



**TOWN OF BEDFORD**

[www.bedfordny.gov](http://www.bedfordny.gov)

**REVISED**

**AGENDA**

**BEDFORD ZONING BOARD OF APPEALS**  
**425 Cherry Street, 2<sup>nd</sup> Floor Conference Room**  
**Bedford Hills, New York 10507**

**WEDNESDAY, July 9, 2014**

**7:00 P.M. - EXECUTIVE SESSION - Pending Litigation**

**7:30 P.M.**

**MINUTES:** April 3, 2014, May 7, 2014

**AMENDMENT OF FILED RESOLUTION #04-14 Six**

**1. Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549.** Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the location of a manure storage dumpster 22.7 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line. Article III Section 125-25 (3) (b).

**CARRYOVER APPLICATIONS:**

**1. Kevin McKenna dba Twist Frozen Yogurt and Bar and D.R. Katonah, LLC (Owner), 120 Bedford Road, Katonah, NY 10536.** Section 60.7 Block 2 Lot 37, CB Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit: 1. Four signs on the parcel where 2 signs are permitted. Article XI Section 125-20.B, 125 Attachment 1. 2. A Type D: Window. A sign painted on the rear window of the building covers more than 20% of the glass area of the window in which it is located. Article XI Section 125-120.B. (4).

**NEW APPLICATIONS:**

**1. Sarles Realty LLC, c/o Shamberg Marwell Hollis Andreyck & Laidlaw, PC, 234 Sarles Street, Bedford Corners, NY 10549.** Section 94.5 Block 1 Lot 8, R-4 Acre Zoning District. The applicant seeks an interpretation or in the alternative a variance of the Town of Bedford Zoning Ordinance to permit: The creation of an accessory apartment within an existing residence resulting in an apartment where the owner of the lot on which the accessory apartment is located is a limited liability company and one of whose members will be a resident of at least one of the dwelling units on the premises and where no more than 5 persons shall occupy the lot. Article VIII Section 125-79 B. (2) and (3).

**2. Apache Oil Company, Inc. 9 Haines Road, Bedford Hills, NY 10507.** Section 60.13 Block 1 Lot 20, CB Zoning District. The applicant requests a Special Use Permit in accordance with Article VIII Section 125-68 of the Town of Bedford Zoning Ordinance to permit: the renovation and modification of an existing automotive service station for use as a gas and convenience store which such uses are classified as "public garages" under the Town of Bedford Zoning Code.

**3. Brian Prato, 201 Railroad Avenue, Bedford Hills, NY 10507.** Section 60.14 Block 2 Lot 11, LI Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit the reconstruction of an existing, non-conforming commercial building resulting in a rear yard setback of 17 feet where 30 feet is required in the Light Industrial Zoning District where the existing setback is existing, non-conforming; and a side yard setback of 1.3 feet where 15 feet is required in the Light Industrial Zoning District where the existing setback is existing, non-conforming. Article III Section 125-11 and Article V Section 125-50 (125 Attachment 6).

**4. J. P. Morgan Chase, 711-747 Bedford Road, Bedford Hills, NY 10507.** Section 71.12 Block 2 Lot 1, LI Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit: (1) Three Type A Wall Signs on the east, west and south elevations of the building for tenant “Chase Bank” resulting in a total of four signs for the tenant where two signs are permitted. Article I Section 125-120.B.; and (2) Letter height on a sign of 28 ¼ inches where 12 inches is permitted when the sign is located less than 100 feet from the center line of the road. Article XI Section 125-120B (1).

**5. Kathryn Dysart and Jeffrey Schwartz, 76 Mount Holly Road, Katonah, NY 10536.** Section 50.6 Block 1 Lot 1, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower) in a newly constructed accessory structure (3-car garage) where plumbing in accessory structures is prohibited. Article I Section 125-3 Definition of Studio.

**6. John W. Schrader and Francina Stewart, 256 Mount Holly Road, Katonah, NY 10536.** Section 39.19 Block 1 Lot 4, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of a new single family residence and the partial demolition of the existing residence to reduce the size to 640 square feet converting it to an accessory structure for use as a studio with plumbing resulting in (1) building coverage of 3.31% where 3% is permitted in the R-4 Acre Zoning District (Article III Section 125-11 & Article V Section 125-50); and (2) the existing residence to remain while the new residence is under construction and completed, resulting in two residences on one parcel (Article III Section 125-12A); and (3) plumbing in an accessory structure (studio) consisting of 1 toilet, 1 sink, 1 shower) where plumbing in accessory structures is prohibited (Article I Section 125-3 Definition of Studio).

**7. Anne Margaret and Dennis Baum, 128 Baldwin Road, Bedford Corners, NY 10549.** Section 83.12 Block 1 Lot 19, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit additions and alterations to a pre-existing, non-conforming cottage that does not meet the requirements of the Town Code resulting in (1) a front yard setback of 35 feet where 75 feet is required in the Residential 4 Acre Zoning District where the existing front yard setback is 71 feet; (2) the proposed total floor area has not been in existence for 5 years; (3) the total living space is proposed to be 1,469 square feet where 800 square feet is permitted. Article VIII Section 125-79.1A.(1)(2)(5).

Supporting documentation for all items on this agenda is available at the Town of Bedford website [www.bedfordny.gov](http://www.bedfordny.gov). Town Government –Boards–Zoning Board of Appeals–Calendar of Meetings–ZBA at Town Offices). Larger documents and plans are available at the office of the Zoning Board of Appeals

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **Kevin McKenna**  
**dba Twist Frozen Yogurt and Bar**  
**120 Bedford Road**  
**Katonah, NY 10536**

for a variance of the Town of Bedford Zoning Ordinance to permit:

- (1) Four signs on the parcel where 2 signs are permitted. Article XI Section 125-20.B, 125 Attachment 1.
- (2) A Type D: window. A sign painted on the rear window of the building covers more than 20% of the glass area of the window in which it is located. Article XI Section 125-120.B. (4).

For property owned by **D. R. Katonah, LLC.** and located on:

**120 Bedford Road**  
**Katonah, NY 10536**

designated as Section 60.7 Block 2 Lot 37 on the Tax Map of the Town of Bedford in a CB District. Said hearing will take place on the **Wednesday, the 11<sup>th</sup> day of June 2014** at the Town House Offices, 2<sup>nd</sup> Floor, 425 Cherry Street, Bedford Hills, New York at **7:30 p.m.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicant or his representative must be present.

**DATED: May 21, 2014**

**Peter Michaelis, Chair**  
**Town of Bedford Zoning Board of Appeals**

Inquiry may be directed to:  
Alexandra J. Costello - Secretary  
Bedford Zoning Board of Appeals  
425 Cherry Street, Bedford Hills, NY 10507  
(914) 666-4585; Fax: (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 5/21/2014

Parcel ID: 60.7-2-37

## Owner Information

D R Katonah Llc

## Applicant Information

D R Katonah Llc

Attn: Rednick Realty  
125 North Main St

Portchester NY 10573

Location: 122-13 Bedford Rd

Parcel ID: 60.7-2-37

Permit Type: Sign

Work Description: Signs for "Twist Frozen Yogurt"

Dear Resident,

Regarding the application for a Sign Permit on the property referenced above, the following facts are noted. This property is located in CB Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

- (1) Four signs on the parcel where 2 signs are permitted. Article XI Section 125-20.B, 125 Attachment 1.
- (2) A Type D: window. A sign painted on the rear window of the building covers more than 20% of the glass area of the window in which it is located. Article XI Section 125-120.B. (4).

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

  
Steven Fraietta  
Building Inspector



## ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.info](mailto:acostello@bedfordny.info)

RECEIVED

MAY 7 2014

## APPLICATION FOR A VARIANCE

BEDFORD ZONING  
BOARD OF APPEALS

1. Name of Owner: Jeffrey Rednick / D.R. Katonah LLC  
Address: 125 N Main St. Suite 100, Port Chester NY 10573  
Telephone/Email: 914-937-4620 — jrednick@gmail.com
2. Name of Applicant, if other than Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone/Email: \_\_\_\_\_
3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):  
\* Nicholas Redyk / Hudson Sign Co. —  
Address: 211 N Highland Ave. Ossining, NY 10562  
Telephone/Email: 914-488-5555 Nick@hudsonsignco.com
4. Identification Property:  
Street Address: 120 Bedford Rd., Katonah, NY, 10536  
Tax ID: ~~87~~ 60.7, 2, 31 Zoning District: CB  
Total Land Area: 2.10  
% of Building Coverage: N/A % of Impervious Surface N/A  
Property Abuts a State or County Highway, parkway, thruway or park: Yes  No \_\_\_\_\_  
Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No:   
Property is on the \_\_\_\_\_ side of \_\_\_\_\_ within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

**5. Request:**

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: \_\_\_\_\_ Section: \_\_\_\_\_

**To Permit:**

*Logo installed on front window of store Also graphic  
on rear windows of store. Graphic on rear window provides  
privacy for back stock room.*

*4 Sign total where 2 are permitted  
type D - in excess of 20% of glass area*

**6. Plans required:**

Include six copies of survey, site plan, building elevations and floor plans.

**7. Public Notice:**

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

**8. Fees: (make checks payable to the Town of Bedford)**

**Variance**

(As required by Fee Schedule Town of Bedford Code)

Residential:

RECEIVED

\$350.00

Commercial:

MAY 7 2014

\$550.00

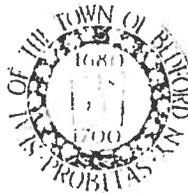
BEDFORD ZONING  
BOARD OF APPEALS

  
\_\_\_\_\_  
Signature of Owner

*1/25/14*  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Applicant

*1/25/14*  
\_\_\_\_\_  
Date



# TOWN OF BEDFORD

425 Cherry Street, Bedford Hills, NY 10507 Ph. (914) 666-8040 Fax (914) 666-2026 e-mail: [bedford@bedfordny.org](mailto:bedford@bedfordny.org)

## Application for Sign Permit

Fee to be Determined According to the Sign Size

**Visual Image of Sign and Survey must be included with Application**

1. Name of Applicant: Kevin McKenna, Trust Frozen Yogurt Bar  
 Address: 120 Bedford Rd Katonah NY 10536  
 Telephone/Email: \_\_\_\_\_

2. Name of Owner: Jeffrey Paulman, DR Katonah LLC 937-4620  
 Address: 125 Main St, Suite 100 P.O. Chester, NY 10578  
 Telephone/Email: \_\_\_\_\_

3. Name of Sign Contractor Preparing Plan: Hudson Sign Co - Nick  
 Address: 211 N Highland Ave Ossining NY 10562  
 Telephone/Email: 914-488-5555

4. Identification Property:  
 Street Address: 120 Bedford Rd Katonah NY 10536  
 Tax ID: 60-72+37 Zoning District: CB Total Land Area: \_\_\_\_\_

5. Number of Signs existing on the property: 3 (all removed)

6. Variances for Signs on the property: \_\_\_\_\_

7. Number of Signs to be erected: 2

8. Size of Signs/Logo to be erected (Letter Height): 12" max letter height on all signs

9. Length of Frontage of building (Distance from Road): \_\_\_\_\_

Signature of Owner: [Signature]

Signature of Applicant: [Signature]

Permit Issued: \_\_\_\_\_ Date: \_\_\_\_\_ Fee: \_\_\_\_\_



Phone: 914-488-5555

Fax: 914-488-5554

info@hudsonsignco.com

www.hudsonsignco.com

ALL DRAWINGS ARE PROPERTY OF AND CAN ONLY BE USED BY HUDSON SIGN CO.



