

ZONING BOARD OF APPEALS  
SATURDAY, MARCH 05, 2016  
3:00 P.M.

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

1) Chairman Treuhold brought the meeting to order. He explained that the next meeting would be held on **Saturday, April 9, 2016**, at 3 PM. He then asked for a motion to approve the minutes of the last meeting.

**DECISION: MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 30, 2016 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) The first item on the agenda was the application of **Blaine and Diane Fogg** for the following variances: setback variances from side line (to 24 feet) and from Heatherwood Lane and a square foot variance in order to permit one story pool house having a floor area of 340 square feet (converted from a shed to a pool house); setback variances to 19.4 feet from side line and 6.7 feet from Heatherwood Lane in order to permit shed; setback variances to 18.2 feet from Heatherwood Lane in order to permit slate patio. Premises are known as **2 Bay Road. TM #902-6-1-22.2**

Real estate agents **Craig and Michelle Carbone** were present for the applicants. Mr. Carbone explained that all the violations were in place prior to the purchase of the house by the Fogs in 2007. The Fogs were trying to get all outstanding issues taken care of in order to get a Certificate of Compliance. After handing out surveys, Mr. Carbone explained that the house was there in 1973, the pool was installed in 1978. There was also a preexisting, nonconforming shed on the property, which Mr. Carbone felt was used as a potting shed, and previously had water and electric. That 340 SF. shed is now used as their pool house. Mr. Carbone explained that there was a building permit for the pool but not the patio, which is shown on a 1988 survey. At the time, the patio was constructed 35 feet from the property line and 35 feet from Heatherwood Lane. Mrs. Carbone presented photos of the property and the structures in question. She explained that the shed/pool house has exercise equipment and a kiln in it, which was used to make pottery. The Carbones explained that the shed/pool house was not heated but it did have a portable, standing Hatachi A/C unit. Mr. Carbone said that they could remove the A/C if needed. In reference to shed #2, the Carbones said it was put on the property some

time between 1988 and 2007, since it was present on the survey the Foggs had when preparing for purchase in 2007. They were willing to give up the second shed in order to keep the pool house/shed. In reference to the fence along the Frances Sherman property, Mr. Carbone explained it was a new fence that had been installed by the Shermans, and that it was installed with the wrong side facing out. In reference to the fence owned by the Foggs, along Heatherwood Lane, the Carbone explained that the Foggs had recently had it reinforced by their landscaper. The board mentioned that the Foggs' stockade fence was 8 feet high and was also facing the wrong way. The board decided to discuss the application a little further in executive session, and adjourned the matter until the end of the meeting.

3) Next was the application of **Joyce King** for a fence visibility variance in order to permit a stockade fence along northerly line with a height ranging from 6 to 8 feet. Premises are known as **35 Post Fields Lane. TM -902-3-3-89.1**

**Joseph King** was present to represent his wife, the applicant, **Joyce King**. The applicant wanted to put a fence along the railroad tracks by their house. Mr. King explained that to the north was the railroad tracks, to the west was one neighbor, and to the property to the east was vacant. To the south there was one neighbor that was hidden behind very tall, very mature hedges and plantings. He felt his fence would not be undesirable, but rather the opposite because it would further hide the railroad tracks. With reference to doing a berm, Mr. King said it would have to be very substantial and because of the rectangular shape of their lot, they would end up with practically no side yard. The board did not feel adverse to a 6 foot fence but were a little concerned about an 8 foot fence. Mr. King submitted photos which he used to explain that the railroad tracks were about 12 feet high in some spots so to do a graduated berm, would mean making the berm rather high in some spots.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE JOYCE KING APPLICATION. MR. RYAN MADE THE MOTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**(Mr. Treuhold wanted the record to reflect that the Board granted the King application subject to a clear limit of an 8 foot high fence. The Board did not want the Kings to perceive that they could build as high as 9 feet if they run into a further dip in their property.)**

4) Next was the application of **Samuel Cohen** for lot coverage variance to 21.1% and a front yard variance to 48.1 feet from Deerfield Way in order to permit proposed garage. Premises are known as **2 Old Fields Lane. TM #902-1-1-17.7**

**Mr. Cohen** was present for his application discussion. He explained that his lot coverage request was an increase from 19.8% to 21.1%, and he was seeking a front yard variance relief of 12 feet, from a 60 foot set back. The Board felt that there were already a lot of

structures on the Cohen's property, and that they would prefer granting a lot coverage variance only when there was a demonstration of a clear hardship, upon which they would only grant the minimum to relieve the hardship. The Board also felt that it might be possible for Mr. Cohen to look at his property and find ways to avoid or at least reduce his need for a lot coverage variance. Mr. Cohen said he would like to have his surveyor revise the plan in an effort to avoid or reduce the requested variance.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO ADJOURN THE COHEN APPLICATION. MR. RYAN MADE A MOTION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) Next was the amended application of **Gary Knotoff** for a front yard variance to 41.4 feet, a rear yard variance to 24.3 feet, and a height variance within required yards to 20 feet in order to permit proposed additions to existing house. Applicant also requests a front yard variance to 35.4 feet for front porch. Premises are known as **4 Post Lane. TM #902-10-2-42**

