



TOWN OF BEDFORD

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AGENDA

BEDFORD ZONING BOARD OF APPEALS
425 Cherry Street, 2nd Floor Conference Room
Bedford Hills, New York 10507
WEDNESDAY, September 10, 2014

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

7:30 P.M.

MINUTES: May 7, 2014, July 2, 2014, July 9, 2014

FOR ADOPTION OF WRITTEN DECISION

1. Michael Richman and Ruth Toporoff (Appellants) 12 Alice Road, Bedford Corners, NY 10549 for property owned by: Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549. Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The appellants hereby seek an appeal as requested by a letter dated May 14, 2014 from Katherine Zalantis, Esq. representing Michael Richman and Ruth Toporoff, from the Town of Bedford Building Inspector's March 19, 2014 determination that a manure dumpster is prohibited in a controlled area (i.e. the wetlands or wetlands buffer area.) Said appeal is filed pursuant to Section 125-129 (C) (1) (b) of the Code of the Town of Bedford.

CARRYOVER APPLICATIONS:

1. Michael Richman and Ruth Toporoff (Appellants) 12 Alice Road, Bedford Corners, NY 10549 for property owned by: Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549. Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The appellants hereby seek an interpretation or appeal as requested by a letter dated May 2, 2014 from Katherine Zalantis, Esq. representing Michael Richman and Ruth Toporoff, from the Town of Bedford Building Inspector's Letter of Permit Denial dated March 7, 2014 to the extent that it concluded that the Gallis' application to place a manure storage dumpster 22.7 feet from the property line required an area variance when the Gallis should have been required to obtain multiple use and area variances. Said appeal is filed pursuant to Section 125-129(C) (1)(b) of the Code of the Town of Bedford.

2. Michael Richman and Ruth Toporoff (Appellants) 12 Alice Road, Bedford Corners, NY 10549 for property owned by: Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549. Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The appellants hereby seek an appeal as requested by a letter dated April 7, 2014 from Katherine Zalantis, Esq. representing Michael Richman and Ruth Toporoff, from (i) the Town of Bedford Building Inspector's undated handwritten determination rendered sometime after February 6, 2014 to the extent that the Building Inspector determined that all permits and approvals are in place for "structures" on the Gallis' property, including fences and a concrete structure in front of the barn; and (ii) the Building Inspector's April 3, 2014 determination. Said appeal is filed pursuant to Section 125-129(C) (1)(b) of the Code of the Town of Bedford.

NEW APPLICATIONS:

1. Richard and Barbara Saravay, 9 Mustato Road, Katonah, NY 10536. Section 49.16 Block 1 Lot 44, R-1/2 Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the addition of a wood frame structure over existing and expanded masonry entry steps and landing resulting in a front yard setback of 30.58 feet where 35 feet is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet.

Article V Section 125-50 and Article III Section 125-11.

2. Nicholas Delfico, 17 Gordon Avenue, Bedford, NY 10506. Section 84.17 Block 1 Lot 10, R-1 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit the legalization of an existing accessory building currently being used as a cottage located in a Residential 1-Acre Zoning District where cottages are permitted in Residential 2-Acre Zoning Districts and Residential 4-Acre Zoning Districts only. The existing accessory building has a rear yard setback of 36.8 feet where 50 feet is required in the Residential 1 Acre Zoning District. Article VIII Section 125-79.1(A).

3. 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 the expansion of a pre-existing, non-conforming second residence consisting of (1) the construction of a new porch addition resulting in a front yard setback of 54 feet where 75 feet is required in the Residential 4 Acre Zoning District; (2) the construction of a new garage addition with deck above resulting a front yard setback of 40 feet where 75 feet is required in the Residential 4 Acre Zoning District and a side yard setback of 40 feet where 50 feet is required in the Residential 4 Acre Zoning District. The existing structure is a pre-existing, non-conforming second residence located in a 4 Acre Zoning District with an existing front yard setback of 0.7 feet where 75 feet is required. Article III Section 125-11.

4. Samuel Thomas Terry and Katherine Terry, 535 Guard Hill Road, Bedford, NY 10506. Section 84.05 Block 1 Lot 14, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the revision to the existing approval granted by Zoning Board of Appeals Resolution #10-13 Five. The amended application is to permit the demolition of the existing rear 1-1/2 story kitchen/bedroom wing and replacement with a new rear 1-1/2 story kitchen/mudroom/bedroom wing; and rebuild and extend the existing front porch to wrap around the east elevation of the residence with screened porch. The amended proposal will result in a front yard setback of 46.7 feet where 75 feet is required; a rear yard setback of 35.4 feet where 50 feet is required; and building coverage of 3.15% where 3% is permitted. The residence a pre-existing, non-conforming 3-story residence where 2½ stories are permitted on a parcel consisting of 3.712 acres where 4 acres are required in the Residential 4-Acre Zoning District. Article III Section 125-11 and Article V Section 125-50.

5. Bruce and Cynthia S. Nathan, 462 Succabone Road, Bedford Corners, NY 10549. Section 83.16 Block 1 Lot 5, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of a new detached 2-bay garage on grade level and guest bedroom and bathroom on upper level resulting in (1) building coverage of 4.0% where 3.0% is permitted in the Residential 4 Acre Zoning District where the existing building coverage is existing, non-conforming at 3.1%.; and (2) the installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower) in the proposed guest bedroom where plumbing in an accessory structure is prohibited. The parcel consists of 1.750 acres where 4 acres are required in the Residential 4-Acre Zoning District. Article III Section 125-11 and Article I Section 125-3 Definition of Studio.

- 6. David Griff, 739 Croton Lake Road, Mount Kisco, NY 10549.** Section 71.11 Block 2 Lot 4, R-1-Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit: the rebuild of a pre-existing, non-conforming two-story frame accessory structure (barn and shed) for use as an art studio/playroom on the first floor with mezzanine on the second floor which is situated 3’5” from the side property line where 30 feet is required in the Residential 1 Acre Zoning District; and to construct a one-story, one-car garage addition to the accessory structure resulting in a side yard setback of 20’ 5” from the side property line where 30 feet is required in the Residential 1 Acre Zoning District. Article III Section 125-11 and Article V Section 125-50.
- 7. Thomas and Susan McCrossan, 118 Middle Patent Road, Bedford, NY 10506.** Section 72.17 Block 1 Lot 2.3, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of an 18 x 36 (648 square feet) in ground swimming pool resulting in building coverage of 3.68% where 3% is permitted for property located in a Residential 4 Acre Zoning District where the existing building coverage is non-conforming at 3.09%. Article V Section 125-50 and Article III Section 125-11.
- 8. Meredith and Jason Black, 157 Jay Street, Katonah, NY 10536.** Section 49.16 Block 2 Lot 26, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the installation of a post and rail fence to be located less than 10 feet from the existing stone wall and less than 20 feet from the front lot line resulting in an overall height when combined with the stone wall of not more than 8 feet in height from the existing grade where 4 feet is permitted. Article III Section 125-15 A. (1) (b) and Article III Section 125-15 A. (3) (g).

Supporting documentation for all items on this agenda is available at the Town of Bedford website 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

ORIGINAL
w/ disc

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July 16, 2014

VIA E-MAIL & FEDERAL EXPRESS

Chairman and Members of the Town of Bedford Zoning Board of Appeals
Town of Bedford
425 Cherry Street
Bedford Hills, New York 10507

RECEIVED
JUL 17 2014
BEDFORD ZONING
BOARD OF APPEALS

Re: New Applications 2 on July 2, 2014 agenda

Dear Chairman Michaelis and Members of the Board:

This firm represents Ruth Toporoff and Michael Richman, 12 Alice Road, Bedford Corners, New York and we write regarding an appeal that is currently pending before this Board – New Application 2 on the July 2, 2014 agenda asking this Board to find the Building Inspector erred by not concluding that Suzanne and Stefano Galli needed multiple use and area variance and other permits and approvals in order to store manure in the proposed location 22.7 feet from the property line.

Pursuant to my recent conversations with the Town Attorney, Joel Sachs, Toporoff/Richman agreed to close the public hearing on this appeal without having an opportunity to present this appeal to the Board so long as the record remained open and we had until July 16, 2014 to submit additional documentation in support of the appeal. Our understanding is that the Gallis will then have until July 23, 2014 to submit additional documentation regarding this appeal, and on July 23, 2014 the record on this appeal will be closed. This letter and the exhibits attached are Toporoff/Richman's additional submission in support of their appeal. We ask that they be entered into the record and that this Board consider them in reaching a determination on the appeal.

As we discuss in detail in our May 2, 2014 letter outlining the basis for the appeal, the Building Inspector was incorrect to the extent the denial letter required that the Gallis only needed one setback variance to store the manure in the proposed location 22.7 feet from the property line. Instead, the Gallis should have been required to obtain two use variances: (1) for not conforming with the Zoning Code's conditions for the use of maintaining horses, which

requires that the manure storage be setback at least 50 feet; and (2) for expanding the nonconforming maintenance of horses and barn uses. In addition, the Gallis should have been required to obtain an area variance because they are already over on building coverage and based upon the Building Inspector's March 3, 2014 letter (Exhibit "5" to the May 2, 2014 letter) stating that an open or uncovered deck should be included in building coverage, certainly a manure dumpster sitting directly on the ground is building coverage as well. Alternatively, if the manure dumpster is not considered building coverage, it must at the very least be considered impervious surface coverage. The manure dumpster must be one or the other, as it is not pervious and it is not air.

As we have previously raised before this Board, the Gallis have numerous fixtures and structures on their property that were either improperly omitted from impervious surface coverage or the amount of coverage was understated. Attached as Exhibit "A" is a letter from the Chazen Companies explaining the calculation errors and demonstrating that if all of the structures and fixtures were properly accounted for, the Gallis would also be over on impervious surface coverage. Notably, the Gallis have stone/wood bridge that is clearly an impervious surface (see the photographs attached as Exhibit "B"), but yet this bridge is not included in the Gallis' survey as impervious surface. Therefore, the Gallis are currently over on impervious surface coverage, and if the manure storage dumpster were included in impervious surface as well (which it must be if it is not included in building coverage), then the Gallis would be further over and require an area variance to put the dumpster on their property.

The Gallis also need several permit and approvals for the gravel access way that they proposed to install as part of their manure storage application. First, the proposed access way is located in a steep slope area, and therefore the Gallis should have been required to obtain a steep slope permit from the Planning Board. Second, a special permit from the Planning Board is needed "for any landfilling, excavation, regrading, removal, stripping or disturbance of topsoil, earth, sand, gravel, rock or other substance from the ground . . ." (Zoning Code § 125-67(A)). In order to install a gravel access way where there was not one before certainly entails these types of actions, which are only allowed with a special permit. Third, the Gallis need an area variance from this Board since the Zoning Code requires that an access strip be at least 25 feet wide (Zoning Code § 125-13(B)), while the Gallis' proposed access way is only 12 feet wide. Fourth, the Gallis need permits from the Wetlands Control Commission to construct a driveway in the wetlands and to store and park equipment in the wetlands. In fact, at its April 7, 2014 meeting, the WCC considered two applications to install a driveway in the wetlands. At that meeting, both the commission members and the WCC's consultant acknowledged on the record that to install a driveway in the wetlands the property owner must submit an application, pay fees to the Town and consider the impact on drainage from the installation (see Exhibit "C", disc of audio recording of April 7, 2014 WCC meeting and unofficial transcription of the relevant discussions).

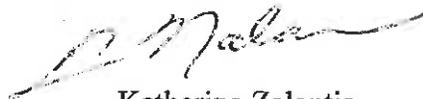
Therefore, this Board should find that the Building Inspector erred to the extent he determined that the Gallis only needed one area variance to store manure in the proposed location 22.7 feet from the property line and this Board should find that the Gallis actually

needed numerous use and area variances and other permits and approvals before they could place a horse manure dumpster in the requested location.

Thank you for your consideration of this matter.

Very truly yours,

SILVERBERG ZALANTIS LLP

A handwritten signature in black ink, appearing to read "K. Zalantis", written in a cursive style.

Katherine Zalantis

KZ/cta
Enclosures

cc: Joel Sachs, Esq.
Nancy Tagliaferro, Esq.

Exhibit A



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21 Fox St., Poughkeepsie, NY 12601
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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

November 4, 2013

Mrs. Ruth Toporoff
12 Alice Road
Bedford, NY 10549

*Re: 341 Succabone Road
Building/Impervious Coverage Quantity Analysis
Chazen Project # 81317.00*

Dear Mrs. Toporoff,

The Chazen Companies, Chazen, has reviewed the quantities provided on the updated survey for the Galli property. The survey used for the analysis was last updated October 1, 2013, titled "Survey of Property Prepared for Stefano Galli and Suzanne Galli", prepared by H. Stanley Johnson. In reviewing the quantities, there are several discrepancies shown on the survey that do not conform to our measurements. Additionally, there appears to be several items still not accounted for.

Within the building coverage calculations, we have determined the main residence/porches to have an area of 3,221 sq.ft. and the accessory structure/barn area to be 130 sq.ft. Also, in conjunction with the "Pool Plan", prepared by Max Parangi Architects, P.C., dated March, 2007, we have determined that the pool and auto cover structure to be 793 sq.ft. and 71 sq.ft. Further, the survey fails to include a Pergola of 218 sq.ft. attached to the main residence and adjacent to the pool. The Pergola meets the definition of a "building area" per Bedford code. Our calculations have determined that the total building area should be 6,088 sq.ft. An attached spreadsheet provides the corrected quantities and calculations.

Within the impervious coverage calculations, we have determined that the survey is again not in conformance with our measurements and calculations. We have determined that there is approximately 1,055 linear feet of stone masonry walls on the property with an additional 235 linear feet off of the property. On October 29, 2013, we measured a section of wall width located along Alice Road and found that the wall is generally 22-inches in width. Using these measurements, the total wall coverage is 1,931 sq.ft. In comparison with the survey quantity, the approximately 3 feet high stone wall would only be 14.4 inches wide. Additionally, the survey again excluded several items. The additional items include the two (2) large pillars found at the driveway entrance (18 sq.ft.), access structure/barn retaining wall (27 sq.ft.), stone/wood bridge (150 sq.ft.), and the manure dumpster retaining wall location (26 sq.ft.). The total impervious surface is 14,300 sq.ft. Again, attached is a spreadsheet providing a complete set of quantities and calculations.

It should be noted, at this time, that it is unclear if the Survey includes the Belgium Block surrounding the paved driveway. A rough estimate would include an additional 365 sq.ft. for the block. It should also be noted that pool patio area has been reduced with the removal of Pergola and corrected pool size. We recommend that the Surveyor confirm the size and quantity of these specified items.

- We recommend that the survey be properly updated to reflect all quantities for an accurate representation of the property.

Should you have any questions, please contact me.

Sincerely,



George Cronk, P.E.
Project Manager

Cc: Kathy Zalantis

The Chazen Companies Area Calculatons

Building Coverage: 3% Allowable (5,228 S.F.)	Quantities	
Lot Area:	174,272	Sq. Ft.
Main Residence & Front Porch	3,221	Sq. Ft.
Garage ***	788	Sq. Ft.
Barn ***	626	Sq. Ft.
Pool (39'-2" x 20'-4") *	793	Sq. Ft.
Mechanical Pool Cover Housing (3' x 23'-6") *	71	Sq. Ft.
Pergola	218	Sq. Ft.
Accessory Structure/Barn	134	Sq. Ft.
Accessory Structure/Behind Cottage ***	170	Sq. Ft.
Chicken Coop ***	67	Sq. Ft.
Total Building Coverage	6,088	Sq. Ft.
Percentage of Coverage (Allowable: 3.00%)	3.49%	

Impervious Areas: 8% Allowable (13,942 S.F.)	Quantities	
Stone Masonry Walls (22" x 1,055 LF) (Within parcel)	1,931	Sq. Ft.
Stone Pillars	18	Sq. Ft.
Paved Driveway	4,670	Sq. Ft.
Pool Patio	479	Sq. Ft.
Conc Pad with Pool Equipment	76	Sq. Ft.
Front Walk /Main Residence	323	Sq. Ft.
Block Pavers	492	Sq. Ft.
Dumpster Retaining Wall (32 lf x 9") ****	26	Sq. Ft.
Acc. Structure/Barn Retaining Wall (36 lf x 9") **	27	Sq. Ft.
Concrete Pad for Generator	21	Sq. Ft.
Stone/Wood Bridge	150	Sq. Ft.
Total Building Coverage	6,088	Sq. Ft.
Total Impervious Surface	14,300	Sq. Ft.
Percentage of Impervious Surface (Allowable 8.00%)	8.21%	

* Note: Area/Dimensions provided from Pool Plan, Max Parangi Architects P.C.

