

DRAFT
TOWN OF POUND RIDGE
MINUTES OF THE ZONING BOARD OF APPEALS
Meeting of January 18, 2012

The meeting was called to order at 7:30 p.m. by Chairman Les Maron who introduced Board members Murray Levy, Larry Brotmann, David Grubb and Tom Smith. Karen Taft, Board Administrator, was also present.

Mr. Maron explained that the applicant first presents his/her case before the Board. Board members, as well as members of the public, may ask questions. The hearing is normally then closed, and the Board members discuss the application. After the hearing is closed, neither the public nor the applicants are allowed to comment.

Mr. Maron said that the Board usually votes at the meeting, but if there is an issue to be resolved, a decision could be held off until the following meeting.

AARON GARY FIEGER, 25 Pettit Lane, Pound Ridge, NY, 10576, also known as Block 9453, Lot 13. Application for approval to enlarge an existing bedroom and construct a bathroom addition to the existing residence. According to Section 113-37 of the Zoning Code of the Town of Pound Ridge, a 50' side yard setback is required in an R-2A zoning district. A portion of the proposed construction will be located approximately 39' from the side property line and would require an 11' side yard variance. The proposed one-car garage as noted on the site plan complies with setbacks.

Mr. John Janiga, architect, was present on behalf of the applicant. He said that he had done an addition to the Fieger's house 40 years ago, and they asked him to do another modification. Mr. Maron asked the reason for the addition. Mr. Janiga said that his clients are in their 80's and they wanted a live-in aide. They requested that an existing bedroom be enlarged and a bathroom be constructed. Mr. Janiga said that the mechanical system will be upgraded and will be located under the new addition.

Mr. Janiga said that the variance requested only involved a corner of the proposed addition. Although it measures 10'4" to the side property line, a variance of 11' was requested to allow for error. The existing building already encroaches into the setback area. There will be no new roof line.

Mr. Maron asked Mr. Janiga to answer the five factors that are set forth in Town Law. Mr. Janiga responded as follows:

1. An undesirable change will not occur in the character of the neighborhood or be a detriment to nearby properties.
2. The benefit sought cannot be achieved by a feasible alternative.
3. The variance is not substantial as it involves only a small corner of the addition.

4. There are no adverse effects on the neighborhood.
5. Although the difficulty is self created, the proposed location is the only practical place for the addition.

Mr. Maron asked how many bedrooms are in the existing house. Mr. Janiga responded that there are three bedrooms and two are currently being used. He noted that there are no new bedrooms being added to the residence. Mr. Tom Smith suggested that moving the space back 4 feet would mitigate the nonconformity. Mr. Janiga said that as currently configured, it allows an area that creates a light court for the new addition.

Mr. Maron questioned the screening of the new addition. Mr. Janiga said that there are pine trees that would buffer the structure, but if the Board required it, they would add additional screening.

Mr. Brian O'Reilly, 26 Pettit Lane, neighboring property owner was present at the meeting. He noted that the fence on the property is in very poor shape and felt that it was a safety hazard.

Mr. Richard Mendes, liaison for the Conservation Board, asked if there was any environmental significance associated with the proposed construction. Mr. Janiga said there was not. Mr. Maron noted that there are no significant trees that need to be removed.

Mr. O'Reilly asked the Board what the setbacks entails. Mr. Maron explained that a 50' setback is required from the side property line, and the existing residence is currently encroaching 3' into the side setback. The proposed expansion will increase that encroachment. Mr. Maron said that a new survey will be done of the property prior to receipt of a building permit.

Mr. O'Reilly was concerned about the possibility of blasting. Mr. Maron said that they can prohibit any blasting on the property as a condition of approval. Mr. O'Reilly questioned if the residence could turn into a multi-family home. Mr. Janiga noted that there are no new bedrooms proposed for the house.

Mr. Brotmann made a motion to close the public hearing, and Mr. Levy seconded the motion. All Board members voted in favor.

Deliberations and Decision -

Concerning the fence that is in disrepair along the western side property line, there was discussion among Board members about repair, replacement or removal, and if the existing fence location is conforming. Mr. Janiga had stated that the fence is 5' from the property line. Since there is a pool on the property, there was a question if that portion of the fence qualifies as a pool fence. Mr. Maron said that the Building Inspector will require that the pool be fenced according to Town code.

Rather than including a condition of approval that would address the fence issue, Board members decided to ask the Building Inspector to make that determination upon visiting the property.

The Board unanimously concluded that the applicant has met the standards set forth in the NYS Town Law for obtaining a variance and approved the requested variance with the following conditions:

- No blasting will be associated with construction;
- The property line nearest the new addition will be staked after the property is surveyed;
- The siding and windows of the new addition will match those on the existing house

The meeting adjourned at 8:30 p.m.

Respectfully submitted,
Karen B. Taft, Administrator, ZBA