



ZONING BOARD OF APPEALS MINUTES

Meeting on Wednesday, March 19, 2025 at 7:00 pm

The meeting was called to order at 7:04 pm by Chairman Tom Smith. Also present were board members AnnMarie Fusco, Joe Gunset, Lisa Smith, Counsel John Loveless, Conservation Board Liaison Marilyn Shapiro, 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.

Frank Giattino, 249 Upper Shad Road, Pound Ridge, NY 10576, also known as Block 9317, Lot 86, Zone R-3A. The application for approval to legalize a 12' by 16' one-story, pre-fab shed located 21' from the side property line is disapproved on the following grounds. Section 113-37 of the Code of the Town of Pound Ridge requires a side yard setback of 50'. In order for this application to move forward, a 29' side yard variance will be required.

Present: Owner Frank Giattino

Mr. Giattino, the property owner, presented his case. He explained that moving the shed to comply with the 50-foot setback would place it near the pool deck or in violation of other setbacks due to the property's layout. Mr. Giattino stated that the shed was used for storing Christmas decorations and that relocating it elsewhere on the property would be impractical.

Mr. Giatinno addressed the five points. On whether an undesirable change will occur in the character of the neighborhood or a detriment to nearby properties will be created, he said, "No." On whether the benefit sought can be achieved by a feasible alternative other than a variance, Mr. Giatinno said that moving the shed would almost put it on top of the pool deck and there's a severe slope in the back. And, the other side of the property wouldn't make sense for access. Mr. Giatinno does not believe the variance he requested is substantial. On whether there will be an adverse effect on the physical or environmental conditions of the neighborhood,

he said there would not be since no one can see it, there are houses nearby, and a lot of trees and shrubs. Finally, Mr. Giattino agrees that the alleged difficulty is self-created since he put the shed there.

There were no letters of support.

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

Deliberation:

Board members asked questions about the shed's construction, foundation, and the possibility of moving it. Mr. Giattino clarified that the shed was not prefabricated but assembled on-site with a gravel foundation. The board discussed the substantial nature of the variance request and the precedent it might set. They suggested that Mr. Giattino consider moving the shed closer to the pool to reduce the variance needed, even if it wouldn't eliminate the need entirely.

After deliberating, the board recommended that Mr. Giattino withdraw his current application and return with a revised proposal. They suggested he draw on the survey where he would move the shed and consider adding landscaping for screening.

The board agreed to see Giattino at the next month's meeting with a revised application.

Robert & Theresa Molinaro, 1 Bengier Road, Pound Ridge, NY 10576, also known as Block 9830, Lot 16, Zone R-3A. The application for approval to construct a 20' by 20' two-story addition, located 22' 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 28' side yard variance will be required.

Present: Robert & Theresa Molinaro

Mr. Molinaro presented the application, explaining that they were seeking approval for the 20 by 20-foot footprint of the addition. The board members expressed concern about the lack of detailed drawings and elevations, stating that they needed more information about the proposed structure's appearance, height, and impact on the neighborhood. Mr. Molinaro was unable to address the five points since there were no drawings. The board members noted that the questions could not be answered since they don't know what the addition will look like. The application is not complete.

The board discussed the importance of understanding the bulk and massing of the proposed addition, as well as its potential impact on neighbors. They explained that without proper drawings or renderings, they couldn't make an informed decision about the variance request.

Board members also raised concerns about previous conditions set for a shed on the property that had not been fully met, specifically regarding plantings. Mr. Molinaro explained that they had planted smaller trees due to existing root systems and that these trees were expected to grow quickly.

A letter of support was submitted from David Ekholm at 3 Bengier Road.

The public hearing for this application was left open to allow for further discussion at the next meeting. The board recommended that the Mr. Molinaro continue his application to the next month's meeting and return with more detailed renderings or drawings of the proposed addition. They advised including information on the height, materials, and overall appearance of the structure.

Mr. Smith made a motion to approve the minutes from February 26, 2025. Ms. Smith seconded. All in favor.

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