** Note: Area/Dimensions provided from Ruth Toporoff

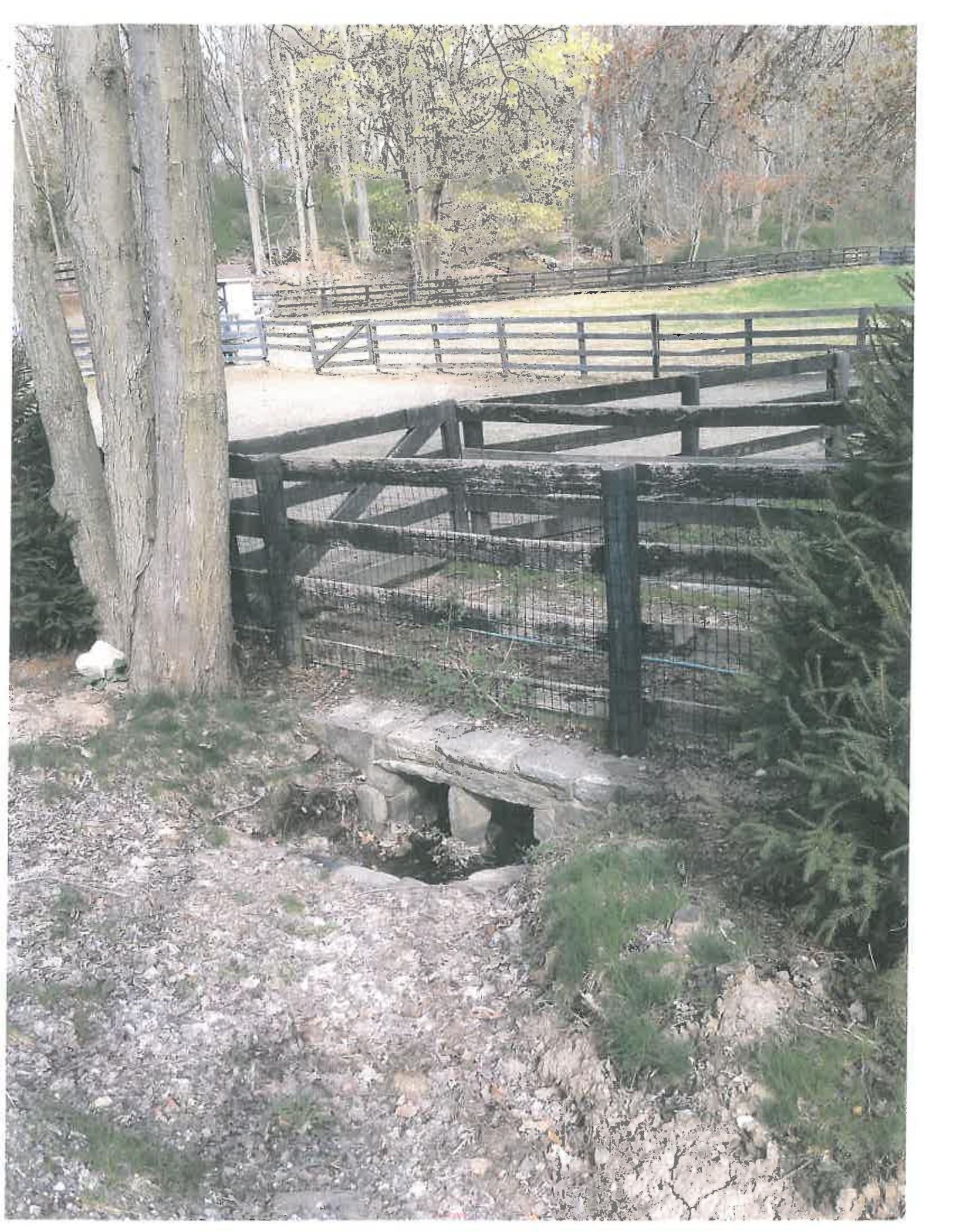
*** Note: Quantity provided from H.Stanley Co. Survey

**** Note: Shown of Survey, width not specified, Toporoff provided width

Additional Impervious Areas:	Quantities	
Stone Masonry Walls (22" x 235 LF) (Off Parcel)	431	Sq. Ft.

Quantities based upon H. Stanley Johnson Co., Survey, last revised Oct. 1, 2013

Exhibit B



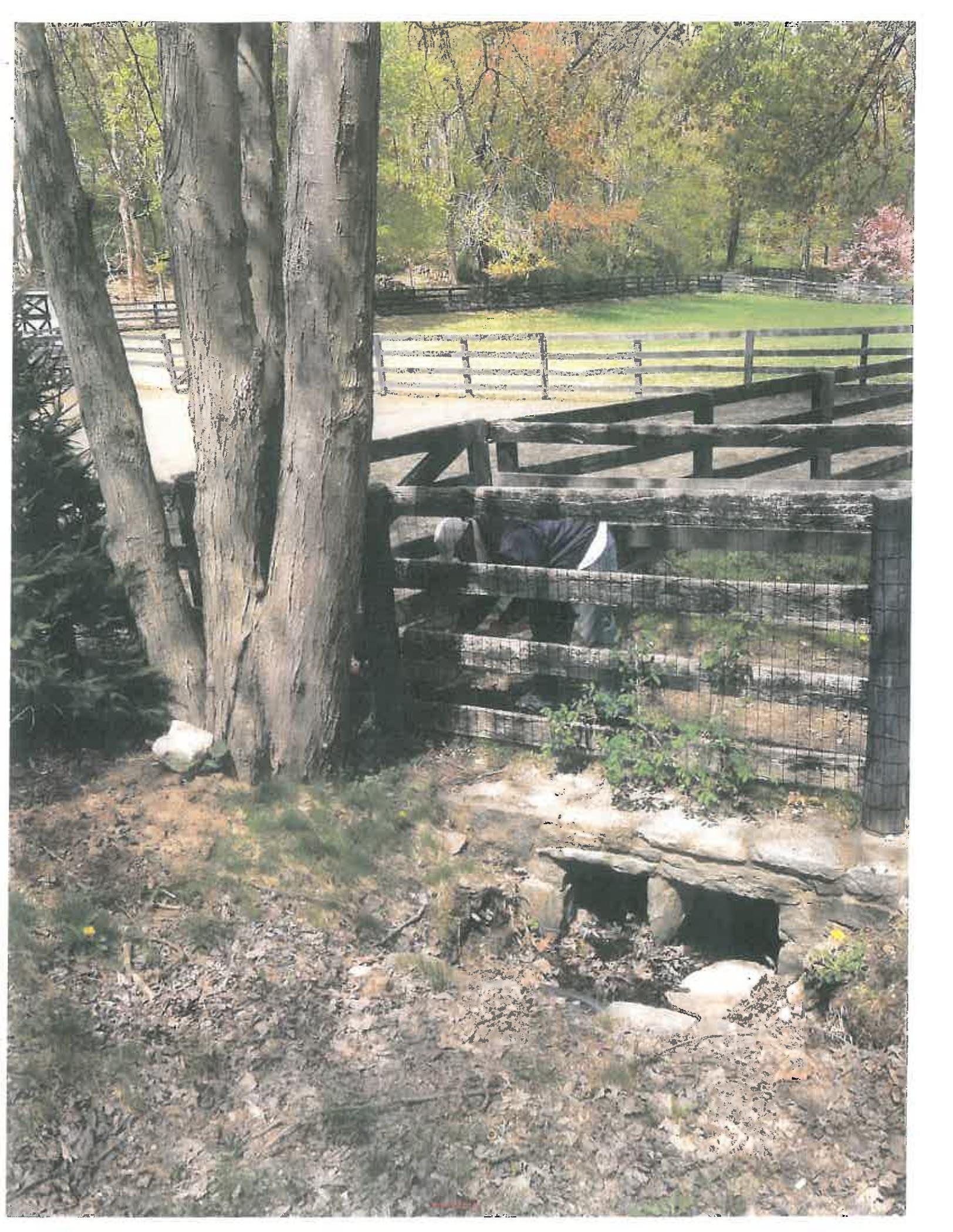




Exhibit C

Wetlands Control Commission, April 7, 2014 meeting

40:38

Ruth Toporoff: So this project is moving a driveway into the regulated area and that requires a permit?

Chairman of WCC: Yes.

RT: In the wetlands? And the drainage that gets incurred from moving that driveway into the regulated buffer area is a calculated number in the runoff?

Beth Evans: The driveway...the proposed driveway is created such that the drainage will actually go out into the street and into the catch basin which is at the headwaters if you will of this drainage pipe.

RT: So it is calculated to go...

Beth Evans: Yes

RT: ... where it is that you want it to go.

Unknown: Yes.

Unknown: Both the proposed and existing driveways will drain exactly to the same place. The two road catch basins.

RT: Ok. Thank you.

1:15:30

RT: So to pave a driveway in the wetlands you need a permit?

Chairman: Correct.

RT: From the wetlands?

Chairman: Correct.

RT: You have to apply and figure drainage and get a permit from the wetlands

Chairman: I didn't hear the beginning.

RT: You need to apply

Chairman: Yes.

RT: Pay fees, get a permit and calculate any drainage concerns (inaudible)

Chairman: There may be more to it than that. Basically yes.

RT: Thank you

HOGAN & ROSSI

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John J. Hogan
Donald M. Rossi
David Simon
Michael T. Liguori*

*Also Admitted in CT

**Also Admitted in Maryland,
Virginia & Washington D.C.

July 23, 2014

Hon. Peter Michaelis, Chairman
Bedford Zoning Board of Appeals
425 Cherry Street
Bedford Hills, New York 10507

Re: Appeal of Letter of Permit Denial - Ruth Toporoff and Michael Richman
Area Variance vs. Multiple Use and Area Variances
Premises: 341 Succabone Road, Bedford Corners, New York;
Owners: Suzanne and Stefano Galli;
Tax Map Designation: Section 83.11, Block 2, Lot 3;
Zoning District: R-4A Residence Four Acre District

Dear Chairman Michaelis and Members of the Board:

As you know, we represent Suzanne and Stefano Galli of 341 Succabone Road. By letter dated June 27, 2014, we addressed the appeal of Ruth Toporoff and Michael Richman (the "Appellants") dated May 2, 2014 regarding the Building Inspector's March 7, 2014 denial letter. In his denial letter the Building Inspector correctly determined that the Gallis would need an area variance in order to place a manure dumpster within the fifty foot setback requirement of the Town Code. Appellants erroneously assert that use variances, special permits and additional area variances should have been required. Appellants also incorrectly argue that the Building Inspector should have determined that a myriad of additional permits are required in connection with the area variance application obtained by the Gallis for a manure storage dumpster on the Premises.

This letter is intended to respond to Appellants' July 16, 2014 submission regarding this appeal. The July 16th submission merely rehashes the previous submission and offers no new information regarding this baseless appeal. We therefore urge the Board to uphold the Building Inspector's March 7, 2014 determination.

Appellants entire argument is based upon the erroneous premise that this Board is not authorized to grant a variance to an accessory use. This argument ignores both statutory and case law which directly contradicts Appellants' false assertion, as more fully set forth in our

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June 27th submission. Briefly, the courts of this State have squarely addressed this issue, and the case law completely refutes Appellants' position. The Appellate Division, Second Department has specifically rejected the assertion that a ZBA cannot grant variances to conditions related to accessory uses:

We reject the petitioners' contention that because the Cellios had a reasonable use of their property as a residence, the Board could not find that they would be deprived of a reasonable use of their property by the strict enforcement of the setback requirements for a private stable. This reasoning would preclude any variance for an accessory use.

Naumann v. Zoning Board of Appeals of Town of Carmel, 161 A.D. 2d 714, 715. 555 N.Y.S. 2d 855 (2d Dep't 1990) The Court of Appeals, the highest court in this State, has also conclusively ruled that a zoning board of appeals may grant areas variances to any requirement of the zoning law:

We are asked to decide whether Town Law § 274-b (3) authorizes a zoning board of appeals (ZBA) to grant area variances from special use permit requirements. For the reasons that follow, we hold that Town Law § 274-b (3) vests a ZBA with authority to **grant an area variance from any requirement in a zoning regulation, including those for a special use permit.**

(emphasis supplied) *Real Holding Corp. v. Lehigh*, 2 N.Y.3d 297, 299, 778 N.Y.S.2d 438, 439 (N.Y. 2004)

It is noteworthy that Appellants' July 16th submission does not attempt to dispute or even address this authority. Therefore, the relocation of the manure storage dumpster was properly accomplished by means of an area variance, and no use variance was required.

None of the arguments offered by Appellants have merit. For example, Appellants assert that the Gallis have numerous fixtures on the property which should be included in either building or impervious coverage (they can't say which) yet they supply no authority for either statement. They assert the Gallis' driveway is too narrow by pointing to a provision of the Town Code (§125-13(B)) that clearly applies only to new lots. They claim the driveway needs a wetland permit even though the driveway extension will not extend over the wetlands. They continue to assert that the culvert which belongs to the Town is a bridge that should be included in the Gallis' impervious surface coverage.

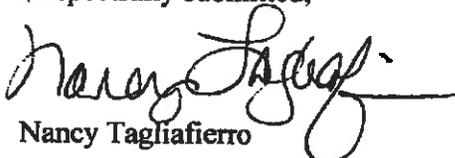
The Gallis have demonstrated this Board has the statutory authority, as confirmed by the appellate courts of this State, to grant area variances to accessory uses. Contrastingly, the Appellants have based their appeal upon erroneous assertions (both legal and factual) and surmise. The Appellants would have this Board believe they firmly believe in strict adherence to the Town Code. However, while the Gallis are reluctant to cloud the issues, and recognizing that the following information may have no probative value as to the validity of Appellants'

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Attorneys At Law

claims, we feel compelled to include herein as Exhibit "A" a sampling of some of the complaints received regarding the Appellants and violations issued against the Appellants for their reckless defiance of the Town Code. This information, coupled with the blatant misstatements contained in Appellants' submissions, compels one to question the credibility this appeal.

For the foregoing reasons, the Board should uphold the Building Inspector's March 7, 2014 determination.

Respectfully submitted,



Nancy Tagliaferro

cc: Joel H. Sachs, Esq.
Katherine Zalantis, Esq.

EXHIBIT 'A'

**TOWN OF BEDFORD
BUILDING AND CODE ENFORCEMENT**

Richard Megna
Building Inspector

James Genovese
Assistant Building Inspector

Michael Repp, Jr.
Deputy Fire Inspector



Alexandra J. Costello
Sr. Office Assistant

Donna M. Berkowitz
Sr. Office Assistant

William O'Keefe
Code Enforcement Office

June 4, 2008

CERTIFIED MAIL

Michael Richman and Ruth Toporoff
12 Alice Road
Bedford Corners, New York 10549

RE: Section 83.11 Block 2 Lot 4

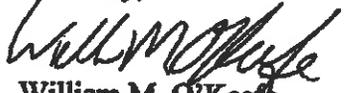
Dear Mr. Richman and Ms. Toporoff:

Please be advised that the Town of Bedford Building has received complaints from neighbors and the Bedford Wetlands Control Commission regarding the removal of materials on the side lot line of the above referenced property.

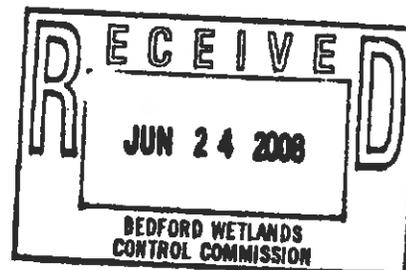
An inspection on June 2nd, 2008 revealed newly dug ditches, berms built along the sides of the stream, and the removal of skunk cabbage at this property, all within a wetland.

Enclosed, please find Summons No. 001098 for the violation of the Freshwater Wetlands Law of the Town of Bedford.

Sincerely,


William M. O'Keefe
Code Enforcement Officer

.cc Bedford Wetlands Control Commission ✓



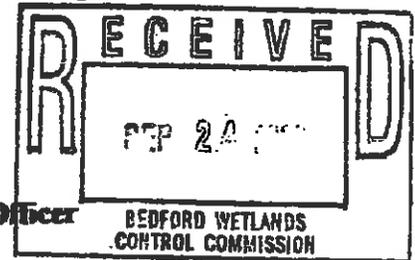
RECEIVED

SEP 24 2008

EVANS ASSOCIATES Environmental Consulting, Inc.

**BEDFORD BUILDING
DEPARTMENT**

MEMO



To: Bedford Wetlands Control Commission
Building Department / Code Enforcement Officer

From: Beth Evans *B. Evans*

Subject: Toporoff Property, 12 Alice Road, Town Violation Summons 001098
Section 83.11 Block 2 Lot 4

Date: September 22, 2008

I have reviewed the "Paddock Restoration Plan" prepared by B. Lang Associates and submitted under cover letter dated September 12, 2008 (Received in the BWCC Office September 16, 2008), and offer the following comments:

- 1) The proposed "Restoration Plan" is comprised of four species of plants which I would consider typical of wetlands, and the rest are species typical of upland pasture or paddock. What was discussed at the June 20, 2008 meeting with the Owner's consultants was a restoration plan that would provide a diverse wetland plant community to replace the vegetation which was removed. The proposed plan does not accomplish this goal, and is therefore not acceptable. At a minimum, a wetland seed mix (the composition of which should be submitted for review and approval by the Wetland Administrator prior to purchase) should be used to vegetate and stabilize the entire area prior to the onset of winter.
- 2) The proposed "Restoration Plan" does not provide any protection for the stream and the remaining deciduous trees in the wetland. Use of this area by horses, which appears to be the Owner's intent, would degrade the water course and likely damage the trees if they are not protected. This type of use of a wetland area is generally discouraged unless it can be shown that such use will not degrade the wetland.
- 3) At the June 20, 2008 meeting, I requested that the Owner's consultants delineate the wetland on the property and have the owners bring the survey up to date once the boundary has been accepted. To date, we have not received an updated delineation or report from the Owner's consultant.

At this time, very little progress has been made towards resolving this outstanding violation, as I am confident that the Wetland Control Commission would not find the proposed Restoration Plan acceptable.

Town of Bedford

Printed 7/25/2007

Complaint Action Summary

for

Complaint #: 07-07-0009

62

Action Type	Action Date	Action Information
Complaint #: 07-07-0009 Complaint Type: Wetlands Open Date: 07/25/07 Status: Open		Location: 12 Alice Rd SBL: 83.11-2-4 Owner: Ruth Toporoff Complainant: Internal
Walk in	07/25/07	Donna Berkowitz Kevin Winn stated 12 Alice is putting fill and cutting down trees in wetlands.

TOWN OF BEDFORD
BUILDING AND CODE ENFORCEMENT



Richard Megna
Building Inspector

James Genovese
Assistant Building Inspector

Michael Repp, Jr.
Deputy Fire Inspector

Alexandra J. Costello
Sr. Office Assistant

Donna M. Berkowitz
Sr. Office Assistant

William O'Keefe
Code Enforcement Office

March 1, 2010

Michael Richman & Ruth Toporoff
12 Alice Road
Bedford Corners, New York 10549

RE: Section 83.11 Block 2 Lot 4
Bedford Wetland Control Commission Resolution 09/16 dated 05/04/09

Dear Mr. Richman and Ms. Toporoff:

Please be advised that a complaint was received by the Town of Bedford Building and Code Enforcement Department regarding activity in the wetland at the above referenced property.

An inspection by the writer on February 9th, 2010 revealed workers with backhoes and a front loader moving rocks from the road to the stream. This is a violation of the above referenced Resolution, specifically Article # 5, that is, the Town Environmental Consultant was not notified prior to commencement of this project. Further, it was observed that a diesel fuel tank was stored within the wetland.

Any further violations will necessitate the revocation of said Resolution. Your attention to the details of the Resolution is mandatory to avoid revocation and further action by this department.

