

December 20, 2023  
ZBA minutes

**TOWN OF LEWISBORO  
Westchester County, New York**

**ZONING BOARD OF APPEALS  
TOWN OF LEWISBORO  
MINUTES**

Minutes of the Meeting held by the Zoning Board of Appeals on Wednesday, December 20, 2023 at 7:30 P.M., at the Town of Lewisboro Offices, 79 Bouton Road, South Salem, NY.

Board Members Present: Robin Price, Jr., Chair  
Daniela Infield  
Carolyn Mandelker

Board Member Absent: Todd Rendo  
Thomas Fischetti

Also Present: Donna Orban, Secretary  
Kevin Kelly, Building Inspector

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The Meeting was called to order at 7:32 P.M. by Chair Price who introduced the members of the Board and noted the emergency exits. He announced that the next ZBA meeting is scheduled for Wednesday, January 24, 2024. Mr. Price informed the applicants that two of the board members were absent. Mr. Price explained that there was a board of three members and the applicants would need all three board members to approve the application, if an applicant did not feel that their application would be approved, they would be allowed to adjourn till next month when there should be a full board.

**I. Review and adoption of minutes for November 15, 2023.**

The Board reached consensus to approve the meeting Minutes for November 15, 2023. Ms. Infield made a motion to approve the minutes. The motion was second by Ms. Mandelker. To approve: Mrs. Infield, Ms. Mandelker and Mr. Price. To Abstain: none.

**II. PUBLIC HEARINGS**

**CAL. NO. 04-23-SP**

**Application of Mel Donaton, [Donaton, Mel & Susan Ann, owner of record] 272 Smith Ridge Road, South Salem, NY 10590 for a renewal of a Special Permit pursuant to Article V, Section 220-38 of the Zoning Ordinance to allow the Storage of Contractor’s Equipment.**

**The property is located on the west side of Smith Ridge Road, South Salem, designated on the Tax Map as Sheet 0046, Block 09827, Lot 073, in an R-4A, Four-Acre Residential District consisting of approximately 7.00 acres.**

Mr. Donaton, was present.

There was no objection to the public notice.

Mr. Price explained that Mr. Donaton was requesting a renewal of the special permit for the storage of contractor’s equipment. Mr. Price noted that the Building Inspector did an inspection on December 5, 2023. Mr. Price read the

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report, which stated that the site conformed for a special permit and a recommendation was made for the renewal of the permit. Mr. Price asked if Mr. Donaton wish to add anything.

Mr. Donaton replied that he did not have anything to add.

Mr. Kelly commented that the site was very neat.

Mr. Price commented that typically when there are no complaints the board typically will vote to approve the permit for a term of two years.

Ms. Infield made a motion to approve the application. Ms. Mandelker seconded the motion. To Approve: Ms. Infield, Ms. Mandelker and Mr. Price. To Deny: none. To Abstain: none.

Mr. Price stated that the application was approved for a term of two years.

**CAL. NO. 32-23-BZ**

**Application of Sharon Slocum, [Luna Casa Enterprises, LLC, owner of record], 27 Cove Road, South Salem, NY for the following variance of the proposed legalization of (1) A/C condensers to an existing residence has a side yard setback of 7.5' whereas 12' are required per article IV section 220-12 schedule of dimensional and bulk requirements for residential districts of the Town of Lewisboro Zoning Code therefore requiring a side yard variance of 4.5'.**

**The property is located on the north side of (#27) Cove Road, South Salem, NY designated on the Tax Map as Sheet 033B, Block 11158, Lot 011, in an R-1/4AC, Quarter-Acre Residential District consisting of approximately 0.13 acres.**

Ms. Slocum, the applicant, was present.

There was no objection to the public notice.

Ms. Slocum presented the application. Ms. Slocum explained to the board that when she purchased the property with the two houses, there was evidence of mold, and she did a renovation to the house which was permitted by the Building Department. The two A/C condensers were done later, and they somehow were never permitted. Ms. Slocum commented that the a/c unit is in a location that does not bother any neighbors, since there is a large empty lot next to that side of the property. Ms. Slocum shared a picture, dated April 4, 2014, of the house with the a/c unit. Apparently, the house at 27 Cove Road had an A/C unit when she purchased the property. She informed the board that she replaced that unit a year later.

Mr. Price requested to talk about the second house with the address of 25 Cove Road.

Ms. Slocum explained that the neighbor, Ms. Blum, 23 Cove Road, had written a letter in opposition of the A/C unit. Ms. Slocum commented that Ms. Blum referred to being able to see the unit from her second-floor window. Ms. Slocum stated that the unit is under trees and is not visible to anyone, there is also a fence. Ms. Slocum spoke about the two letters from the neighbors.

Mr. Price stated that there were two letters of opposition and a letter from the new owner giving permission for Ms. Slocum to apply for the variance and permission for the board to conduct a site visit.

Mr. Price asked if anyone from the board wanted to comment. Mr. Price commented that the a/c unit had been in the location for approximately ten years and there had not been any complaints filed.

