

**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, January 28, 2015 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. No. 01-15-BZ**

**Application of Fortune Home Builders, LLC, 150 Deans Corners Road, Brewster, New York [Glickenhous Bedford Development, Inc., 6 East 43<sup>rd</sup> Street, 10<sup>th</sup> Floor, New York, NY 10017, owner of record] for a variance of Article IV § 220-21B (1) & (3) of the Zoning Ordinance in the matter of the proposed development of a single-family residence on a vacant parcel of land that will encroach on a slope greater than 15%.**

**The property is located on the south side of Duffy's Bridge Road, designated on the Tax Maps of the Town of Lewisboro as Sheet 2, Block 10516, Lot 1, in an R-2A, Two 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 15th day of January, 2015  
in Cross River, New York**

**By:**

**ZONING BOARD OF APPEALS  
TOWN OF LEWISBORO  
ROBIN PRICE, JR.  
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. 01-15 (B.Z.) \*\*Cal. No. (S.P.)

I. IDENTIFICATION OF APPLICANT & PROPERTY OWNER

Applicant's Name: FORTUNE HOME BUILDERS LLC Phone: 845 270 1700
Address: 150 DEANS CORNERS ROAD BREWSTER, NY 10500 E-Mail: D.GORMANO@FORTUNEHS.COM
Owner's Name: SAME Phone: SAME
Address: Glickenhans Beyond Development Inc. 10 EAST 43 ST - 10FL NY NY 10017 E-Mail:

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

Application is hereby made for:

- A Variation of Article Section 220-21 B(3) 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: PROPOSED DEVELOPMENT OF A SINGLE FAMILY RESIDENCE ON A VACANT 9+ACRE LOT - SLOPE GREATER THAN 15% -

III. IDENTIFICATION OF PROPERTY:

Location of Affected Premises: DUFFY'S BRIDGE ROAD
Tax Map: Sheet 2 Block 10516 Lot(s) 1
Zoning District: R-2A Lot Area: 9.154 Acres

IV. ADDITIONAL INFORMATION

Have previous appeals/special permits been filed in regard to these premises? NO
Cal. No. Date Cal. No. Date
Cal. No. Date Cal. No. Date
Has a court summons been served relative to this matter? NA
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? NA

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: [Signature] Date: 2/10/14

VI. RECEIPT:

Date Received by Clerk: [Signature] Fee Received \$: \$252.-
Check #: 274 Receipt #: 25793

\* 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, County of Ches. Murch being duly sworn, deposes

and says that he resides at 10 Deacons in the Town of Burr

in the County of Ches. in the State of N.Y. 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 10514 on Sheet 2 and that he hereby authorizes

NATHANIEL J. HOFF, JR. 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 23rd day of October 2014

[Signature]  
(sign here)

BARBARA ANN COLUCCI  
Notary Public, State of New York  
No. 01CO4805394  
Qualified in New York County  
Commission Expires Jan. 31, 2015

(over)

# NATHANIEL J. HOLT, PE

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Nathaniel J. Holt, P.E.  
dan@holtengineering.net

## I. SUBJECT

Variance to Section 220-21, Hilltops, Ridgelines and Steep slopes

## II. PURPOSE

It is proposed to construct a single family residence on a 9.15 acre parcel of land situated on Duffy's Bridge Road. Although, the property consists of Steep Slopes (defined as 15% or greater), locally regulated wetlands and associated wetland buffers, there are albeit limited, areas on the site that can accommodate a house site, and sewage disposal system. However, to gain access to these places it is necessary to traverse steep slopes and encroach upon wetland buffer areas.

In accordance with the Town Code of the Town of Lewisboro disturbances to steep slopes hilltops and ridge lines are to be avoided. However, as it would not be possible to reach the "buildable" areas of the property without disturbing the steep slopes or encroaching into the wetland buffers, a Variance to this section of the Town Code is being sought.

## III. DISCUSSION

As can be seen on the attached Steep Slope analysis plan, the property consists predominantly of steeply sloped land (15% and greater) separated by sporadic patches of nearly flat to moderately sloping grades of sufficient size to accommodate a residence, yard areas and septic system. The largest contiguous of which is along a natural drainage divide the crosses the site in an east-west direction. Coincidental to this strip of useable land is the remnants of what appears to be an old farm road, logging trail, etc. As will be discussed further, this trail was seen as the logical approach to access the potential building sites on the property.