Sincerely,


William M. O'Keefe
Code Enforcement Officer

.cc BWCC

Paglia, Anne

From: Bedfordwetland@aol.com
Sent: Monday, August 09, 2010 5:50 PM
To: O'Keefe, William
Cc: beth@eaec-inc.com; Paglia, Anne; carol.lillypond@gmail.com
Subject: Toporoff, 12 Alice Road
Attachments: DSC_0926.JPG; DSC_0929.JPG

Good Morning Bill:

Yesterday afternoon I noticed several dump trucks unloading material at the Toporoff property. It appeared that they were dropping off fill which was then being moved into the regulated area and was being spread by two tracked front end loaders.

I called Beth to discuss this because I could see no indication on the filed plans that would have called for or permitted fill of any kind. I went back to the site and observed the two machines adding and grading fill in the regulated area (all wetlands not buffer) to a depth of from 2 inches to over six inches. The men working on the site indicated that once this material was spread that top soil would be added..

The plan that I have, which I believe was the approved plan, states in the note number 6 "Paddock areas to be cut short at start of project. No vegetation shall be removed. Paddock areas to be over seeded with small slit seeder to ensure minimum disturbance" Essentially there is no vegetation left. It has either been covered, removed or destroyed by the machinery.

In addition a portable tank of what I believe was diesel fuel was also in the regulated area which the plans indicate would not happen.

The plan additionally states in the lower right corner (page 2 of 3) that "There will be no grading done in project area". Clearly this is not the case.

Further, in the proposed paddock area to the south west (left looking from Succabone Road) the plan indicates that this area is to be approx. 42 feet wide. It appears that this area which contains fill ranges from 60 to nearly 70 feet in width.

Upon further conversation with Beth she has requested that a stop work order be issued immediately. She said she would be willing to view the site today if necessary but that she would also be in Town on Wednesday.

I would appreciate it if the stop work order would not be lifted until Beth and I have had a chance to confer further.

8/10/2010

I have multiple pictures of my observations.

Thanks for your assistance in this matter

Andrew

8/10/2010

EVANS ASSOCIATES Environmental Consulting, Inc.

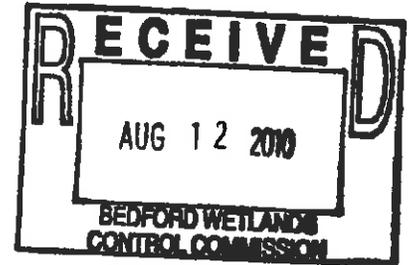
MEMO

To: Bedford Wetlands Control Commission
Building Department / Code Enforcement

From: Beth Evans *B. Evans*

Subject: Toporoff-Richman Property: 12 Alice Road
Section 83.11 Block 2 Lot 4

Date: August 12, 2010

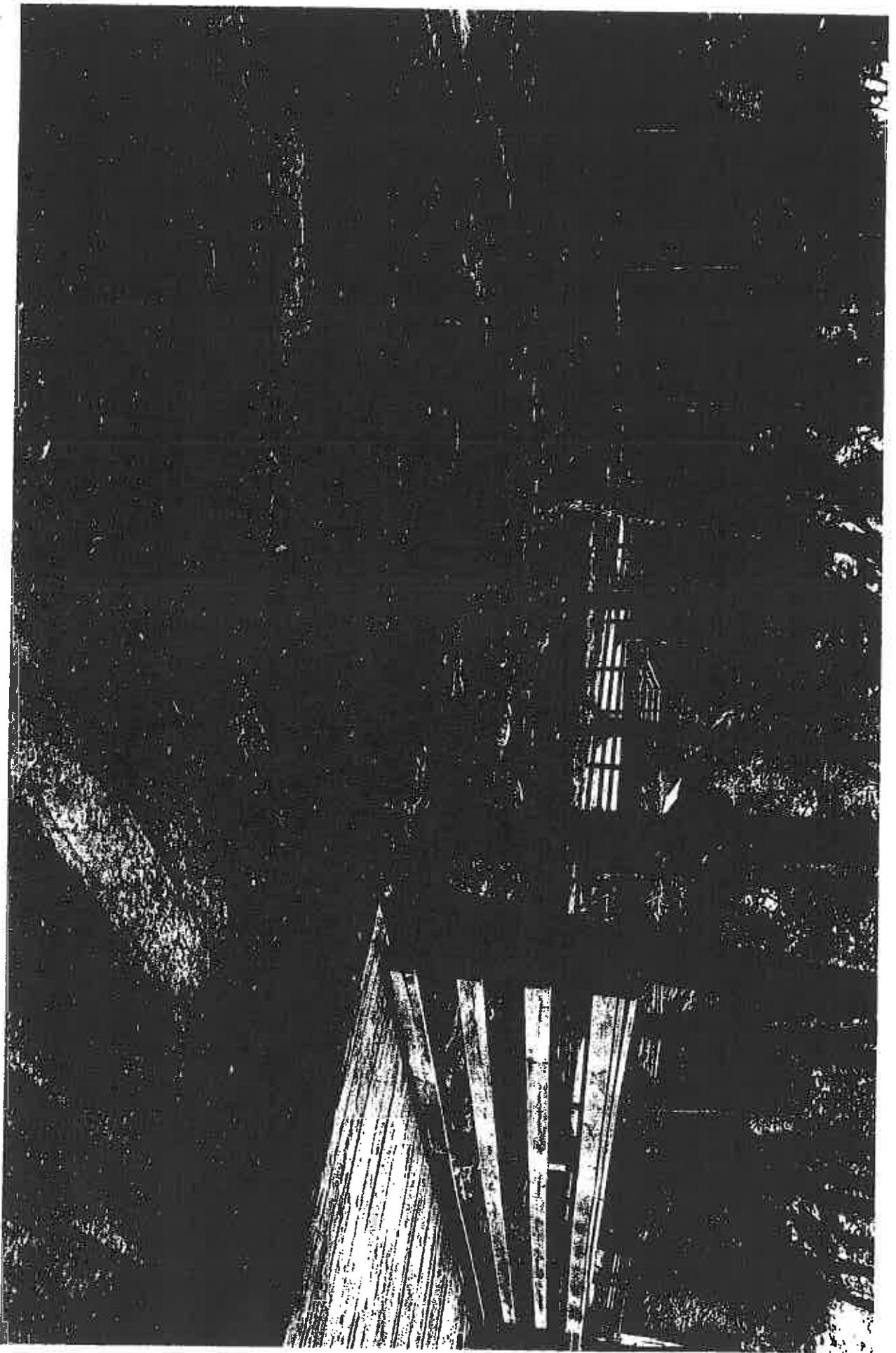


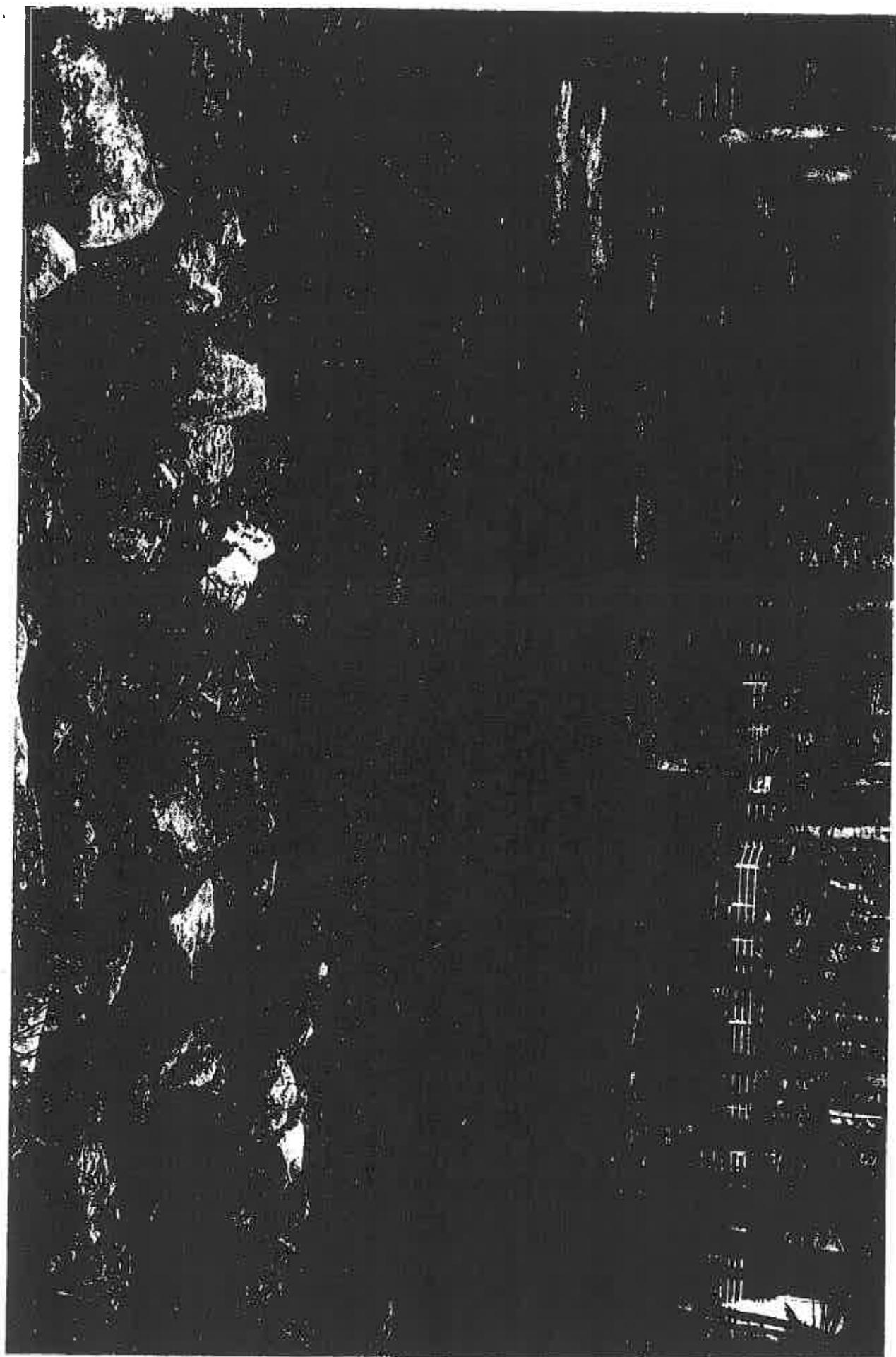
At the request of the Code Enforcement Officer, I visited the above-captioned property yesterday to review the installation of the paddock within the regulated wetland and wetland buffer areas. A Stop Work Order had been issued to the property owner, and no work was occurring at the time of my visit. However, since my last inspection of the property on July 28, 2010, a substantial amount of grading and earthwork was been done within the regulated wetland that is not consistent with the approved Site Plans for the property and is in direct violation of the Wetlands Regulations. Specifically, the violations are:

- Section 122-8.B.(3) Dumping, filling and deposition of material directly in a wetland and immediately adjacent to a watercourse.
- Section 122-8.B.(5) Alteration of grade and contours and alteration of drainage conditions within a wetland.

Extensive damage was apparent within the paddock. Several inches of soil (not topsoil) had been piled and spread within the wetlands and wetland buffers in the paddock using a tracked excavator. (See photos attached) Areas of the herbaceous wetlands and buffer vegetation, including within the protected areas, were destroyed through covering, filling, and compaction. In addition, the unauthorized activities will result in future degradation of the trees in the area, as the fill material was placed on top of the shallow root systems of the trees and will eventually deprive the roots of oxygen. These activities were clearly not in compliance with the approved plans. In addition, no erosion or sediment control measures were in place to prevent soil from washing into the remaining small portion of unaffected wetlands, or from being transported into the stream and off site.

Given the degree of non-compliance and the extent of the damage within the wetland, I recommend that the Wetland Activity Permit be revoked or suspended and that a Violation be issued for this work. The Applicant should return to the Wetland Control Commission with a wetland restoration and mitigation plan. The Stop Work Order should remain in place, with the exception of installation of erosion and sediment control measures, until the Wetland Control Commission has approved a restoration / remediation plan and determines that the forms and functions of the wetlands and wetlands buffers on the property have been restored to their satisfaction.





**TOWN OF BEDFORD
BUILDING AND CODE ENFORCEMENT**

Richard Megna
Building Inspector

James Genovese
Assistant Building Inspector

Michael Repp, Jr.
Deputy Fire Inspector



Alexandra J. Costello
Sr. Office Assistant - Building

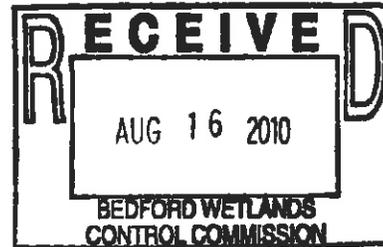
Donna M. Berkowitz
Sr. Office Assistant

William O'Keefe
Code Enforcement Officer

August 16, 2010

Ruth Toporoff
12 Alice Road
Bedford Corners, New York 10549

Personal and Confidential



RE: Section 83.11 Block 2 Lot 4
Bedford Wetland Control Commission Resolution 09/16 dated 05/04/09

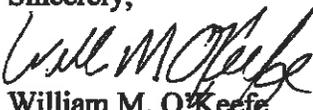
Dear Ms. Toporoff:

Please be advised that the Town of Bedford Building and Code Enforcement Department has received the attached report regarding unregulated activity in the wetland at the above referenced property.

The Town of Bedford will no longer tolerate this condition as it exists.

Enclosed, please find Summons No. 001203 for violations of the Wetland Code of the Town of Bedford.

Sincerely,


William M. O'Keefe
Code Enforcement Officer

.cc BWCC

Summons
TOWN OF BEDFORD, N.Y

In The Name of The People of The State of New York

TO Ruth Toporoff
ADDRESS 12 Alice Rd BEDFORD CORNERS, NY

YOU ARE HEREBY SUMMONED to appear before a Justice of the Town of Bedford, New York at Town Court, Town Hall, Bedford Hills, New York at 2 o'clock, on SEPT 15 2010 to answer a charge against you by the undersigned.

Violation DUMPING + ALTERATION OF GRADE + DRAINAGE
CHAPTER 127 SEC 8 B 3 + 5 OF WETLANDS CODE of the Town of Bedford
at premises known as Section 83 11 Block 2 Lot 4

and upon Failure to appear, a warrant will be requested for your arrest.

Dated in the Town of Bedford, on Aug 16
Violation WETLANDS CODE TAB 127-8 B 3 + 5 2010 Time 10:00 A.M.

James Gonzalez
Building Inspector, Town of Bedford, N.Y.

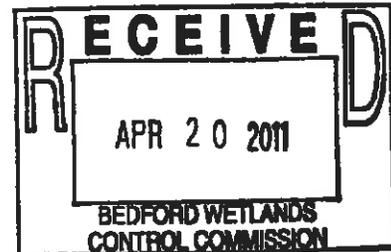
Original - White
Building Department - Yellow
Court Copy - Pink

C.V.

Natural Resource Management, Inc.
Ted Kozlowski
136 Big Elm Road
Brewster, New York 10509
(845) 278-6169
tkozlow@aol.com

April 18, 2011

Mr. Andrew Messinger, Chairman
Town of Bedford Wetlands Commission
425 Cherry Street
Bedford, New York 10506



RE: Tree Impacts from Wetland Disturbance
Richman/Toporoff Property, 12 Alice Road
Bedford, New York

Dear Mr. Messinger:

At your request, I have inspected the above parcel on April 14, 2011 with the direction to evaluate the existing forest within a Town regulated wetland that has been disturbed by recent activities for the creation of a horse paddock. The Town Wetland Consultant, Beth Evans, Stefan Karlson of ArborScape, as well as yourself, were in attendance.

The area in question already has the paddock fence installed, along with a wooden bridge; large amounts of fill has been deposited and up to 40 trees of all sizes have been removed according to Mr. Karlson. These trees were cut down and the stumps were pulled out by machine and disposed. Both sides of a small stream traversing the site have been embedded with rock riprap.

TREE BIOLOGY

In order to understand the obvious and potential impacts to the trees from the disturbance on this site, I feel it is necessary to simply and briefly discuss the biology of a tree and what it needs to survive for an indefinite period of time.

Trees need water, sunlight, oxygen and carbon dioxide and the proper soils to survive. Their root systems transport water and nutrients up to the leaves and they use sunlight to create the energy for their survival - a process we all know as photosynthesis. All of this is dependent upon a fairly thin layer of living cells just under the bark known as the cambium layer, running up from the roots to the upper reaches of the tree. This is the main life support transport system for most woody plants. What woody plants also need for survival is respiration, especially within the soil surrounding their root system. Tree roots can laterally extend hundreds of feet from the main stem and the first foot or two of soil depth is the most important area for a tree root system. Studies have clearly

established that depositing fill or soil of more than two inches over existing tree roots can disrupt respiration and cause dieback by basically smothering the root system. A tree is considered in balance when it is growing in a suitable site with a healthy crown and the root system is adequately supporting the tree structure and providing ample water and nutrients.

One other important thing to understand is that a tree generally creates next years' buds during this year. So the red maples on this site, while all showing good crown bud expansion at this time, are actually showing last year's production. A good test of the impacts to the trees will be the amount and health of the buds that develop this year and in the future as the potential impacts of the disturbance take effect.

When a tree dies it is usually related to a disruption to its' state of balance. Depending upon the disruption of this balance is how quickly a tree will either recover or succumb. Many times the tree will slowly decline, usually starting up in the crown with branches dying back and continue declining over a period of years before it finally dies. If the injury is not too disruptive and decay organisms are held in check, the tree can recover. This is why it takes time to determine the actual extent of the damage caused by a site disturbance.

INSPECTION DISCOVERY

Most, if not all of the remaining trees at this site are red maple (*Acer rubrum*) and native to the area. They are all alive and all of their crowns (except one) are showing full expansion of their buds. All of the trees are within the designated Town wetland and are growing in hydric soils. At the time of this inspection the area was quite wet with a fair amount of open water covering low pockets of ground. There were no remaining understory trees and some herbaceous wetland vegetation was emerging as well as mugwort (*Artemisia vulgaris*), an invasive non-hydric weed species usually associated with poor quality soils.

I observed a fair amount of low organic, non-native soil and C&D materials spread throughout the wetland. This material contained stones, rocks, concrete, blacktop and brick and ranged in depth from an inch to over 10 inches throughout the root zones of the remaining trees. This introduced material is not a wetland soil type and not preferred for wetland sites.