64.00"

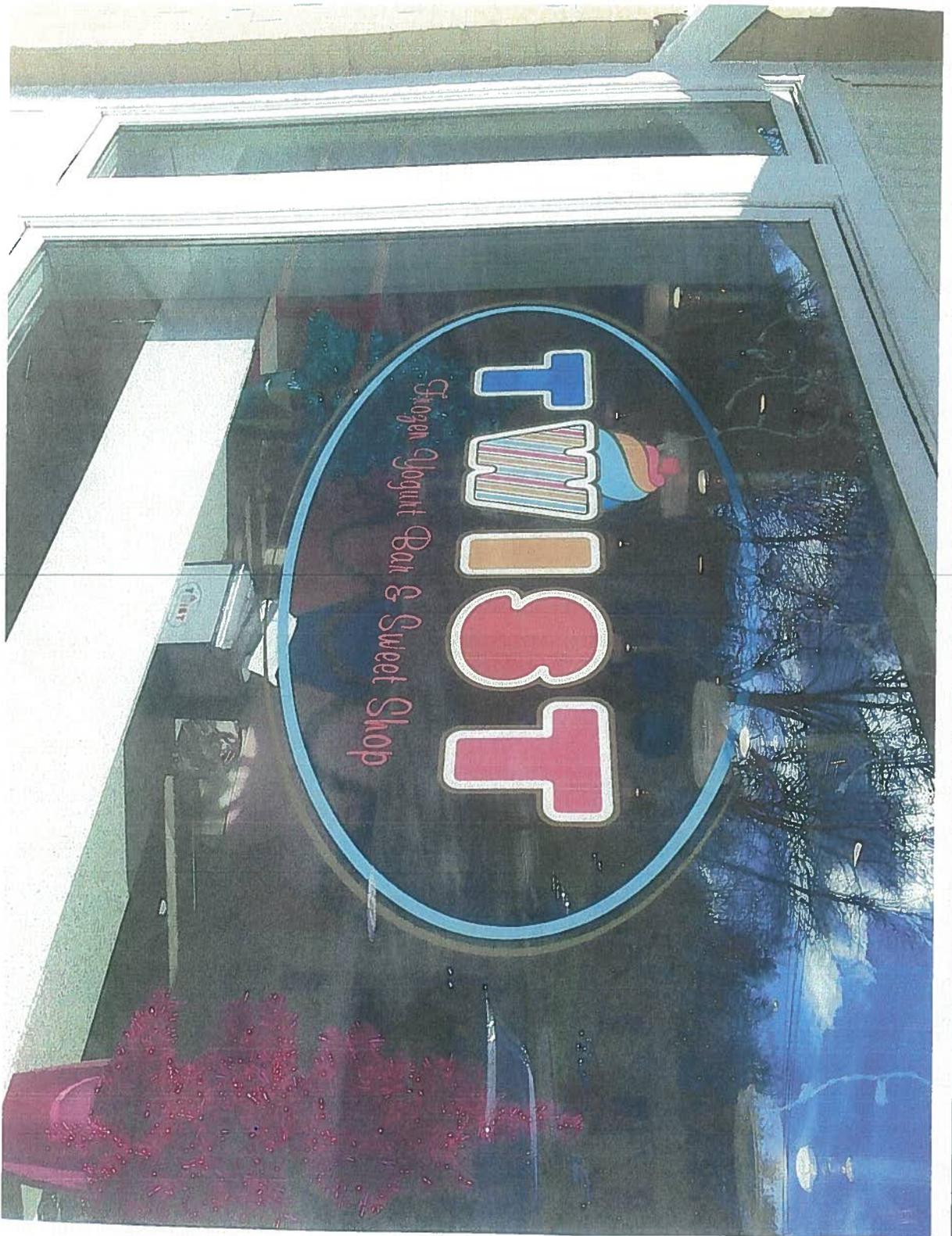
42.00"



*Customer Approval of Drawings Within*

X

CHECK THIS BOX FOR APPROVAL WITH CHANGES



ALL DRAWINGS ARE PROPERTY OF AND CAN ONLY BE USED BY HUDSON SIGN CO.

**HUDSON**  
**SIGN**   
**CO.**

Phone: 914-488-5555

Fax: 914-488-5554

info@hudsonsignco.com

www.hudsonsignco.com

*Customer Approval of Drawings Within*

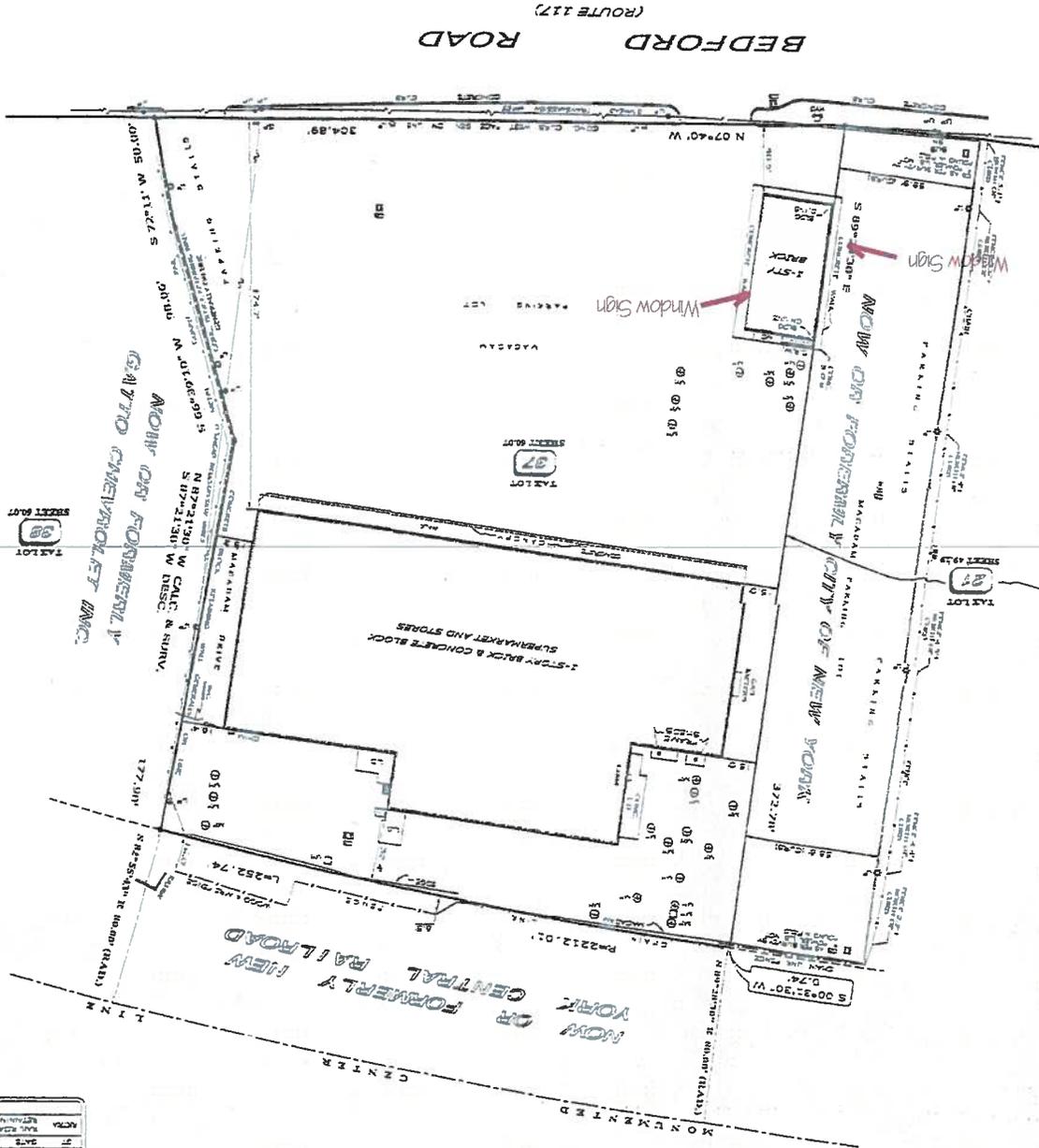
X

CHECK THIS BOX FOR  
APPROVAL WITH CHANGES

*Customer Approval of Drawings Within*

THIS SURVEY IS MADE BY THE SURVEYOR OR HIS ASSISTANT OR UNDER HIS CLOSE PERSONAL SUPERVISION AND TO THE BEST OF HIS KNOWLEDGE AND BELIEF ACCORDING TO THE BEST PRACTICES OF THE SURVEYING PROFESSION. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF HIS MEASUREMENTS AND CALCULATIONS. THE SURVEYOR DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY ANY OTHER PARTY, INCLUDING BUT NOT LIMITED TO, THE CLIENT, THE RECORDING OFFICE, OR ANY OTHER PARTY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF HIS MEASUREMENTS AND CALCULATIONS. THE SURVEYOR DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY ANY OTHER PARTY, INCLUDING BUT NOT LIMITED TO, THE CLIENT, THE RECORDING OFFICE, OR ANY OTHER PARTY.

" BEDFORD "



**LEGEND**

1	PROPERTY LINE
2	ADJACENT PROPERTY
3	ADJACENT ROAD
4	ADJACENT RAILROAD
5	ADJACENT WATER
6	ADJACENT WOODS
7	ADJACENT FIELDS
8	ADJACENT PASTURE
9	ADJACENT WETLANDS
10	ADJACENT SWAMP
11	ADJACENT MOUNTAIN
12	ADJACENT HILLS
13	ADJACENT VALLEY
14	ADJACENT PLAIN
15	ADJACENT SAND DUNE
16	ADJACENT BEACH
17	ADJACENT LAKE
18	ADJACENT RIVER
19	ADJACENT OCEAN
20	ADJACENT TOWN
21	ADJACENT VILLAGE
22	ADJACENT CITY
23	ADJACENT COUNTY
24	ADJACENT STATE
25	ADJACENT FEDERAL

Title No.: ST13 - 19160

NOTE: 5' from cover at time of survey

I, the undersigned, being a duly qualified and licensed Surveyor in the State of New York, do hereby certify that this survey was made by me or under my direct supervision and in accordance with the provisions of the Surveying Law of the State of New York. My commission expires on the 31st day of December, 2008.

*[Signature]*  
 D. R. KATONAH, L.L.C. - Capital One, N.A., its successors and/or assigns

**SURVEY**  
 Tax lot No. 57, Block 2, Sheet 60.07 as shown on the Office Tax Assessment Maps of the Town of Bedford, Westchester County, New York.  
 Map Drafted: March 03, 2008 on scale of 1 inch = 30 feet.  
 Survey completed: March 03, 2008  
 Survey issued: Oct. 23, 2013

**ARISTOTLE BOURNAZOS, P.C.**  
 LICENSED IN  
 LAND SURVEYORS - PLANNERS  
 20 CEDAR STREET  
 NEW ROCHELLE  
 NEW YORK 10801  
 (914) 633-1100  
 CONNECTICUT  
 NEW JERSEY

To the Town of Bedford Zoning Board of Appeals,

I am an area resident. My wife Francesca and I reside at 4 Congdon Lane in Katonah, across the street from the Twist location.

We do not support making any changes to the current zoning code and we do not support any of the accommodations being requested by the owners of "Twist" related to the sign-size or sign-locations.

Respectfully, we'd ask you to vote against these requests. Please honor the original intention of creating these guidelines.

Thanks very much.

Best Regards,  
John Lynch

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RECEIVED

JUN 11 2014

BEDFORD ZONING  
BOARD OF APPEALS

John Lynch  
Client Executive  
[Jlynch@cisco.com](mailto:Jlynch@cisco.com)  
Mobile: (914) 548-2228  
Phone: (201) 782-5006

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **Sarles Realty LLC**  
**c/o Shamberg Marwell Hollis Andreycak & Laidlaw, PC**  
**55 Smith Avenue**  
**Mount Kisco, NY 10549**

The applicant seeks an interpretation or in the alternative a variance of the Town of Bedford Zoning Ordinance to permit: The creation of an accessory apartment within an existing residence resulting in an apartment where the owner of the lot on which the accessory apartment is located is a limited liability company and one of whose members will be a resident of at least one of the dwelling units on the premises and where no more than 5 persons shall occupy the lot. This being a variance of Article VIII Section 125-79 B. (2) and (3) for property owned by the applicant and located on:

**234 Sarles Street**  
**Bedford Corners, New York 10506**

designated as Section 94.5 Block 1 Lot 8 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 11<sup>th</sup> day of June 2014**, at the Town House Offices at 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present.

