

**BOARD of APPEALS**  
**Public Hearing**  
**August 13, 2015**  
7:30 p.m., Town Meeting Hall

**MEMBERS PRESENT:** Cynthia McKean  
Lisa Douglas  
James Murphy  
Brian Ivanhoe, Chairman

**MEMBER ABSENT:** Richard O'Leary

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

***Chairman Brian Ivanhoe called the August 13, 2015 Town of North Salem Zoning Board of Appeals meeting to order.***

The next meeting date was set for September 10, 2015.

The minutes of the July 9, 2015 meeting were unanimously approved.

**PUBLIC HEARINGS:**

**BA15-15** 28 June Road Ltd. – **Area Variance** – for legalization of 3 as-installed 120-gallon fuel tanks, per Article V Section 250-15. A side yard setback variance of 40 ft. is requested (45 ft. required; 5 ft. existing/proposed).

John Cortellini of Suburban Propane was present on behalf of the applicants. Mr. Cortellini stated that there had been miscommunication between Suburban Propane's dispatcher and Assistant Building Inspector Paul Taft. What occurred was that Mr. Taft first approved the tank site; he sent an email correcting himself, but it was missed until after the 3 tanks had already been installed.

Mr. Cortellini said the challenge is that the tanks are well-located; convenient for the owners, accessible for propane deliveries, and scarcely visible (if at all) from the neighboring properties. Mr. Cortellini said that it would be expensive and not desirable to move the tanks. He explained that there is not another good concealed location for them; the job would require excavation for underground tanks, and site access for the work would damage a garden/a fence would have to be removed/replaced. Additionally, a very long hose would be needed.

Mr. Cortellini said the tanks have been tested but not filled because of the setback issue.

Chairman Ivanhoe asked if the same site would have been chosen had it had been known at the outset that an area variance would be needed.

Mr. Cortellini replied that his company would not normally suggest a tank location that was not in line with zoning laws.

The Chairman suggested that the property-owners might have wanted the tanks where they are despite the need for a variance.

Mr. Cortellini replied that in his opinion the tank site is ideal (within 150 ft. of the pool heater and concealed). He said the rear of the house is all glass and there is no convenient concealed place, so the tanks would have to be buried.

The Chairman explained that sometimes applicants plan to apply to the ZBA for a variance to enable something to be done in what they consider the most desirable location.

Mr. Cortellini said the existing tank location would be his first choice, adding that they are well-situated for quick emergency removal. He pointed out that it would be much more difficult to reach tanks in the rear, and buried tanks always present the possibility of problems with leaking.

Chairman Ivanhoe asked if the tanks are just for the pool heater.

Mr. Cortellini said that was right, adding that there is an existing buried tank on the property for the stove.

Ms. McKean asked why not put the tanks behind the pool.

Mr. Cortellini explained that the pool is directly behind the house; the heater is to the right. He said it would be challenging to reach that site/require retrenching.

It was noted that the heater is not in a shed/sits on a concrete pad but is landscaped.

Mr. Cortellini said the tanks are 35 ft. away from the heater now.

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

Gerald Reilly read a draft resolution, noting that the existing tank location is the most appropriate and safest and that the applicants thought the site had been approved.

**Motion by:** James Murphy  
**Seconded by:** Lisa Douglas

**Ms. McKean:** Aye  
**Ms. Douglas:** Aye  
**Mr. Murphy:** Aye  
**Chairman:** Aye

***Area variance granted, as requested.***

**BA15-16** Haring Brook Farm LLC (732 Titicus Road) – **Area Variance** – For construction of a new front entrance/foyer and rear/side deck, per Article V Section 250-15. A front yard setback variance of 60 ft. is requested (75 ft. required; 20 ft. existing; 15 ft. proposed).

Kenneth Siegel, architect was present. Mr. Siegel said the property-owners are in the process of doing renovations, including removing aluminum siding from the 1850 house. He pointed out that the entire house is within the required 75-ft. front yard setback. Mr. Siegel stated that the existing foyer is inadequate, so his clients would like to have a 6 ft.-wider entrance; it will look like the existing entry but better and also be about 2 ft. closer to the road. With regard to the deck work, Mr. Siegel explained that he wants to construct a rear deck with an extension that connects to the existing screened porch on the side of the house.

Chairman Ivanhoe remarked that the renovations will look nice. He noted double spotlight fixtures to be installed on the rear of the house and asked that they be shaded/hooded and not left bare.

Mr. Siegel said his clients wanted floodlights on the back, but he will let them know that the lights must be shaded.

The Chairman commented that the application was straightforward and will facilitate improving the existing house, but he had concerns about another structure on the property. He said there is a red-and-white tractor shed near the barn for which the applicants received a variance in the past. The variance included a condition that the shed be painted red to match the barn, but it does not look like what the Board asked for with so much white striping/trim.

Mr. Reilly stated that the Board could make it a condition of the new variance that the applicants must comply with the condition re shed paint in the previously-granted variance.

Chairman Ivanhoe said the shed has a negative impact on the neighborhood with its existing paint job.

Mr. Siegel said he has not seen the shed but will inform his clients that it must be repainted.

Mr. Reilly said the shed has nothing to do with the current application except that the Board will require that compliance with the prior variance will be required.

Mr. Siegel informed the Board that an existing utility pole is to be removed/replaced with underground electric service.

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

Mr. Reilly read a draft resolution including conditions that the condition in BA12-29 re the shed be complied with/there may be no white trim and that the lights to be mounted on the rear of the house must be dark sky-compliant/bulbs not visible at their sources.

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

**Ms. McKean:** *Aye*  
**Ms. Douglas:** *Aye*  
**Mr. Murphy:** *Aye*  
**Chairman:** *Aye*

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

The meeting was adjourned at approximately 8:10 pm.

Respectfully submitted,

  

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Janice Will, Recording Secretary