zoning map amendment to the appropriate Boards for their discussion.

STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, JANET L. DONOHUE, Town Clerk of the Town of Lewisboro, County of Westchester, State of New York, do hereby certify that I have compared the preceding copy of a Resolution adopted by the Town Board of the Town of Lewisboro at a meeting held on the 30th day of June, 2014, to the original thereof, and that the same is a true and exact copy of said original and of the whole thereof.

Town Clerk

Dated at South Salem, New York
this 1st day of July, 2014

TOWN BOARD OF THE TOWN OF LEWISBORO
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X
In the Matter of the Application of

PIETRO CIPRIANO, JR. and JENNIFER CIPRIANO

**PETITION FOR
ZONING MAP
AMENDMENT**

For amendments to the Zoning Map of the Town of Lewisboro changing the Zoning Designation of Property Zoned R-1A to R-B affecting real property located at 5 East Street, also known and designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36.

-----X
PIETRO CIPRIANO, JR. and JENNIFER CIPRIANO (the "Petitioners") hereby petition the Town Board of the Town of Lewisboro for an amendment to the Zoning Map pursuant to New York State Town Law Sections 264 and 265 as follows:

The Petitioners

1. Petitioners PIETRO CIPRIANO, JR. and JENNIFER CIPRIANO are residents of the Town of Lewisboro and owners of a home and lot at 5 East Street, South Salem, New York 10590 (the "Premises").

The Premises

2. The Premises is known and designated on the Tax Assessment Map of the Town of Lewisboro as Sheet 53, Block 9834, Lot 36. The Premises is comprised of approximately 0.71 acres and has 167.06 feet of frontage along the northerly side of East Street, a town road. A complete metes and bounds description of the Premises is contained in the Schedule A Description annexed hereto. The Premises is presently within the R-1 zoning district but it immediately abuts the RB zoning district on its

westerly side and while the portion of the lot (Tax Lot 32) abutting the Premises to the north is zoned R-1A, the westerly half of said Tax Lot 32 that fronts on Smith Ridge Road is zoned RB and contains the Vista Market.

The Proposed Rezoning

3. Petitioners propose that the Town Board rezone the Premises from R-1A to RB for the purpose of utilizing the Premises in conjunction with their nursery/garden center located to the immediate west on Tax Lot 35. As previously noted, the Vista Market property (Tax Lot 32) borders the Premises to the north. As can be seen from the attached copy of the Zoning Map, the existing RB district is surrounded by the R-1A district. Enlarging this RB zoning district to include the Premises will not adversely affect or impact the remaining residences in this R-1A district.

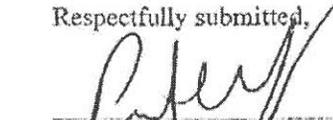
4. Site plan approval by the Planning Board will be required before nursery stock and supplies could be displayed and/or stored on the Premises if said parcel is rezoned. Site plan review would include *inter alia* designation of appropriate screening as well as the design of any necessary stormwater management facilities, which will also be constructed to mitigate any increase in runoff resulting from the proposed RB use of the Premises.

5. Petitioners respectfully submit that the proposed garden center use of the Premises is appropriate for the area. The proposed rezoning will have little, if any, impact on the residential areas to the east and north. When the Premises is used in combination with the existing garden center operation, Petitioners will be able to display nursery stock and garden supplies in a more efficient manner, thereby freeing up a portion of the current garden center site on Tax Lot 35 for off-street unloading of stock

delivered by large trucks. Petitioners seek to enhance their retail business operations while also improving traffic and safety. An expanded garden center will create local jobs and increase tax revenues, thereby contributing to the fiscal well-being of the Town and its residents.

WHEREFORE, the Petitioners respectfully request that the Town Board grant this Petition and amend the zoning map as set forth herein.

Respectfully submitted,



PIETRO CIPRIANO, JR.



JENNIFER CIPRIANO

SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being in the Town of Lewisboro, County Westchester and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the Northerly side of East Street distant 293.90 feet Easterly from the corner formed by the intersection of the Northerly side of East Street with the Easterly side of Route 123 (Smith Ridge Road);

RUNNING THENCE along the said Northerly side of East Street North 74 degrees 16 minutes East 167.06 feet to lands now or formerly of Jack T. Frantz and Georgene M. Frantz;

RUNNING THENCE along said lands now or formerly of Jack T. Frantz and Georgene M. Frantz North 10 degrees 25 minutes 30 seconds West 176.44 feet to lands now or formerly of Robert and Elizabeth Carpenter;

RUNNING THENCE along said lands now or formerly of Robert and Elizabeth Carpenter and along the mean center line of a stone wall, South 78 degrees 39 minutes 20 seconds West 172.14 feet to a point;

RUNNING THENCE along lands now or formerly of Vista Barn Corp. the following courses and distances: South 11 degrees 43 minutes East 61.81 feet; South 8 degrees 02 minutes 10 seconds East 25.51 feet and South 13 degrees 29 minutes 10 seconds East 102 feet to the Northerly side of East Street and the point or place of BEGINNING.

