

BOARD of APPEALS
Public Hearing
September 15, 2016
7:30 p.m., Town Meeting Hall

MEMBERS PRESENT: Richard O'Leary
Cynthia McKean
Nzingha Milanese
Brian Ivanhoe, Chairman

MEMBER ABSENT: Emily Barrett

OTHERS PRESENT: Gerald Reilly, Counsellor
Paul Taft, Building Inspector
Janice Will, Recording Secretary
Members of the Public

Chairman Brian Ivanhoe called the September 15, 2016 Town of North Salem Zoning Board of Appeals meeting to order.

The minutes of the August 11, 2016 meeting were unanimously approved.

The next meeting date was set for October 13, 2016.

HEARINGS HELD OVER:

BA15-30 Joseph Bryson (2 Fields Lane) – **Use Variance** - For the re-establishment of a gas station with addition of an accessory convenience retail store, pumping of gasoline, and continued operation of an existing tow-repair business, per Article IV Section 250-11 and the Table of General Use Requirements for the R 1/2 zoning district.

BA15-31 Joseph Bryson (2 Fields Lane) – **Area Variance** – For the operation of a gasoline station with convenience store and tow-repair business in an R-1/2 zoning district, per Article V Section 250-15, Article VI Section 250-20 and -22 (C), Article VIII Section 250-35 (B), and Article XIII Section 250-73 (B, C, and D), the following variances are requested:

- a. To allow application of Use Group "L" (retail gas/convenience store) lot area and bulk standards as permitted in the GB zoning district.
- b. Decrease the gas station access point distance from the intersection of the designated street line from 100 ft. required to 40 ft. proposed.
- c. Decrease the front yard setback from 35 ft. required to 13 ft. proposed for installation of 4 fuel pump islands with a canopy.

- d. Decrease the rear yard setback from 50 ft. required to 40 ft. proposed for installation of a diesel fuel pump island.
- e. Increase the maximum height of a fence in a side yard from 5 ft. permitted to 7 ft. for a fence and 11 ft. for a retaining wall.
- f. For areas where the required 10 ft.-wide landscaping cannot be provided, a variance of 10 ft. is requested.
- g. Decrease the side yard setback from 20 ft. required to 11 ft. proposed for a trash enclosure and to 1 ft. for an off-street loading berth.

These two applications are still under SEQRA review by the Planning Board.

PUBLIC HEARINGS:

BA16-28 Marvin and Nancy Stamm (130 Titicus Road) – **Area Variance** – To decrease the minimum required side yard setback in an R-2 zoning district, 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 setback variance of 8 ft. is requested (20 ft. required; 12.2 ft. proposed) for construction of a laundry room addition.

Steven LaRocca, architect, displayed a site map of the subject property, pointing out that the lot is long and narrow in shape. He stated that all three buildings on the lot are within the same side yard setback; the house is also within the front yard setback and on a DEP easement. Putting up a close-up of the part of the property where the addition will be constructed, Mr. LaRocca noted that part of the existing kitchen is within the side yard setback. He said the addition will be very small (5 ft. 4 in. x 3 ft. 8 in.) and just a few inches further into the setback. He commented that the addition will really be just a laundry closet. Mr. LaRocca explained that this side of the lot has a lot of trees and a stone wall between the Stamm house and the property next door. He said the addition will have no exterior door or windows.

Chairman Ivanhoe asked about the foundation, and Mr. LaRocca explained that the addition will have a hand-dug concrete block crawl space.

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

Gerald Reilly read a draft resolution, noting that the existing house is within the side yard setback, and the addition will be very small.

Motion by: *Nzingha Milanese*
Seconded by: *Cynthia McKean*

Mr. O’Leary: *Aye*
Ms. McKean: *Aye*
Ms. Milanese: *Aye*
Chairman: *Aye*

Area variance granted, as requested.

BA16-29 Community-Based Services (3 Fields Lane) – **Area Variance** – To increase the maximum permitted size of a sign, per Article IV Section 250-40.1. A variance of 4 sq. ft. is requested (8 sq. ft. permitted; 12 sq. ft. proposed).

Roger Hof and Jared Ponzini of Community-Based Services were present.

Mr. Ponzini explained that they first went to the Planning Board with a proposal for a sign that was 16 sq. ft. in size; the sign they want now is 12 sq. ft., because the Planning Board asked that it be smaller. He commented that other businesses on Fields Lane have bigger signs, so the one for Community-Based Services will not be conspicuous.

