

BOARD of APPEALS
Public Hearing
November 14, 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 Gerald Reilly, Counselor
Bruce Thompson, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the November 14, 2013 Town of North Salem Zoning Board of Appeals meeting to order.

The Chairman set the next meeting date for Thursday, December 12, 2013.

The minutes of the October 10, 2013 meeting were unanimously approved.

HEARING CARRIED OVER:

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.

Chairman Ivanhoe stated that the public hearing of this application was opened at the October ZBA meeting, and he noted that the Board members made site inspections. He asked if the applicant's representative wanted to say anything.

Don Rossi, attorney for the applicant, stated that he did not need to go over the details of the application as the Board is already aware of them, and the Building Department is also familiar with the application.

The Chairman asked if there were any questions or comments from members of the public; he noted that there were no questions and closed the public hearing.

William Monti mentioned an e-mail to the Board from a neighbor, Jean Morley on 74 Cove Road, who asked that the proposed shed be installed in a particular way.

Mr. Rossi said Ms. Morley's request was that the shed be installed with the shorter end facing her property instead of the longer side, and he added that the shed will also be between 2 trees that will help to screen it from view.

Richard O'Leary asked if the depiction of the shed on the submitted drawing illustrates Ms. Morley's request, and it was noted that that it does.

Gerald Reilly asked if the applicant agreed to Ms. Morley's request. He stated that the application in its entirety was reviewed and approved by the Bloomerside Co-op Board.

Chairman Ivanhoe said the Co-op's approval had been noted.

Mr. O'Leary asked if the Board needed to discuss an e-mail with photos received in October.

The Chairman said the e-mail including photographs from a neighbor, Paula Krupp of 69 Cove Road, was also reviewed.

Mr. Monti asked what the photographs were of.

Mr. O'Leary explained that they were of other activities on/in the vicinity of the subject property.

Chairman Ivanhoe added that, except for the photo of the dirt pile, the pictures were not related to the current application/seemed to have to do with past events.

Mr. Reilly made note of the Chairman's observation that the October 9 letter from Ms. Krupp mainly dealt with historical objections to things in the past and that site inspections confirmed this. He stated that the current application was reviewed and approved without conditions by the Co-op's Architectural Review Committee and the Co-op Board.

Chairman Ivanhoe remarked that the material stockpiled on the subject property is fill to be employed as part of the grading work necessary to level the area where the shed will be put. Mr. Reilly suggested making use/removal of the fill a condition of the resolution.

Chairman Ivanhoe agreed that the Board would require all fill to be used or removed from the site.

Mr. Reilly stated that the request in Ms. Morley's November 8 letter to which the Murphys have agreed should also be incorporated into the resolution.

Mr. O'Leary asked about the change to the parking area, and the Building Inspector told him there is a sketch in the application that shows the parking area.

Cynthia McKean remarked that there is currently no room on the subject property to turn a car around.

Mr. Reilly asked if the change to the parking area will make it safer, and Mr. Thompson said it will.

Mr. Rossi added that there is inadequate space to park more than one car without infringing on the right-of-way.

The Chairman suggested that some of the stockpiled fill will probably also be used for the new parking area, and Mr. Rossi said more of it is for the parking area than for the shed.

Mr. O'Leary wanted to be sure he understood the change to the parking area, and the Building Inspector indicated where the area will be expanded 11 ft. further into the subject property over an area 47 ft. wide.

Mr. O'Leary commented that he saw how cars jut into the right-of-way when he made his site visit.

Mr. Rossi said the problem of cars jutting into the right-of-way has been a source of contention in the past, so the expanded parking area will be a neighborhood improvement.

Mr. Reilly told the secretary that his earlier comments will be incorporated into the resolution and then read a draft resolution. He said the Findings in the resolution will include a statement that the Board reviewed the application and any and all objections to it, and found that the October 9 letter/photographs from Ms. Krupp pertained mainly to historical events and have little or nothing to do with the current application. He said the area variances are necessitated by the long-time site of the co-op units, and it has been consistent over the years for the ZBA to allow these kinds of area variances so long as they are approved by the appropriate homeowners association which has its own appellate review process which was employed in the instance of this application. The variances will not cause any detriment to the community and to a large extent are beneficial to the community and the neighbors. Mr. Reilly stated that there is no realistic way to effect the changes sought by the applicant without area variances. The Board reviewed the application and made site visits, and the public was given a full and fair opportunity to present their issues.

The Chairman stated that Ms. McKean was concerned about the generator's proposed placement right below a window. He said that the applicant told him that the generator would be placed far enough from the building and the window per Code requirements for safety. He added that the propane tank is to be moved, which will allow the generator to be properly sited.

Mr. Thompson said the Code requirement for generators is a distance of 5 ft. from windows. He further stated that he once objected to this minimal distance but the State upheld the standard, i.e. 5 ft., as being satisfactory.

Ms. McKean said it still looked as though exhaust from the generator could be a problem.

The Building Inspector said side of the house, prevailing winds, exhaust angle, etc. can all come into play, but the generator in question exhausts to the left and will meet the Code requirement for minimum separation.

Motion by: William Monti
Seconded by: Richard O'Leary

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

Area variance granted, as requested with specific conditions per discussion and agreement.

PUBLIC HEARING:

BA13-45 Catherine and Mark Weigle (4 Livery Lane) – **Area Variance** – For construction of a 1-story addition to a single-family residence per Article V Section 250-15. A building coverage variance of 1% (10% permitted; 11% proposed) and a floor area ratio variance of .06 (.20 permitted; .26 proposed).

Mary Faithorn Scott, architect, and Mr. and Mrs. Weigle were present. Ms. Scott showed the Board a photograph of the existing location of the house, showing its proximity to the neighboring property, and highlighting existing evergreen screening between the 2 houses. She stated that the proposed addition is part of an overall renovation plan to expand the kitchen and relocate the dining and living rooms. Ms. Scott stated that the Board received an e-mail from the nearest neighbors, the Macias of 2 Livery Lane, stating that they have no objection to the granting of the variance. Ms. Scott noted that although her clients were requesting a 1% building coverage variance, they will still be well under the maximum permitted development coverage (25% permitted; 19% proposed).

Chairman Ivanhoe asked how close the addition will be to the property line, and Ms. Scott replied that it will be about 24 ft. away (*15 ft. permitted*).

Commenting that the addition will look nice, the Chairman asked if any outdoor lighting is proposed.

Ms. Scott said it had not been discussed, but there would be no need for lighting on the addition as there is no path.

Chairman Ivanhoe explained that the Board would require that any exterior light fixtures not be visible at their sources.

Mr. Monti asked if a homeowners association's approval is required in Salem Chase.

Catherine Weigle said she did not know, but they were notified of the proposed addition.

Mr. Reilly said this was sufficient.

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

Mr. Reilly read a draft resolution, noting that the neighbors most likely to be affected by the addition to the house wrote to the Board stating that they had no objections to the variance.

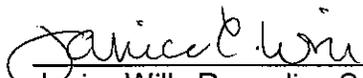
Motion by: **Richard O'Leary**
Seconded by; **William Monti**

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

Area variance granted, as requested.

The meeting was adjourned at approximately 8 pm.

Respectfully submitted,



Janice Will, Recording Secretary