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Ms. Infield commented that no one can see this a/c unit.

Mr. Price asked if anyone from the public wanted to comment on the application. There were no comments.

Mr. Price explained that the application's approval is based on five factors. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There is no practical alternative to the variance requested. The Board found that the variance is not substantial. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood. The Board found that the difficulty was not self-created since it was in the location when purchased approximately ten years ago.

Ms. Infield made a motion to approve the application. Ms. Mandelker second the motion. To Approve: Ms. Infield, Ms. Mandelker and Mr. Price. To Deny: none. To Abstain: none.

Mr. Price stated that the application was approved.

### CAL. NO. 33-23-BZ

**Application of Sharon Slocum, [Luna Casa Enterprises, LLC, owner of record], 25 Cove Road, South Salem, NY for the following variance of the proposed legalization of (2) A/C condensers to an existing residence has a 6.75' rear yard setback whereas 25' are required per article IV section 220-12 schedule of dimensional and bulk requirements for residential districts of the Town of Lewisboro Zoning Code therefore requiring a rear yard variance of 18.25' and has a side yard setback of 1.46' whereas 12' are required per article IV section 220-12 schedule of dimensional and bulk requirements for residential districts of the Town of Lewisboro Zoning Code therefore requiring a side yard variance of 10.54'.**

**The property is located on the north side of (#25) Cove Road, South Salem, NY designated on the Tax Map as Sheet 033B, Block 11158, Lot 010, in an R-1/4AC, Quarter-Acre Residential District consisting of approximately 0.13 acres.**

Ms. Slocum, the applicant, was present.

There was no objection to the public notice.

Ms. Slocum presented the application along with Cal. No. 32-23-BZ, 27 Cove Road. Ms. Slocum pointed out on a map the neighbor at 23 Cove Road, where their house is in reference to the cottage at 25 Cove Road. Mr. & Mrs. Blum had written a letter of opposition. The board and Mrs. Slocum discussed the fence location.

Ms. Mandelker questioned if there was a practical alternative.

Mr. Price replied that there is not a practical alternative without redoing the whole air conditioner. The a/c has already been in the current location for approximately ten years.

Mr. Price asked if there was anyone from the public who wanted to comment on the application. There was no comment.

Mr. Price explained that the application's approval is based on five factors. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There is no practical alternative to the variance requested. The Board found that the variance is not substantial. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood. The Board

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found that the difficulty may have been self-created, but not at this time since it was before the applicant's past ownership.

Mr. Price made a motion to approve the application. Ms. Infield second the motion. To Approve: Ms. Infield, Ms. Mandelker and Mr. Price. To Deny: none. To Abstain: none.

Mr. Price stated that the application was approved.

**CAL. NO. 34-23-BZ**

**Application of Bruce K. & Jan F. Thompson, [Jan Fay Thompson 2020 Irrevocable Trust & Bruce K. Thompson 2020 Irrevocable Trust, owner of record], 198 Todd Road, Katonah, NY for the following variance of the proposed 120-gal LP tank will have a front yard setback of 37.0' whereas 50' are required per article IV Section 220-12 schedule of dimensional and bulk requirements for residential districts of the Town of Lewisboro Zoning Code, therefore requiring a front yard variance of 13.0'.**

**The property is located on the south side of (#198) Todd Road, South Salem, NY designated on the Tax Map as Sheet 0014, Block 10533 Lot 043, in an R-2AC, Two-Acre Residential District consisting of approximately 4.00 acres.**

Mr. Thompson, the property owner, was present.

There was no objection to the public notice.

Ms. Mandelker made a statement for the record, that she is an immediate neighbor and friend. Ms. Mandelker felt that she would not have to recuse herself since she would judge the application impartially. Ms. Mandelker stated that if there was anyone from the board or the public objecting to this, to let the board know now. There were no comments.

Mr. Thompson presented the application. Mr. Thompson spoke of the construction project and the LP tank currently located at the west end of the house, which would be located inside the new addition if left where it currently is. The new location will be approximately twenty-six feet further west, and closer to Mt. Holly.

Ms. Mandelker questioned Mr. Thompson about the niche on the side of the house in back, so the tank would not have to be visible in the front of the house.

Mr. Thompson replied that the air conditioner condenser is going in the niche.

Mr. Price questioned Mr. Thompson that the tank was in the front of the house before the construction.

Mr. Thompson replied that was correct, the tank was on the west end of the house.

Mr. Price commented that the new addition encompasses the tank now.

Mr. Thompson replied that was correct.

Mr. Price asked if there was any intention to do planting after the construction is complete to screen it

Mr. Thompson replied that they do intend to have new plants. He hopes to screen the tank without making it difficult to get to the tank to fill it. Mr. Thompson commented that he will plant some evergreen type plantings and possibly add a wood fence.

Ms. Mandelker commented that she hoped a fence would be used with plants for screening as the tank would be unsightly.

Mr. Price asked if anyone from the public wanted to comment on the application.

There were no comments.