**DATED:** May 21, 2014

**Peter Michaelis, Chair**  
Town of Bedford Zoning Board of Appeals

**Inquiry may be directed to:**  
Alexandra J. Costello, Secretary  
Town of Bedford Zoning Board of Appeals  
425 Cherry Street, Bedford Hills, NY 10507  
(914) 666-4585; FAX 914-666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

# SHAMBERG MARWELL HOLLIS ANDREYCAK & LAIDLAW, P.C.

ATTORNEYS AT LAW

55 SMITH AVENUE  
MOUNT KISCO, NEW YORK 10549  
(914) 666 - 5600

May 1, 2014

***Via Hand Delivery***

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
Town of Bedford  
425 Cherry Street  
Bedford Hills, NY 10507

RECEIVED

MAY 7 2014

BEDFORD ZONING  
BOARD OF APPEALS

Re: *Sarles Street, LLC*  
*Application for Area Variances from Section 125-79*  
*Premises: 234 Sarles Street, Bedford, New York*  
*Section 94.5, Block 1, Lot 8*

Dear Chairman Michaelis and Members of the Zoning Board of Appeals:

Our firm represents Sarles Realty LLC (the "Applicant") with respect to its application for a special use permit pursuant to Article VIII, Section 125-79, to allow the creation of an accessory apartment within an existing single-family residence on its property located at 234 Sarles Street, and identified on the tax map of the Town as Section 94.5, Block 1, Lot 8 (the "Property"). The Applicant now applies to your Board for certain area variances in connection therewith.

The Planning Board is authorized to grant a special permit in the Residence Four-Acre Zoning District for the creation of an accessory apartment within a single-family residence, subject to twelve specific standards. The Applicant appeared before the Planning Board on February 18, 2014 and on April 8, 2014. In response to the Planning Board's comments and suggestions at the February meeting, the Applicant revised its plans for the apartment. At its April meeting, the Planning Board accepted the plans, as revised, but denied the application on the basis of its failure to comply with one of the twelve specific special permit standards, as discussed herein. A copy of the Planning Board Resolution No. 14/11 is attached.

In addition, in order to proceed to this Board, the Applicant sought review of its plans by the Building Inspector and submitted its Building Permit application on April 24, 2014. We expect a denial of said application on the basis of the failure to satisfy one or more of the twelve special permit standards.

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 2

In furtherance of this application for area variances, we enclose along with this letter six (6) sets of the following:

- Completed Town of Bedford Zoning Board of Appeals Application for a Variance;
- Letters to the Planning Board on behalf of the Applicant dated February 3, 2014 and March 25, 2014;
- Completed Town of Bedford Environmental Clearance Form;
- Completed Short Environmental Assessment Form;
- Survey entitled "Survey of Property prepared for Sarles Realty LLC," dated August 3, 2012, rev. dated July 13, 2013, prepared by H. Stanley Johnson and Company;
- Certificate of Compliance No. 2013-1694 for interior alterations, issued on August 29, 2013;
- Drawings prepared by Carol Kurth Architecture P.C., dated January 31, 2014, with revisions through March 20, 2014, which include the existing/previously approved foundation, first floor and second floor existing conditions plans, the proposed alteration to the first floor level showing the accessory apartment, and the proposed alteration to the second floor level for storage purposes;
- Planning Board Resolution No. 14/11 adopted on April 8, 2014, and dated April 22, 2014;
- Zoning Board of Appeals Resolution No. 2-00 One, concerning Trelawny Farms Inc.

Additionally, we submit a check made payable to the Town of Bedford in the amount of \$350.00 for the variance application fee.

The Property is located within the Residence Four-Acre District, and is 5.24 acres in size. The Property is improved with an approximately 6,826 square foot residence, and has an existing building coverage of 1.98% where 3.0% is permissible, and impervious surface coverage of approximately 7.76% where 8.0% is permissible.

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 3

### INTRODUCTION

Members of the Applicant, Nelson and Claudia Peltz, and their related entities own a total of approximately 178 acres of land within the Town, which, with the improvements thereon, requires significant maintenance and management. Accordingly, a number of individuals are employed to assist in the management of the collective estate.

As the Bedford Zoning Code does not provide a direct mechanism for the provision of staff housing, Mr. and Mrs. Peltz have explored other avenues for housing. For example, this Board recently granted a variance for the adjoining property at 262 Sarles Street to permit more than four employees to reside at that property as a single family unit with separate bedrooms and bathrooms but with a common kitchen. There is no accessory apartment or cottage on that property.

In this instance, the Applicant proposes to construct an accessory apartment within the main portion of the existing single-family residence. The "main dwelling" portion of the residence has been, and continues to be, occupied by an employee of nearly twenty years' seniority, who will become a member of the Owner/Applicant LLC, and who will continue to reside with his wife and four children in the residence. The proposed apartment would be occupied by a full-time employee and his wife who are unrelated to the residents in the main dwelling portion of the residence.

The proposal is to section off part of the first floor level to create an 875 square foot one-bedroom accessory apartment. The apartment's floor area would be approx. 13.8% of the total existing square footage of the first and second floors of the residence, which total 6,358 square feet. The apartment would be located in the wing of the house that is currently a playroom (originally a garage), by reconfiguring and converting the existing wet bar, playroom, bedroom, and bathroom into a kitchen/living area, bedroom, and bathroom. The existing internal staircase will be closed off and the second floor area above the apartment that currently contains bathrooms and bedrooms will be converted into storage space, with access provided by an external staircase. Furthermore, the entry door into the apartment will be located on an existing side deck.

The annexed Certificate of Compliance confirms that the alterations to the first floor area were previously approved by the Building Department, including an entertainment area, playroom, wet bar, 3 bedrooms, 2 full baths, 2 open decks, and a rear storage lean to shed.

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 4

All of these individuals will reside rent-free at the Property, as Mr. and Mrs. Peltz provide, and will continue to provide, rent-free housing for staff. Thus, neither the main portion of the residence nor the accessory apartment will be rented, as the Property will be used solely to provide housing for employees who support the family members and assist in the management of the properties owned by Mr. and Mrs. Peltz and their related entities.

**THE SPECIAL PERMIT STANDARDS AT ISSUE**

For the reasons set forth in the enclosed February 3, 2014 letter to the Planning Board, the Applicant meets all of the general standards for the requested special use permit and all but two of the twelve specific standards set forth in Section 125-79. The second and third standards, as written, simply cannot be met by the Applicant.

The second standard requires that “[t]he owner of the lot on which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.” In this instance, the property is owned by a Limited Liability Company, not an individual. The long-time employee of the Peltzes who, together with his family, occupies the main portion of the house, will become a member of the Applicant. For the reasons discussed herein, we submit that this arrangement meets the purpose of the legislative occupancy requirement.

The third standard requires that “[n]o more than five persons shall occupy the lot.” In this instance it is impossible to limit the number of persons on the lot to five since the family already occupying the residence consists of two adults and four children. Thus, even without an accessory apartment, the standard is exceeded. The proposed accessory apartment would add only two individuals, an employee and his wife. The two existing, fully-approved septic systems have been approved for the same number of bedrooms, as the accessory apartment will be created from an existing bedroom and bathroom.

We note that although the maximum square footage for an accessory apartment is 800 square feet, the Planning Board has waived the additional 75 feet of space proposed as that constitutes less than a 10% increase in size. Further, as the Planning Board’s denial refers to the second standard only, we suggest that the Planning Board has also waived compliance with the third standard. Nevertheless, we address both the second and third standards in this submission.

All of the other special use permit criteria, including all dimensional requirements, are fully satisfied.

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 5

## **THE REQUEST FOR AREA VARIANCES**

### **The Balancing Test**

Section 267-b(3)(b) of the New York State Town Law (and Article XII, Section 125-129(C)(2)(b) of the Zoning Code), sets forth the following “balancing test” to be applied by the Zoning Board in its review of this application for area variances:

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

We examine the Applicant’s requested area variance in light of each of the foregoing factors below:

### **The Benefit to the Applicant Far Exceeds Any Detriment to the Community**

New York State courts have established that, where the benefit of the requested variance to the applicant is great, similar variance applications have been approved in the past, and any

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 6

detriment to the neighborhood is minimal, a zoning board should grant the variance. *See e.g., Tall Trees Const. Corp. v. Zoning Bd. of Appeals of Town of Huntington*, 97 N.Y.2d 86, 735 N.Y.S.2d 873 (2001).

The benefit to the Applicant of the requested variance is great, as the ability to provide safe, rent-free and desirable housing to individuals employed at their properties, individuals who in many cases are long-term employees and may not otherwise be able to secure affordable housing within the Town, is significant. Should an additional employee not be able to reside at the Property, he and his wife may be forced to commute great distances, find themselves in less desirable and possibly less safe living conditions in neighboring communities, or be precluded from such an employment opportunity due to, among other things, the lack of suitable housing or transportation.

Additionally, it is respectfully submitted that the grant of the proposed area variances would further certain goals of the Town's Comprehensive Plan such as the preservation of open space within the Town, a great deal of which the Comprehensive Plan recognizes is in private hands in the form of large estates that should be protected, as they are subject to significant development potential. The ability to provide safe housing for their employees on their properties contributes to Mr. and Mrs. Peltz's ability to manage their substantial property holdings within the Town.

The Comprehensive Plan further recognizes that there is a shortage of moderately priced housing within the Town, and that the mechanisms for creating affordable housing are numerous. In this instance, the proposed employee housing would be provided rent-free by the Applicant to employees.

The need for the creation of affordable housing is not only recognized by the Comprehensive Plan, but also in the ongoing implementation of the 2009 affordable housing lawsuit settlement between Westchester County and the U.S. Department of Housing and Urban Development. Indeed, in March 2013, Federal Monitor James Johnson noted that additional affordable housing creation to meet the Town's affordable housing unit goal "will remain rare without creative solutions." We submit that this application may present one such creative solution or mechanism.

Furthermore, it is respectfully submitted that there will be no detriment to the community as a result of the requested area variances, in part because the Property is part of the larger Peltz estate and the proposed accessory apartment is only 13.8% of the total floor area of the main residence. No external modifications to the residence are proposed and the only interior

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 7

structural change will be to close off the hall connecting this portion of the house with the main portion of the residence.

Moreover, there is precedent with respect to the variance for the second specific special use permit standard that requires that the property owner occupy either the main residence or the accessory apartment. In or around the 1999/2000, an application by Trelawny Farms Inc. to this Board involved similar issues since the property located on Indian Hill Road was owned by a corporate entity and the applicant sought permission for two accessory apartments at the single-family residence. This was a horse property that, as in this case, required the housing of employees. After much discussion on the topic of "owner occupancy," this Board adopted Resolution No. 2-00 - One, annexed hereto which waived the requirement that the owner occupy one of the dwelling units subject to the following conditions: "(1) An officer of the Corporation shall reside on the property and (2) The property shall only be occupied by on-site employees of the Corporation." In this case, we request that this Board similarly waive the requirement with the condition that the person residing in the main residence always be a member of the Limited Liability Company that owns the Property. It is also significant that accessory apartment would not be rented and would be used only to provide rent-free housing for individuals employed at nearby properties owned by Mr. and Mrs. Peltz, members of the Applicant, and their related entities.

**Granting The Variances Will Not Create  
an Undesirable Change in Neighborhood  
Character or a Detriment to Nearby Properties**

With respect to the first of the five statutory sub-criteria to be applied in the balancing test, regarding neighborhood character, the Applicant submits that the granting of the area variances will not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties.

The Property is larger than the minimum required district size(s), the existing single-family residence complies with applicable maximum coverage limitations, and there will be no change to the exterior of the residence. The proposal will utilize an existing area with a wet bar, playroom, bedroom and bathroom and restructure it by adding wall partitions, relocating the bathroom, and converting an existing wet bar into a kitchen with the addition of a stove. The existing bedrooms on the second floor will become storage space.