Numerous ruts in the existing soil caused by the heavy machinery entering and exiting the site were observed. Many of the trees exhibited damage to their root flairs and main stems that were likely caused by the machinery to remove the stumps and/or to deposit fill within the site. A small number of large tree roots were cut by a saw.

INSPECTION COMMENTS

The physical removal of approximately 40 trees of all sizes most likely disrupted the root systems of the remaining trees by damaging intertwined roots of all the trees and creating deep ruts in the soft soils that broke or damaged the functions of the root systems. Mr. Karlson stated that most of this work was completed in July. The same activity in association with machinery hauling in fill further disrupted root systems by compacting soils and breaking roots. A number of root flairs and main stems were damaged by the machinery and/or falling trees during the removal process. This has damaged the cambium layer on those trees affected, which will negatively impact internal transport and will introduce decay organisms.

The amount of fill brought in and spread over the site will also cause a disruption in root respiration and cause some root death. The roots that were cut are effectively dead. The balance between the trees and the site is clearly compromised by the disturbances that occurred. There is no doubt that many of the remaining trees have been damaged and dieback is inevitable. Allowing horses to roam within this area will further damage roots from soil compaction and exacerbate the challenges here.

RECCOMENDATIONS

If the Town is to preserve the remaining trees and restore wetland functions then some serious limitations must be imposed on this site. The following recommendations should be considered:

1. Do not remove the imported soil on the site that has already been spread. The disturbance in removing it will outweigh the benefits. Rather, hand pick out the C& D materials and rake out as much of the deeper fill as possible to reduce the smothering of roots. No further fill should be allowed on this site.
2. Consider using a core aerator over the most serious affected fill sites to aide in respiration processes if the ground dries up enough during dry spells.
3. Do not fertilize anything. Fertilizing the existing stressed trees will only worsen the situation and should not be used in wetland areas.
4. Prune out any dead or broken limbs.
5. Invasive weeds will need to be removed over the next several years as they germinate from the imported soils and compete with native plants.
6. The trees will need to be monitored over the next five years for dieback and potential hazardous conditions. Trees that die or exhibit significant dieback (more than 40% crown death) should be removed and replaced with one 2 ½" caliper red maple per 5 inches in diameter of tree that is removed.
7. In my estimation and from the discussions I witnessed regarding the violations to this wetland permit, the site should be allowed to recover as a forested wetland and not be used as a horse pasture. Any recovery will be challenged by the impacts from the animals such as: soil compaction, high nitrogen by-products

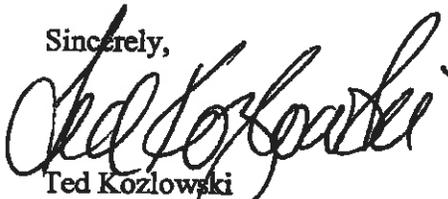
(which is not desirable for stressed trees) and weed species from the manure generated by the horses. This will also negatively affect water quality exiting the site through the stream.

8. As a general rule any work within forested wetlands should occur in winter when the ground is frozen and herbaceous plants are dormant, thus reducing soil compaction and root damage. Snow cover is an additional buffering agent.
9. Finally, red maple leaves are a suspected toxin to horses. The Town should remind the applicant of this and accept no responsibility for any future issues should their animals become ill or become a reason to remove all the red maple trees in the future.

The intent of the Town wetland code is to protect and conserve wetlands within the Town of Bedford. A small provision within Town code to allow "grazing and watering of livestock" and "making reasonable use of water resources" I feel in this instance has been taken too far. The functions of the forest and wetland have been greatly affected by these actions and the results will not be a fair balance between proper use of the land and the protection of the natural resource within the Town. It is well documented throughout the nation that domestic animals and wetlands are not compatible. I have enclosed a small section from the 2001 publication "Healthy Horses, Clean Water - A Guide to Environmentally Friendly Horsekeeping", published by Washington State University. It is a good reference for many horse owners and Town officials.

I thank you for this opportunity to be of service and hope I have been helpful to you. Please contact me if you need any further information.

Sincerely,



Ted Kozlowski
Certified SAE Forester
Certified Agricultural Watershed Forester
Certified Wetland Delineator

Healthy Horses, Clean Water

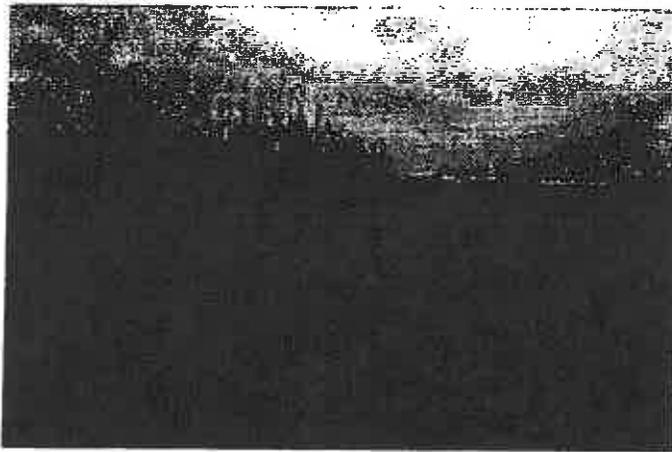


HORSES. *for clean water*



**A Guide to
Environmentally Friendly
Horsekeeping**

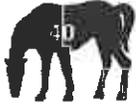
Stream & Wetland Management



The Benefits of Stream and Wetland Protection

Streams and Ditches

If you have a stream, or even a ditch, running through your property, the way you manage your land has an especially large impact on water quality, aquatic life, and wildlife habitat. Many people don't realize that ditches are also an important part of the stream system; a significant amount of water enters streams through these waterways. Many farm ditches are old stream channels that still have fish living in them at some time during the year. Fish seek out ditches for protection and food during the rainy season.



Wetlands: A Valuable Resource

Although they were once regarded as mucky swamps with little value, we now know that wetlands are a vital resource. Wetlands act like a giant sponge, soaking up water and slowly releasing it, reducing flooding and erosion. Wetlands also filter the water, removing pollutants as it passes through the vegetation. Since wetlands often connect to streams or groundwater sources, their ability to filter pollutants is important to water quality throughout the watershed. The water that soaks through wetlands often recharges aquifers, a source of water for many rural wells. Wetlands also provide important habitat for wildlife.

The Importance of Vegetation Along Streams

Horses often spend a lot of time near their water source, and if their water source is a stream they can cause a lot of damage. Besides contaminating streams with manure and urine, horses will tend to overgraze these areas and trample the roots of trees and the plants living along the stream bank. The loss of vegetation leads to a muddy mess in winter but it also harms the environment in a number of ways:

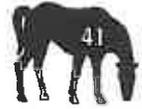
- Trees and shrubs along streams provide shade and keep water temperatures cool. Fish need oxygen in the water to survive and when water temperatures rise, oxygen levels decrease—the warmer the water, the less oxygen there is. Warm water also leads to excessive growth of algae. Decaying algae use the oxygen fish need and turn water scummy and smelly.
- The roots of vegetation stabilize stream banks and prevent erosion. When soil erodes into streams, it can clog fish gills, cover spawning beds, smother fish eggs, and make it hard for fish to see their prey.
- Plants along stream banks help filter pollutants from manure and urine out of water before it reaches the stream. Nutrients from manure accelerate the growth of algae and even tiny amounts of ammonia from urine can be toxic to fish.
- Vegetation provides food, nesting, and hiding places for fish and wildlife such as turtles, beaver, river otter, eagles, frogs, and waterfowl.

What You Can Do

✓ *Limit Horse Access To Streams and Wetlands*

- **Fencing horses out of streams** It is very important for the health of streams and wetlands to fence horses out of these areas completely or to at least limit access. The laws and ordinances regarding fencing issues and the buffer zones required will vary depending upon where you live and your specific situation. The Whatcom Conservation District is a great place to start for information. Check out the Resources section for additional contacts—some agencies may be able to provide you with or locate financial assistance for stream protection projects.
- **Provide alternate watering sources** Although horses can continue to drink from streams if you create watering points (usually created with a V or U formation of fence into the stream), a better alternative is off-stream watering. Water can be pumped or gravity fed to a stock tank placed away from the stream—no electricity required. Ram pumps use the force of the water coming downstream to pump





water into a holding reservoir. Pasture pumps use a hose that is operated by the horse and can pump water about 125 feet away from the stream and 25 feet uphill. Both systems are relatively inexpensive and pasture pumps can be moved up and down the stream *as needed*.

- **Do you have a wetland on your property?** Sometimes it can be difficult to tell if a portion of your property would be considered a wetland. Wetlands often remain soggy or have standing water during the driest months of the year—but not always. Wetlands may only stay soggy down in the plants' root zones, which can be 12 inches below the surface of your pasture. One way to help you identify a wetland area is to look for plants that like to have their feet wet; areas with plants like skunk cabbage, cattails, and spirea are very likely to be wetlands. Areas with soft rushes, horsetail, and creeping buttercup may also be wetlands.
- **Protect when wet** When horses are allowed access to wet pastures they compact the soil, damage vegetation, and can destroy a wetland's ability to act as a filter. Allowing horses to graze in wet areas will also eventually turn your green field into a muddy pasture. The end result is the loss of a valuable resource in exchange for a muddy mess that isn't much use as a grazing area and is a breeding ground for insects and disease. To avoid this, keep horses off pastures whenever the soil is soggy—this may be for most or all of the year for wetland areas.

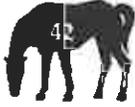
✓ *Choose Confinement and Storage Areas With Care*

Locate confinement areas (such as paddocks or turn-out areas) and manure piles as far away as possible from wetlands, streams, and other waterbodies. Maintain a healthy section or "buffer strip" of grass or other vegetation downslope of confinement areas and manure storage areas. This buffer strip will help to filter out nutrients and sediments from water runoff before it reaches streams and wetlands. As with fencing, the buffer required by law will vary depending on where you live. But to give you an idea on what may be required, here are some commonly recommended separation distances between sensitive areas and manure piles or confinement areas:

Sensitive Area	Minimum separation distance (feet)
Property line	50 (ideal 500)
Residence or place of business	200 (ideal 2,000)
Private well or other potable water source	100
Wetlands or surface water (streams, ponds, lakes)	100
Drainage ditch or subsurface drainage pipe discharging to a natural water course	25
Water table (seasonal high)	3

(Source: *Field Guide to On-Farm Composting; Natural Resource, Agriculture, and Engineering Service*)





✓ *Restore Streamside Vegetation*

● **Let it grow, let it grow** A healthy stream bank will have a wide variety of native trees, shrubs, and groundcover lining its borders. But if the only vegetation you've ever seen near your streams is the grass that the horses have overgrazed, you may want to consider doing a little planting—but not until you've done some fencing! Native plants take very little maintenance, are naturally resistant to pests and disease, and provide great erosion control and habitat for wildlife.

● **Streamside plants** Following are a few trees, shrubs, and groundcovers that are especially adapted for stream banks and buffers. Because we do not have enough room to go into detail about which plants are best for your site and how and when to plant them, please see the Resources section for contacts, books, and websites that can provide you with more information.

Trees	Preferred Conditions (sun vs. shade, dry vs. moist soils)
Bigleaf maple	Sun/dry
Oregon ash	Sun/moist
Paper birch	Partial shade to sun/moist
Western hemlock	Shady/moist
Western red cedar	Shady/moist
Sitka spruce	Partial shade to sun/moist
Douglas fir	Sun/dry
Red alder	Partial shade to full sun/moist to wet
Grand fir	Sun/dry to moist
Large shrubs & small trees	Conditions
Black hawthorn	Sun/moist
Evergreen huckleberry	Partial shade/dry
Oceanspray	Partial shade/dry
Red elderberry	Shade or sun/moist
Red osier dogwood	Shade or sun/moist



EVANS ASSOCIATES Environmental Consulting, Inc.

MEMO

To: Bedford Wetlands Control Commission
Building Department / Code Enforcement
Jeffrey Osterman, Director of Planning
Joel Sachs, Esq., Town Attorney

From: Beth Evans *B. Evans*

Subject: Toporoff-Richman Property: 12 Alice Road
Section 83.11 Block 2 Lot 4

Date: July 29, 2011



As requested, our office has reviewed the materials submitted under the July 1, 2011 cover letter from Whitney W. Singleton, Esq. Those documents include:

- 1) Set of plans titled "Proposed Addendum to Approved Site Plan" (Drawing # ADD-1 through ADD-3), prepared by Pamela Schwartz, Landscape Architect PC, and dated last revised June 21, 2011;
- 2) Updated Tree Survey, prepared by Stefan Karlson, Certified Arborist, and dated 5/2/2011, and letter from Mr. Karlson dated April 29, 2009.

I have compared these plans and documents to the originally approved plans (dated last revised May 4, 2009), and offer the following comments and observations for consideration:

- On April 29, 2011 a site inspection was held with the Applicant's attorney and consultant to review the conditions in the wetland area. A specific request was made at the conclusion of that site visit to have an "as-built" survey prepared. The survey was to show, at a minimum, the extent of the fill, the location of the trees remaining in the regulated area, and the location of the bridge. This request was made again at the May 2, 2011 Wetlands Control Commission meeting. I received a letter from Mr. Singleton dated May 24, 2011, with drafts of the proposed materials to be submitted (items listed above). After reviewing the materials submitted, I emailed Mr. Singleton on June 3, 2011 to advise that I still wanted to see an as-built survey. No such survey has been submitted to date, although the plan prepared by Ms. Schwartz shows areas of "fill" and "undisturbed wetland", and the "as-built location" of the horse bridge. I note that, according to the New York State Department of Labor, the description of the services provided by a licensed Landscape Architect specifically states that those services "shall not include the making of land surveys or final land plats for official approval or recording." Since the original approved plans were based on a "property survey as prepared by S.T. Johnson PLS, dated November 23, 1988 and an as built prepared by Arborscape, Inc. dated July 6, 2005", it is important that the as-built survey be done by a Licensed Land Surveyor so that the Town has an accurate record of the conditions on the site.

- With regard to the placement of fill within the regulated area, the Applicant's consultant and attorney have relied on several notes on the May 4, 2009 approved plans which refer to placement of fill, specifically top soil. Those notes are: Note 14 under General Notes on Drawing 1 of 3, which states that "all disturbed areas to be conditioned with 6" of on site topsoil", and Note C.2.C. under Sediment and Erosion Control Notes on Drawing 3 of 3, which states that "all cut slopes and embankment fills shall be stabilized as follows:... place at least 4" of topsoil, surfaces compacted by construction should be scarified before topsoil is placed." These notes are in contrast to notes on Drawing 2 of 3, which state that "no excavation or grading (except for fence post installation, stump removal, repair and seeding) will be performed in regulated areas", and "there will be no grading done in project area". If there was to be no grading done within regulated areas, then there would be no cut slopes or embankment fills created, and therefore no need to place topsoil, regardless of the origin. Mr. Singleton's statement on page 2 of his July 1, 2011 letter that the fill was "expressly authorized by the plans" is therefore false, and the Applicant's willingness to remove the fill from the regulated area simply addresses the basis of the violation. Further, there is no basis for the Applicant's proposal to replace the fill with topsoil, as the wetland topsoil was never removed from the site. It is my opinion that the fill should be removed from the site, by hand, and that no additional fill or topsoil should be used within the regulated area.
- With regard to the approved tree removal that was shown on the May 2009 plans, Drawing 2 of 3 contains a note which reads "there are approximately 100 trees within the project area; 8 are being removed. The remaining trees will be pruned to remove dead wood, promote healthy growth, and allow additional light into area." According to the updated tree survey, at least 18 trees have been removed, and Mr. Karlson stated during several site walks that up to 30 trees had been removed and the stumps pulled. Regardless of the actual number, it is apparent that vegetation was removed well in excess of the approved plan, yet the revised planting plans do not call for any additional trees to be planted as part of the remediation plan. There is no question that this will result in a substantial adverse impact to the wetland, and it is my opinion that drawing ADD-3 should be revised to add additional trees within the areas that have been disturbed.
- With regard to the Composite Site Plan (Drawing ADD-1), we have reviewed the Applicant's proposal in detail using the information provided on Ms. Schwartz's plan. First, the "Proposed Area of Additional Remediation" is misleading in that it includes approximately 1700 square feet of area that was supposed to have remained undisturbed according to the May 2009 approved plans. In addition, almost 1850 square feet of the area was impacted by fill, and yet no additional plants or other remediation measures are proposed for these areas. According to this drawing, approximately 13,000 square feet of the regulated wetland (65%) was impacted by fill, but no information was given about areas disturbed by removal of vegetation, including trees. Based on my observations on the site, I would estimate that over 75% of the regulated wetland areas on this site (19,960 square feet) within the paddock fencing have been disturbed within the past two years, and yet the proposed "additional remediation" consists of an area of less than 4000 square feet of previously approved paddock area that is directly adjacent to the existing lawn. Further, during the

recent site inspections, construction debris was found within the wetland in this area, and yet the only "remediation" proposed is to fence the area off and plant 185 herbaceous perennials. All construction debris and non-native soil must be removed from the site, regardless of when it was placed.

- During the site inspections this spring several invasive species were noted in the fill areas, and these species were pointed out to the Applicant's consultant and attorney. Despite this, no mention is made of the removal or control of invasive species in any of the documents or plans reviewed. Since the spread of invasive species will have a long-term adverse impact on wetlands and wetland adjacent areas, it is important to incorporate invasive species control and monitoring into the proposed remediation measures for this site. Drawing ADD-3 should be revised accordingly.
- Finally, with regard to expansion of the area proposed for paddock, I note that the Applicant proposes to expand the paddock area entirely within the wetland, rather than creating additional paddock area in the existing lawn to the east of the house and up slope of the western paddock fence. Since this appears to be an alternative which would allow the Applicant significantly more paddock area (a total area of 22,500 square feet) in a drier portion of the site which is likely more suitable for horses, it should be explored before consideration is given to expanding the paddock within the wetland itself.

O'Keefe, William

From: Bedfordwetland@aol.com

Sent: Wednesday, August 11, 2010 10:46 AM

To: turbo471@gmail.com; RStrong11@aol.com; carol.lilypond@gmail.com; Bedfordwetland@aol.com; dbscott@gmail.com

Cc: Paglia, Anne; O'Keefe, William; beth@eaec-inc.com

Subject: Toporoff project

Good Morning Everyone:

On Monday I noticed that a dump truck was unloading material at the Toporoff property (Alice Lane off of Succabone) and later in the day I noticed a second truck unloading and equipment moving the material into the wetlands and grading it. I conferred with Beth and reviewed the approved plans and the fill was clearly not approved in the resolution or plan and a potential wetlands violation as well.

