



ZONING BOARD OF APPEALS MINUTES
Meeting on Wednesday, October 15, 2025 at 7:00 pm

The meeting was called to order at 7:05 pm, by Chairman Tom Smith. Also present from the Board were members AnnMarie Fusco, Joe Gunset, Hilary Kao, Lisa Smith, Counsel John Loveless, Conservation Board Liaison Marilyn Shapiro, and Administrator Nicole Engel.

Mr. Smith explained that the applicant first presents their 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.

The meeting was called to order. Ms. Fusco motioned to approve the July 16, 2025 minutes; Ms. Smith seconded. All in favor.

Grace Douglas & Yann Nury, 57 Fancher Road, Pound Ridge, NY 10576, also known as Block 9454, Lot 31, Zone R-3A. An application for approval to reconstruct and expand existing 4-car garage in its current location and add a new 12' wide carport addition: the proposed carport is located 20' from the front property line and 9'1" 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 60' front yard setback and a 50' side yard setback. In order for this application to move forward, a 40' front yard and a 40'1" side yard variance will be required.

Present: Brian S. Paddack, AIA, NCARB from H2M Architects & Engineers

Brian Paddack of H2M Architects and Engineers represented Grace Douglas and Yann Nury for their application to renovate an existing four-car garage and add a 12-foot wide carport. The existing garage was noted to be deteriorating but would not be replaced entirely. Instead, it would be renovated. Mr. Smith clarified that in addition to the carport, a currently unroofed porch area would be enclosed as part of the new construction.

Mr. Paddack showed images of the property from various angles. He explained that the existing roofline would be continued across the carport, maintaining the same gable appearance visible from Fancher Road. The building was described as being buried into the

hillside, sitting about three feet high, and would require a new concrete retaining wall at the back to support the earth, replacing what was currently just a low fieldstone wall.

When asked about screening and plantings, Mr. Paddock noted there were some gaps in the existing vegetation but believed the owners would be willing to add plantings to block views from the road. He showed photographs demonstrating that the garage roof was barely visible through the trees from the neighbor's driveway, and the carport would extend into that area. The photographs showed the heavily vegetated nature of the site.

Mr. Paddock addressed the five criteria required for the variance. He stated that no undesirable change would occur in the character of the neighborhood as the renovated garage would use similar vernacular. No detriment to nearby properties would be created since the carport would only be approximately eight inches closer to the neighbor's property line and would be screened. The benefit could not be achieved by a feasible alternative since the existing garage was already within the setbacks and attaching a carport would create the least site impact. The variance was not substantial as the carport was sized for one vehicle and would extend less than 13 feet into the front yard and only eight inches into the side yard setback. There would be no adverse environmental effects as no mature vegetation would be disturbed and stormwater would discharge to the existing underground system. Finally, while the difficulty was self-created, attaching a carport to the existing non-conforming garage was deemed the most feasible alternative.

Board discussion revealed that the garage had existed since approximately the 1960s as a pre-existing non-conforming structure. One board member suggested the carport could potentially be placed on the other side near a covered patio, but it was clarified that a well was located there, preventing that alternative.

During public comment, Michael Phillippo of 9 S. Bedford Road asked to see the overall front elevation drawing showing how the garage related to the main house, which the architect provided.

There were no letters submitted by neighbors.

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

Deliberation:

Mr. Smith noted there were actually two components to consider separately: the enclosure of the existing patio area and the addition of the carport. For the patio enclosure, Mr. Smith noted it would not cause an undesirable change in neighborhood character since it wouldn't be visible, there were no feasible alternatives that wouldn't require a variance, the variance wasn't substantial, there would be no adverse environmental effects since it was already a

covered patio with the same water runoff, and while self-created, this was typical of most applications.

Ms. Smith made a motion to approve the variance required to enclose the building over the existing patio. The motion was seconded by Mr. Smith. All in favor. Approved.

Regarding the carport addition, Mr. Smith expressed concern that while the existing building was already non-conforming, making the degree of non-conformity more substantial was something the board had been discouraging. Ms. Smith countered that since it was just a carport with only a roofline extension that wouldn't be more visible from the road, especially with required screening to fill gaps in vegetation, it would have minimal impact compared to a full addition. Mr. Kao added that with the well location limiting alternatives, a carport would be less disruptive than constructing another full garage elsewhere on the property.