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 8

We respectfully submit that the granting of the requested variances would not result in any undesirable change in the character of the neighborhood or create a detriment to nearby properties, thereby satisfying the first statutory sub-criterion under the balancing test.

**There is No Other Feasible Method to  
Obtain the Benefit Sought By the Applicant**

With respect to the second of the five statutory sub-criteria to be applied in the balancing test, regarding other feasible methods to obtain the benefit sought, the Applicant is seeking to create an accessory apartment that meets all dimensional requirements but that it cannot meet two criteria due to existing circumstances.

The Zoning Code requires that an owner occupy one of the dwelling units and limits the number of people residing on a lot to five (5). However, because the Property is owned by a Limited Liability Company rather than an individual and there is already a family at the main residence that consists of six (6) individuals before one adds the two residents of the proposed accessory apartment residents, the Applicant has no other option for creating the accessory apartment than to seek the requested variances.

Thus, the Applicant cannot provide the additional employee and his wife with the opportunity to reside at the Property without the requested variances.

**The Variances Are Not Substantial**

With respect to the third sub-criterion, the Applicant submits that the requested variances are insubstantial. It is established generally that the substantiality of a variance must be viewed in its context, not just as a mathematical calculation. *See e.g., Aydelott v. Town of Bedford Zoning Board of Appeals*, 6/25/2003 N.Y.L.J. 21 (col. 4) (J. Dickerson); *Robbins v. Seife*, 215 A.D.2d 665, 628 N.Y.S.2d 311 (2d Dept. 1995). What is substantial is relative, based upon the particular circumstances.

It is respectfully submitted that the requested area variances are not substantial when one considers that there is no deviation from the dimensional standards and the existing single-family residence is compliant with all coverage requirements.

The requirement that an owner occupy one of the dwelling units can be easily satisfied with a condition that a member of the Limited Liability Company that owns the Property continue to reside at the Property. This will ensure that the residence is not leased to individuals

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 9

unrelated to the Peltz estate. The Applicant has also stated on numerous occasions that the accessory apartment will be used only by employees and will be provided rent-free.

The requirement that no more than five persons may occupy the Property appears to be aimed at preventing overcrowding. However, the main residence is 6,826 square feet, which is plenty of room to house the family that already resides there that is made up of six (6) individuals. The proposed 875 square foot accessory apartment will be for two additional people, an employee and his wife, leaving over 6,000 square feet for the family in the main residence. Thus, although there would be 8 persons residing at the house, in context it is simply not a substantial deviation from the 5 person limit. Furthermore, there are two approved septic systems already on the Property that service the existing household, which includes the existing bedroom and bathroom that will become part of the accessory apartment.

In light of foregoing, we submit that the requested variance is not substantial. However, even if the variance is found to be substantial, this is but one element of the balancing test and not determinative.

---

**The Variances Will Have No Adverse  
Effect on the Physical or Environmental  
Conditions in the Neighborhood**

With respect to the fourth statutory sub-criterion, the proposed area variance will have no adverse effect or impact on the physical or environmental conditions in the neighborhood.

As discussed above, the Property is larger than the minimum lot size of 4 acres and the accessory apartment will be located entirely within the existing single-family residence on the Property. There will be no external changes to the residence and all dimensional requirements for the accessory apartment will be met. The variances at issue pertain to standards that seek to retain control over the accessory apartment and perhaps to prevent overcrowding, neither of which concerns apply in this instance.

Thus, we submit that the requested area variance will not result in any adverse impacts on the physical or environmental conditions in the neighborhood.

Hon. Peter Michaelis, Chairman  
and Members of the Zoning Board of Appeals  
May 1, 2014  
Page 10

**The Requested Variances Are Not  
The Result of a Self-Created Difficulty**

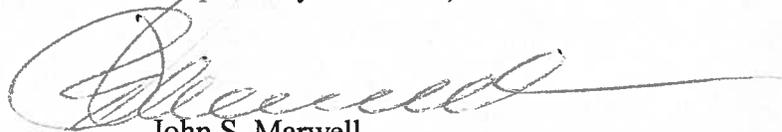
In this case, the Applicant has taken great pains to ensure that all dimensional criteria are met and that there are minimal exterior or interior changes to accommodate the proposed accessory apartment. The special permit criteria at issue are beyond the Applicant's control as they pertain to the ownership of the Property and the number of existing residents at the Property.

However, even if considered to be self-created, it is established that the issue of whether a difficulty is self-created expressly is not determinative in the context of an area variance because other factors should be weighed more heavily and a finding of self-created difficulty does not preclude a board of appeals from granting a variance.

We respectfully request that you place this application on your Board's next available agenda, and look forward to discussing its merits with your Board in further detail at that time.

---

Respectfully submitted,



John S. Marwell

JSM/tt  
Enclosures

c: Joel H. Sachs, Esq., Town Attorney (w/encs.)  
Hon. Deirdre Courtney-Batson, Chairwoman  
Town of Bedford Planning Board (w/encs.)



## ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.info](mailto:acostello@bedfordny.info)

### APPLICATION FOR A VARIANCE

1. Name of Owner: Sarles Realty, LLC

Address: c/o Shamberg Marwell Hollis Andreycaak & Laidlaw, P.C., 55 Smith Ave., Mt. Kisco, NY 10549

Telephone/Email: (914) 666-5600 jmarwell@smhal.com

2. Name of Applicant, if other than Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/Email: \_\_\_\_\_

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

Carol Kurth Architecture, P.C.

Address: 644 Old Post Road, Bedford, New York 10506

Telephone/Email: (914) 234-2595 carol.kurth@carolkurtharchitects.com

4. Identification Property:

Street Address: 234 Sarles Street, Bedford Corners, NY 10549

Tax ID: Section 94.5, Block 1, Lot 8 Zoning District: R-4A

Total Land Area: 5.24 acres

% of Building Coverage: 1.98% % of Impervious Surface 7.76%

Property Abuts a State or County Highway, parkway, thruway or park: Yes \_\_\_\_\_ No X

Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No: X

Property is on the east side of Sarles Street within the unincorporated area of the Town of Bedford.

RECEIVED  
FEB 4 2014  
BEDFORD ZONING  
BOARD OF APPEALS

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

**5. Request:**

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: Article VIII Section: 125-79(B)(2) and (3)

**To Permit:**

The creation of an accessory apartment in an existing single-family residence. See attached letter for details.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Plans required:**

Include six copies of survey, site plan, building elevations and floor plans.

**7. Public Notice:**

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

**8. Fees: (make checks payable to the Town of Bedford)**

**Variance**

(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00



Signature of Owner  
John S. Marwell, as authorized representative  
for Sarles Realty, LLC

2/3/14  
Date

RECEIVED  
FEB 4 2014  
BEDFORD ZONING  
BOARD OF APPEALS

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**PLANNING BOARD  
Town of Bedford  
Westchester County, New York**

**RECEIVED  
APR 24 2014**

**RESOLUTION NO. 14/11  
DENIAL  
SARLES REALTY LLC**

**BEDFORD ZONING  
BOARD OF APPEALS**

**WHEREAS**, an application received March 25, 2014 from Sarles Realty LLC, 234 Sarles Street, Bedford, New York for approval of a proposed accessory apartment, affecting property located at 234 Sarles Street, Bedford shown and designated on Town Tax Maps as Section 94.5 Block 1 Lot 8, in the Residential Four Acre District, and

**WHEREAS**, the Planning Board finds that the proposal does not meet the standards for approval as specified in the Town Code as follows:

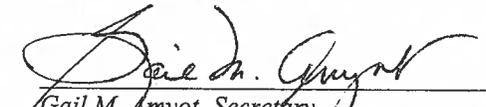
1. The proposal does not meet the requirements of Section 125- 79 (B)(2) – The owner of the lot on which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.

**NOW THEREFORE BE IT RESOLVED** that the request for approval of the special use permit is hereby denied.

**ADOPTED:** April 8, 2014

**DATED:** April 22, 2014

*The foregoing resolution is certified to be a true copy of the resolution, which was adopted April 8, 2014 by the Planning Board of the Town of Bedford and was filed in the Office of the Clerk of the Town of Bedford on April 22, 2014.*

  
Gail M. Amyot, Secretary  
Town of Bedford Planning Board

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 5/2/2014

Parcel ID: 94.5-1-8

## Owner Information

Sarles Realty LLC

## Applicant Information

Sarles Realty LLC

c/o Triam Partners Mgmt  
280 Park Ave

New York NY 10017

Location: 234 Sarles St

Parcel ID: 94.5-1-8

Permit Type: Apartment

**Work Description:** Creation of an accessory apartment within an existing single family residence.

Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The creation of an accessory apartment within an existing residence resulting in an apartment where the owner of the lot on which the accessory apartment is located does not occupy at least one of the dwelling units on the premises and where no more than 5 persons shall occupy the lot. The applicant may apply for relief from Article VIII Section 125-79 B. (2) and (3) of the Town Code.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

Steven Fraietta  
Building Inspector

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of:           **Apache Oil Company, Inc.**  
                              **261 Ledyard Street**  
                              **New London, CT 06320**

For a Special Use Permit in accordance with Article VIII Section 125-68 of the Town of Bedford Zoning Ordinance to permit the renovation and modification of an existing automotive service station for use as a gas and convenience store which such uses are classified as “public garages” under the Town of Bedford Zoning Code on property owned by the applicants and located on:

**9 Haines Road**  
**Bedford Hills, NY 10507**

Designated as Section 60.13 Block 1 Lot 20 on the Tax Map of the Town of Bedford in the CB Zoning

---

District. Said hearing will take place on **Wednesday, the 9<sup>th</sup> day of July 2014** at the Town House Offices, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present.

**DATED: June 17, 2014**

**Peter Michaelis, Chair**  
Town of Bedford Zoning Board of Appeals

**Inquiry may be directed to:**  
Alexandra J. Costello, Secretary  
Town of Bedford Zoning Board of Appeals  
425 Cherry Street  
Bedford Hills, NY 10507  
(914) 666-4585; (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

**Submission Form to the Westchester County Planning Board  
For Planning and Zoning Referrals  
REQUIRING NOTIFICATION ONLY**

Application

County Ref. No. **BED N14-001**

*The Westchester County Planning Board has predetermined that certain categories of planning and zoning applications are matters for local determination only. For any application listed below, submission of this completed form will satisfy the requirements of NYS General Municipal Law and the Westchester County Administrative Code that the local board provided adequate notification to the County Planning Board in accordance with Planning Board procedures. No other material need be sent. Upon receipt, the County Planning Board will complete the bottom section of this form and return it to you to for your records to indicate compliance with referral requirements.*

**When completed save this form and e-mail to: [muniref@westchestergov.com](mailto:muniref@westchestergov.com) or print and fax to 914-995-3780.**

Municipality: **Bedford**

Referring Agency (check one):  Planning Board or Commission  
 Zoning Board of Appeals  
 City or Common Council/Town Board/Village Board of Trustees

Application Name and Local Case Number: **Apache Oil Company, Inc.**

Address: **9 Haines Rd, Bedford Hills**  
Section: **60.13** Block: **1** Lot: **20**

Submitted by (name and title): **Jeffrey Osterman, Director of Planning**

E-mail address (or fax number): **josterman@bedfordny.gov**

The above referenced application qualifies for the notification only procedure to the County Planning Board because it falls within the category of action checked below:

- Zoning Area Variance** to decrease front yard setback, decrease minimum street frontage or decrease average lot width for property abutting a State or County road or park
- Special Use Permit or Use Variance** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance.
- Site Plan** to allow less than 5,000 square feet of new or renovated floor area and less than 10,000 square feet of land disturbance on property within 500 feet of:
  - The boundary of a city, town or village
  - The boundary of an existing or proposed state or county park, recreation area or road right-of-way
  - An existing or proposed county drainage channel line
  - The boundary of state- or county-owned land on which a public building/institution is located or
  - The boundary of a farm located in an agricultural district.