In addition to the steep slopes, the property is also constrained by two wetland pockets. The smaller of the two is located in the extreme southwesterly corner of the property. A second wetland area is located along the southern property line and exists in both the Town of Lewisboro and the Town of Bedford.

## IV. DESIGN CONSIDERATIONS

It was fairly evident that any development of the property should occur along the strip of relatively sloping grades that run along the east-west axis of the lot. Along this axis there were three potentially viable areas. The first area under consideration was a the eastern most portion of the property where the elevation of the residence would be approximately 100 feet above the cul de sac of Duffys Bridge Road.

While the vistas from this point would be significant, the extent of excavation and disturbance would be excessive. Finally this particular area would be defined as a hilltop or ridge line. Therefore, this alternative was dropped from consideration.

The second area considered was immediately east of the existing emergency driveway. However, the entire area falls within the Town of Lewisboro's 150' Wetland Buffer area and the excavation associated with the siting of the house and construction of the driveway would be excessive. Therefore, this option was eliminated not only due to the associated disturbances, but also because the resulting house site would be less than desirable.

The third option, which is the proposed plan, is one where the house site would be in the approximate middle of the property and coincides with a relatively flat, almost plateau-like area which would require minimal grading to construct the proposed residence. Perhaps the most important aspect of this alternative is that the entire driveway could be located on the opposite side of the drainage divide discussed earlier. In this way direct impact to the wetland is completely avoided (albeit within the regulated buffer). That is any runoff associated with the driveway would drain away from the wetlands. Similarly, the proposed house location is also on the opposite side of the drainage divide.

#### **V. STEEP SLOPES AVOIDANCE**

Every attempt has been made to keep the disturbance to a minimum, while simultaneously avoiding encroachment to the wetland buffer areas. By utilizing the existing emergency driveway as a means to gain access to the site, the disturbance that would otherwise be caused by constructing a driveway from Duffys Bridge Road is completely avoided.

An additional benefit in using the emergency driveway is that it enables the construction of the new driveway to run parallel to the topographic contours. In doing so, the driveway can attain the elevation of the proposed house site without excessive disturbance to the steep slopes.

#### **VI. CONCLUSION**

Due to the natural and regulatory constraints associated with the property, it is not possible to construct a driveway or residence without a variance to Section 221-21 which would allow disturbance to designated steep slopes. As was explained above, the steep slopes along Duffys Bridge Road were extreme and a driveway conforming to the Town of Lewisboro standards could not have attained the only viable location for the residence. By using the existing emergency access driveway the disturbance along Duffys Bridge Road was avoided.

Similarly, an existing farm road and a coinciding moderately sloped strip of land centrally located within the site provided an opportunity to place the house and access driveway while minimizing the disturbance to the steep slopes. Furthermore, by carefully selecting the route of the driveway, the applicant is able to avoid a direct impact to the town regulated wetlands on the site.

It is the undersigned's opinion that the proposed location of the residence and driveway represents the best available option for the site development while simultaneously minimizing the extent of disturbance on an otherwise constrained property.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'N. J. Holt', with a stylized, cursive flourish.

Nathaniel J. Holt, PE

**ZONING BOARD OF APPEALS**

**NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Town of Lewisboro will hold a Public Hearing on Wednesday, January 28, 2015 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 10518 regarding the following:**

**CAL. NO. 02-15-SP**

**Application of Tomasina Buzzeo, 17 Orchard Drive, South Salem, NY 10590 for a renewal of a Special Permit pursuant to Article V, Section 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.**

**The property is located on the east side of Orchard Drive, designated on the Tax Map as Sheet 34A, Block 11827, Lot 9, in an R-1/2A, One-Half-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: 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 15<sup>th</sup> day of January, 2015  
in Cross River , New York**

**ZONING BOARD OF APPEALS  
TOWN OF LEWISBORO  
By: ROBIN PRICE, JR.  
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

2-15

\*Cal. No. .... (B.Z.) \*\*Cal. No. .... (S.P.)