Mr. Smith maintained that the variance was substantial given the property's large size and suggested there were many other possible locations, including at the other end of the garage or elsewhere on the lot, though these might require moving the well. He felt it was too close to the road and property line, and that screening couldn't be guaranteed to last forever. Ms. Fusco agreed there appeared to be alternative locations that hadn't been fully explored.

Ms. Smith made a motion to approve the application for the carport; Mr. Kao seconded. All other members voted in opposition. Denied.

The voting as follows:

Ms. Fusco - nay

Mr. Gunset - nay

Mr. Kao - aye

Mr. Smith - nay

Ms. Smith – aye

Mr. Smith informed the applicant he could return with an alternative proposal, noting that the patio enclosure portion was approved.

Lori Sandler, 15 South Bedford Rd., Pound Ridge, NY 10576, also known as Block 9452, Lot 15, Zone R-3A. The application for approval to install a hot tub 56 ½' from the rear property line, install a propane tank and generator 25' from the front property line and place the air-conditioning compressors 40' from the front property line is disapproved on the following grounds: Section 113-37 of the Code of the Town of Pound Ridge requires a 75' rear yard

setback and a 60' front yard setback. In order for this application to move forward, an 18 ½' rear yard variance will be required for the hot tub. The generator and propane tank will require a 35' front yard variance and the AC compressors will require a 20' front yard variance.

Present: Lori & Mark Sandler

Ms. Sandler appeared before the board requesting variances to install a hot tub, generator, and relocate air conditioning compressors on her property. She explained they had a pre-existing non-conforming lot and needed the variances because placing the equipment within required setbacks would put them over the septic fields.

Ms. Smith provided additional context from the site visit, noting that the proposed pad for the generator and HVAC equipment would be on an area lower than the current location. Mr. Sandler mentioned they would level the area, making it even lower, add a pad, and screen everything, resulting in less visibility from the road than the current configuration. Ms. Sandler confirmed they would provide evergreen screening as "the last thing we want is for people driving by to see it and we don't want to see them."

Regarding the hot tub, the previous owner had installed a waterfall in a low-grade area with stone retaining walls, which they were removing. The hot tub would be placed in this existing depression and would also be screened.

The applicants explained they initially tried to place the HVAC equipment where it would normally go without requiring variances, but realized it was unattractive from the road and they cared about their street's appearance. Additionally, when inside their house, they found themselves looking directly at the compressors through their kitchen windows.

Ms. Sandler addressed the five criteria: No undesirable change would occur as they would make it look "a lot prettier and better" than the current industrial-looking metal compressors against their historic home. No feasible alternatives existed due to their small lot and septic field constraints. The variance wasn't substantial except for the expense to them. No adverse environmental effects would occur, and they cared greatly about curb appeal. She acknowledged the difficulty was self-created.

When asked about their historic home designation, Ms. Sandler explained they had requested to have it de-landmarked because a previous owner had added a non-historic glass atrium before the landmarking, and they felt it didn't look like a landmark building. Their goal was to make it look more historic than when they purchased it.

During public comment, Anne Benefico of 9 S. Bedford Road asked which exit the applicants

would use to access the hot tub.

There were no letters from neighbors.

Ms. Fusco made a motion to close the public hearing; Ms. Smith seconded. All in favor.

Deliberation:

Mr. Smith noted this was another site where nothing could be done without a variance. He suggested approving the application but modifying it to allow flexibility in placement, setting the same 35-foot variance for both the generator and HVAC compressors so they could be grouped together. He emphasized the screening should use evergreen plants from the Conservation Board's approved native plant list and must be installed and maintained, with this requirement transferring to future property owners.

The members agreed the changes would be a net improvement on such a tiny lot in a three-acre zone. There were no reasonable alternatives that wouldn't require a variance except placing equipment in the small conforming triangle, which would be ridiculous. While the variance was substantial due to the small lot size, it would improve physical conditions in the neighborhood. The difficulty was self-created but understandable given the need for generators and air conditioning, especially since the homeowners mentioned having no cell service.