*(Please note: All applications given a Positive Declaration pursuant to SEQR must be referred as a complete application. Do not use this form.)*

Do not write below this line.

Date received by the Westchester County Planning Board: **6/23/14**

Notification acknowledged by (name and title): **Kay Eisenman, Planner**

RECEIVED

JUN 26 2014

BEDFORD ZONING  
BOARD OF APPEALS

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/12/2014

Parcel ID: 60.13-1-20

## Owner Information

Lee, Robert

## Applicant Information

Lee, Robert

c/o Apache Oil  
261 Ledyard St

New London CT 06320

Location: 9 Haines Rd

Parcel ID: 60.13-1-20

Permit Type: Special Use Permit

**Work Description:** The renovation and modification of an existing automotive service station for use as a gas and convenience store

Dear Resident,

Regarding the application for a Special Permit on the property referenced above, the following facts are noted. This property is located in CB Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The renovation and modification of an existing automotive service station for use as a gas and convenience store requires:

1. Special Use Permit of the Zoning Board of Appeals in accordance with Article VIII Section 125-68 of the Town of Bedford Zoning Ordinance.
2. Site Plan approval from the Planning Board.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

Steven Fraietta  
Building Inspector

# MEMORANDUM

RECEIVED

JUN 11 2014

BEDFORD ZONING  
BOARD OF APPEALS

TO: Bedford Zoning Board of Appeals

FROM: Bedford Planning Board

DATE: May 2, 2014

SUBJECT: Special Use Permit – Section 125-68 Automotive Service Stations  
Apache Oil Company, Inc.  
Section 60.13 Block 1 Lot 20, CB Zone  
9 Haines Road, Bedford Hills

At its meeting held April 22, 2014, the Planning Board reviewed the plan proposed by Apache Oil Company for modifications to the existing service station located on Haines Road.

The proposed site plan is titled "Proposed Renovation: Convenience Store, 9 Haines Road, Bedford, New York 10507," dated 9/2/13, last revised 3/30/14, prepared by Louis C. Roane, Architect. The Planning Board recommends approval of the Special Use Permit by the Zoning Board of Appeals with the conditions listed below:

1. The applicant shall provide a more detailed lighting plan and label the handicapped spaces in the parking lot.
2. The applicant shall plant 30" high boxwoods, 4'6" on center.
3. The pole shall include white fixtures with lamps not to exceed 175 watts and dark sky compliant.
4. The applicant shall add a stop bar painted on the driveway at the exit of the site.
5. The roof shall use dark brown asphalt shingles.
6. The Zoning Board of Appeals should establish themselves as the Lead Agency for the purpose of coordinated review under the New York State Environmental Quality Review Act.
7. The applicant shall return to the Planning Board for final site plan approval.

cc: Apache Oil Company, Inc.



RECEIVED

MAY 30 2014

BEDFORD ZONING BOARD OF APPEALS

### ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)

### APPLICATION FOR A SPECIAL PERMIT

1. Name of Owner: APACHE OIL COMPANY, INC.  
 Address: 261 LEDYARD ST, NEW LONDON CT 06320  
 Telephone/Email: 860-437-6200 / FAX@APACHEOILCO.COM
  
2. Name of Applicant, if other than Owner: LEWIS C ROANE RA  
 Address: 3 WINDSOR RD, CROTON NY 10520  
 Telephone/Email: 914-330-1802 LEWIS ROANE DESIGN@GMAIL.COM
  
3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):  
LEWIS CHARLES ROANE  
 Address: 3 WINDSOR RD CROTON NY 10520  
 Telephone/Email: 914 330-1802 LEWIS ROANE DESIGN@GMAIL.COM
  
4. Identification Property:  
 Street Address: 9 HAINES RD  
 Tax ID: § 60.13-1-20 Zoning District: CB Total Land Area: \_\_\_\_\_  
 Age of the Building 1955  
 Is the property located in a designated Historic District? No  
 % of Building Coverage: \_\_\_\_\_ % of Impervious Surface \_\_\_\_\_  
 Property Abuts a State or County highway, parkway, thruway or park: Yes \_\_\_\_\_ No \_\_\_\_\_  
 Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No: \_\_\_\_\_  
 Property is on the \_\_\_\_\_ side of \_\_\_\_\_ within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS**  
**APPLICATION FOR A SPECIAL PERMIT**

Page 2

5. Request:

The applicant requests that the Board approve the issuance of a Special Permit under the following section of the Code of the Town Bedford:

Article: \_\_\_\_\_ Section: \_\_\_\_\_

The applicant proposes the following Special Permit:

RENOVATE EXIST GAS & REPAIR SERVING STATION TO A  
GAS & CONVENIENCE STORE

6. Plans required:

Include six copies of a narrative, survey, site plan, building elevations and floor plans.

7. Public Notice:

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

8. Site Plan:

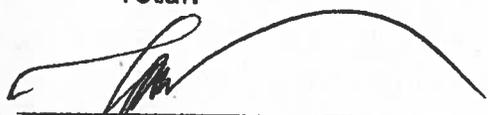
Include a Preliminary Site Plan Application form, fee, and ten (10) copies of a Preliminary Site Plan complying with all requirements of Article IX, Section 125-88 of the Code of the Town of Bedford.

9. Fees: (make checks payable to the Town of Bedford)

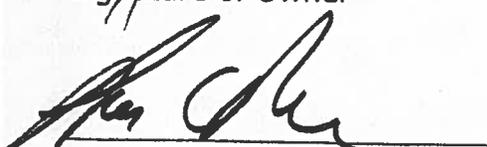
Special Permit Application \$350.00

Preliminary Site Plan: \$ \_\_\_\_\_  
(As required by Fee Schedule Town of Bedford Code)

Total: \$ \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Owner

5/20/14  
Date

  
\_\_\_\_\_  
Signature of Applicant

5/27/14  
Date

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **Brian Prato**  
**101 Cherry Street**  
**Bedford Hills, NY 10507**

for a variance of the Town of Bedford Zoning Ordinance to permit:

The reconstruction of an existing, non-conforming commercial building resulting in a rear yard setback of 17 feet where the 30 feet is required in the Light Industrial Zoning District where the existing setback is existing, non-conforming; and a side yard setback of 1.3 feet where 15 feet is required in the Light Industrial Zoning District where the existing setback is existing, non-conforming. This being a variance of Article III Section 125-11 and Article V Section 125-50 (125 Attachment 6) for property located on:

---

**201 Railroad Avenue**  
**Bedford Hills, NY 10507**

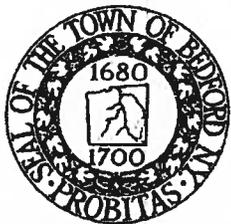
designated as Section 60.14 Block 2 Lot 11 on the Tax Maps of the Town of Bedford in a Light Industrial Zoning District. Said hearing will take place on **Wednesday, the 9<sup>th</sup> day of July 2014**, at the Town House Offices at 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present.

**DATED:** June 17, 2014

**Peter Michaelis, Chair**  
Town of Bedford Zoning Board of Appeals

**Inquiry may be directed to:**  
Alexandra J. Costello, Secretary  
Town of Bedford Zoning Board of Appeals  
425 Cherry Street  
Bedford Hills, NY 10507  
(914) 666-4585, FAX: (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/11/2014

Parcel ID: 60.14-2-11

## Owner Information

Prato, Brian

## Applicant Information

Prato, Brian

Prato, Barbara

PO BOX 741

Katonah

NY

10536

Location: 201 Railroad Ave

Parcel ID: 60.14-2-11

Permit Type: Commercial Renovation

Work Description: Renovation of existing commercial building

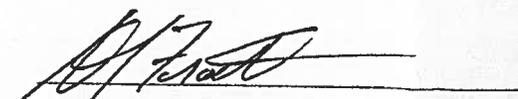
Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in LI Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The reconstruction of an existing, non-conforming commercial building resulting in a rear yard setback of 17 feet where the 30 feet is required in the Light Industrial Zoning District where the existing setback is existing, non-conforming; and a side yard setback of 1.3 feet where 15 feet is required in the Light Industrial Zoning District where the existing setback is existing, non-conforming. This being a variance of Article III Section 125-11 and Article V Section 125-50 (125 Attachment 6).

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

  
Steven Fraietta  
Building Inspector



**ZONING BOARD OF APPEALS**

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)

Rec'd  
6-2-14

RECEIVED  
JUN 2 2014  
BEDFORD ZONING  
BOARD OF APPEALS

**APPLICATION FOR A VARIANCE**

1. Name of Owner: Brian Prato

Address: 101 Cherry Street

Telephone/Email: Katowah New York 10586

2. Name of Applicant, if other than Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/Email: Pratoautobody@gmail.com

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

Jeff Nachmani

Address: Quaker Hill Chappaqua New York

Telephone/Email: 914-861-9112

4. Identification Property:

Street Address: 201 Railroad Avenue Bedford Hills N.Y. 10507

Tax ID: 60-14-2-11 Zoning District: LI Total Land Area: .803

Age of the Building 1950

Is the property located in a designated Historic District? No

% of Building Coverage: Existing % of Impervious Surface Existing

Property Abuts a State or County highway, parkway, thruway or park: Yes \_\_\_\_\_ No

Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No:

Property is on the east side of Railroad Ave within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

5. Request:

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article:       ✓       Section:       125-50      

To Permit:       III             125-11      

Reconstruction of an existing Building  
Rear yard is 17' where 30' Required  
Side yard is 103' where 15' is Required

6. Plans required:

Include six copies of survey, site plan, building elevations and floor plans.

7. Public Notice:

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

8. Fees: (make checks payable to the Town of Bedford)

Variance	
(As required by Fee Schedule Town of Bedford Code)	
Residential:	\$350.00
Commercial:	\$550.00 ✓

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JUN 2 2014  
BEDFORD ZONING  
BOARD OF APPEALS

Brian Pato  
Signature of Owner

6/2/14  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **J. P. Morgan Chase**  
**270 Park Avenue**  
**New York, NY 10017**

for a variance of the Town of Bedford Zoning Ordinance to permit:

1. Three Type A Wall signs on the east, west and south elevations of the building for tenant "Chase Bank" resulting in a total of four signs for the tenant where two signs are permitted. Article XI Section 125-120.B.
2. Letter height on a sign of 28 1/4 inches where 12 inches is permitted when the sign is located less than 100 feet from the center line of the road. Article XI Section 125-120B (1).

For property owned by **DP 40 LLC** and located on:

**711-747 Bedford Road**  
**Bedford Hills, New York 10507**

---

designated as Section 71.12 Block 2 Lot 1 on the Tax Map of the Town of Bedford in a LI Zoning District.

Said hearing will take place on **Wednesday, the 9<sup>th</sup> day of July 2014** at the Town House Offices, 2<sup>nd</sup> Floor, 425 Cherry Street, Bedford Hills, New York at **7:30 p.m.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicant or his representative must be present.

**DATED:** June 17, 2014

**Peter Michaelis, Chair**  
**Town of Bedford Zoning Board of Appeals**

**Inquiry may be directed to:**

Alexandra J. Costello - Secretary  
Bedford Zoning Board of Appeals  
425 Cherry Street, Bedford Hills, NY 10507  
(914) 666-4585; FAX: (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/13/2014

Parcel ID: 71.12-2-1

## Owner Information

DP 40 LLC

## Applicant Information

DP 40 LLC

333 North Bedford Rd

Mt Kisco NY 10549

Location: 711-74 Bedford Rd

Parcel ID: 71.12-2-1

Permit Type: Sign

**Work Description:** The installation of 3 additional Type A: Wall signs on the east, west and south elevations of the new building to be used as a Chase bank.

