ZONING BOARD OF APPEALS
SATURDAY, DECEMBER 15, 2012
4:00 P.M.

Present: Chairman Ogden Lewis, T. David Mullen, Charles Mott, Alexander Ames, Robert Treuhold, Brendan Ryan, and Village Attorney Richard DePetris

1) Chairman Lewis brought the meeting to order and explained that the next meeting would be held on **January 19, 2013 at 4 P.M.** He also explained that the application of **David Marr** had been adjourned to the next meeting. Next, was the acceptance of the minutes of the November 10, 2012 meeting.

DECISION: MR. LEWIS MOVED TO ACCEPT THE MINUTES OF THE NOVEMBER MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first item on the afternoon's agenda was the application of **Agata Gajewski-Sathi** for variances from the requirements applicable to driveway gates and gateposts. Premises are known as **35 Old Main Road. TM #902-3-1-15.1**

The applicant's contractor, **Modesto Martinez**, was present for the presentation. Mr. Martinez was given a letter from the neighbor, **Helaine Liebelson** who was opposing the application. He was not previously aware of her letter. He then explained that before the gates were purchased he personally checked with the building department on May 11, 2012, and was told that it would be all right to install them even though they did not totally meet village requirements. The wrought-iron gates were then purchased, at the cost of over $10,000.00, from upstate New York and as antiques are over 100 years old. Mr. Martinez has already installed a wrought-iron fence that is also over 100 years old but did not require a variance because it met the height requirement. He said he had driven through the village and saw other gates at least the same height as his client's and felt he would therefore not be setting a precedent. He submitted a photo of the proposed gates to the board. The gates would not be automatic or electronic closing gates, but would have to be opened and closed by hand. They would be set 25 feet from the paved area. Mr. Martinez explained that the marble gate posts they were requesting to install would be 5 SF. at the bottom and would be 1" under 6 feet. The actual gates would be 6 feet at the low end and rise higher in the middle requiring a variance. He also submitted several photos of the fence. Mr. Martinez felt the columns would taper and have a better appearance if they were 5 SF. at the bottom instead of 4 SF. The board wanted them to be 4 SF.

and Mr. Martinez agreed to keep them at 4 SF. He explained that the columns would also be 25 feet back from the pavement and have trees in front of them as well.

DECISION: MR. LEWIS MOVED TO GRANT THE SATHI APPLICATION PROVIDED THAT THE GATES ARE DESIGNED IN ACCORDANCE WITH THE PHOTOGRAPHS SUBMITTED AT THE ZONING BOARD MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the application of **Thomas Rees** for a setback variance to 57.7 feet from Post Lane for existing tennis court. Premises are known as **12 Niamogue Lane. TM #902-10-3-32.1**

Attorney **Robert Kelly** was present for the applicant. Chairman Lewis explained that since all the board members had read and familiarized themselves with the file they were ready to render their decision.

DECISION: MR. LEWIS MOVED TO GRANT THE REES APPLICATION. MR. TREUHOLD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **John and Mary Hoch** for modification of the May 29, 2010 Board of Appeals decision with respect to the garage if necessary in order to permit the revised plan (including reconstruction of existing section of garage). Premises are known as **38 Foster Road. TM #902-4-1-23**

Architect **Robert Jones** and the **Hochs** were present for the discussion. Mr. Jones explained that while working on getting building permits to do the approved construction and move ahead with their project they realized that the existing garage was rotted and so now want to rebuild it along with the addition. Using the plans, Mr. Jones described what they had discovered in reference to the decaying foundation. They now want to put in a new foundation, while reducing the length 2 feet, and keeping it within the same footprint. They would be keeping the width nearly the same, with only a 1 inch difference. The 'bump-out' that had previously been approved is now not being considered. The roof lines would also be reduced. Mr. Jones said he was requesting approval of his plans dated March 2012. **Mr. Hoch**, the owner, explained that the building is in such terrible disrepair that they just want to knock it down as soon as possible, and move ahead with the construction and new foundation. Mr. Jones added that the bathroom in the garage building is preexisting.

DECISION: MR. LEWIS MOVED TO GRANT THE HOCH APPLICATION PURSUANT TO THE ROBERT JONES PLANS DATED MARCH 2012. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the holdover application of **Robert and April Kaynor, 4 Edgewood Drive.** Attorney **Barbara Rasmussen** was present to represent the applicants. Mr. Kaynor was also present. Ms. Rasmussen explained that it was her understanding that since the last meeting, the neighbor Mrs. Crowley, had issued a letter of support for the applicants. The board had received and read the letter. Ms. Rasmussen had previously submitted a memorandum for the board's consideration. She also submitted photos of the project. She explained that the building was represented as a pool house when her clients purchased and closed on the property in 2005 and it had a C.O. In 1954 there was a subdivision application and the garage was relocated to the property where it is now. In 1986 the garage/pool house was located further back on the property and flipped 45 degrees to make room for the swimming pool and a septic system upgrade. The board wanted to know if the Kaynors gave any consideration to extending the wall, and closing off the bathroom door going into the storage area, therefore bringing the building closer to the 250 SF. requirement. Ms. Rasmussen said the plumbing and the hot water heating system for the bathroom was located above the closet area. She was afraid that cutting that off would create some plumbing problems and an expense. The board said they could leave the closet, leave the hot water heater where it was, and have access to the closet from the storage area. The board explained that 'walling-off' the closet area would reduce the size of the pool house and close off the access door to the storage/garage, and it would bring the building closer to conformity. Ms. Rasmussen agreed that it would reduce the pool house/bathroom side to 384 SF. from 443 SF, which was their original proposal, making it identical in size to the storage/garage area, which was also 384 SF. The wall would eliminate any 'creeping' to the other area. The board agreed.

DECISION: MR. LEWIS MOVED TO GRANT THE KAYNOR APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS: THE DRAWING REVISED NOVEMBER 28, 2012, A WALL BE BUILT STRAIGHT ACROSS SEPARATING THE STORAGE AREA FROM THE POOL HOUSE AREA. THE EXISTING WALL WOULD GO ALL THE WAY ACROSS REDUCING THE STRUCTURE TO ESSENTIALLY 2 EQUAL SPACES OF 384 SF. EACH. THE HOT WATER HEATER WOULD REMAIN IN PLACE ABOVE THE CLOSET. THERE WOULD HAVE TO BE A SEALING OFF OF THE ACCESS TO THE STORAGE AREA FROM THE POOL HOUSE. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by: Vicki Ramos **File date:** 1/8/13