In addition I noted that the southern area running along Succabone Road appeared to be substantially wider than was permitted and indicated on the plan.

At Beth's direction a stop work order was issued Tuesday morning by Bill O'Keefe.

Beth and I met at the property this morning. She will be issuing a memorandum later this week documenting what she observed. I believe she will also be suggesting that summons be issued for the various violations. Bill O'Keefe will then follow up with the Court.

The stop work order will remain in affect until further notice as the Court and the Commission will need to become involved. I would ask that in the next week or so that you drive by the site and make your own observations. If you have questions please direct them to me. I presume that this will be on the September agenda in some manner or form.

Thanks

Andrew

8/11/2010

Bedford Town Court
Town House, 321 Bedford Road
Bedford Hills, New York 10507

Kevin J Quaranta
Town Justice

Phone: (914) 666-6965

August 30, 2011

Whitney Singleton Esq.
50 Main Street
Mount Kisco N Y, 10549

People of the State of New York versus:

Ruth Toporoff
12 Alice Road
Bedford Corners, NY 10549

Case No: 10090245

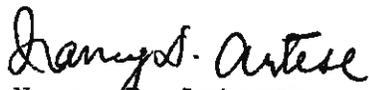
DOB: / /

<u>TicketNo.</u>	<u>Officer</u>	<u>Statute/Section</u>	<u>Charge Text</u>
001203	Genovese, James	TO 122.8	dep.material wetlnds
001203	Genovese, James	TO 122.8b5	alter wetlnd buffer

Next Date: 11/21/2011 Time: 09:00AM

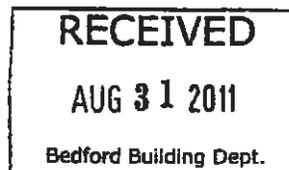
Please be advised that as per request of defendant the above-captioned matter is adjourned to the date and time indicated above.

Very truly yours,


Nancy P. Artese
Court Clerk

cc: Bill O'Keefe
Code Enforcement Officer

Suzanne Volpe, Esq.
Town Prosecutor

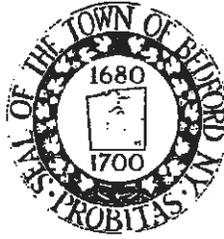


TOWN OF BEDFORD
BUILDING AND CODE ENFORCEMENT

Steven Fraietta
Building Inspector

James Genovese
Assistant Building Inspector

William O'Keefe
Code Enforcement Officer



Alexandra J. Costello
Sr. Office Assistant

Donna M. Berkowitz
Sr. Office Assistant

Michael Repp
Deputy Fire Inspector

March 22, 2012

Notice of Violation

Ruth Toporoff
12 Alice Road
Bedford Corners, New York 10549

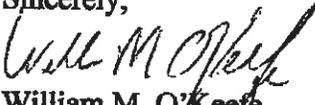
RE: Section 83.11 Block 2 Lot 4
Building Permit # 22377

Dear Ms. Toporoff:

Please be advised that the Town of Bedford Building Department has received a complaint from the Bedford Wetlands Control Commission regarding the fill and debris deposited in the wetland regulated area at the above referenced property.

Please have this material relocated outside of the regulated area within 15 days of the date of this letter. Your immediate attention to this matter is imperative to avoid further action by this department.

Sincerely,


William M. O'Keefe
Code Enforcement Officer

.cc BWCC

425 Cherry St., BEDFORD HILLS, NY 10507
Tel. (914) 666-8040 • Fax (914) 666-2026 • (914) 666-8453
E-mail: buildinginsp@bedfordny.info • www.bedfordny.info

Summons

TOWN OF BEDFORD, N.Y

In The Name of The People of The State of New York

TO: Mrs. J. M. ...

ADDRESS: 12 Hill ...

YOU ARE HEREBY SUMMONED to appear before a Justice of the Town of Bedford, New York at Town Court, Town Hall, Bedford Hills, New York at 2 o'clock, on June 2, 2009 to answer a charge against you by the undersigned.

Violation: ... of the Town of Bedford
at premises known as Section 35 Block 3 Lot 4

and upon Failure to appear, a warrant will be requested for your arrest.

Dated in the Town of Bedford, on June 2

Violation: ... 2009 Time ...

...
Building Inspector, Town of Bedford, N.Y.

Original - White
Building Department - Yellow
Court Copy - Pink

STATE OF NEW YORK COUNTY OF WESTCHESTER
JUSTICE COURT TOWN OF BEDFORD



THE PEOPLE OF THE TOWN OF BEDFORD
Against

Michael Richman and Ruth Toporeff

Be it know that the complainant herein Richard Megna of the Town of Bedford Building Department accuses the defendant(s) named above of the following offence(s)-committed at 12 Alice Road, Bedford Corners, in the Town of Bedford, New York on the 2nd day of June, 2008 at about 11:00 A.M.

COUNT ONE (1): The offence of violating the Wetlands Code of Town of Bedford, Chapter 122, Section 8 (B)(2) – conduct any form of draining, excavation or removal of material.

COUNT TWO (2): The offence of violating the Wetlands Code of the Town of Bedford, Chapter 122, Section 8 (B)(3) – conduct any form of dumping, filling or depositing of material.

COUNT THREE (3): The offence of violating the Wetlands Code of the Town of Bedford, Chapter 122, Section 8(B) (5) – alteration or grading natural features and contours, alter drainage conditions.

Facts

Upon information and belief of William M. O'Keefe, Code Enforcement Officer, Town of Bedford, the defendant, at 12 Alice Rd., Bedford Corners, N.Y., also known as Section 83.11 Block 2 Lot 4 on or about June 2nd, 2008, at about 11:00 A.M. was found to have drained, excavated or removed materials; deposited fill in the buffer; altered and graded natural features and contours, all within the wetlands at said property. These are violations of the Freshwater (Wetlands) Law of the Town of Bedford, Chapter 122, Section 8, subsections (B)(2); (B)(3); and (B)(5).

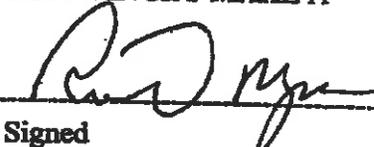
All of the above is contrary to the provisions of the statute in such case made and provided for.

The above allegations of fact are made by the complainant herein on direct knowledge (and upon information and belief), with the sources of complainant information and the grounds for his belief being:

William M. O'Keefe, Code Enforcement Officer, Town of Bedford

NOTICE: PURSUANT TO THE PENAL LAW, SECTION 210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

June 2, 2008
Dated


Signed

EVANS ASSOCIATES Environmental Consulting, Inc.

MEMO

To: Bedford Wetlands Control Commission
Building Department

From: Beth Evans *B. Evans*

Subject: Richman/Toporoff: 12 Alice Road
Section 83.11 Block 2 Lot 4

Date: June 22, 2012

At the request of Stefan Karlson of ArborScape, I inspected the above captioned property on the morning of June 22, 2012 to review the progress of the fill removal. I met with Al, who identified himself as the project manager.

The extent of the non-native fill material, as shown on the survey prepared by H. Stanley Johnson & Co., had been marked in the field using orange marking paint. Silt fence had been installed as tree protection around the trees within the fill area, and I reminded Al that any fill removal around the trees was to be done by hand.

Fill material had been scraped and stockpiled from the portion of the site between the bridge and Succabone Road. I used a Dutch soil auger to evaluate the amount of fill remaining, and took approximately 15 -20 borings throughout the area, demonstrating the interface between fill and native wetland soils to the ArborScape representative. In some areas where work had been done, the majority of the fill had been removed, whereas in others there remained 3 - 4" of fill material. Still other areas were still vegetated and no fill had been removed.

Severe thunderstorms were predicted for the afternoon/evening hours, so I requested that all machinery be removed from the wetland and kept outside of the regulated area when not in use. The ArborScape representative agreed to move the machines, and I later spoke to Stefan by telephone and relayed my findings and request that the machines be out of the wetlands before the storms came through.

Finally, I asked that any stump holes that remained in the regulated area that the Applicants want to fill be flagged or staked so that I can look at them before they are filled.

RECEIVED
JUL 17 2014
BEDFORD ZONING
BOARD OF APPEALS

Law Offices
220 White Plains Road, 5th Floor
Tarrytown, New York 10591
Tel. (914) 682-0707
Fax. (914) 682-0708
www.szlawfirm.net

July 16, 2014

VIA E-MAIL & FEDERAL EXPRESS

Chairman and Members of the Town of Bedford Zoning Board of Appeals
Town of Bedford
425 Cherry Street
Bedford Hills, New York 10507

Re: New Applications 3 on July 2, 2014 agenda

Dear Chairman Michaelis and Members of the Board:

This firm represents Ruth Toporoff and Michael Richman, 12 Alice Road, Bedford Corners, New York and we write regarding an appeal that is currently pending before this Board – New Application 3 on the July 2, 2014 agenda asking this Board to find that to the extent the Building Inspector concluded that the Gallis have all permits and approvals in place for all structures on the Gallis’ property, including the fencing and concrete patio/block pavers, such a determination was in error.

Pursuant to my recent conversations with the Town Attorney, Joel Sachs, Toporoff/Richman agreed to close the public hearing on this appeal without having an opportunity to present this appeal to the Board so long as the record remained open and we had until July 16, 2014 to submit additional documentation in support of the appeal. Our understanding is that the Gallis will then have until July 23, 2014 to submit additional documentation regarding this appeal, and on July 23, 2014 the record on this appeal will be closed. This letter and the exhibits attached are Toporoff/Richman’s additional submission in support of their appeal. We ask that they be entered into the record and that this Board consider them in reaching a determination on the appeal.

As we discuss in detail in our April 7, 2014 letter, the Building Inspector was incorrect to the extent that he determined that the Gallis have all permits and approvals in place for all structures on the Gallis’ property, including the concrete patio/block pavers attached to the barn and the fencing. Both the concrete patio/block pavers and the fencing are considered structures under the Zoning Code. Structure is defined as “anything constructed or erected, the use of

which requires location on or under the ground or attachment to something having location on the ground.” Because the concrete patio/block pavers requires a location on the ground and is attached to the barn, as it is used for a staging and grooming area for the Gallis’ horses, it is a structure. In addition, the Building Inspector recently issued a determination dated March 3, 2014 finding that an uncovered wooden deck was a structure (attached as Exhibit “1”), and therefore it must also be the case that the concrete patio/block pavers are a structure. And fence is defined as “any structure”, conclusively establishing that it is a structure.

These structures also do not have the required permits and approvals. For the reasons explained in detail in our April 7, 2014 letter and our barn appeal dated March 5, 2014, the Gallis’ barn is nonconforming. Under the Zoning Code, the Gallis could not expand this nonconformity, but that is exactly what they did on numerous occasions by expanding the footprint and reconfiguring the barn to add a tack room. The Gallis also installed plumbing in the barn, which was not only an expansion of a nonconforming use, but also is not permitted in accessory structures and requires a variance. This is reflected in Carryover Application 1 on the July 2, 2014 agenda where Benjamin Morton and Christy Counts, who reside in a R-4A district (like the Gallis) were before this Board for a variance “to permit the installation of plumbing facilities . . . in a newly constructed accessory structure (4-stall barn) where plumbing in accessory structures is prohibited.” (see agenda attached as Exhibit “2”). However, the Gallis obtained no such variance and therefore the installation of plumbing was improper for numerous reasons. We brought this to the attention of the Town (see letter attached as Exhibit “3”) and the illegal plumbing and sink is obvious from outside of the barn (see photographs attached as Exhibit “4”), but yet the Town did nothing.

In addition, the Gallis improperly expanded the barn when they added the concrete patio/block pavers. A survey of the Gallis’ property from 1992 shows a paddock fence around the north side of the barn with no structure or ground surface. The same is true for the Gallis’ numerous surveys from 2003 to 2013. Only on the Gallis’ November 2013 survey do they show the concrete patio/block pavers. Further, one can see from aerial views of the property that in 2001 (see Exhibit “5”) there was a round semi-circle fence surrounding the barn with no distinction in the type of ground or dirt in the enclosed area from the rest of the undeveloped property. But the aerial views from 2007 (see Exhibit “6”) show a very pronounced patio with a differently shaped fence and a distinct discoloration in the area where the patio is from the rest of the property that is grass and dirt. Therefore, the Gallis have improperly expanded their nonconforming barn in several ways and the Building Inspector erred to the extent he found that all proper permits and approvals were in place for the barn.

There is also ample fencing on the Gallis’ property that does not have proper permits and approvals. First, the Gallis have between 250-300 linear feet of fencing along Alice Road in the wetlands that is over 5 feet high and does not comply with the 20 foot setbacks. While it appears the Gallis obtained a wetlands permit to move approximately 90 linear feet of fencing closest to Succabone Road (see Exhibit “7”), they then moved the additional fencing without the proper permits. When Toporoff/Richman wanted to put similar fencing on their property, they were required to comply with 20 foot setbacks (see approved plans attached as Exhibit “8”). However,

July 16, 2014

Page 3

the Gallis got approval to move approximately 90 linear feet of fencing to the property line and then simply moved the rest of it without approval.

Second, the Gallis have fencing on Alice Road that extends approximately 10 feet onto Town property. Because it was never legal to install fencing on Town property, the Gallis have no right to continue to encroach on Town property and should have to move it to a conforming location. Third, the Gallis illegally installed paddock fencing (1) attached to the barn and shed/barn that expands the nonconforming horse maintenance and barn use; (2) in the wetlands without wetlands permits; and (3) near the rear property line that does not comply with 5 feet setback requirements.

In sum, the Gallis should have been required to obtain numerous permits and approvals for structures on their property (outlined on page 10 of our April 7, 2014 letter) and because they did not, the Building Inspector erred to the extent he concluded that all necessary permits and approvals were in place for all structures on the Gallis' property.

Thank you for your consideration of this matter.

Very truly yours,

SILVERBERG ZALANTIS LLP



Katherine Zalantis

KZ/cta

Enclosures

cc: Joel Sachs, Esq.
Nancy Tagliaferro, Esq.

Exhibit 1



3-7-14
Disw
ZBA

Town of Bedford

Building Department

425 Cherry Street • Bedford Hills, New York 10507

Tel: (914) 666-4585 • Fax: (914) 666-2026

E-Mail: buildinginsp@bedfordny.gov

www.bedfordny.gov

Steven Fraietta, Building Inspector

*Alexandra J. Costello,
Sr. Office Assistant (Office Manager)*

James Genovese, Assistant Building Inspector

William O'Keefe, Code Enforcement Officer

Michael Repp, Jr., Deputy Fire Inspector

Donna M. Berkowitz, Sr. Office Assistant

March 3, 2014

John S. Marwell, Esq.
Shamberg Marwell Hollis Andreyck & Laidlaw, P.C.
55 Smith Avenue
Mount Kisco, NY 10549

Re: Zoning Board of Appeals Application
Section 73.5 Block 1 Lot 14, R- 4 Acre Zoning Districts
124 David's Hill Road, Bedford, New York
Owners/Applicants: Barry Kasoff

Mr. Marwell,

With reference to your February 27, 2014 letter requesting my interpretation about whether a 664 square foot uncovered wooden deck should be included in building coverage.

It has been this office's interpretation that these types of structure have always been included in building coverage. Referring to Chapter 125-3 of the Town Code – Definition of "Structure" - "Anything constructed or erected, the use of which requires location on or under the ground or attachment to something having location on the ground. "Structure" includes a building. See also 'building.'" The same chapter refers to coverage "that percentage of the lot area covered by the combined area of all buildings or "structures" on the lot, i.e., building area divided by lot area."

It is my interpretation that open or uncovered decks are to be included in the calculation of building coverage.

Very truly yours,


Steve Fraietta
Building Inspector

Exhibit 2



TOWN OF BEDFORD

www.bedfordny.gov

AGENDA

**BEDFORD ZONING BOARD OF APPEALS
425 Cherry Street, 2nd Floor Conference Room
Bedford Hills, New York 10507
WEDNESDAY, July 2, 2014 – 2nd REVISION**

6:00 P.M. - EXECUTIVE SESSION - Pending Litigation

6:30 P.M.

MINUTES: April 2, 2014

**CONSIDERATION OF ADOPTION OF RESOLUTION: Amended Resolution #12-13 Four
ACKNOWLEDGEMENT OF RESOLUTIONS FILED**

NEW APPLICATIONS:

- 1. Michael Richman and Ruth Toporoff (Appellants) 12 Alice Road, Bedford Corners, NY 10549 for property owned by: Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549. Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The appellants hereby seek an appeal as requested by a letter dated May 14, 2014 from Katherine Zalantis, Esq. representing Michael Richman and Ruth Toporoff, from the Town of Bedford Building Inspector's March 19, 2014 determination that a manure dumpster is prohibited in a controlled area (i.e. the wetlands or wetlands buffer area.) Said appeal is filed pursuant to Section 125-129 (C) (1) (b) of the Code of the Town of Bedford.**
- 2. Michael Richman and Ruth Toporoff (Appellants) 12 Alice Road, Bedford Corners, NY 10549 for property owned by: Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549. Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The appellants hereby seek an interpretation or appeal as requested by a letter dated May 2, 2014 from Katherine Zalantis, Esq. representing Michael Richman and Ruth Toporoff, from the Town of Bedford Building Inspector's Letter of Permit Denial dated March 7, 2014 to the extent that it concluded that the Gallis' application to place a manure storage dumpster 22.7 feet from the property line required an area variance when the Gallis should have been required to obtain multiple use and area variances. Said appeal is filed pursuant to Section 125-129(C) (1)(b) of the Code of the Town of Bedford.**
- 3. Michael Richman and Ruth Toporoff (Appellants) 12 Alice Road, Bedford Corners, NY 10549 for property owned by: Stefano and Suzanne Galli, 341 Succabone Road, Bedford Corners, NY 10549. Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District. The appellants hereby seek an appeal as requested by a letter dated April 7, 2014 from Katherine Zalantis, Esq. representing Michael Richman and Ruth Toporoff, from (i) the Town of Bedford Building Inspector's undated handwritten determination rendered sometime after February 6, 2014 to the extent that the Building Inspector determined that all permits and approvals are in place for "structures" on the Gallis' property, including fences and a concrete structure in front of the barn; and (ii) the Building Inspector's April 3, 2014 determination. Said appeal is filed pursuant to Section 125-129(C) (1)(b) of the Code of the Town of Bedford.**

Zoning Board of Appeals Meeting – Wednesday, July 2, 2014 – 2nd REVISION

425 Cherry Street, Bedford Hills – 2nd Floor Conference Room

Page Two

7:30 P.M.