Dear Resident,

Regarding the application for a Sign Permit on the property referenced above, the following facts are noted. This property is located in LI Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The installation of three (3) Type A: Wall signs on the east, west & south elevations of the new building to be used as a Chase bank resulting in a letter height of 28 1/4 inches where 12 inches is permitted when the sign is located less than 100 feet from the center line of the road. Article XI Section 125-120B (1); and to permit four signs on the building for the tenant where 2 signs are permitted. Article XI Section 125-120.B.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

Steven Fraietta  
Building Inspector



## ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.info](mailto:acostello@bedfordny.info)

### APPLICATION FOR A VARIANCE

1. Name of Owner: Diamond Properties  
Address: 333 North Bedford Rd, Suite 145, Mount Kisco, NY, 10549  
Telephone/Email: 914-773-6242

2. Name of Applicant, if other than Owner: JP Morgan Chase  
Address: 270 Park Ave, Flr 48, New York, NY, 10017  
Telephone/Email: 312-732-4756

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

Address: \_\_\_\_\_  
Telephone/Email: \_\_\_\_\_

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MAY 27 2014

BEDFORD ZONING  
BOARD OF APPEALS

4. Identification Property:  
Street Address: 711 Bedford Rd, Bedford Hills, NY, 10507  
Tax ID: 71.12-2-1 Zoning District: LJ

Total Land Area: \_\_\_\_\_

% of Building Coverage: \_\_\_\_\_ % of Impervious Surface \_\_\_\_\_

Property Abuts a State or County Highway, parkway, thruway or park: Yes \_\_\_\_\_ No \_\_\_\_\_

Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Property is on the \_\_\_\_\_ side of \_\_\_\_\_ within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

**5. Request:**

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: XI Section: 125-120.B

To Permit: XI 125-120.B(1)  
Three exterior wall Signs: Installation on  
East, West & South Elevations.

**6. Plans required:**

Include six copies of survey, site plan, building elevations and floor plans.

**7. Public Notice:**

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

**8. Fees: (make checks payable to the Town of Bedford)**

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00

RECEIVED

MAY 27 2014

BEDFORD ZONING  
BOARD OF APPEALS

  
Signature of Owner

5/12/2014  
Date

  
Signature of Applicant

5/19/2014  
Date

Down (MUGS) 631-467-9700



# TOWN OF BEDFORD

425 Cherry Street, Bedford Hills, NY 10507 Ph. (914) 666-8040 Fax (914) 666-2026 e-mail: [buildinginsp@bedfordny.info](mailto:buildinginsp@bedfordny.info)

## Application for Sign Permit

*Fee to be Determined According to the Sign Size*

**Visual Image of Sign and Survey must be included with Application**

1. Name of Applicant: JP Morgan Chase NA

Address: 270 Park Ave, Flr 48, New York, NY 10017

Telephone/Email: (312) 732-4756

2. Name of Owner: Diamond properties

Address: 333 North Bedford rd, Suite 145, Mount Kisco, NY 10549

Telephone/Email: (914) 773-6242

3. Name of Sign Contractor Preparing Plan: NW Sign Industries

Address: 360 Crider Ave, Moorestown, NJ 08057

Telephone/Email: (856) 802-1677

4. Identification Property: 711 Bedford Rd, Bedford Hills, NY 10507  
Street Address:

Tax ID: 71-12-2-1 Zoning District: LI Total Land Area: \_\_\_\_\_

5. Number of Signs existing on the property: 0

6. Variances for Signs on the property: 0

7. Number of Signs to be erected: 3 wall signs - see rendering

8. Size of Signs/Logo to be erected (Letter Height): 24" letters - see rendering

9. Length of Frontage of building (Distance from Road): 88 feet

Signature of Owner: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Permit Issued: DENIED Date: 5/27/14 Fee: N/A

*Will Mofuge CEO*

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **Kathryn Dysart and Jeffrey Schwartz**  
**76 Mount Holly Road**  
**Katonah, NY 10536**

for a variance of the Town of Bedford Zoning Ordinance to permit:

The installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower) in a newly constructed accessory structure (3-car garage) where plumbing in accessory structures is prohibited. This being a variance of Article I Section 125-3 Definition of Studio for property owned by the applicants and located on:

**76 Mount Holly Road**  
**Katonah, NY 10536**

designated as Section 50.6 Block 1 Lot 1 on the Tax Maps of the Town of Bedford in a R-4 Acre Zoning

District. Said hearing will take place on **Wednesday, the 9<sup>th</sup> day of July 2014**, at the Town House

Offices, 2<sup>nd</sup> Floor Conference Room, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this

hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicant or his representative must be present.

**DATED:** June 17, 2014

**Peter Michaelis, Chair**  
Town of Bedford Zoning Board of Appeals

**Inquiry may be directed to:**  
Alexandra J. Costello, Secretary  
Town of Bedford Zoning Board of Appeals  
425 Cherry Street  
Bedford Hills, NY 10507  
(914) 666-4585; FAX (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)



RECEIVED  
JUN 6 2014  
BEDFORD ZONING  
BOARD OF APPEALS

## ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.info](mailto:acostello@bedfordny.info)

### APPLICATION FOR A VARIANCE

1. Name of Owner: Jeffrey Schwartz and Kathryn Dysart

Address: 76 Mt Holly Road Katonah

Telephone/Email: (914) 588-2836 Kathryn.Dysart@gmail.com

2. Name of Applicant, if other than Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/Email: \_\_\_\_\_

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

Granoff Architects

Address: 30 West Putnam Avenue

Telephone/Email: (203) 625-9460 ka@granoffarchitects.com

4. Identification Property:

Street Address: 76 Mt Holly Road Mt Kisco, NY

Tax ID: 50.06-1-1 Zoning District: R-4A

Total Land Area: 7.24ac. (315,374sf.)

% of Building Coverage: 2.4% % of Impervious Surface 1.2%

Property Abuts a State or County Highway, parkway, thruway or park: Yes  No

Property is within 500 feet of the boundary of the Town of Bedford: Yes:  No:

Property is on the North side of Mt Holly Rd. within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

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JUN 6 2014  
BEDFORD ZONING  
BOARD OF APPEALS

**5. Request:**

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: 1 Section: 125-3 def of a studio

**To Permit:**

We request a variance to permit a full bath in the existing accessory structure  
on the property. There is an existing non-conforming 3 car garage with a gym space  
attached to it. We would like to include a full bath in this gym space.

**6. Plans required:**

Include six copies of survey, site plan, building elevations and floor plans.

**7. Public Notice:**

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

**8. Fees: (make checks payable to the Town of Bedford)**

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00



Signature of Owner

6.6.14

Date

SAME AS ABOVE

Signature of Applicant

Date

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/12/2014

Parcel ID: 50.6-1-1

## Owner Information

Schwartz, Jeffrey

## Applicant Information

Schwartz, Jeffrey

76 Mt Holly Rd

Katonah NY 10536

Location: 76 Mt Holly Rd

Parcel ID: 50.6-1-1

Permit Type: Plumbing

**Work Description:** The installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower) in a newly constructed accessory structure (3-car garage).

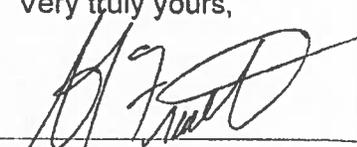
Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower) in a newly constructed accessory structure (3-car garage) where plumbing in accessory structures is prohibited and requires a variance of Article I Section 125-3 Definition of Studio from the Zoning Board of Appeals.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

  
Steven Fraietta  
Building Inspector

**ZONING BOARD OF APPEALS  
Town of Bedford  
Westchester County, New York**

**Resolution #10-13 Three  
Kathryn Dysart and Jeffrey Schwartz  
Garage**

**WHEREAS**, application has been made pursuant to Article V Section 125-50 and Article III Section 125-11 of the Code of the Town of Bedford for a variance to permit the rebuild and remodel of an existing 3-bay garage including gym and sauna within the existing front yard setback resulting in a front yard setback of 62.27 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is pre-existing, non-conforming at 62.27 feet, for premises located at 76 Mount Holly Road, Katonah, New York 10506, being known and designated on the Tax Map of the Town of Bedford as Section 50.6 Block 1 Lot 1 in the R-4 Acre Zoning District, and shown on an application submitted on September 5, 2013; and

**WHEREAS**, a public hearing was held on October 2, 2013 at which time all those present wishing to speak were given an opportunity to be heard; and

**WHEREAS**, all members of the Board of Appeals have had an opportunity to inspect the site; and

**WHEREAS**, the Board acknowledged receipt of a letter from Nancy and Jon Bauer, residents of 75 Mount Holly Road, in support of the application; and

---

**NOW THEREFORE BE IT RESOLVED**, on a motion by Mrs. Spano, seconded by, Mr. Petschek.

**RESOLVED**, that the application for a variance to permit the rebuild and remodel of an existing 3-bay garage including gym and sauna within the existing front yard setback resulting in a front yard setback of 62.27 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is pre-existing, non-conforming at 62.27 feet, be approved in accordance with the plan submitted on October 2, 2013 entitled "Dysart Garage Renovation, 76 Mount Holly Road, Katonah," prepared by Kenneth Scott Andersen, Granoff Architects, dated 8/7/13 and a survey submitted on September 5, 2013 entitled Land Survey Map Prepared for Schwartz & Dysart, Situate in the Town of Bedford, Westchester County, New York," prepared by J. Charles Boolukos, P.L.S., and because of the following:

1. That the benefit cannot be achieved by another means feasible to the applicants in that the existing footprint is being used;
2. That there will be no undesirable change to the character of the neighborhood or nearby properties because there is an existing structure; and
3. That the alleged difficulty is not substantial given that the front yard setback is already 62.27 feet and there will be no further encroachment; and
4. That the request will not have an adverse physical or environmental effect; and
5. That even through alleged difficulty is self-created, this is only one of the factors to be considered by the Board in making its decision.

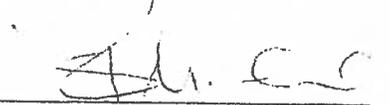
**Resolution #10-13 Three**  
**Kathryn Dysart and Jeffrey Schwartz**  
**Garage**  
**Page Two**

And, subject to the following condition:

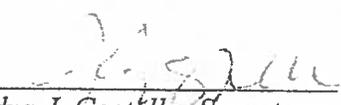
1. That the applicants apply for a building permit within one (1) year of the date of the Board's vote on the application and diligently pursue such construction to completion.
2. That the applicants submit an as-built survey to the building department prior to the issuance of a Certificate of Occupancy.
3. That the applicants submit as-built certified coverage calculations to the building department prior to the issuance of a Certificate of Occupancy.
4. There is no plumbing piping or water permitted in the structure and a new plan shall be submitted to reflect it.
5. That the variance is granted in accordance with the plan (without plumbing) submitted on October 2, 2013 entitled "Dysart Garage Renovation, 76 Mount Holly Road, Katonah, NY," prepared by Kenneth Scott Andersen, Granoff Architects, dated 8/7/13 and a survey entitled "Land Survey Map Prepared for Schwartz & Dysart, Situate in the Town of Bedford, Westchester County, New York," prepared by J. Charles Boolukos, P.L.S.

Vote taken on the foregoing motion was as follows:

Ayes – Mr. Petschek, Ms. Black, Ms. Schaefer, Mrs. Spano, Mr. Michaelis

  
\_\_\_\_\_  
*Peter Michaelis, Chair*

*The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 2-3, 2014.*

  
\_\_\_\_\_  
*Alexandra J. Costello, Secretary*  
*Zoning Board of Appeals*

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **John W. Schrader and Francina Stewart**  
**251 Central Park West**  
**New York, NY 10024**

for a variance of the Town of Bedford Zoning Ordinance to permit:

The construction of a new single family residence and the partial demolition of the existing residence to reduce the size to 640 square feet converting it to an accessory structure for use as a studio with plumbing resulting in (1) building coverage of 3.31% where 3% is permitted in the R-4 Acre District (Article III Section 125-11 & Article V Section 125-50); and (2) the existing residence is to remain while the new residence is under construction and completed, resulting in two residences on one parcel (Article III Section 125-12A); and (3) ~~plumbing in an accessory structure (studio) consisting of 1 toilet, 1 sink, 1 shower) where plumbing in~~ accessory structures is prohibited (Article I Section 125-3 Definition of Studio for property owned by the applicants and located on:

**256 Mount Holly Road**  
**Katonah, NY 10536**

designated as Section 39.19 Block 1 Lot 4 on the Tax Maps of the Town of Bedford in a Residential 4-Acre Zoning District. Said hearing will take place on **Wednesday, the 9<sup>th</sup> day of July 2014**, at the Town House Offices at 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present.

