



## **ZONING BOARD OF APPEALS MINUTES**

**Meeting on Wednesday, February 26, 2025 at 7:00 pm**

The meeting was called to order at 7:08 pm by Chairman Tom Smith. Also present were board members Joe Gunset, Hilary Kao, Lisa Smith, Counsel John Loveless, and Administrator Nicole Engel.

Mr. Smith 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 then normally closed, and the members discuss the application. After the hearing is closed, neither the public nor the applicants are normally allowed to comment.

Mr. Smith stated 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.

Mr. Smith made a motion to approve the minutes from January 15, 2025. Mr. Kao seconded. All in favor.

**Sarah & Grant Webb**, 216 Trinity Pass Road, Pound Ridge, NY 10576, also known as Block 9820, Lot 48, Zone R-3A. The application for approval to construct a 30' by 40' two-story, non-habitable, wood-frame barn, located 10' from a side property line is disapproved on the following grounds: Section 113-37 of the Code of the Town of Pound Ridge requires a 50' side yard setback. In order for this application to move forward, a 40' side yard variance will be required.

Present: Landscape Architect Louis Fusco, Owners Sarah & Grant Webb

Louis Fusco, a landscape architect representing Sarah and Grant Webb, presented the application for a variance to construct a 30' by 40' story non-habitable wood frame barn. The barn would be located 10 feet from the side property line, requiring a 40-foot side yard variance from the required 50-foot setback.

Mr. Fusco explained that the proposed location was chosen after careful consideration of the entire property. The location of the barn was chosen to avoid removing trees that would act to shield the barn from the neighbors.

He presented a rendering of the new barn and photos of the proposed location marked with orange markers. The location was influenced by several factors including an existing septic system in the area, requiring a 20-foot setback; the desire to avoid disturbing mature trees that provide a buffer between neighboring properties; accessibility concerns if placed further back on the property.

Mr. Fusco noted that the property includes a 25-foot easement drive, which is part of the back lot. He emphasized that both properties are three acres, and the actual distance from the neighbor's property line includes this additional 25 feet.

The barn design was described as a reclaimed structure from the 1840s, chosen to fit with the historical character of the area. Mr. Fusco mentioned that Grant Webb had been on a historical committee for eight years and was interested in preserving the property's historical significance.

Grant Webb addressed the board, explaining their intention to make the barn look natural and fit well with the setting. He emphasized that they had taken considerable time to decide on the location, balancing town parameters, their needs, and respect for the surroundings. Mr. Webb also noted the historical significance of their house and how the barn project aligns with the town's tradition of preserving historical structures.

In addressing the five points, Mr. Fusco explained that there would be no change to the neighborhood or detriment to nearby properties. The adjacent property line abuts a 30-foot wide undeveloped access way to a back-building flag lot currently owned by the Webbs. The opposite neighboring north-west side of the access way consists of a heavily vegetated front yard of the nearest neighbor. And, the closest neighboring home is 235 feet from the proposed barn location. On whether the benefit sought can be achieved by a feasible alternative other than a variance, Mr. Fusco elaborated. The existing septic field and expansion area preclude alternate site location options. Locating the barn behind the septic fields would place it significantly closer to the neighboring home and within clear view of their pool and outdoor entertainment spaces. And, locating the barn on the opposite south-east side of the property would place it in close proximity to the neighboring properties to the southeast. Mr. Fusco believes the variance requested is substantial, however, the barn has been oriented so only one corner protrudes the furthest, to minimize the visual impact. Mr. Fusco does not believe there will be an adverse effect on the physical or environmental conditions of the neighborhood. The proposed location would result in no tree removals. Also, it is screened from Trinity Pass by its lower grade and existing line of mature evergreens. Additional plantings are proposed to ensure full screening from the neighboring easement. Finally, the applicants understand that the alleged difficulty is self-created in their desire to build a barn for a workshop and play loft for their children.

Letters of support from the following neighbors were shared with the members: Carol & Will Brown, Bruce & Christine Churchill.

The board listened to Mr. Rosendorff, a neighboring property owner, who raised concerns about the barn's proximity to his property line, its height, and its potential visual impact. He requested that the barn be relocated slightly to the north to increase the distance from his property. Mr. Rosendorff mentioned that, if the variance were granted, he would be able to see the barn from his home. However, Mr. Webb disagreed, asserting that the barn would not be visible from his neighbor's property. Ms. Smith added that there is no inherent right to prevent the visibility of development and highlighted the significant distance between Mr. Rosendorff's home and the proposed barn.

In response to Mr. Rosendorff's concerns, Mr. Fusco explained that moving the barn further north would require removing mature trees and potentially make the structure more visible due to the rising grade of the land.

Mr. Kao made a motion to close the public hearing; Mr. Gunset seconded. All in favor. The public hearing was closed.

#### Deliberation:

Board members discussed several aspects of the application including the visibility of the barn from neighboring properties, particularly Mr. Clive Rosendorff's house (220 Trinity Pass), the potential impact of moving the barn to different locations on the property, the height of the existing trees and their screening effect, the access to the barn and any potential impact on the septic system, and lighting considerations for the barn.

The board discussed the possibility of rotating the barn 90 degrees or moving it closer to the septic field, but these options were deemed less favorable due to various constraints.

Mr. Smith made a motion to approve the application as presented with stipulations: No lighting on the Southwest and Northwest sides of the barn. All lighting must comply with the town code, ensuring that the light source cannot be seen from off the property line. The plantings shown on the plan must be installed and maintained. Ms. Smith seconded the motion and the voting was as follows:

Mr. Smith – aye

Ms. Smith – aye

Mr. Gunset – aye

Mr. Kao – abstain

Application approved.

Mr. Smith made a motion to adjourn the meeting; Mr. Kao seconded. Meeting adjourned.



