

BOARD of APPEALS
Public Hearing
December 13, 2012
7:30 p.m., The Annex

MEMBERS PRESENT: Richard O'Leary
Cynthia McKean
James Murphy
Brian Ivanhoe, Chairman

MEMBER ABSENT: William Monti

OTHERS PRESENT: Gerald Reilly, Counsel
Bruce Thompson, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the December 13, 2012 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting for Thursday, January 17, 2013 after determining that 2 Board members and Mr. Reilly all could not be present on January 10, the scheduled meeting date.

The minutes of the November 8, 2012 hearing were unanimously approved.

HEARINGS CONTINUED:

BA12-09 Titicus Road Commons LLC (104 Titicus Road) – **Area Variance** – To allow continued use of an existing non-conforming driveway for a non-residential use (12 ft. required; 9 ft.-existing/proposed), per Article VIII Section 250-30A.

This application continues to be held over.

BA12-42 Courtney/Nathaniel Morse (585 Grant Road) – **Special Permit** – For the keeping of up to 6 horses for personal use, including construction of a 6-stall barn, outdoor riding ring and paddock fencing and installation of a manure dumpster, per Article XIII Section 250-72.

This application was also held over.

PUBLIC HEARINGS:

BA12-48 Caroline and Barry Weisblatt (369 Mills Road) – **Area Variance** – To decrease the minimum side and rear yard setback requirements in an R-4 zoning district, per Article V Section 250-15. A side yard variance of 5 ft. (75 ft. required; 70 ft. proposed) and a rear yard variance of 24 ft. (100 ft. required; 76 ft. proposed) are requested for installation of a generator on an existing concrete pad.

Viktor Solarik, architect, was present for the Weisblatts. He stated that his clients want to have a 20 kw back-up generator installed on an existing concrete pad. He said there was a generator there in the past; the previous owner of the property had it removed when she learned she would need to apply for an area variance in order to keep it. Mr. Solarik explained that the generator pad is behind a pool equipment shed.

Chairman Ivanhoe said he had been to the property, and he had no issue with the variance application. He remarked that the generator will be a good distance from the Weisblatt's house.

Mr. Solarik pointed out that there are no other houses near the generator site.

The Chairman asked that the weekly test run of the generator be scheduled for mid-day when it is least likely to disturb anyone. He asked if the gas tank and line are already on the property, and Mr. Solarik said they are.

Noting there were no questions or comments, the Chairman closed the public hearing.

Gerald Reilly read a draft resolution, noting that there are no houses near the generator site and there were no objections to the application.

Motion by: James Murphy
Seconded by: Cynthia McKean

Mr. O'Leary: Aye
Ms. McKean: Aye
Mr. Murphy: Aye
Chairman: Aye

Area variance granted, as requested.

BA12-49 Valerie Baumler (19 Bonnieview Street) – **Area Variance** – For re-construction of a non-conforming single-family dwelling and creation of a new driveway with parking area in an R-1/2 zoning district. The following variances are requested per Article V Section 250-15 and Article VI Section 250-20:

- Decrease combined side yard setbacks from 15 ft./40 ft. required to 6 ft./16 ft. proposed.
- Permit parking within the required front and side yards.
- Increase maximum building coverage from 10% permitted to 10.6%^{25.9} proposed.

Michael Beyer, engineer, and Daniel Seymour, family member, were present.

Mr. Beyer stated that his client's house was crushed during Hurricane Sandy in October. Due to the extensive damage to the house and its age, it was decided to re-build a new home. Mr. Beyer explained that the house will be narrower and better-centered on the lot than the old house.

Chairman Ivanhoe said he is familiar with the property.

Mr. Beyer commented that the new house will blend well with the existing houses to the right and left of the subject property.

The Chairman asked if the former house was a one-story building.

Mr. Beyer said it was, with 2 bedrooms. The new house will have 2 stories and 3 bedrooms.

Chairman Ivanhoe remarked that there will probably be a lot of renovations and additions in the Peach Lake communities now that the sewer system is being installed.

Mr. Beyer agreed, noting that the subject property is ready to be connected to the new system.

Cynthia McKean asked if co-op approval is needed for the construction project.

Bruce Thompson explained that Bonnieview Street is not in one of the co-ops, so no approval is necessary.

Richard O'Leary stated for purposes of disclosure that while Mr. Beyer has spear-headed the project, he and his wife have reviewed and worked on the plans.

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

Mr. Reilly read a draft resolution, including findings that there were no objections to the application, the property is non-conforming, and the new house will be an improvement over the previous one.

Motion by: James Murphy
Seconded by: Cynthia McKean

Mr. O'Leary: Aye
Ms. McKean: Aye
Mr. Murphy: Aye
Chairman: Aye

Area Variance granted, as requested.

BA12-50 Mary Ellen and Steven LaRocca (722 Titicus Road) – **Area Variance** – To decrease the minimum front yard setback requirement in an R-4 zoning district, per Article V Section 250-15. A variance of 23 ft. is requested for installation of a generator and an LP gas storage tank (40.8 ft. existing/required; 18 ft. proposed).

Displaying a copy of his property survey, Steven LaRocca pointed out that his house is set in one corner of the property, and options are further limited by the presence of a stream. He said his aim is to install the generator next to his pool equipment and behind a fence. Mr. LaRocca added that the new, larger, LP tank will be placed right near where an existing tank is, and he presented photographs of the site.

Chairman Ivanhoe noted that the existing white tank will be replaced with a green one, which will be less conspicuous.

Mr. Murphy commented that in all the times he has driven past the subject property, he has never seen the existing tank.

The Chairman said it sits a little below grade.

Mr. LaRocca described the generator as a 3 ft. x 3 ft. x 3 ft. dark green box.

Chairman Ivanhoe stated that the proposed generator location is a good one, especially given the layout of the property.

Ms. McKean asked if anyone lives directly across the street.

Mr. LaRocca said no, adding that if the church across the street wants the generator turned off on Sundays, he will be happy to do so.

Mr. Murphy remarked that the church will not be in use for much longer.

Chairman Ivanhoe asked that the generator test run be conducted mid-day.

Mr. O'Leary asked if Mr. LaRocca wouldn't also need a wetlands permit, as the generator location appears to be within the stream's buffer zone.

Mr. LaRocca admitted he did not know, but he pointed out that the generator pad will be next to a previously-approved equipment area/there will be no further encroachment.

Noting there were no other questions or comments, the Chairman closed the public hearing.

Mr. Reilly read a draft resolution, noting that the proposed generator and tank sites are necessary due to the topography of the subject property, and the tank will not be visible from the road.

Motion by: James Murphy
Seconded by: Cynthia McKean

Mr. O'Leary: Aye
Ms. McKean: Aye
Mr. Murphy: Aye
Chairman: Aye

Area Variance granted, as requested.

There being no further business to conduct, the Chairman closed the meeting.

Respectfully submitted,



Janice Will, Recording Secretary