

BOARD of APPEALS
Public Hearing
October 10, 2013
7:30 p.m., The Annex

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

MEMBERS ABSENT: Cynthia McKean
William Monti

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

Chairman Brian Ivanhoe called the October 10, 2013 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting date for Thursday, November 14, 2013.

The minutes of the September 12, 2013 meeting were unanimously approved.

PUBLIC HEARINGS:

BA13-42 Maureen and Mark Eckman (6 Mills Road) – **Area Variance** – To decrease the minimum required rear yard setback and increase the maximum permitted building coverage and floor area ratio in an R-1/2 zoning district, per Article V Section 250-15. A rear yard setback variance of 17 ft. (35 ft. required; 18 ft. existing/proposed), a building coverage variance of 8% (10% permitted; 13.3% existing; 17.3% proposed) and a F.A.R. variance of 0.06 (0.20 permitted; 0.26 proposed) are requested for construction of a 2-story addition to a non-conforming single family dwelling.

Maureen Eckman addressed the Board, stating that she and her husband have owned the subject property since 1986, and now they would like to add a mudroom. She explained that the required rear setback runs right through the non-complying single-family residence, which is on a triangle-shaped lot. Ms. Eckman stated that she owns 2 adjoining lots to the east, but she has not merged them; doing so would have lessened the need for variances for building coverage and F.A.R. She described the small addition with stepped-down roof.

Chairman Ivanhoe said the step-down will look nice.

Ms. Eckman remarked that she began planning the addition to the house and merger of the 3 lots 2 years ago.

The Chairman stated that any exterior lighting installed on the addition must not be visible at its source, and he reiterated his approval of the appearance of the addition.

Ms. Eckman commented that she hopes to build a new garage in the future.

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

Gerald Reilly read a draft resolution.

Motion by: James Murphy
Seconded by: Richard O'Leary

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

Area variance granted as requested.

BA13-43 Rosemarie and Douglas Cerrone (42 Sunset Drive) - **Area Variance** – To decrease the minimum required rear and side yard setbacks in an R-1/2 zoning district, per Article V Section 250-15. A rear yard variance of 30 ft. (35 ft. required; 5 ft. proposed) and a side yard variance of 8 ft. (15 ft. required; 7 ft. proposed) are requested for installation of a storage shed.

Douglas Cerrone explained to the Board that his property is an oddly-shaped lot, and he wishes to tuck a shed into a corner beyond the septic field. He said there are 20 ft. trees and large forsythia that will screen the shed from view, and he added that his nearest neighbor has stated that he does not object to the proposed placement of the shed. Mr. Cerrone said the shed is well-made.

The Chairman asked what color the shed will be, and Mr. Cerrone replied that it will look like his gray vinyl-sided house.

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

Mr. Reilly read a draft resolution.

Motion by: James Murphy
Seconded by: Richard O'Leary

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

Area variance granted as requested.

BA13-44 Ruth Murphy (75 Cove Road) – Area Variance – For construction of a shed, installation of a generator and re-configuration of a parking area in an R-1 zoning district per Article V Section 250-15, Article XIV Section 250-79 (A) (because the non-conforming lot is subject to R-1/2 bulk requirements) and Article XI Section 250-20. The following variances are requested:

- Decrease the rear yard setback from 35 ft. required to 25 ft. proposed (43.1 ft. existing), a variance of 10 ft
- Decrease the combined side yard setbacks from 15 ft./40 ft. required to 3 ft./7 ft. proposed (6.5 ft./23.5 ft. existing), a variance of 33 ft.
- Increase the building coverage from 10% permitted to 13.88% proposed (13.28 existing), a variance of 4%.
- Increase the development coverage from 25% permitted to 33.46% proposed (25.54% existing), a variance of 9%.
- Increase the floor area ratio from .200 permitted to .275 proposed (.270 existing), a variance of .075
- Allow parking within the required front yard.

James Murphy stated that he would recuse himself from the hearing of this application as it is for his property.

Mr. Reilly suggested that since a minimum of 3 Board members must vote on an application, the application be adjourned to the November Board of Appeals meeting so all the Board members may hear what is presented/discussed. He further stated that the Board could discuss the application now, but everything would probably have to be repeated in November for the edification of the absent Board members.

Mr. Murphy stated that he agreed with Mr. Reilly.

Mr. Reilly stated that the application was property Noticed, and members of the public could be present at the meeting, so adjournment would not require an additional Notice. He said the public hearing could not be opened and closed without a sufficient number of Board members present, so adjournment to November would be the right thing to do.

Chairman Ivanhoe said he would hold the application over.

Rob Krupp of 69 Cove Road asked if neighboring property-owners would be re-Noticed.

Mr. Reilly said they will not. He added that the Board had Mr. Krupp's letter, and he will have the opportunity to be present at the meeting in November.

Chairman Ivanhoe stated that the application would be adjourned until November and closed the meeting.

Respectfully submitted,


Janice Will, Recording Secretary