

BOARD of APPEALS
Public Hearing
June 11, 2015
7:30 p.m., The Annex

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

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

Chairman Brian Ivanhoe called the June 11, 2015 Town of North Salem Zoning Board of Appeals meeting to order.

The minutes of the May 11, 2015 meeting were unanimously approved.

The next meeting date was set for July 9, 2015.

PUBLIC HEARINGS:

BA15-11 Ernest and Lesa Vogliano (306 Titicus Road) – **Area Variance** – To decrease the minimum required front and side yard setbacks in an R-4 zoning district, per Article V Section 250-15. A front yard variance of 12 ft. (75 ft. required; 39.8 ft. existing; 63.83 ft. proposed) and a side yard variance of 42 ft. (75 ft. required; 9 ft. existing; 33.25 ft. proposed) are requested for construction of additions to a non-conforming single-family dwelling.

Ernest Vogliano stated that he and his wife bought the subject property in January, and the 1880's house is close to Titicus Road. He said the renovations/additions will all be at the rear/there will be no change to the front of the house and include a 2-story addition to the house with kitchen and master suite and an additional bay in the garage. Mr. Vogliano explained that none of the additions will be closer to any property lines than the existing house/garage are now; the problem is that both structures are completely within the required setbacks.

Noting that Mr. Vogliano had flagged the areas of the additions, Chairman Ivanhoe stated that he is familiar with the site, and the Board members stopped by individually to look at

the subject property. He said it appears that all the proposed construction will be behind the existing buildings.

Mr. Vogliano replied that the additions will each bring the 2 existing structures somewhat closer together, and he showed the Board an enlarged site plan.

Gerald Reilly said he understood that even though there will be no further encroachment in the setbacks, the variance is needed because everything is inside the setbacks.

Mr. O'Leary asked if he was correct in saying that if the addition were all to be constructed directly above the non-conforming house with no change to the footprint, the variance would not be necessary, and the Building Inspector said that was right.

The Chairman said the application was straightforward, and the closest neighbor to the east will not be impacted.

Mr. Vogliano agreed, adding that he purchased his property from the neighbor to the east.

Lisa Douglas remarked that the additions will look lovely, and the Chairman agreed.

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

Gerald Reilly read a draft resolution, noting that although a variance is required, it will have no effect on the property lines/existing setbacks and no adverse impact on the neighborhood.

The Chairman noted light fixtures on the new garage front and asked Mr. Reilly to include a condition in the resolution that any exterior light fixtures employed not be visible at their sources/not be floodlights.

Mr. Vogliano said he understood, adding that he is in the process of removing floodlamps from the grounds and some trees on the property.

Motion by: Lisa Douglas
Seconded by: Cynthia McKean

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

Area variance granted, as requested.

BA15-12 Arthur Janis (80 Hilltop Drive) – Area Variance – To decrease the minimum required side yard setback in an R-4 zoning district, per Article V Section 250-15. A setback variance of 42 ft. is requested (75 ft. required; 24.6 ft. existing; 33 ft. proposed) for installation of a generator and two LP gas storage tanks.

Arthur Janis addressed the Board, stating that he moved to North Salem in March. An acquaintance suggested he get a generator in case of power outages, and the Assistant Building Inspector came out to his property and advised him on placement of the generator and propane tanks. Mr. Janis explained that although the property is large (7.92 acres), it is mostly wetlands and slopes uphill; his house is in the corner of the lot. He added that his closest neighbor's house is 200 ft. away and uphill from his house. He said the generator is to be installed behind the house and the tanks behind the garage; neither will be seen by anyone not actively looking for them. Mr. Janis added that the generator is a quiet model.

Chairman Ivanhoe said he could see where the generator will be installed and asked if the tanks will be installed behind the wall he could see running between the house and the garage.

Mr. Janis said that was right/the wall will conceal the tanks. He added that the Assistant Building Inspector said this is also the safest place to install the tanks and it will be convenient for the propane company to fill them.

The Chairman commented that the generator/tanks will have no impact on the neighborhood.

Mr. Janis agreed, saying no one will see or hear anything.

Mr. Reilly asked about the weekly test-run.

Chairman Ivanhoe said it will be a condition in the resolution that the test-run be conducted at noontime on Tuesdays. There were no further questions or comments, and he closed the public hearing.

Mr. Reilly read a draft resolution.

Motion by: *Cynthia McKean*
Seconded by: *Lisa Douglas*

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

Area variance granted, as requested.

BA15-13 Half Halt Farm LLC (13 Starr Ridge Road) – **Area Variance** – To decrease the minimum required side yard setback in an R-4 zoning district, per Article V Section 250-15. A setback variance of 50 ft. is requested (75 ft. required; 25 ft. existing) to allow a cabin to remain as constructed.

Sandra Holden, owner of Half Halt Farm was present. She explained that she was requesting a variance for an as-built tree-house/cabin that was on her property when she bought it; the former owner did arrange to get documentation and plans for the structure, but she needs a variance to be able to keep it.

Mr. Thompson stated that he prefers to call the structure a cabin because tree-houses are treated as play equipment and do not require building permits. He said the cabin is on piers/not actually supported by a tree. Mr. Thompson said he had explained to the former owner at the time of the property-sale that the cabin and some other structures needed to be reconciled for the record; the 2 parties agreed to close the sale and handle the as-built issues afterward.

Chairman Ivanhoe remarked that the submitted plans are good and he knows the builder. He asked if there is electricity in the cabin.

Ms. Holden replied that there is only an intercom to the house (phone wire), and there is also no plumbing.

Mr. O'Leary stated that there would be no restriction against having electricity/lights in the cabin.

The Building Inspector said he thought there was power to the cabin.

Ms. Holden said she has only been inside the structure 3 times/she might be wrong about the electricity. She added that the power to that part of her property has been cut to facilitate construction of an addition to the indoor riding arena.

Mr. Thompson said an electrical permit will be required if there is power in the cabin.

Ms. McKean asked what the cabin is used for.

Ms. Holden replied that it is for children/future grandchildren to plan in.

Mr. O'Leary asked if it would be considered an accessory structure.

The Building Inspector said it is accessory to the single-family residence and not to the horse boarding operation.

The Chairman noted there were no further questions and closed the public hearing.

Mr. Reilly read a draft resolution.

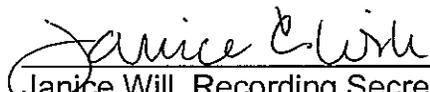
Motion by: **Richard O'Leary**
Seconded by: **James Murphy**

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

Arear variance granted, as requested.

The meeting was adjourned at approximately 8:10.

Respectfully submitted,



Janice Will, Recording Secretary