I. IDENTIFICATION OF APPLICANT & PROPERTY OWNER

Applicant's Name: Tomazina Buzzo Phone: 914-763-3070  
Address 17 Orchard Dr, So Salem, NY E-Mail .....  
Owner's Name: same as above Phone: .....  
Address ..... E-Mail .....

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

Application is hereby made for:

- A Variation of Article ..... Section ..... of the Zoning Ordinance.
- A Special Permit pursuant to Article V Section 270-38 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: .....

III. IDENTIFICATION OF PROPERTY:

Location of Affected Premises: .....  
Tax Map: Sheet 34A Block 11827 Lot(s) 9  
Zoning District: R2A Lot Area: ..... Acres

IV. ADDITIONAL INFORMATION

Have previous appeals/special permits been filed in regard to these premises? Y.S.S.  
(If yes, please give calendar number & date)

Cal. No. 34-125P Date 2/1/13 Cal. No. .... Date .....  
Cal. No. 30-105P Date 12/23/10 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: Tomazina Buzzo Date: 12/22/2014

VI. RECEIPT:

Date Received by Clerk 12/23/2014 Fee Received \$ 502.-  
Check #: 11230 Receipt #: 25837

\* 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, of 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,

County of She

and says that he resides at

Tomassina Buzzeo  
17 Oakard Dr  
Lewisboro

being duly sworn, deposes

in the Town of Lewisboro in the State of New York and that

she 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 34-A on Sheet 11827 in Block 11827 and that he hereby authorizes

to make the annexed application including the statements contained in all 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

22<sup>nd</sup>

day of December, 2014

(sign here)

*[Handwritten Signature]*

(over)

**JANET L. DONOHUE**  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01D06259627  
Qualified in Westchester County  
Commission Expires April 16, 2016



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

Application for a renewal of a Special Permit pursuant to Article V, §220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.

The property is located on the east side of Orchard Drive, designated on the Tax Map as Sheet 34A, Block 11827, Lot 9, in an R-1/2A, One-Half-Acre Residential District.

Mr. John Buzzeo was present at the December 19<sup>th</sup> meeting.

There was no objection to the hearing notice. Chairman Egginton read the Special Permit Inspection Form from the Building Inspector, dated 12/14/12 into the record.

There were no comments from the public.

Chairman Egginton moved to approve the application as presented. The applicant has met all of the criteria of the ordinance for the issuance of the Special Permit for a period of two years, subject to the continuing compliance with the zoning ordinance. The following list of contractor's equipment will be part of the Special Permit.

- Two trailers
- One Track Loader
- One Loader/Backhoe
- One Peterbilt Tractor Trailer

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

The Building Inspector is hereby authorized to issue the necessary permits, provided that all applicable fees to the Building Department have been paid.

  
Geoffrey Egginton  
Chairman

Dated in South Salem, New York  
This 32 day of January, 2013

**ZONING BOARD OF APPEALS**

**NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Town of Lewisboro will hold a Public Hearing on Wednesday, January 28, 2015 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 10518 regarding the following:**

**CAL. NO. 03-15-SP**

**Application of Elizabeth Jones, 157 Spring Street, South Salem, NY 10590 [Mailing Address: PO Box 395], for a renewal of a Special Permit pursuant to Article V, Section 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.**

**The property is located on the north side of Spring Street, designated on the Tax Map as Sheet 38, Block 10808, Lot 15, in an R-2A, Two-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, 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 15<sup>th</sup> day of January 2015  
in Cross River, New York**

**ZONING BOARD OF APPEALS  
TOWN OF LEWISBORO  
By: ROBIN PRICE, JR.  
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. .... (B.Z.) \*\*Cal. No. 3-15 (S.P.)

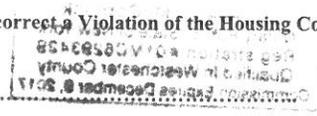
I. IDENTIFICATION OF APPLICANT & PROPERTY OWNER

Applicant's Name: Elizabeth Jones Phone: 763-3828  
Address: 157 Spring St South Salem NY E-Mail:   
Owner's Name: same as above Phone:   
Address:  E-Mail:

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

Application is hereby made for:

- A Variation of Article ..... Section ..... of the Zoning Ordinance.
- A Special Permit pursuant to Article V Section 200-30 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: .....