Architect **Diane Herold** was present for the applicant **Gary Knotoff**, who was also present for the application discussion. Ms. Herold provided the Board with revised surveys and explained the application revisions. She indicated that there were many houses in the surrounding area that had similar setback situations. Ms. Herold explained that they would not be demolishing the existing house but would instead be making alterations. She explained that they were not planning to build a garage at this point but she had figured the lot area coverage with a pool and decking, all of which would be conforming. She explained that the septic system would be installed in the front yard with parking to the side. In reference to landscaping along the street, Mr. Knotoff explained that he had some existing hedgerow which he intended to double. The Board asked about the proposed porch which would have imposed an additional 6 feet into the setback area.. Ms. Herold indicated that it was not an enclosed porch but was more like a covered entryway. She said that she could remove the porch from their application if the Board preferred. The Board felt that maybe there was some way they could indeed have some type of covered entryway in order to break up the look of the front of the house. Ms Herold said she would be willing to narrow it down to a 4' x 8' front porch/entryway. Mr. Knotoff explained that since the present house only had two bedrooms, they were proposing to add two more in order to house visiting family members. The Board wanted to see a revised survey showing the revised proposed porch/entryway, driveway and parking area. They would also like to see the proposed landscaping.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO GRANT THE KNOTOFF APPLICATION SUBJECT TO RECEIVING THE REVISED PLANS SHOWING THE REVISED COVERED ENTRYWAY, DRIVEWAY AND PARKING AREA. MR. MOTT MADE THE MOTION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

7) In reference to the **Fogg** application, real estate agents **Craig and Michelle Carbone** came back before the Board with further information. Mrs. Carbone wanted to make the Board aware that in the 1988 survey, an existing stockade fence is shown on the property before the Fogs made their purchase of the property. The Carbone's were wondering if the Board would allow part of the fence to remain, as the Fogs had no privacy or vegetation between their pool and Heatherwood Lane.

After a short discussion, the Board was prepared to render a decision.

**DECISION:**

**1 - THE BOARD GRANTED SETBACK VARIANCES FROM THE SIDELINE TO 24 FEET AND FROM HEATHERWOOD LANE AND A SQUARE FOOT VARIANCE IN ORDER TO PERMIT THE ONE STORY POOL HOUSE HAVING A FLOOR AREA OF 340 SF. SUBJECT TO A CONDITION THAT IT SHALL HAVE NO HEATING OR A/C AND A CONDITION THAT IT SHALL NEVER BE USED FOR ANY PURPOSE OTHER THAN A POOL HOUSE AND STORAGE.**

**2 - THE BOARD DENIED THE REQUESTED SETBACK VARIANCES FOR THE SHED LOCATED 19.4 FEET FROM THE SIDE LINE AND 6.7 FEET FROM HEATHERWOOD LANE AND THUS SUCH SHED SHALL BE REMOVED.**

**3 - THE BOARD GRANTED A SETBACK VARIANCE TO 18.2 FEET FROM HEATHERWOOD LANE IN ORDER TO PERMIT THE SLATE PATIO AS SHOWN ON THE SURVEY DATED 9/23/15.**

**4 - TO THE EXTENT THAT THE BOARD HAD GRANTED VARIANCES THEY GRANTED SUCH VARIANCES SUBJECT TO A FURTHER CONDITION THAT THE EXISTING STOCKADE FENCE ALONG HEATHERWOOD LANE SHALL BE REMOVED EXCEPT THAT THE PORTION FROM THE SOUTHEAST CORNER OF THE PROPERTY TO THE PICKET FENCE JUST WEST OF THE SWIMMING POOL MAY REMAIN PROVIDED THAT IT IS SLIGHTLY RELOCATED SO AS TO BE ENTIRELY OFF THE RIGHT-OF-WAY OF HEATHERWOOD LANE AND PROVIDED THAT THE GOOD SIDE OF THE FENCE SHALL FACE THE STREET. MR. RYAN MADE THE MOTION . MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

Mr. Treuhold asked for a motion to adjourn the meeting. Mr. Ames made the motion . Mr. Ryan seconded the motion. The motion was unanimously carried. The meeting was adjourned.

Respectfully submitted by:



File date: 3-23-16