**DATED:** June 19, 2014

**Peter Michaelis, Chair**  
**Town of Bedford Zoning Board of Appeals**

**Inquiry may be directed to:**  
Alexandra J. Costello, Secretary  
Town of Bedford Zoning Board of Appeals  
425 Cherry Street, Bedford Hills, NY 10507  
(914) 666-4585; (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov); [www.bedfordny.gov](http://www.bedfordny.gov)



## ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)

### APPLICATION FOR A VARIANCE

- Name of Owner: JOHN & FRANCINA SCHRODER  
Address: 251 CENTRAL PARK WEST NYC NY 10024  
Telephone/Email: 646-701-4354 JOHNSCHRODER@GMAIL.COM
- Name of Applicant, if other than Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone/Email: \_\_\_\_\_
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):  
KENNETH R. NADLER  
Address: 103 S. BEDFORD RD MT. KISCO NY 10549  
Telephone/Email: 914-241-3620 KEN@NADLERARCHITECTS.COM
- Identification Property:  
Street Address: 256 MT HOLLY RD  
Tax ID: 39.19 Zoning District: R-4A Total Land Area: 4.418 AC  
Blk 1 Lot 4  
Age of the Building \_\_\_\_\_  
Is the property located in a designated Historic District? NO  
% of Building Coverage: 3.31 % of Impervious Surface 4.76  
Property Abuts a State or County highway, parkway, thruway or park: Yes \_\_\_\_\_ No ✓  
Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No: ✓  
Property is on the NORTH side of MT. HOLLY within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS**  
**APPLICATION FOR A VARIANCE**

Page 2

5. Request:

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: \_\_\_\_\_ Section: \_\_\_\_\_

To Permit:

- 1. REARRANGE THE SITE COVERAGE PREVIOUSLY APPROVED BY THE ZBA ON 3/5/14 - A TOTAL OF 3.31%
- 2. TEMPORARY USE OF THE EXISTING HOUSE UNTIL THE NEW HOUSE IS COMPLETED
- 3. DEMOLITION OF A PORTION OF THE EXISTING HOUSE THE BALANCE WILL BE A STUDIO WITH PLUMBING
- 4. CONSTRUCTION OF A NEW RESIDENCE AT THE REAR OF THE PROPERTY

6. Plans required:

Include six copies of survey, site plan, building elevations and floor plans.

7. Public Notice:

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

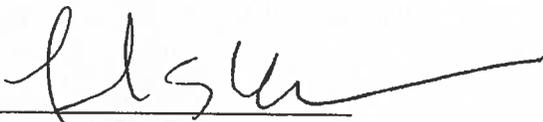
8. Fees: (make checks payable to the Town of Bedford)

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00

  
\_\_\_\_\_  
Signature of Owner

5/29/14  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



### ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.info](mailto:acostello@bedfordny.info)

RECEIVED

JUN 5 2014

BEDFORD ZONING BOARD OF APPEALS

### APPLICATION FOR A VARIANCE

- Name of Owner: JOHN & FRANCESCA SCHRODER  
Address: 251 CENTRAL PARK WEST NYC NY 10024  
Telephone/Email: 646-701-4354 JOHNSCHRODER@GMAIL.COM
- Name of Applicant, if other than Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone/Email: \_\_\_\_\_
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):  
KENNETH R. NADLER  
Address: 103 S. BEDFORD RD NY 12516 NY 10509  
Telephone/Email: 914-241-3620 KEN@NADLERARCHITECTS.COM
- Identification Property:  
Street Address: 256 MT. HOLLY RD  
Tax ID: 39.19 Zoning District: R-4A  
B/L 1 LOT 4  
Total Land Area: 4.418 AC  
% of Building Coverage: 3.31 % of Impervious Surface 4.76  
Property Abuts a State or County Highway, parkway, thruway or park: Yes \_\_\_\_\_ No   
Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No: \_\_\_\_\_  
Property is on the NORTH side of MT. HOLLY within the unincorporated area of the Town of Bedford.

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

**5. Request:**

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: \_\_\_\_\_ Section: \_\_\_\_\_

**To Permit:**

TO REDUCE SIZE OF EXISTING STRUCTURE, TO BE USED  
AS A STUDIO WITH PLUMBING WHERE PLUMBING IN  
ACCESSORY STRUCTURES IS PROHIBITED  
VARIANCE OF ARTICLE 1 SEC 125-3

**6. Plans required:**

Include six copies of survey, site plan, building elevations and floor plans.

**7. Public Notice:**

Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.

**8. Fees: (make checks payable to the Town of Bedford)**

Variance

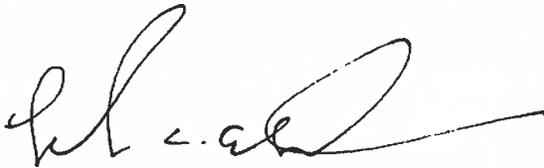
(As required by Fee Schedule Town of Bedford Code)

Residential:

Commercial:

\$350.00

\$550.00



Signature of Owner

Date

RECEIVED

JUN 5 2014

6/4/14 BEDFORD ZONING BOARD OF APPEALS

Signature of Applicant

Date

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/5/2014

Parcel ID: 39.19-1-4

## Owner Information

Schrader, John

## Applicant Information

Schrader, John  
251 W Central Park

New York NY 10024

**Location:** 256 Mt Holly Rd  
**Parcel ID:** 39.19-1-4  
**Permit Type:** 1 Family Residence  
**Work Description:** New Single Family

Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

Construction of a new single family residence & the partial demolition of the existing residence to reduce its size to 640 square feet converting it to an accessory structure for use as a studio with plumbing will require variances from the Zoning Board of Appeals for 1. building coverage in the amount of 3.31% where 3% is permitted in the R-4 Acre District-Article III Section 125-11 & Article V Section 125-50; 2. the existing residence to remain while the new house is under construction & completed, resulting in two residences on one parcel-Article III Section 125-12A; 3. plumbing in an accessory structure where plumbing in accessory structures is prohibited-Article I Section 125-3 Definition of Studio.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

Steven Fraietta  
Building Inspector

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/3/2014

Parcel ID: 39.19-1-4

## Owner Information

Schrader, John

## Applicant Information

Schrader, John

251 W Central Park

New York NY 10024

Location: 256 Mt Holly Rd

Parcel ID: 39.19-1-4

Permit Type: Additions & Alterations

**Work Description:** Partial demolition of an existing residence to reduce its size to 640 square feet converting it to an accessory structure to be used as a studio with plumbing.

Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The partial demolition of the existing residence to reduce its size and to convert it to an accessory structure to be used as a studio with plumbing by renovating the remaining 640 square feet is referred to the Historic Building Preservation. Plumbing in an accessory structure is prohibited pursuant to Article I Section 125-3 Definition of Studio and will require a variance of the Zoning Board of Appeals. An application for a new single family residence must be submitted.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

Steven Fraietta

Building Inspector

**TOWN OF BEDFORD  
BUILDING & CODE  
ENFORCEMENT**

**Memo**

To: Historic Building Preservation Commission  
From: Steven Fraietta – Building Inspector  
CC: Jeff Osterman  
Date: June 5, 2014  
Re: John W. Schrader and Francina Stewart – Partial Demolition Existing Residence  
256 Mount Holly Road, Katonah  
39.19-1-4, R-4 Acre District

---

With reference to the above, two Building Permit and Zoning Board applications have been submitted:

1. To permit the *partial demolition of an existing residence to reduce its size to 640 square feet converting it to an accessory structure to be used as a studio with plumbing.*
2. To construct a *new single family residence*

---

The parcel is located 256 Mount Holly Road, Katonah and is listed on the HPBC's Survey of Historic Buildings.

As you may recall, an application for an addition and renovation of the existing residence was calendared before the Commission in February 2014 and the memorandum and Resolution No. 14/01 prepared by the Commission is attached along with copies of the Assessor cards, Certificates of Occupancy, and Zoning Board resolutions.

Thank you.

Att.

**ZONING BOARD OF APPEALS  
Town of Bedford  
Westchester County, New York**

**RECEIVED**

**Resolution #03-14 Five  
John W. Schrader and Francina Stewart  
Additions and Alterations to Existing Residence**

JUL - 7 2014

**LISBETH FUMAGALLI, TOWN CLERK  
TOWN OF BEDFORD, NEW YORK**

**WHEREAS**, application has been made pursuant to Article III Section 125-11 and Article V Section 125-50 of the Zoning Code of the Town of Bedford for a variance to permit additions and alterations to an existing residence resulting in a front yard setback of 64.2 feet and the expansion of the existing entry porch resulting in a front yard setback of 35.4 feet where 75 feet is required in the R-4 Acre Zoning District where the existing residence has a pre-existing, non-conforming front yard setback of 12.7 feet. The proposed building coverage is 3.19% where 3% is permitted in the R-4 Acre Zoning District and the existing building coverage is non-conforming at 3.32%, for premises located at 256 Mount Holly Road, Katonah, New York 10536, being known and designated on the Tax Maps of the Town of Bedford as Section 39.19 Block 1 Lot 4 in the Residential 4 Acre Zoning District, and shown on plans submitted on January 2, 2014, and

**WHEREAS**, a public hearing was held on March 5, 2014, at which time all those present wishing to speak were given an opportunity to be heard, and

**WHEREAS**, all members of the Board of Appeals have had the opportunity to inspect the site, and

**WHEREAS**, the Board acknowledged a memorandum dated February 28, 2014 from John Stockbridge, Chairman of the Historic Building Preservation Commission noting that the 226 square foot shed located near the entrance at the front of the property which is to proposed to be demolished is of historic interest and requested preservation of the structure; and

**WHEREAS**, at the request of the Historic Building Preservation Commission, the applicant amended its proposal to preserve the 226 square foot shed located near the entrance at the front of the property resulting in an increase in the requested building coverage to 3.31%; and

**NOW THEREFORE**, on a motion by Mr. Michaelis seconded by Mrs. Spano, it is

**RESOLVED**, that the application for a variance to permit the amended application for additions and alterations to an existing residence resulting in a front yard setback of 64.2 feet and the expansion of the existing entry porch resulting in a front yard setback of 35.4 feet where 75 feet is required in the R-4 Acre Zoning District where the existing residence has a pre-existing, non-conforming front yard setback of 12.7 feet. The amended proposed building coverage is 3.31% where 3% is permitted in the R-4 Acre Zoning District and the existing building coverage is non-conforming at 3.32%, be approved in accordance with the plans submitted on January 2, 2014 entitled "Proposed Residence "Schrader/Stewart, 256 Mount Holly Road, Katonah, New York," consisting of nine sheets" dated 1/2/14, prepared by Kenneth R. Nadler Consulting, LLC Architects Planners; and a survey entitled "Map of Property Prepared for John W. Schrader and Francina Stewart Situate in the Town of Bedford, Westchester County, New York," prepared by Stephen T. Johnson, P.L.S., dated September 21, 2012, revised March 3, 2014 to show revised coverage for front shed," In particular, the Board finds that the benefit to the applicants by granting the variance outweighs any alleged detriment to the community and determined the following.

1. That the benefit cannot be achieved by another means feasible to the applicants because the addition will be located at the rear of the building; and the Historic Building Preservation Commission

**Resolution #03-14 Five**  
**John W. Schrader and Francina Stewart**  
**Additions and Alterations to Existing Residence**  
**Page Two**

requested preservation of the shed located near the entrance at the front of the property due to its historic interest resulting in increased building coverage; and

2. That there will be no undesirable change to the character of the neighborhood or nearby properties because the proposed addition is located away from the road; and
3. That the variance request not substantial because it is a modest increase in building coverage and takes into consideration that the Historic Building Preservation Commission requested preservation of the shed located near the entrance at the front of the property; and
4. That the request will not have an adverse physical or environmental effect; and
5. That even though the alleged difficulty is self-created, this is only one of the factors to be considered by the Board in making its decision and is not determinative.