Mr. Hof stated that they need the new sign to replace one that blew down in a storm.

Chairman Ivanhoe asked why the Planning Board wanted the sign to be smaller.

Mr. Ponzini said he was asked to scale it back to as close to the 8 sq. ft. maximum allowed size as possible.

The Chairman commented that the sign is attractive, and the neighborhood consists of other businesses/is not residential. He asked if the gentlemen felt the business would be well-served by the 12 sq. ft. sign.

Mr. Hof said they re-designed it a bit to remove some verbiage/increase the size of the remaining lettering.

Mr. Ponzini said they also removed the CBS logo from the bottom.

Mr. Reilly stated that any change would require a return to the Planning Board.

The Chairman said he just wanted to be sure that Messrs. Hof and Ponzini were satisfied with the sign as presented.

Cynthia McKean remarked that Community-Based Services would not be trying to attract drop-in business; people who have business with them already know who/what they are looking for.

The Chairman asked if the sign will be illuminated, and Mr. Ponzini said it will not.

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

Mr. Reilly read a draft resolution, noting that the old sign had been 21 sq. ft. in size and including a finding that the maximum permitted sign-size is perhaps not the most appropriate for a business in the RO Zoning District.

Motion by: *Richard O'Leary*
Seconded by: *Cynthia McKean*

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

Area variance granted, as requested.

BA16-30 John Shallat (18 Lakeside Drive) – **Area Variance** – For construction of an addition to a non-conforming, single-family residence in an R-1 zoning district, 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). The following variances are requested:

- Decrease the rear yard setback from 35 ft. required to 23 ft. existing/proposed.
- Decrease the combined side yard setback from 15 ft./40 ft. required to 3 ft./16 ft. existing proposed.
- Increase the maximum building coverage from 10% permitted to 22% proposed (17.5 % existing).
- Increase the maximum development coverage from 25% permitted to 39% proposed (32% existing).
- Increase the maximum floor area ratio from .20 permitted to .27 proposed (.15 existing).

Richard Vail, architect, addressed the Board, stating that the proposed addition will result in an increase of approximately 144 sq. ft. to the footprint of the existing house toward the street. A new foundation is to be built for the house and a second floor added. Mr. Vail remarked that the existing side and rear setbacks are tight already but will not be changed, and the house will be 26.5 ft. high to the ridge.

The Chairman noted that the Board received the Co-op's letter approving the project. He asked about exterior lighting and explained that the Board would require that any exterior light fixtures not be visible at their source/there may be no bare floodlights.

Mr. Vail stated that he understood.

Chairman Ivanhoe asked if there are any plans for unfinished attic space.

Mr. Vail said the plan calls for collar beams/a cathedral ceiling, although there may be a small attic area for mechanical equipment that will not include living space.

Mr. O'Leary asked if there is a full walk-out basement.

Mr. Vail said there is an existing unfinished basement where the boiler is located.

Mr. O'Leary said the Board had looked at another project on Lakeside Drive that was large and involved more living space which led to much discussion; this one seems to be more appropriately scaled for the neighborhood and the size of the lot.

Opening up the discussion to members of the public, the Chairman called on Eric Buzzetto of 52 Lakeside Drive.

Mr. Buzzetto stated that he is a neighboring property-owner and fully supports the proposed changes to the house at 18 Lakeside.

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

Mr. Reilly read a draft resolution, noting that although the variances are substantial on paper this is nearly always the case with the small lots in the Bloomerside Co-op, and a neighbor appeared at the meeting to say he was in favor of the application.

Motion by: *Nzingha Milanés*
Seconded by: *Richard O'Leary*

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

Area variance granted, as requested.

BA16-31 Finch Farm LLC (209 Vail Lane) – Special Permit – To renew special permit BA06-10 for the keeping of up to 6 horses for personal use, per Article XIII Section 250-72.

Drew Zambelli, property manager for Finch Farm, stated that the farm includes a 6-stall barn, riding ring and garage with grooms' quarters above it. He added that the barn has a fire-suppression system. Mr. Zambelli said the buildings are 10 years old and no further construction is proposed.

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

Mr. Reilly read a draft resolution.

Motion by: *Cynthia McKean*
Seconded by: *Richard O'Leary*

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

Special permit renewal granted, as requested.

The meeting was adjourned at approximately 7:55 pm.

Respectfully submitted,



Janice Will, Recording Secretary