1. 570 Bedford Road LLC, Splash Bedford Hills, LLC, ONAB Corp., 562 and 570 Bedford Road & Valerio Court, Bedford Hills, NY 10507. Section 72.5 Block 1 Lot 33, 39, 39.1, RB & R-1/2 Acre Zoning District. The applicant requests a Special Use Permit in accordance with Article V Section 125-49 and Article VIII Section 125-68 of the Town of Bedford Zoning Ordinance to permit the operation of a car wash and detail facility which such uses are classified as “public garages” under the Town of Bedford Zoning Code.

CARRYOVER APPLICATIONS:

1. Benjamin Morton and Christy Counts, 44 Bayberry Lane, Bedford, NY 10506. Section 84.13 Block 1 Lot 27, 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 half bath (1toilet and 1 sink) in a newly constructed accessory structure (4-stall barn) where plumbing in accessory structures is prohibited. Article I Section 125-3 Definition of Studio.

NEW APPLICATIONS (Continued):

2. The Estate of Frances C. Tilt, 33 Hook Road, Bedford, NY 10506. Section 73.14 Block 1 Lot 15, R-4 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit an already installed 4-foot wood board fence on top of an existing 2-foot high stone wall as a replacement for a pre-existing, non-conforming wood board fence resulting in a total height of 6 feet in the front yard where 4 feet is permitted when the fence is located less than 20 feet from the front property line. There is an existing, non-conforming wire fence located in front of the wall.

Article III Section 125-15 A (1) (b) and (3) (g)

3. Giuseppe and Camille Luppino, 212 Baldwin Road, Mt. Kisco, NY 10549. Section 83.08 Block 1 Lot 12, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of a detached accessory structure to be used as a 2-bay garage with a studio apartment above which the family will occupy while a new single family residence is under construction resulting in two residences on one building lot during construction which is a variance of Article III Section 125-12A. The cottage does not meet the requirements of the Town Code resulting in variances of Article VIII Section 125-79.1A. (1) and (2) to permit a cottage to be located in a structure that has been in existence for less than 5 years and where total floor area to be occupied by the cottage has been in existence for less for less than 5 years.

Supporting documentation for all items on this agenda is available at the Town of Bedford website 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.

Exhibit 3



Law Offices
220 White Plains Road, 5th Floor
Tarrytown, New York 10591
Tel. (914) 682-0707
Fax. (914) 682-0708
www.szlawfirm.net

March 27, 2013

VIA EMAIL & FEDERAL EXPRESS

Steven Fraietta
Building Inspector
Town of Bedford Building Department
425 Cherry Street
Bedford Hills, NY 10507

Re: Stefano & Suzanne Galli, 341 Succabone Road, Bedford Corners, NY
Barn construction in wetlands

Dear Mr. Fraietta:

We represent Michael Richman and Ruth Toporoff, who live at 12 Alice Road, Bedford Corners, New York and write regarding the property of Stefano and Suzanne Galli (the "Gallis") located at 341 Succabone Road, Bedford Corners, New York ("Galli Property").

We have previously advised you that the Gallis improperly expanded their barn in the wetlands without the proper building permits or wetlands permits by (1) increasing the footprint of the barn and (2) installing a concrete patio/block pavers attached to the barn. We never received any acknowledgement of our letters or responses to our concerns. When we raised these issues yet again at the March 5, 2014 Zoning Board of Appeals ("ZBA") meeting, you commented that you did not have plans showing the barn when it was originally built even though the survey that the Town's approval was based upon (and several subsequent surveys all of which are in the Town's records), depicted a much smaller rectangular structure than the structure that currently exists on the property that has a concrete patio/block pavers and an expansion of the footprint on the west side of the barn facing the cemetery. We now write again to bring to your attention a letter submitted to the ZBA by the Gallis' attorney dated March 24, 2014, which goes even further in conclusively establishing that the Gallis have improperly expanded the barn. Attached is a copy of the letter (without exhibits) for your reference).

Illegal Expansion of Footprint of Barn in Wetlands

First, in response to our claim that the Gallis expanded the barn's footprint located entirely in the wetlands control area by adding the "bumpout," the Gallis' attorney stated "[i]t

will have been removed well before the special meeting on April 3, 2014” (p. 6). **This is incredibly telling.**

While we previously submitted documentary evidence (in our letters and barn appeal dated March 5, 2014) to conclusively establish that the Gallis unlawfully expanded their non-conforming barn without required permits or variances, the Gallis have responded to our claims by making no legitimate attempt to show their action were legal. Instead, they stated that they will remove their illegal expansion. Obviously, the Gallis would not remove something that is actually legal, but they know it is not and they can no longer deny that when the conclusive documentary evidence establishes that this expansion was done (1) without proper building and wetlands permits (2) by the Gallis after they purchased the property. Moreover, the timing is obviously fortuitous as the Gallis intend to remove the footprint expansion “before the special meeting on April 3, 2014” because they know the ZBA cannot consider a variance application while there are violations on the property – further confirming that the footprint of the nonconforming barn in the wetlands was illegally expanded.

After being presented with this type of concession, the Building Inspector, whose job it is to enforce the Town Code, cannot continue to turn a blind eye to this and must issue the appropriate violations immediately. And now that the Gallis essentially admit to improperly expanding the barn in the wetlands without proper permits or variances, they cannot just “take it back” by removing it. By doing construction in the wetlands without proper permits, they caused damage to a Town-protected area. Removing the improper expansion by engaging in more construction does not “undo” the damage, it doubles it. As such, it is too late for the Gallis to just revert the barn back to the way it was when they purchased the property and pretend this never happened. The damage has already been done, and now violations should be issued and the Gallis should have to apply for and obtain the proper permits and land use approvals before engaging in further construction in the wetlands.

For months we have presented you with irrefutable documentary evidence and have been imploring you to investigate this illegal expansion of the barn’s footprint, and now that you know the Gallis intend to remove the illegal expansion, we demand that the Building Department take immediate action to issue violations and ensure the Gallis do not engage in any further construction without the proper building and wetlands permits.

Illegal Construction of Concrete Patio/Block Pavers in Wetlands

We have also previously brought to your attention that the Gallis constructed a concrete patio/block pavers attached to the barn in the wetlands. The Gallis’ attorney does not deny this in her letter. Instead, in an attempt to toe the line between conceding that her clients are serial Zoning Code violators and avoiding misrepresenting the facts, she makes the illogical insinuation that the cement patio/block pavers is “pre-existing” because there was an enclosed grooming area in that area when the Gallis purchased the property (p. 6). Of course, this makes no sense because the fact that there was a fence around grass when the Gallis purchased the property is in no way comparable to the Gallis expanding the nonconforming barn by installing

cement block pavers attached to the barn in the wetlands controlled area, and surely does not make the block pavers "pre-existing."

In making this claim, the Gallis rely upon the 1992 survey of the previous owners, which shows a semi-circle fence around the north side of the barn beyond the roof overhang that existed in 1992 and is still present on the Gallis' most recent survey. Notably, what the 1992 survey does not depict, and the Gallis' attorney does not deny, is that the cement patio/block pavers were not there in 1992 or in several surveys prepared and certified from after the Gallis purchased the property. If the block pavers existed when the Gallis purchased the property, and/or the Gallis did not install the cement patio/block pavers, surely the Gallis' attorney would have said that. However, she could not say that without misrepresenting the facts, and thus, by omission, concedes that the Gallis improperly installed the concrete patio/block pavers

Again, like with the expansion of the barn's footprint, we insist that you finally take action in response to the evidence that has been in your possession for months, and has now essentially been conceded by the Gallis' attorney, and issue violations to the Gallis for improper installation of the concrete patio/block pavers attached to the barn in the wetlands without proper permits.

Further Illegal Expansion: Plumbing Introduced in the Wetlands

Notably, the Gallis also illegally installed plumbing in the barn, which you can easily confirm by observing the inside of the barn and, as to our knowledge, there are no plumbing permits/authorizations for the barn. This is yet again a further expansion of a nonconforming use and is especially egregious as there is no mechanism to manage runoff from all the water the Gallis introduce in the wetlands controlled area, including when they wash their horses on the illegally constructed patio that introduces toxins into the wetlands controlled area.

Steep Slope Area

Much like with the Gallis' illegal expansion of the barn, we have also been trying to get the Town to acknowledge that the location where the Gallis propose to place their manure dumpster is a steep slope area that requires a steep slopes permit. For months, the Town refused to even consider this possibility, to the point that I was admonished by the Chairman of the ZBA for calling it is steep slope area when you said it was not. This was even though our expert, Chazen Companies, based its determination that it was a steep slope area upon the Town's own topography maps. Now, in your March 19, 2014 letter you stated that you could not determine whether the area the Gallis proposed to locate the dumpster was a steep slopes area and required that the Gallis submit plans with elevation, which was not included on any of their prior surveys. The ZBA should not go forward with the Gallis' variance application until the Gallis adequately address this issue and submit a survey with accurate elevations as there is no way for the ZBA to assess the impacts without this information.

We hope that you are beginning to see that our claims and statements have merit and that the Gallis are at the point where they can no longer just deny it without being able to present any

support for their position. There may be a lot of issues that we bring to your attention, but that is only because the Gallis do and say a lot of things that blatantly violate the Code, while my clients make every effort to comply with the law and are still issued multiple violations. We ask that you finally look into the issues we have raised, both with respect to the illegal barn expansion, the slopes of the proposed manure storage area, and all of the other issues we have raised over the last year with respect to the Gallis' improper actions. If you want, we would be happy to provide you with copies of the letters we previously submitted. Further, as you well know, so long as you believe there may be violations on the property (which cannot be denied at this point), the ZBA should not be allowed to go forward with their consideration of the Gallis' variance application.

We thank you in advance for your anticipated attention to this matter.

Very truly yours,

SILVERBERG ZALANTIS LLP



Katherine Zalantis

KZ:cta

Enclosures

cc: (Via e-mail)

Joel Sachs, Esq., Town Attorney

Chris Burdick, Town Supervisor

Peter Michaelis, Chairman of ZBA c/o Alex Costello, ZBA Secretary

HOGAN & ROSSI

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*Also Admitted in CT
**Also Admitted in Maryland,
Virginia & Washington D.C.

March 24, 2014

Via Hand Delivery

Hon. Peter Michaelis, Chairman
Bedford Zoning Board of Appeals
425 Cherry Street
Bedford Hills, New York 10507

Re: Petition for Area Variance;
Premises: 341 Succabone Road, Bedford Corners, New York;
Owners: Suzanne and Stefano Galli;
Tax Map Designation: Section 83.11, Block 2, Lot 3;
Zoning District: R-4A Residence Four Acre District

Dear Chairman Michaelis and Members of the Board:

As you know, we represent Suzanne and Stefano Galli of 341 Succabone Road (the "Premises.") This letter will briefly address the matters to be heard by this Board at the April 3, 2014 special meeting which has been scheduled to hear the Gallis' variance application and the various appeals of Ruth Toporoff and Michael Richman of 12 Alice Road (Toporoff/Richman.)

I. The Galli Variance Application for a Manure Storage Dumpster

This application seeks a variance of the setback requirements for a 10 yard covered manure storage dumpster on the Premises from 50 feet to 22.7 feet (the "Manure Storage Variance") from the adjoining westerly property line. Significantly, the proposed storage area does not require a variance from the setbacks relating to Alice Road, but rather, is proposed to be located 64.4 feet from Alice Road. This location would place the proposed manure storage dumpster 114.4 feet from the Toporoff/Richman property line and approximately 210 feet from their residence. As set forth in the photographs included in our March 4, 2014 submission, extensive natural screening from Alice Road makes the proposed manure storage area virtually invisible from 12 Alice Road. Moreover, the Gallis plan to install additional fencing as screening as depicted in Exhibit "A" to

Hon. Peter Michaelis
March 24, 2014
Page 2

further reduce any possible visual impacts. Therefore, the proposed manure storage location will not have any negative impacts upon Toporoff/Richman, whether visual, environmental or otherwise.

As we have previously advised this Board, this particular area was carefully chosen by the Gallis for manure storage because the proposed location is situated as far from Alice Road as possible in an area which (i) complies with prohibition on storage of manure within the designated wetlands or wetlands controlled area; (ii) complies with the Department of Health separation distances from the Galli's well; (iii) complies with standard engineering practices regarding 10' separation distances between driveways and septic areas/septic trenches; and (iv) facilitates emptying of the dumpster on a periodic basis via an already existing driveway. In support of the foregoing, attached hereto for the Board's consideration as Exhibit "B" is a Wetland and Environmental Impact Assessment Report prepared by Matthew D. Rudikoff Associates, Inc (the "MDRA Report"). The MDRA Report was prepared to confirm the unique combination of conditions and regulatory constraints affecting the Premises which severely limit the possible areas for manure storage. The MDRA Report was also sought to obtain an opinion as to the suitability of locating a manure storage area within the wetlands or wetland buffer area. As the MDRA Report demonstrates, due to the existing constraints on the Galli property, an area of less than five (5%) percent of the entire Premises is available for appropriate, compliant manure storage. This report conclusively establishes that the proposed manure storage area is the most logical and environmentally suitable area on the Galli property for manure storage for the following reasons:

1. The proposed site is not constrained by the regulated environmental features which constrain most of the Premises, i.e. wetlands, wetland buffer area, required wellhead separation distances and the existing septic expansion area;
2. The proposed area is near the barn and accessible from the already existing driveway off of Alice Road;
3. No trees will have to be removed and only minimal grading would be necessary,
4. Further site disturbance to wetland buffer area will be avoided, and no new impervious surface are will be necessary because no new driveway for vehicular access is necessary;
5. The area is sufficiently screened from Alice Road by existing trees and shrubs and the dumpster will be graded to reduce visual impacts; and
6. The adjoining property is an abandoned cemetery which has reverted into a hardwood forest.

Hon. Peter Michaelis
March 24, 2014
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When we were last before the Board in March, the objections from Toporoff/Richman generally relied upon the unsupported assertion that the requested variance is not the "minimum variance necessary" because innumerable other feasible alternatives exist for manure storage within the wetland and wetland buffer. These assertions, like most of the so-called "evidence" submitted by Toporoff/Richman, are incorrect and should be disregarded by this Board in light of (i) the MDRA Report; and (ii) the determination of the Building Inspector (after consultation with the Town's Environmental Consultant) dated March 19, 2014, that location of a manure storage dumpster within the wetland or wetland buffer is prohibited pursuant to Town Code §122-8(A). (That determination is annexed hereto as Exhibit "C" for the Board's ready reference.)

Thus, all of the locations suggested as "zoning compliant" in Exhibits I and J to the Toporoff/Richman February 7th submission are, in fact, not compliant with either Town Code or New York State regulations because they (i) are located within the regulated separation distance from the Galli well; or; (ii) are located in the prohibitive wetlands or wetland buffer area.

Obviously, the Gallis are permitted to keep horses on their property pursuant to Bedford Town Code §125-25(3)(B), and they therefore are entitled to a means to manage the manure. The Gallis seek to store manure in a manner that is aesthetically pleasing and has no adverse impacts upon the surrounding properties. It is respectfully submitted that no one would be impacted by the location of a covered, efficiently managed, manure storage dumpster located 22.7 feet from the property line of an abandoned cemetery which is now essentially a wooded forest. Moreover, as a measure to ensure that there will be no adverse impacts upon any of the surrounding properties or the neighborhood as a whole, the Gallis are willing to accept the requested variance subject to the following conditions:

- The dumpster will be a covered dumpster;
- Fencing and a gate will be installed as depicted in Exhibit "A;"
- The pad for the dumpster will be set at grade level with the existing driveway; and
- Spreading of manure will be limited to twice a year (spring/fall) in each field.

If deemed necessary, the Gallis will also consider additional, reasonable screening, but given the extent of existing screening and the limited visibility of the driveway/barn area and the screening of the dumpster location from Alice Road and the Toporoff/Richman residence, it appears none should be required.

We have made prior submissions in support of this variance application, which will not be repeated, but those submissions are incorporated herein by reference. However, we urge the Board to revisit the table included in our February 4th submission outlining the many inaccurate statements

Hon. Peter Michaelis
March 24, 2014
Page 4

submitted by Toporoff/Richman in this matter, all of which have been flatly refuted. That table, the MDRA Report and the obvious appropriateness of the proposed dumpster location clearly indicate that the reasons proffered by Toporoff/Richman in opposition to the variance request are illogical and are based on outright misstatements made regarding other "feasible locations". This abuse of the zoning process and any other processes available to them (including threats of litigation against the Town) are unjustified and legally unsupportable attempts to prevent the Gallis good faith efforts to properly use their private horse farm property. The personal motivations of an objecting neighbor are not a sufficient reason for this Board to deny the requested variance absent clear evidence of potential detriment to that neighbor's property. No such evidence exists in this case.

II. The Toporoff/Richman March 4, 2014 Appeal regarding the Galli Barn

A. An Undated, Handwritten, Unsigned Notation Does Not Constitute an Appealable Determination

An undated, handwritten and unsigned notation in an existing document in a file does not constitute a valid "order, requirement, decision or determination." Moreover, the appeal assumes, but cannot state with any certainty, that the notation was made by the Building Inspector. Town Law §267-a limits the jurisdiction of an appeal to the Zoning Board of Appeals as

".....appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this article."

Moreover, Town Law §267-a mandates that an appeal be taken within sixty days of the date of filing of such determination. Because the notation does not constitute an appealable determination, this Board does not have jurisdiction to consider this matter and the appeal must dismiss this appeal. Moreover, Toporoff/Richman cannot demonstrate that the "appeal" is timely, since the note is undated

B. The Appeal Must Be Dismissed

Should the Board decide to consider the appeal, it must be dismissed on its merits because (i) the appeal is based upon an erroneous application of the Town Code; and (ii) there has been no illegal expansion of the barn.