Mr. Smith moved to approve the variance with language that the 35-foot variance governs placement of both the generator and HVAC compressors for their relocation. Ms. Smith seconded the motion. All in favor. Approved.

David Moreinis, 14 South Eastern Farm Rd., Pound Ridge, NY 10576, also known as Block 9318, Lot 1.9, Zone R-3A. The application for approval to construct a detached garage 13.7' 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 36.3' side yard variance will be required.

Present: Douglas M. Cooper of DMC Associates

Douglas Cooper represented David Moreinis in an application to construct a three-car detached garage 13.7 feet from the side property line, requiring a 36.3-foot side yard variance. The garage was planned for the current asphalt parking area. Mr. Cooper stated they had looked at locations all over the property and all would require a variance.

Addressing the five criteria, Mr. Cooper elaborated: The residential structure would be one story high with no storage above, and they would provide screening toward the adjacent

property. No feasible alternatives existed as other locations would require variances due to the septic area on one side, strong slope toward the conservation easement on the north side, and an underground oil tank. He acknowledged the 36-foot variance was substantial but left it to the board to determine. No adverse environmental effects would occur since the area was already an impervious asphalt parking surface. He acknowledged the difficulty was self-created.

During public comment, Sandra Cohen, the adjacent neighbor at 12 South Eastern Farm Road stated she had just received notice the previous day and was concerned about the variance being substantial for a three-car garage port. She emphasized that the back of the structure would be very close to their shared fence line (approximately 13 feet) and she would be "staring at the back of a building" from her house instead of the current wooded view. She noted that while she could see their house in winter, the front door was far away, but this would place "a whole other structure on the property that's right next to us." She wrote a letter opposing the application due to the adverse impact on her property.

Leah Benincasa of 11 South Eastern Farm Road also spoke in opposition. While acknowledging it wouldn't affect her as much as Mrs. Cohen, she noted that when leaves fall, they would see both the house and the garage from their property.

Ms. Benincasa then raised the issue of Rock Rimmon Homeowners Association bylaws, which she said required all garage entry doors to face the side or rear of the lot. Board members explained that while the HOA bylaws might be more restrictive than town code, the Zoning Board didn't enforce HOA rules. If the board granted a variance, the town could issue a building permit, but any HOA bylaw violations would be a separate matter between the neighbors and would need to be enforced privately.

Ms. Smith observed from reviewing the survey that the proposed garage could potentially be moved to the right, farther from Cohen's property line and at an angle where they wouldn't be staring at the back of it. This location would be closer to the other neighbor's property, but that neighbor had a garage facing this direction rather than their front door. She felt this seemed like a better location requiring less of a variance.

There was one letter submitted by neighbor Sandra Tsang-Cohen.

Ms. Smith made a motion to close the public hearing; Ms. Fusco seconded. All in favor.

Deliberation:

Ms. Fusco felt they could find alternative locations with more research. The variance was deemed substantial at 70% of the required setback, being very close to the property line with a large structure. The board noted the burden on the adjacent neighbor.

Mr. Smith raised concerns about the character of the neighborhood, noting that these developments with very large houses on lots created situations where the massive house plus pool and other structures were "jammed toward the front of the lot" with limited flexibility, despite having 3.6 acres total. He felt that adding another bulky building didn't work with the neighborhood character, regardless of aesthetic possibilities. He stated, "The character of the neighborhood is such that a bulky garage on that lot doesn't work where it is located," though he was skeptical there would be another suitable spot.

The board concluded the applicant had not met their burden under the five criteria. They felt there were feasible alternatives that hadn't been pursued, the variance was substantial, and it would create an adverse impact on the neighboring property.

Ms. Smith made a motion to deny the application. Ms. Fusco seconded the motion. All in favor. Denied.

The Chair informed the applicant they would need to return with an alternative proposal.

Mr. Smith made a motion to call for executive session. Mr. Kao seconded. All voted in favor.

Mr. Kao voted to close the Executive Session. Mr. Smith seconded. All in favor.

Adjournment:

Mr. Smith voted to adjourn the meeting. Ms. Smith seconded. All in favor. Meeting adjourned.