

**Town of North Salem
BOARD of APPEALS
June 18, 2009
8 p.m., The Annex**

MEMBERS PRESENT: Peter Kamenstein, Chairman
Brian Ivanhoe
William Monti
Patrick Browne

MEMBER ABSENT: Deidre McGovern

OTHERS PRESENT: Bruce Thompson, Zoning Enforcement Officer
Janice Will, Recording Secretary
Members of the Public

Chairman Kamenstein called the June 18, 2009 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman stated that counsel to the Board, Gerald Reilly, was absent because he had been injured in a car accident. Chairman Kamenstein said the Board missed Mr. Reilly's expert counsel and wished him well.

The minutes of the May 21, 2009 meeting were unanimously accepted.

Chairman Kamenstein set the next meeting for Thursday, July 9, 2009.

PUBLIC HEARINGS:

BA09-19 Holly and Peter Thomson (13 Baxter Road) – **Special Permit** – For construction and maintenance of an accessory apartment (pool house) per Article XIII, Section 250-68.

Rebeca Rivera of R & R Design Group addressed the Board, saying her clients propose to construct a pool house on the south side of their property. She described the pool house as in keeping with the character of the residence and added that the subject property consists of over 15 acres. Displaying some drawings, Ms. Rivera said the 2-story pool house footprint will be approximately 725 sq. ft., and she described the floor plan.

Chairman Kamenstein asked if the pool house will be for the use of the residents only, and Ms. Rivera said that was correct.

Patrick Browne asked if the only bath is on the ground floor, and Ms. Rivera replied that it will be.

The Chairman asked how the location for the pool and pool house was chosen, and Ms. Rivera explained that the site is flatter than some other areas, which will be good for landscaping.

Mr. Browne pointed out that there are a lot of wetland buffer areas on the subject property also.

Brian Ivanhoe asked if the pool house will be tied into the existing septic system.

Ms. Rivera stated that a new septic area will be placed in the lower area where the pool and pool house will be constructed. She further explained that the existing gravel service road will be continued on to the pool area.

Chairman Kamenstein asked if the service road is new.

Ms. Rivera explained that it was put in to facilitate construction vehicles when an addition to the residence was built.

Bruce Thompson pointed out that the Thomsons would not have needed a driveway permit, because their property is on a private road.

Mr. Browne asked how tall the building will be, and Ms. Rivera replied that it will be about 25 ft. high.

Mr. Browne commented that even the roof will scarcely be visible from the driveway, because of the way the land slopes downward.

The Chairman asked the other Board members if they wanted to include anything special in the Conditions section of the resolution, and Mr. Monti asked about external lighting on the pool house.

Chairman Kamenstein said the Board would make it a condition that no exterior lights may be visible at their source. He also asked that the resolution include a statement to the effect that the applicants have said the pool house will be for their personal use only.

There were no further questions or comments, and the Chairman closed the public hearing.

Motion by: William Monti

Seconded by: Brian Ivanhoe

Mr. Ivanhoe: Aye

Mr. Monti: Aye

Mr. Browne: Aye

Chairman: Aye

Special permit granted, as requested, with specific condition per discussion and agreement.

BA09-20 Nini Marceca (369 Mills Road) – **Area Variance** – To decrease the minimum rear and side yard setbacks in an R-4 zoning district per Article V Section 250-15. A rear yard variance of 35 ft (100 ft. required; 65 ft. existing/proposed) and a side yard variance of 13 ft. (75 ft. required; 62 ft. existing/proposed) are requested to allow a pool equipment shed and generator to remain as constructed.

The applicant's son, Nico Marceca, addressed the board. He explained that a pool was built over 20 years ago, and the equipment shed was constructed at the same time. He stated that there had never been any complaints from the neighbors. Mr. Marceca said it was only discovered that the shed (and a generator behind it) would require a variance, because his mother is selling the property.

The Building Inspector said the pool was constructed before 1987 and has a Certificate of Occupancy.

Mr. Browne mentioned previous variances noted on the application and asked what they had been for.

Mr. Marceca said he did not know.

Mr. Browne commented that the shed cannot be seen, and the Chairman added that they were just being asked to legalize an as-built situation.

The Chairman closed the public hearing.

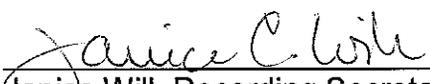
Motion by: Patrick Browne
Seconded by: Brian Ivanhoe

Mr. Ivanhoe: Aye
Mr. Monti: Aye
Mr. Browne: Aye
Chairman: Aye

Area variance granted, as requested.

Chairman Kamenstein closed the meeting at approximately 8:20 p.m.

Respectfully submitted,


Janice Will, Recording Secretary