

BOARD of APPEALS
Public Hearing
September 12, 2013
7:30 p.m., The Annex

MEMBERS PRESENT: Richard O'Leary
Cynthia McKean
William Monti
Brian Ivanhoe, Chairman

MEMBER ABSENT: James Murphy

OTHERS PRESEN Bruce Thompson, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the September 12, 2013 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting date for Thursday, October 10, 2013.

The minutes of the August 8, 2013 meeting were unanimously approved.

PUBLIC HEARINGS:

BA13-39 Nancy and Martin Aronchick (672 Titicus Road) – **Area Variance** – To decrease the minimum required front yard setback in an R-4 zoning district, per Article V Section 250-15. A variance of 62 ft. is requested for installation of a back-up generator and propane storage tanks (75 ft. required; 13 ft. proposed).

Mr. and Mrs. Aronchick were present. Mrs. Aronchick explained that, due to the house's placement on the lot, they did not have many options available for the generator and tanks. She added that the generator will actually be a little farther from the property line than the 13 ft. distance requested. She said the generator is low and won't be seen from the street.

Chairman Ivanhoe asked if the propane tanks are to be buried.

Mrs. Aronchick replied that they will be placed on a concrete pad.

The Chairman said he assumed the proposed location of the generator is far enough from the house to be safe.

Rick O'Leary asked which side of the driveway the generator and tanks will be on, and Mr. Aronchick explained that they will be to the far right, behind an existing fence.

Chairman Ivanhoe mentioned the auto-test on the generator, and Mrs. Aronchick said she thought it would run once a month.

Cindy McKean said they normally run once a week.

The Chairman asked that the generator be programmed to run on a weekday morning when it will be least likely to disturb anyone.

Mrs. Aronchick agreed.

William Monti commented that the generator will not make a lot of noise any way.

Noting there were no further questions or comments, the Chairman closed the public hearing. He explained that Gerald Reilly, counsel to the Board, was not present to read a draft resolution, but the Board would vote/a resolution will be prepared at a later time.

Bruce Thompson, the Building Inspector, stated that it is usually a condition of the granting of an area variance that a partial survey be conducted to verify that the generator is not closer to the property line than the proximity permitted by the variance. He told the Aronchicks that if they have an accurate measure of the distance of the fence from the property line, it will be easy enough to check the generator/tank locations.

Mr. Monti noted that it will protect the Aronchicks to be able to prove that the generator/tank locations were approved in the event that they sell their property.

Motion by: *William Monti*
Seconded by: *Cynthia McKean*

Mr. O'Leary: *Aye*
Ms. McKean: *Aye*
Mr. Monti: *Aye*
Chairman: *Aye*

Area variance granted, as requested.

BA13-40 Christopher Dress (5 Memorial Drive) – **Area Variance** – For installation of a back-up generator, per Article V Section 250-15 and Article XIV Section 250-79 (A) (because the non-conforming lot is subject to R-1/2 bulk requirements). A combined side yard setback variance of 26 ft. is requested (15 ft./40 ft. required; 5 ft./14 ft. proposed).

Christopher Dress addressed the Board, stating that his property is in the Pietsch Gardens Co-op. He said he had a generator installed at his mother's house, and he

would like to have one also. He explained that as part of getting approval from the Co-op, he was required to obtain the approval of his neighbors, which he received. Mr. Dress explained that the generator will be installed at the rear of his house, and he intends to plant shrubs to screen it. He said he plans to have the weekly auto-test set to run on Fridays.

Chairman Ivanhoe noted that the application included a letter of approval from the Co-op.

Ms. McKean asked if the generator will be a safe distance from any windows.

Mr. Dress replied that the Building Inspector and his electrician both informed him that it will be safe.

Mr. Thompson said the Co-op received a one-year Town Board waiver from the requirement to have all lots surveyed. He explained that the waiver only covers generators and sheds. If after the survey has been done it nullifies the area variance, the property-owner will need to re-apply for a new variance.

Chairman Ivanhoe closed the public hearing.

Motion by: William Monti
Seconded by: Cynthia McKean

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

Area variance granted, as requested.

BA13-41 Ruth Bird (27 Lakeside Drive) – **Area Variance** – For legalization of an as-installed air-conditioning compressor unit, per Article V Section 250-57 and Article XIV Section 250-79 (A) (because the non-conforming lot is subject to R-1/2 bulk requirements). A combined side yard setback variance of 22 ft. is requested (15 ft./40 ft. required; 8 ft./22 ft. existing; 8 ft./19 ft. proposed).

Ruth Bird was present. She explained that she has an already-installed Trane air-conditioning compressor that is very quiet. She said she sent the Notices to Property-Owners, and none of her neighbors has any problem with the compressor.

Chairman Ivanhoe noted inclusion of a letter of approval from the Bloomerside Co-op. Noting there were no questions, he closed the public hearing.

Motion by: Cynthia McKean
Seconded by: William Monti

Mr. O'Leary: **Aye**
Ms. McKean: **Aye**
Mr. Monti: **Aye**
Chairman: **Aye**

Area variance granted, as requested.

There was no further business to discuss, and the meeting was adjourned at approximately 7:45.

Respectfully submitted,



Janice Will, Recording Secretary