Ms. Infield made a motion to approve the application. Mr. Price seconded the motion. To Approve: Ms. Infield, Ms. Mandelker and Mr. Price. To Deny: none. To Abstain: none.

Mr. Price stated that a condition of a short stockade fence and/or bushes are to be planted by the LP tank to help conceal it.

Mr. Price explained that the application's approval is based on five factors. There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There is no practical alternative to the variance requested. The Board found that the variance is not substantial. There will not be an adverse effect or impact to the physical or environmental conditions of the neighborhood. The Board found that the difficulty was not self-created.

Mr. Price stated that the application was approved.

**CAL. NO. 36-23-BZ**

**Application of Michael Fuller Sirignano [Tomfohr, John, owner of record], 264 Hawley Road, North Salem, NY for the following variance of the proposed replacement of an in-ground pool is denied because (1) the pool, an accessory structure, will not be on the same lot as the house, the principal building which is located in the Town of North Salem on a different tax lot; and (2) the pool will be zero feet from the rear lot line where a 50-foot setback is required. The following variances will be required for the proposed pool: 1. A variation of Article III, Section 220-10A of the Zoning Ordinance that requires accessory structures to be on the same lot as a duly authorized principal building to which it is accessory as the proposed pool will be located on tax lots separated from the lot on which the house is located by the Town Line between the Town of North Salem and the Town of Lewisboro. 2. A variation of Article IV, Section 220-23E of the Zoning Ordinance to permit a pool to be located zero feet from the rear lot line where a 50-foot setback is required.**

**The property is located on the south side of (#264) Hawley Road, North Salem, NY designated on the Tax Map as Sheet 0033, Block 11155, Lots 116 & 014 & 027 (includes lots 036, 177 & 178), in an R-4AC, Four-Acre Residential District consisting of approximately 12.43 acres.**

Michael Fuller Sirignano, Attorney, was present.

Sam Fertik, Builder, was present.

Ms. Juhasz, neighbor, was present.

There was no objection to the public notice.

Mr. Sirignano presented the application. Mr. Sirignano introduced the contractor, Mr. Fertik, and gave a brief history of the property and house. The house is in North Salem, which was built in 1959 and has since been demolished. The pool, which is in Lewisboro, has been in its location since the 1960's. Mr. Sirignano commented that there is a procedural issue that needs to be addressed and re-noticed before coming back to the Zoning Board in January. Mr. Tomfohr owns approximately 12.50 acres. The town line dividing Lewisboro and North Salem bisects the property along the house and the pool. North Salem has granted a

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variance for the demolition of the house and the rebuilding of the new residence. The proposed new pool will be approximately in the same location and size as the existing pool. Mr. Sirignano commented that beyond the existing pool is a steep drop off, which gives views of Lake Waccabuc. The new pool will have decking. The application was submitted based on the denial letter which focused on the pool, they will adjourn with the hearing till January.

Mr. Fertik gave a presentation on the location of the pool and the proposed new house. Mr. Fertik explained that the new house and pool will have geo-thermal, energy efficient technology, with no outdoor equipment exposed, all the mechanical equipment will be contained within the structure. There will be no noise for the neighbors to hear. A new plan for the storm water runoff will be completed.

Mr. Sirignano asked if any of the board members want to see the pool site again before the demolition of the pool.

Mr. Price replied that there should not be any reason to do a site visit again. Mr. Price commented that he had no problem taking the pool out now before the main excavation. Mr. Price requested that a final set of plans be given to the Building Inspector so everything that needs a variance will be on the Public Notice.

Mr. Fertik asked if an extra denial would be needed for the patio and anything else.

Mr. Kelly replied that the amended public notice will include the pool, patio, walls, and BBQ area.

Ms. Juhasz questioned if there would be any blasting of rock.

Mr. Sam replied that there would not be any blasting of rock.

Ms. Juhasz asked about the storm water.

Mr. Fertik explained where the current septic system is and that it failed with the Department of Health. The land on the other side of the house is being designated for a new septic field. The current septic field will pass for storm water since there is enough space. Mr. Fertik explained that the recommendation from Jan Johannessen, Town Planner, and wetland consultant, is that they need to show all the plans even though this will be for North Salem. Mr. Fertik commented that there would not be any blasting, but there will be hammering.

Mr. Kelly commented that the Building Department could issue a demolition permit for the pool.

Mr. Fertik commented that the three separate lots in Lewisboro are in the process to be merged.

Mr. Price stated that the plans must be updated, and the denial letter needs to reflect what needs a variance. The plans that were submitted did not have all the information needed for the January 24, 2024, meeting.

**III. CORRESPONDENCE & GENERAL BUSINESS**

**IV. NEXT MEETING**

**January 24, 2024**

**V. ADJOURN MEETING**

Ms. Mandelker made a motion to adjourn. Mr. Price second the motion. The board reached consensus to adjourn the meeting at 8:32 P.M.

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Respectfully submitted,

A handwritten signature in cursive script that reads "Donna Orban". The signature is written in black ink and is positioned above the printed name.

Donna Orban

Secretary, Zoning Board of Appeals