Hon. Peter Michaelis
March 24, 2014
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Toporoff/Richman asserts that the 1997 Certificate of Occupancy No. 7998A issued relating to the barn was erroneously issued because the barn "use" lapsed when no horses lived in the barn for a period of time before the Gallis purchased the Premises. This argument, while creative, is completely erroneous. The barn is not a pre-existing nonconforming use (such as a pre-existing gasoline station in a neighborhood that has since been zoned as a residential zone) but it is a pre-existing, nonconforming structure which does not conform to current setback regulations. The Bedford Town Code defines a nonconforming use as:

A use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use was lawful at the time this chapter or amendments thereto became effective. (Emphasis supplied) Bedford Town Code, §250-3.

A barn is an accessory structure, which is defined under the Code as a "building subordinate to the principal building on the lot and used for purposes customarily incidental to that of said principal building." Bedford Town Code, §250-3. In fact, barns are specifically permitted accessory structures in the R-4 zoning district. (See Town Code §125, Attachment 3, Schedule of Use Regulations-Accessory Uses, which specifically enumerates barns as accessory structures).

The barn was erected 23.7± feet from the Alice Road property line, before the enactment of the fifty foot building setbacks now required pursuant to Town Code. Town Code 125-11(5)(d) defines nonconforming structures as:

Dimensional nonconformity. A building or structure that is conforming in use, but does not conform to the lot area, effective square, yard dimension, height, setback, coverage, off-street parking, loading or similar dimensional requirements of this chapter, shall be deemed to be dimensionally nonconforming. No permit shall be issued that will result in the increase of any dimensional nonconformity, but any building or structure or any portion thereof may be altered to decrease its dimensional nonconformity. An increase in the height of a dimensionally nonconforming structure shall constitute an increase in dimensional nonconformity and, consequently, no permit shall be issued authorizing such an increase in height.

The barn is conforming in use, but does not conform to the setback requirements, therefore, is a permitted preexisting structure (not a nonconforming use) which is dimensionally nonconforming. The application of §125-11C(4) is erroneous, as that section applies to a

Hon. Peter Michaelis
March 24, 2014
Page 6

discontinuance of a nonconforming uses, and does not apply to dimensionally nonconforming structures.

C. There has Been No Expansion of the Nonconformity of the Barn

Toporoff/Richman contend that the barn has been illegally expanded because there is a new "bump out" and because the block pavers were not there when the Gallis purchased the Premises. The argument is incorrect because, even if it were true, which it is not, the bump out and the "block pavers" (the block pavers are actually a pre-existing fenced grooming area). do not increase the dimensional nonconformity of the barn.

The Barn lies within 23.7 feet of the lot line of the Premises adjoining Alice Road, rather than the fifty feet currently required under the Town Code. The Town Code prohibits the expansion of the nonconformity of a structure, but not the alteration of such a structure. Pursuant to Town Code Sec. 125-11(5)(d) "[n]o permit shall be issued that will result in the increase of any dimensional nonconformity..." The only way to increase the nonconformity of the barn, therefore, would be to increase its size so that it further reduces the setback from the existing 23.7 feet from Alice Road. Thus, if the Gallis expanded the grooming area with block pavers or added the bump out, such would not increase the dimensional nonconformity of the barn. Moreover, the patio was present, as depicted on the 1992 survey, (Exhibit "D") as an enclosed grooming area when the Gallis purchased the premises and the Gallis reduced the size of the grooming area. Furthermore, even though the enclosure of an already existing overhang supported by columns (a/k/a the "bump out") is permitted, it will have been removed well before the special meeting on April 3, 2014.

III. Other Toporoff/Richman Appeals regarding Galli Property

With regard to the request for an interpretation or appeal from the August 6, 2013 determination (which was revised on November 15, 2013 based on a survey dated November 6, 2013 and submitted on November 12, 2013) of the Building Inspector, Town of Bedford, regarding the inclusion of wetland areas in calculating building and impervious surface coverage in accordance with Zoning Code Article III Section 125-14 and Section 125-50, the Gallis agree with the determination of the Building Inspector dated November 4, 2013 and request that the Board deny this appeal. With regard to the appeal from the Town of Bedford Building Inspector's determination that an accessory structure (shed) is 98 square feet as built, in accordance with Zoning Code Article V Section 125-50 and Article V Section 125-27 C, the Gallis also request that this appeal be denied, and the Building Inspector's calculation, as confirmed by the November 6, 2013 survey of the Premises, be confirmed and approved. Finally, with regard to the suggestion that the presence of a second driveway is inconsistent with the character of the neighborhood, three of the four residences on Alice Drive, including Toporoff/Richman, have two driveways.

Hon. Peter Michaelis
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We look forward to discussing these issues with you at the April 3, 2014 meeting.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Tagliafierro", with a long horizontal flourish extending to the right.

Nancy Tagliafierro

Exhibit 4



P001253



PL 010 050784

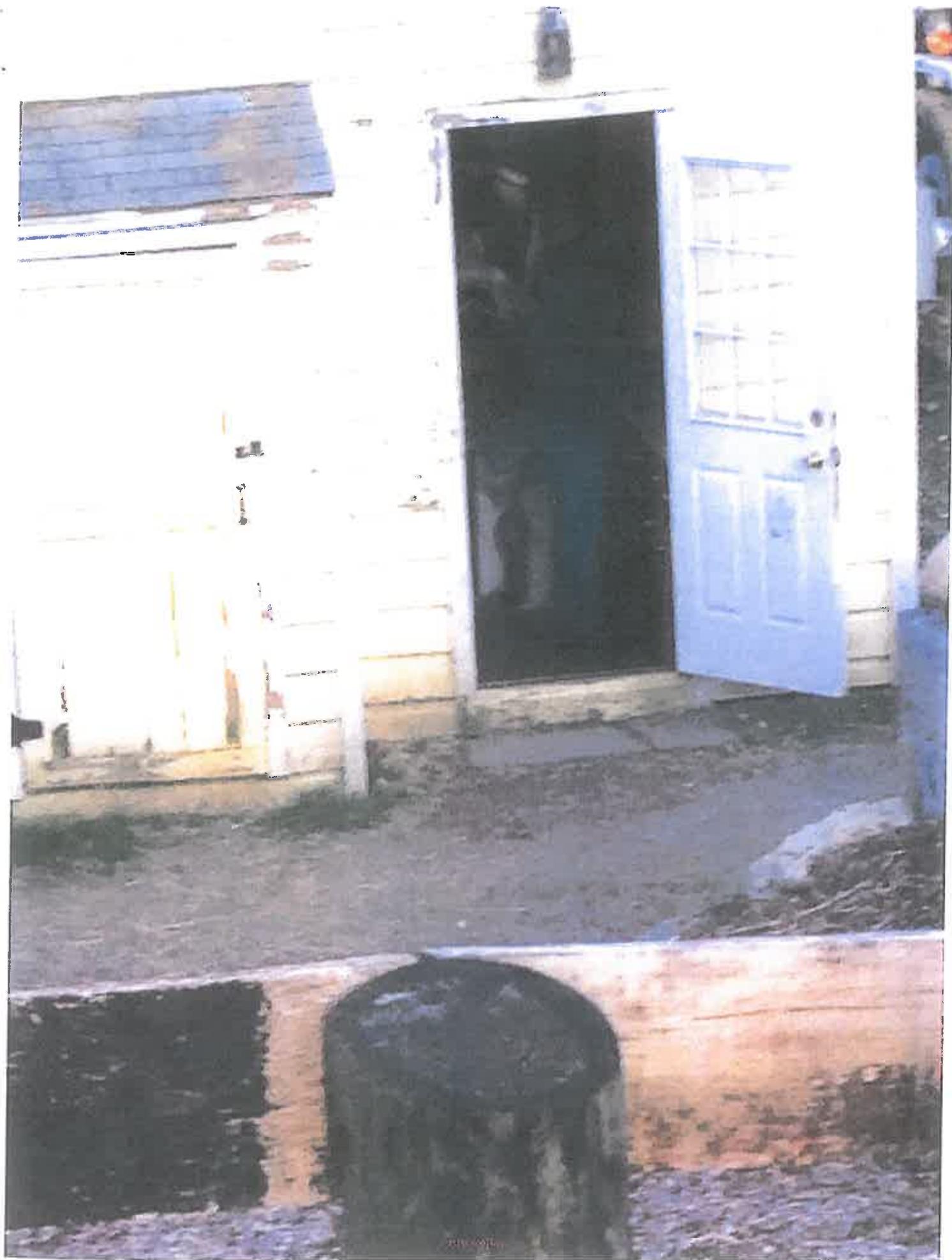


Exhibit 5

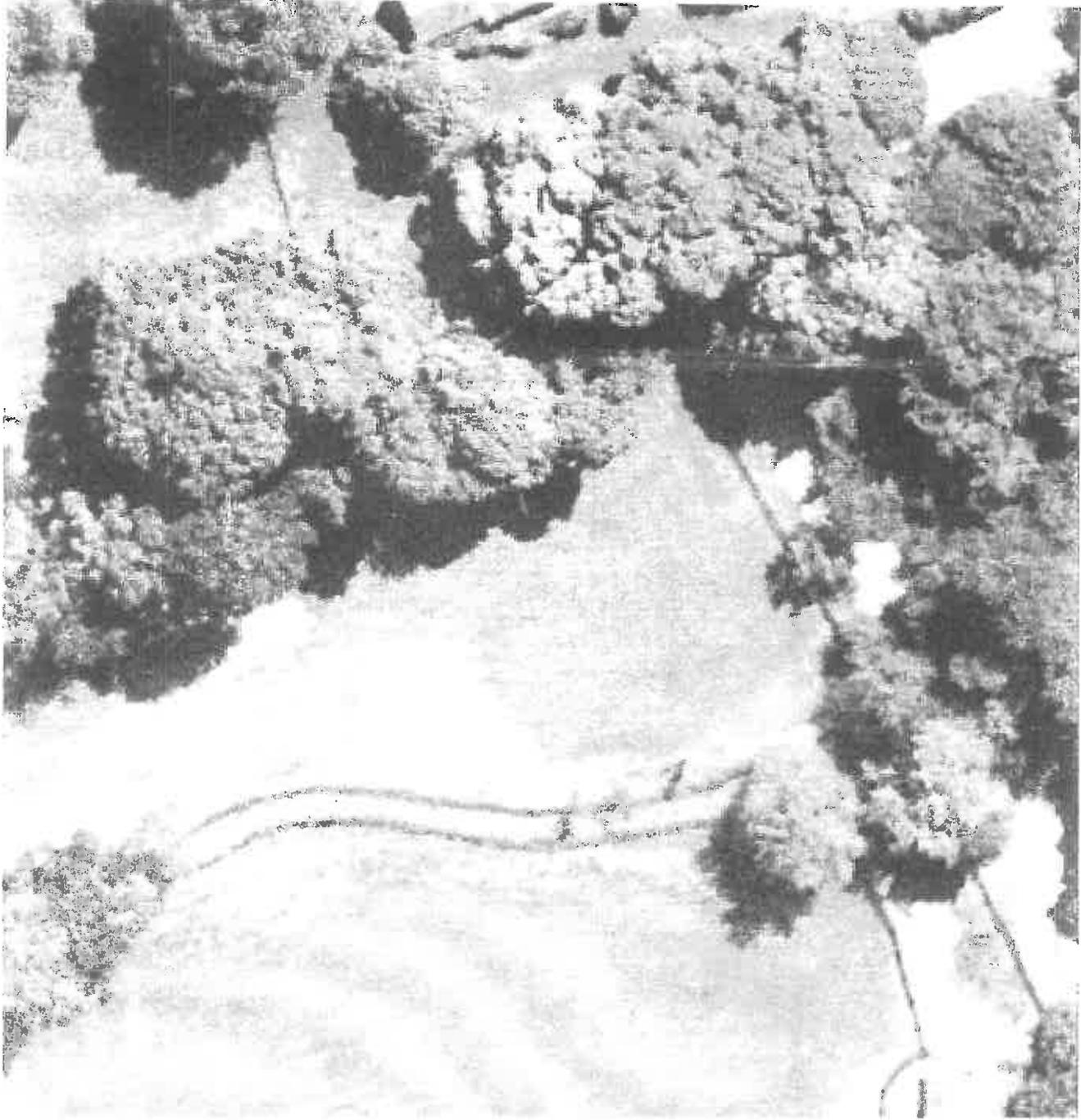


Image dated: 2001.07.01

341 Succabone Road, Bedford Hills (Mt. Kisco), NY

Exhibit 6



Image dated: 2007.04.01

341 Succabone Road, Bedford Hills (Mt. Kisco), NY

HOGAN & ROSSI

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**Also Admitted in Maryland,
Virginia & Washington D.C.

Of Counsel

Charles J. Acker
Nancy Tagliaferro*
Emily Gooding Naughton**
Mary Jane MacCrae

July 23, 2014

Via Hand Delivery

Hon. Peter Michaelis, Chairman
Bedford Zoning Board of Appeals
425 Cherry Street
Bedford Hills, New York 10507

Re: Appeal from Building Inspector's Determination
Approvals on Galli Property
Ruth Toporoff and Michael Richman
Premises: 341 Succabone Road, Bedford Corners, New York;
Owners: Suzanne and Stefano Galli;
Tax Map Designation: Section 83.11, Block 2, Lot 3;
Zoning District: R-4A Residence Four Acre District

Dear Chairman Michaelis and Members of the Board:

As you know, we represent Suzanne and Stefano Galli of 341 Succabone Road (the "Premises.") We write in response to the July 16, 2014 submission of Ruth Toporoff and Michael Richman ("Appellants") further to their appeal from (i) the Building Inspector's undated determination that all permits and approvals are in place for the structures on the Galli property; and (ii) the Building Inspector's April 3, 2014 determination that all permits and approvals are in place for the horse barn/stable.

We note that Resolution #04-14 Five dated July 7, 2014 and filed in the Town Clerk's office that same date, considered these issues and has upheld the Building Inspector's determination and found that all requisite permits and approvals are in place for the horse barn/stable, essentially rendering this appeal, insofar as it relates to the barn/stable, moot. A copy of the Resolution is annexed hereto as Exhibit "A" for the Board's ready reference.

As noted in our prior submission, this Board has also already made a determination with regard to the legality of the patio in front of the barn pursuant to Resolution #12-13 Four. Moreover, extensive proof was included in our previous submission dated June 27, 2014, that the fencing on the Galli property has proper permits, was inspected and approved by the Town. Finally, to the extent that the Appellants imply that the Gallis' driveway from Succabone Road was paved by the Gallis without the proper wetlands permit, the engineering inspection obtained by the Gallis on April 20, 1998, prior to their purchase of the Premises, annexed hereto as Exhibit "B" clearly indicates on page four that this driveway was an existing bituminous driveway that was in need of resurfacing.

For these reasons and for the reasons set forth in our June 27, 2014 submission, we submit that this appeal should be dismissed as moot. To the extent that portions of the appeal are not considered moot, the appeal should be dismissed on the basis that it is without merit, and the Building Inspector's determinations should be upheld.

Respectfully submitted,



Nancy Tagliaferro

cc: Joel H. Sachs, Esq.
Katherine Zalantis, Esq.

EXHIBIT 'A'

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

RECEIVED

Resolution #04-14 Five

JUL - 7 2014

Michael Richman and Ruth Toporoff (Appellants)

Stefano and Suzanne Galli (Owners)

Interpretation or Appeal of Building Inspector's
All Requisite Approvals are in Place for a the Horse Barn/Stable

SBETH FUMAGALLI, TOWN CLERK
TOWN OF BEDFORD, NEW YORK

WHEREAS, the appellants hereby seek to appeal an interpretation pursuant Article XII Section 125-129 C. (1) of the Code of the Town of Bedford, as requested by a letter dated March 5, 2014 from Katherine Zalantis, Esq., Silverberg Zalantis, LLP, representing Michael Richman and Ruth Toporoff, 12 Alice Road, Bedford Corners, New York 10549, from The Town of Bedford Building Inspector's determination rendered after February 6, 2014 that all requisite permits and approvals are in place for the horse barn on property owned by Stefano and Suzanne Galli, located at 341 Succabone Road, Bedford Corners, New York, being known and designated on the Tax Map of the Town of Bedford as Section 83.11 Block 2 Lot 3, in the R-4 Acre Zone District and directs that the Building Inspector revoke any certificate of occupancy for the horse barn/stable based upon the illegal construction; and asking the Zoning Board to reverse said determination of the Building Inspector; and

WHEREAS, a public hearing was held on April 3, 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 acknowledges receipt of correspondence and with addendums dated March 24, 2014, March 25, 2014, and March 27, 2014 from Silverberg Zalantis, LLP, attorneys representing the appellants, Ruth Toporoff and Michael Richman, residing at 12 Alice Road, Bedford Corners; and

WHEREAS, the Board acknowledged receipt of a letter from Steven Fraietta, Building Inspector, dated April 3, 2014, responding to the appellants appeal; and

NOW THEREFORE, on a motion by Ms. Black, seconded by Mr. Michaelis, it is

RESOLVED, that the Zoning Board of Appeals upholds the Building Inspector's determination rendered sometime after February 6, 2014 that all requisite permits and approvals are in place for the horse barn/stable and denies the appellants request to direct that the Building Inspector to revoke any certificate of occupancy for the horse barn/stable based upon the illegal construction. Said appeal is denied because the barn/stable consists of the structure that is the barn which is a permitted pre-existing, dimensionally non-conforming structure; and with respect to permits and approvals that would have been issued with regard to the barn itself and the fact that the use is a permitted use in an Residential 4 Acre Zone and that horses are permitted in the

Resolution #04-14 Five
Michael Richman and Ruth Toporoff (Appellants)
Stefano and Suzanne Galli (Owners)
Interpretation or Appeal of Building Inspector's Determination
All Requisite Approvals are in Place for a the Horse Barn/Stable
Page Two

Residential 4 Acre Zone and such use has always been conforming under the Zoning Code and the issue as to the location of the barn is a legal pre-existing dimensionally non-conformity.

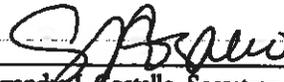
Vote taken on the foregoing motion was as follows:

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



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.