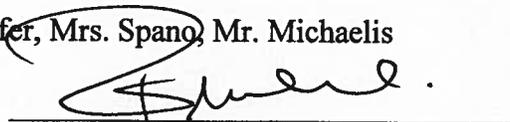
And, subject to the following conditions:

1. The applicants shall apply for a building permit within one (1) year of the date of the Board's vote on the application and diligently pursue such construction to completion.
2. That the applicant shall submit as built certified coverage calculations to the building department prior to the issuance of a Certificate of Occupancy.
3. That the applicant shall submit an as-built survey to the building department prior to the issuance of a Certificate of Occupancy.
4. The variance is granted in accordance with the plans submitted January 2, 2014 entitled "Proposed Residence "Schrader/Stewart, 256 Mount Holly Road, Katonah, New York," consisting of nine sheets" dated 1/2/14, prepared by Kenneth R. Nadler Consulting, LLC Architects Planners; and a survey entitled "Map of Property Prepared for John W. Schrader and Francina Stewart Situate in the Town of Bedford, Westchester County, New York," prepared by Stephen T. Johnson, P.L.S., dated September 21, 2012, revised March 3, 2014 to show revised coverage for front shed,"

Vote taken on the foregoing motion was as follows:

Ayes – Mr. Petschek, Ms. Black, Ms. Schaefer, Mrs. Spano, Mr. Michaelis

Nays – None

  
\_\_\_\_\_  
Peter Michaelis, Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 7-7, 2014.

  
\_\_\_\_\_  
Alexandra J. Costello, Secretary  
Zoning Board of Appeals

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Appeals of the Town of Bedford will hold a public hearing on the following:

Request of: **Anne Margaret and Dennis Baum**  
**128 Baldwin Road**  
**Bedford Corners, NY 10549**

for a variance of the Town of Bedford Zoning Ordinance to permit:

Additions and alterations to a pre-existing, non-conforming cottage that does not meet the requirements of the Town Code resulting in (1) a front yard setback of 35 feet where 75 feet is required in the Residential 4 Acre Zoning District where the existing front yard setback is .71 feet; (2) the proposed total floor area has not been in existence for 5 years; (3) the total living space is proposed to be 1,469 square feet where 800 square feet is permitted. These being variances of Article VIII Section 125-79.1A. (1)(2)(5) for property owned by the applicants and located on:

---

**128 Baldwin Road**  
**Bedford Corners, NY 10549**

designated as Section 83.12 Block 1 Lot 19 on the Tax Maps of the Town of Bedford in a R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 9<sup>th</sup> day of July 2014**, at the Town House Offices, 2<sup>nd</sup> Floor Conference Room, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicant or his representative must be present.

**DATED:** June 24, 2014

**Peter Michaelis, Chair**  
Town of Bedford Zoning Board of Appeals

**Inquiry may be directed to:**  
Alexandra J. Costello, Secretary  
Town of Bedford Zoning Board of Appeals  
425 Cherry Street  
Bedford Hills, NY 10507  
(914) 666-4585; FAX (914) 666-2026  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)



### ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507  
Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)

### APPLICATION FOR A VARIANCE

1. Name of Owner: ANNE MARGARET & DENNIS BAUM

Address: 128 BALDWIN RD, BEDFORD COMMONS, N.Y. 10549

Telephone/Email: \_\_\_\_\_

2. Name of Applicant, if other than Owner: JOSEPH M. PALUMBO ARCHITECT

Address: 414 ELIZABETH RD., TONICTON HTS., N.Y. 10598

Telephone/Email: joepalumbo - jmparchitect.com

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

AS ABOVE

Address: \_\_\_\_\_

Telephone/Email: \_\_\_\_\_

4. Identification Property:

Street Address: 128 BALDWIN RD.

Tax ID: 83.12-1-19 Zoning District: R4A Total Land Area: 5.8 ACRES

Age of the Building 184 ± YEARS

Is the property located in a designated Historic District? No

% of Building Coverage: 2.8 % of Impervious Surface 6.9

Property Abuts a State or County highway, parkway, thruway or park: Yes \_\_\_\_\_ No

Property is within 500 feet of the boundary of the Town of Bedford: Yes: \_\_\_\_\_ No:

Property is on the WEST side of BALDWIN ROAD within the unincorporated area of the Town of Bedford.

RECEIVED  
JUN 23 2014  
BEDFORD ZONING BOARD

**ZONING BOARD OF APPEALS  
APPLICATION FOR A VARIANCE**

Page 2

5. Request:

The applicant requests that the Board approve the issuance of a Variance under the following section of the Code of the Town Bedford:

Article: § VIII Section: 125-79 1A (1)(2)(5)

To Permit:

ADDITION + ALTERATION TO ALL EXISTING  
COTTAGE/GARAGE.

6. Plans required:

Include six copies of survey, site plan, building elevations and floor plans.

7. Public Notice:

~~Notice of the public hearing shall be published at least 10 days prior to the hearing in the Town newspaper and shall be mailed by the applicant at least 10 days prior to the hearing to all owners of property within 500 feet of the perimeter of the subject lot. The expense of publishing and mailing any notice shall be paid by the applicant, who shall file an affidavit of mailing with the Board Secretary prior to the hearing.~~

8. Fees: (make checks payable to the Town of Bedford)

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00

RECEIVED  
JUN 23 2014  
BEDFORD ZONING  
BOARD OF APPEALS

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

[Handwritten Signature]  
\_\_\_\_\_  
Signature of Applicant

0  
\_\_\_\_\_  
Date

# LETTER OF PERMIT DENIAL



Town of Bedford  
Building Dept.  
425 Cherry St.  
914-666-8040

Application #:

Date: 6/17/2014

Parcel ID: 83.12-1-19

## Owner Information

Baum, Anne Margaret

## Applicant Information

Baum, Anne Margaret  
128 Baldwin Rd

Mt Kisco NY 10549

Location: 128 Baldwin Rd

Parcel ID: 83.12-1-19

Permit Type: Additions & Alterations

Work Description: Additions and alteration to an existing cottage.

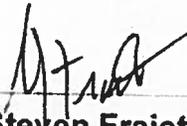
Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The additions and alterations to a pre-existing, non-conforming cottage will require a Special Use Permit of the Planning Board. The cottage does not meet the requirements of the Town Code resulting in variances of Article VIII Section 125-79.1A. (1)(2) (5) to permit a cottage that does not meet the lot area requirements (front yard setback), to be located in a structure where proposed total floor area has not been in existence for 5 years, and the total living space is proposed to be 1,469 square feet where 800 square feet is permitted. This application is referred to the Historic Building Preservation Commission for review.

Because your project does not meet the requirements of the Town of Bedford Zoning Ordinance, your application for a building permit is DENIED. If you wish to proceed with your request, you may, within sixty days of this letter, apply to the of the above provisions

Very truly yours,

  
Steven Fraietta  
Building Inspector

**TOWN OF BEDFORD  
BUILDING & CODE  
ENFORCEMENT**

## Memo

To: Historic Building Preservation Commission  
From: Steven Fraietta – Building Inspector  
CC: Jeff Osterman  
Date: June 19, 2014  
Re: Anne Margaret and John Baum – Addition and Alteration Existing Cottage  
128 Baldwin Road, Bedford Corners  
83.12-1-19, R-4 Acre Zoning District

---

With reference to the above, Building Permit, Planning Board and Zoning Board applications have been submitted to permit: Additions and alterations to a pre-existing, non-conforming cottage.

The parcel is located 128 Baldwin Road, Bedford Corners and is listed on the HBPC Survey of Historic Buildings.

---

~~The ZBA granted a variance for a similar project in 2002 by Resolution #06-02 Nine, but the work was not performed.~~

A copy of the Assessor cards, Certificates of Occupancy, and Zoning Board resolution is attached.

Thank you.

Att.

# Town of Bedford

## Historic Building Preservation Commission Site Walk Agenda

Wednesday

June 25, 2014

- ETA: 5:00 PM** Addition and Alterations to Existing Cottage  
Section 83.12 Block 1 Lot 19, R-4A Zone  
128 Baldwin Road, Bedford Corners  
Owners/Applicants: **Dennis and Anne Margaret Baum** ✓
- 
- ETA: 5:30 PM** Renovation of Existing Residence  
Section 59.19 Block 1 Lot 9, R-4A Zone  
241 Wood road, Bedford Corners  
Owner/Applicant: **Ivanna Farms, LLC**
- ETA: 6:00 PM** Partial Demolition of Existing Residence  
Section 39.19 Block 1 Lot 4, R-4A Zone  
256 Mt. Holly Road, Katonah  
Owners/Applicants: **John Schrader and Francina Stewart**
- ETA: 6:15 PM** Renovations, Alterations and Additions to Existing Main House  
and Adjacent Barn  
Section 39.18 Block 1 Lot 13, R-4A Zone  
128-136 Mount Holly Road, Katonah  
Owner/Applicant: **SRHRE-B, LLC**

**ZONING BOARD OF APPEALS**  
**Town of Bedford**  
**Westchester County, New York**  
**Resolution #06-02 Nine**  
**Ann Margaret Baum**

**WHEREAS**, application has been made pursuant to Article V Section 125-50 of the Code of the Town of Bedford for a variance to permit the construction of a second-story addition to a pre-existing non-conforming residence resulting in a front yard setback of 35 feet where 75 feet is required. Premises located at 128 Baldwin Road, Bedford Corners, New York, being known and designated on the tax map of the Town of Bedford as Section 83.02 Block 1 Lot 19, R-4A Zone, and shown on a survey dated July 19, 1979, and

**WHEREAS**, a public hearing was held on June 12, 2002 on this application, at which time all those present wishing to speak were given the opportunity to be heard, and

**WHEREAS**, all members of the Board of Appeals have inspected the site, and

**WHEREAS**, the Board of Appeals has received substantial evidence regarding the benefits sought by the applicant as well as evidence that these benefits cannot be achieved by a ~~satisfactory alternate method that would not require a variance,~~ and

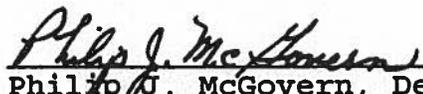
**WHEREAS**, since the pre-existing non-conforming building is located 0.7 feet from the property line; and since the proposed addition to such pre-existing non-conforming building is at the rear of the structure and is located 35 feet from the property line where 50 feet is the requirement; and since the addition does not increase the footprint of the structure; and since, the building and the proposed addition is screened by mature hemlock trees; and since, the proposed addition will not increase the non-conformity of the existing structure; and since, the granting of this variance will not change the character of the neighborhood; and since, the granting of this variance will have no negative impact on the immediate neighbors or the neighborhood.

**NOW, THEREFORE**, on a motion by Mr. Otto, seconded by Mr. Menken,

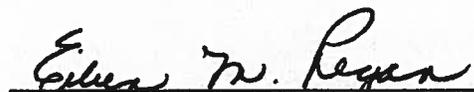
**RESOLVED**, that the application for a variance to permit the construction of a second-story addition to a pre-existing non-conforming residence resulting in a front yard setback of 35 feet where 75 feet is required be approved because of the reasons stated above and such construction be in accordance with plans entitled, "Addition & Alteration to The Baum Cottage 128 Baldwin Road Bedford Corners, N.Y. 10549," dated April 8, 2002, prepared by Joseph M. Palumbo, Architect.

Vote taken on the foregoing motion was as follows:

Ayes - Mr. McGovern, Mr. Otto, Mr. Menken, Mrs. Nourse  
Nays - None

  
Philip J. McGovern, Deputy Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford and was filed in the Office of the Clerk of the Town of Bedford on October 23<sup>rd</sup>, 2002.

  
Eileen M. Regan, Secretary  
Zoning Board of Appeals