III. IDENTIFICATION OF PROPERTY:

Location of Affected Premises: 157 Spring Street South Salem  
Tax Map: Sheet 28 Block 10808 Lot(s) 15  
Zoning District: R22A Lot Area: 2 Acres

IV. ADDITIONAL INFORMATION

Have previous appeals/special permits been filed in regard to these premises? yes  
(If yes, please give calendar number & date)  
Cal. No. 36-12SP Date 1/20/13 Cal. No. .... Date .....

- 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: Elizabeth Jones Date: 1/5/15

VI. RECEIPT:

Date Received by Clerk: 1/5/2014 Fee Received \$ 500.  
Check #: 9160 Receipt #: 25847

\* 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, Elizabeth Jones, being duly sworn, deposes

County of Westchester, Lewisboro, and says that he resides at 157 Spring St. in the Town of Lewisboro

in the County of Westchester, in the State of New York, and that

she 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

38 in Block 19808 on Sheet 38 and that she hereby authorizes

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 5th day of January, 2015

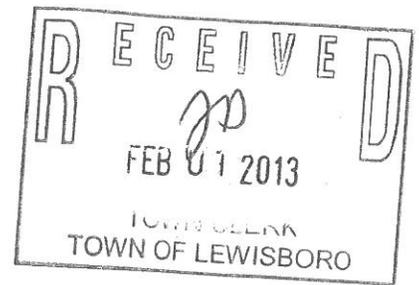
Julie Ann McCormick (over)

Notary Public, State of New York  
Registration #01MC6283428  
Qualified in Westchester County  
Commission Expires December 8, 2017

Julie Ann McCormick

(Sign here)

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



**In the matter of:**

**CAL. NO. 36-12-SP**

Application of Elizabeth Jones, 157 Spring Street, South Salem, NY 10590 [Mailing Address: PO Box 395], for a renewal of a Special Permit pursuant to Article V, § 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.

The public hearing was held on Wednesday, December 19<sup>th</sup> 2012 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 Jason Krellenstein Robin Price, Jr.
	Absent:	Carolyn Mandelker Thomas Casper
The Property:		The property is located on the north side of Spring Street, designated on the Tax Map as Sheet 38, Block 10808, Lot 15, in an R-2A, Two-Acre Residential District.
Appearances:	For Applicant:	Ms. Elizabeth Jones
	In Opposition:	None
References:		Minutes from the Public Hearing; Building Inspection Report dated 12/14/12; ZBA Resolution Cal. No. 32-10-SP;
Action of the Board:		THE APPLICATION IS APPROVED AS PRESENTED.
The Vote:	To Approve:	December 19 <sup>th</sup> 2012
	Affirmative:	Krellenstein, Price, Egginton
	Absent:	Casper, Mandelker
	Negative:	None
	Abstain:	None

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

Application for a renewal of a Special Permit pursuant to Article V, § 220-38 of the Zoning Ordinance to allow the Storage of Contractor's Equipment.

The property is located on the north side of Spring Street, designated on the Tax Map as Sheet 38, Block 10808, Lot 15, in an R-2A, Two-Acre Residential District.

Ms. Jones was present at the December 19<sup>th</sup> meeting.

There was no objection to the hearing notice. Chairman Egginton read the Special Permit Inspection Form from the Building Inspector, dated 12/14/12 into the record.

There were no comments from the public.

Chairman Egginton moved to approve the application as presented. The applicant has met all of the criteria of the ordinance for the issuance of the Special Permit for a period of two years, subject to the continuing compliance with the zoning ordinance. The following list of contractor's equipment will be part of the Special Permit.

- Tracked Skid Steer
- Kubota Tractor
- Platform Lift Truck
- Ford Tractor

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

The Building Inspector is hereby authorized to issue the necessary permits, provided that all applicable fees to the Building Department have been paid.

  
Geoffrey Egginton  
Chairman

Dated in South Salem, New York  
This 30 day of January, 2013