Alexander J. Costello, Secretary
Zoning Board of Appeals

EXHIBIT 'B'



**InspectAmerica®
Engineering, P.C.**

3 School Street, White Plains, New York 10606

914-682-9090

718-538-9090

203-967-2110

April 20, 1998

Mr. and Mrs. Stefano Galli
161 West 61st Street, 14G
New York, New York 10023
FILE #0418GALL98

Dear Mr. and Mrs. Galli:

On April 18, 1998, per your request we inspected your prospective premises located at 341 Succabone Road, Bedford Corners, New York and the following report for this single family frame residence, constructed over a basement, over a basement crawl space, and on a grade slab, has been compiled for you based upon our inspection. This report should not be utilized for any purpose until it is read in its entirety.

OVERVIEW & GENERAL RATING

Structurally, this house is in good condition; the exterior portions are in generally good condition but some repairs are needed; the interior portions are in generally good condition but there is water intrusion in the basement; the electrical system is in generally good condition; the plumbing system is in generally good condition; the heating system is in generally good condition; and the air-conditioning system is in generally good condition. The ensuing sections will particularize the above opinions.

INFORMATION REGARDING THIS INSPECTION

Per your request and in complete confidence, this report is issued for your exclusive use; only the prospective owner(s) named above are authorized to use this report (this report is not

InspectAmerica® Engineering, P.C.

authorized for use by assigns, successors, others, etc. without our written permission).

This report should be utilized as an aid in determining the physical and mechanical condition of the designated premises and this report supersedes all oral reports or comments that may have been previously rendered.

This report is intended to bring major defects to the attention of the prospective owner(s) and it is intended that this report include only a representative portion of the premises and equipment therein that are readily accessible and can be visually inspected by non-dismantling and non-destructive testing methods (when dismantling and/or destructive testing and/or probing and/or repair, etc. is performed, damage may be uncovered). Laboratory and specialized procedures are not performed as part of this inspection; these procedures include, but are not limited to, optional laboratory testing, etc. for the presence of asbestos (in siding and roofing materials, in interior finishes, in insulation, in appliances, on heating components, etc.), radon gas, urea formaldehyde foam insulation, lead paint, termiticides, contaminated water supply or water supply that needs conditioning, leaking oil and storage tanks, environmental concerns, etc. Components and elements not mentioned herein have not been inspected; conditions concealed intentionally or unintentionally, by the present owner(s) or tenant(s) have not been reported nor have cosmetic defects been reported.

You are cautioned that even though these premises and/or equipment may be in good condition upon examination, that this condition may vary thereafter and we are not responsible for not reporting latent defects or defects caused by previous misuse; note also that every house requires a program of continuing maintenance to keep it in a good condition. Therefore, if this inspection is being performed in advance of your closing, a reinspection should be performed at that time (a reinspection can be arranged for an additional fee). If the house was not vacant at the time of inspection, a reinspection at closing provides an opportunity to reinspect the house in a vacant state which may reveal conditions previously concealed by the owner's possessions.

Where costs of repairs and/or improvements are indicated, they are not intended to include all deficiencies, known and unknown, and are intended to be typical order of magnitude guidelines and should not be considered firm; it is recommended that estimates be obtained from competent contractors by the prospective owner(s) prior to making a final decision to purchase these premises.

This report should not be construed as a basis for evaluating the habitability of the premises, or the future merchantability of the premises, or the monetary worth of the premises, or whether same should be purchased. This report should not be interpreted to imply code compliance or noncompliance nor should it be interpreted as an inspection for all possible life, health, and safety hazards even though some of these hazards may be mentioned herein. Note further that we have no responsibility to bring hazards to the attention of the present owner(s) or residents(s).

This report is not intended to provide information normally available via other sources, these

sources include but are not limited to: attorneys, real estate agents, land surveyors, municipal records (such as certificates of occupancy, well and septic system surveys, etc.), municipal laws and regulations and flood maps, condominium, carbon monoxide-operative, homeowners, etc. associations.

This report provides no guaranty or warranty of the premises or equipment therein or of their suitability for use or of any recommendations made herein. We are only available to provide advice and discuss with you conditions or defects that may concern you, prior to your contracting for, or implementing repairs (implementation of repairs to such conditions without our written advice expressly indemnifies us from any liability). This report is an opinion and is not an insurance policy (and is not a substitute for homeowners insurance, flood insurance, etc.) and we make no warranties, guaranties or representations, expressed or implied, in connection with the enclosed report. We conduct our inspections in accordance with typical standards of practice and with reasonable due care; we are not responsible for conditions that you may consider negligent based upon other standards and our liability is limited to the cost of the inspection.

By utilizing this report, the prospective owner(s) named above accept the terms, disclaimers, inspection limitations, and liability limitations of this report. These limitations of liability include and apply to all consequential damages, bodily injury and property damage of any nature. This report is intended to reduce risk, it is not intended to eliminate risk (every investment has risk).

Only original copies of this report are to be considered to be a true and valid copy and no part of this report is authorized for reproduction by any means without our written permission. However, this report may be reproduced by the above named purchaser(s) for use by the purchasers' attorneys, real estate agents, mortgage lenders, etc. and to provide a copy to the seller(s) of the above home for information use for this sale only.

The above information reiterates information provided to you at the time of inspection.

EXTERIOR

PROPERTY

The land around the house generally slopes toward the rear of the house and some water accumulation may occur in this area during a storm or a thaw and this condition increases the possibility of lower level water seepage and the land should be regraded as needed to correct this condition.

Ponding water on the property is indicative of a high ground water table and this condition was noted in the following areas: Front of house.

-4-

It is recommended that the shrubbery close to the house and garage be trimmed to allow a one foot clearance to the house for proper circulation of air.

The bituminous driveway is in very poor condition and there are many cracks and depressions; resurfacing the driveway is recommended. The gravel portion of the driveway is in good condition.

The front walkway is constructed of brick and is in fair condition and is unlevel; repair is recommended.

The front entrance porch is constructed of bluestone and is in generally good condition.

The rear screen enclosed porch was found to be in generally good condition.

ROOF

The roof is covered with asphalt shingles which are in good condition and are relatively new. However, the asphalt shingles on the garage is becoming worn and reshingling should be planned for.

Although no existing roof leaks were apparent, as part of a regular maintenance routine, the attic areas should be inspected during an occasional rainstorm for indications of water seepage; this inspection was performed on a dry day.

ROOF FLASHING & DRAINAGE

The copper valley flashing between the adjoining roof sections appear to be in good condition.

The flashing around the plumbing roof vent extensions and chimneys appear to be in good condition.

The various roof flashing and the flashing around the roof protuberances can sometimes develop a small opening which may produce a water leak; therefore, good maintenance procedures call for periodic inspections to determine if repair is required. Note that the intersection of the lower roof and the exterior wall is an area that is vulnerable to water seepage.

The aluminum downspout leaders and gutters are in generally good condition. Periodic cleaning to remove debris is recommended to help prevent water overflows (from rain or ice dam conditions) and resultant water seepage into the house.

Where the terminals of the drainage system dispose water at the building foundation with no provision for carrying this water away from the foundations, extension of the downspout leaders to grade level, the fitting of downspout shoes, and the provision of splash blocks, which should

be oriented to divert water away from the foundations, is recommended.

EXTERIOR WALLS

The exterior walls are covered with striated cedar shingles which are in generally good condition.

The soffits, fascia, window and other wood trim are in generally good condition; however, some wooden areas require sanding and repainting. Some wooden areas are deteriorated and require replacement (and these areas are susceptible to wood destroying insect infestation); these areas include the lower portions of the framing and sills around some windows, the lower portions of the trim in and about the garage pedestrian door, and some lower portions of the barn front posts, etc.

WINDOWS & DOORS

Aluminum framed double hung storm windows are provided with this house and are in good condition.

In general, the double hung and casement, wooden framed prime windows are in fair to good condition; various repairs are required on some of these windows. Some servicing is required on various windows to facilitate opening and closing. Some of the windows do not stay up without being propped.

Wooden framed double hung double glazed prime windows are provided with this house and are in good condition.

The exterior doors of the house are in generally good condition.

CHIMNEY

The brick chimneys are in good condition.

All chimney flues should be regularly cleaned and inspected by a competent chimney sweeper.

GARAGE & BARN

A three car detached garage was inspected and was found to be in generally good condition with the exception of some of the siding and trim which is deteriorated; repair is required.

The barn was inspected and was found to be in generally good condition but needs repainting (note that peeling paint may contain lead).

The overhead garage doors (including the pedestrian door) are in fair to poor condition and the damaged panels need replacement; replacement of the entire doors is recommended.

One overhead garage door is equipped with an electric door opener which was tested and was found to be operating satisfactorily (the remote devices were not tested).

SWIMMING POOL

At the time of inspection, the in-ground swimming pool was covered and the mechanical equipment was not in operation and these components were not included as part of our inspection.

A four foot fence must be maintained around the pool to prohibit unauthorized entry to the swimming pool (most municipalities require a fence).

The bluestone patio around the pool, and adjacent walkway, were found to be in good condition.

RADON TEST

A radon gas measurement test was conducted in this house, the results of this test will be mailed to you when available. The canisters placed in this house will be left for two to five days; these canisters will be retrieved and delivered to the laboratory.

A radon gas measurement test of this type provides most accurate results when all windows and doors are kept closed. Should the house be over ventilated by opening many windows, or should the canisters be covered, accurate results will not be obtained. Therefore, since we have no control over environmental conditions during the test period, the following is suggested: Another radon test should be conducted immediately after you take possession of the premises and the results of this second test should be substantially the same as the first test.

INTERIOR

STRUCTURAL INTEGRITY

This house is structurally sound and, where visible, shows no more than normal and expected distress for one of its age group and type.

The foundation walls are the main load bearing elements and transmit most of the imposed roof and floor loads to the foundations. A structural path for floor loads is also provided by a lower level mid-span wood girder and steel column system.

A representative sample of the readily accessible and visible framing was inspected and was found to be in good condition.

FOUNDATION WALLS

The concrete block foundation walls are sound.

Indications of water intrusion were apparent through the foundations or slab in the lower levels; these indications include water stains and efflorescence (white powdery substance) on the walls and floors in the basement.

This house is located in a high ground water table area and therefore, an interior electrically driven sump pump is installed in the basement to help dispose of excess infiltrating water. There could be conditions when the sump pump may be unable to adequately dispose of all infiltrating water or there may be electrical power outages and a self-recharging 12 volt battery powered pump system with automatic start would be desirable as a backup emergency system.

The installation of a dehumidifier in the basement will help to dissipate some of the excess moisture vapor that may become apparent during certain times of the year. A dehumidifier will not prevent water intrusion into the basement.

This inspection was not performed during a rainy interval and, as an added protection, it is recommended that you reinspect the lower level areas (prior to purchasing this house) during a wet interval for possible indications of water intrusion. Note further that this house has an unfinished basement. Should objectionable water intrusion occur in the basement or lower levels of this house, there are further methods that can be implemented to control this condition.

WALLS, CEILINGS & FLOORS

The various interior walls and ceilings in the finished rooms are constructed of sheetrock, some walls are paneled, and all are in generally good condition with the exception of cosmetic defects.

The finished floors are covered with stripwood (oak or similar) flooring, some are covered with ceramic tile, or are carpeted, and are in generally good condition with the exception of worn carpeting, etc.

Note that carpets are not lifted to determine the type and condition of flooring beneath.

Some squeaking was detected in the wood flooring; this condition is the result of floor boards which require re-nailing.

INSULATION & VENTILATION

The attic is not accessible and therefore, the quantity of insulation in the attic could not be determined (although the owner reported that it is 9" thick and if so, this would be adequate).

Upon request of the buyer, sellers of property should disclose the type and location of insulation in a residence for sale. This would provide information regarding the possible existence of non-visible insulation in the house which has been classified as a medical hazard (such as urea formaldehyde foam insulation); it is recommended that you take advantage of this procedure (even though there appears to be no such insulation in this house).

A vapor barrier should be installed on the earth floor of the basement crawl space to help prevent moisture vapor from entering the living areas above; 2" of concrete on top of the vapor barrier would also be desirable.

Ventilation throughout the house is adequate.

The various ventilating and exhaust fans were found to be operating satisfactorily.

SAFETY

Strategically located smoke detectors are required. As a minimum, one should be installed on the ceilings of areas located outside the bedrooms.

A handrail should be installed on all stairways where a handrail is not presently installed. The open sides of the garage and basement stairways should be protected with a proper guard railing.

APPLIANCES

The appliances in this house were found to be in generally good condition with the exception of the Sub-Zero refrigerator which appears to have a problem in the freezer compartment and repair is required.

The kitchen cabinets and countertops were found to be in generally good condition.

Note that we do not inspect portable appliances, microwave equipment, and other specialized

equipment. Our inspection of appliances is not an exhaustive inspection to determine that each and every appliance cycle is fully functional nor is it an inspection to determine that the equipment will perform to new equipment specifications; our inspection is a brief evaluation to determine whether the appliances are minimally functioning.

ELECTRICAL SYSTEM

SERVICE DROP

The electrical system consists of two 3 wire underground 110-220 volt service (one for the house and garage, and one for the barn).

The service entrance conductors to the service panel are aluminum and therefore should be coated with an oxidizing inhibiting compound (such as Penetrox or Alnox) where the conductors are secured to the service panel lugs (all other aluminum circuits should be similarly treated at all connections).

SERVICE PANEL

The circuit breaker service panel for the house and garage (located in the garage) has a capacity of 200 amperes and is protected from over current by main circuit breakers. There are presently 7 circuits on this panel board with available room for additional circuitry. Thirty additional circuits are located on a branch panel board (located in the basement of the house).

The circuit breaker service panel for the barn has a capacity of 60 amperes and is protected from over current by main circuit breakers. There are presently 3 circuits on this panel board with available room for additional circuitry.

The service panel system ground wire for the house and garage is clamped on an exterior driven ground rod.

The service panel system ground wire for the barn must be securely clamped on an exterior driven ground rod (the ground wire is presently hanging loose)..

GROUND FAULT PROTECTION

Ground fault circuit interrupters (GFCI) protect individuals from electrical shock which exists whenever it is possible for the individual to simultaneously touch defective equipment and a grounded surface such as a water pipe or a grounded appliance. The same hazard exists when an individual is standing on the ground, concrete, or in water and touches defective equipment.

Ground fault protection is mandatory for new homes and buildings. All 110 volt, 15 and 20 ampere circuits installed within six feet of the kitchen sink, in bathrooms, garages, and outdoors should have this protection. As a safety measure, it is recommended that this circuitry be installed. A licensed electrician can advise you regarding the various types which are available.

This house has one ground fault circuit breaker in the house panelboard. This breaker is not tripping upon test; therefore, the GFCI unit is defective and replacement is required.

WIRING

The branch circuits have been wired with some armored copper and some non-metallic sheathed copper conductors. Copper is desirable and where visible, this wiring is in good condition. Some of the large gauge branch circuits have been wired with non-metallic sheathed aluminum conductors; where visible, this wiring is in good condition.

One of the circuits in the house service panel is over fused; the capacity size of the over current protection device (fuse or circuit breaker) is too large for the ampacity of the conductors and this should be promptly corrected by installing the proper size device to prevent possible overheating of the wiring. Homeowners sometimes install the incorrect size over current device when the correct size is not available. However, if the circuit was over fused because the circuit is overloaded, the circuit will have to be split up by installing an additional circuit to share the electrical load (consult a licensed electrician).

Electrical junction boxes must be properly secured; loose junction boxes were found in the following locations and each box must be re-secured: Barn.

There are an adequate number of electrical receptacles in this house; a representative number of these outlets were tested and were found to be in good condition but outlets that were behind furniture, or were otherwise inaccessible, were not tested.

ADEQUACY

The size of the electrical service entrance is adequate for the needs of these premises as they exist today.

It is important to have a complete directory of all the electrical circuits so that the electrical load on each circuit can be determined. A directory can be established by individually turning off each over current protection device (fuse or circuit breaker) and locating all of the associated electrical outlets, lights, appliances, etc. which are inoperative when the circuit is turned off. The creation of a wiring directory and schematic is not within the scope of this inspection and therefore, this inspection excludes a report on circuits which might possibly be overloaded. If you have any doubt regarding whether or not any of the circuits are overloaded or if additional circuits are necessary, it is suggested that a competent licensed electrician be consulted.

It is important that a Board of Fire Underwriters Certificate be obtained covering all of the wiring presently in these premises. This certificate certifies that the wiring was inspected and approved when it was accessible during the construction and installation phases. Possibly, this certificate can be obtained from the seller or you may be able to obtain it from the local building department. If not available through these sources, you can obtain a certificate by consulting a licensed electrician.

PLUMBING SYSTEM

WATER SUPPLY

Water is provided via a Burks 3/4 H.P. jet pump and water is stored in a pressurized holding tank and a main water shutoff valve is installed on the line in the basement.

DOMESTIC HOT WATER

Domestic hot water is supplied via an electric water heater which is in good condition and is relatively new. This system consists of a State glass lined 82 gallon 4500 watt dual element hot water tank which should be typically adequate for about 4 to 5 persons.

Five gallons of water should be drained from the hot water tank every couple of months (deplete until the water drains clear). This procedure will help to purge the tank of sediment, sediment will increase fuel consumption and also shorten the life of the unit.

PIPING & VENTING

The copper water supply pipes are in good condition and no serious corrosion has occurred.

The drainage, waste and vent pipes are copper and are in good condition. Some of the drainage, waste, and vent pipes are galvanized steel and cast iron and are in generally good condition but some rusting was noted on these metal pipes.

The terminal of one plumbing vent pipe terminates within 10 horizontal feet of a bedroom window; this must be corrected by relocating the noted pipe or raising it to a height two feet above the noted window.

FIXTURES

The various plumbing fixtures are in operating condition and water inlet cutoff valves have been installed on all usual fixtures.

The toilet fixture in the following locations are loose and must be resealed and resecured to the floor by a plumber to prevent seepage: Second floor bedroom.

The waste line under the following sinks are rusted and require replacement: Kitchen sink.

The bathtub enclosure is in generally good condition.

SEWAGE DISPOSAL

Sewage disposal is via a private waste disposal system. Based upon a functional flow test with a tracing dye, no reverse percolation or other existing problems were evident.

During this evaluation, no excavations of system components were conducted. The system components may be a cesspool, a septic system, leaching pits, etc.; excavating portions of the private waste disposal system components would be required for further evaluation.

Plumbing fixtures in the lower level are inherently subject to backups, therefore, the main waste

HEATING SYSTEM

CHARACTERISTICS

The heating plant utilizes an oil fired one zone forced hot air system with registers typically located to provide heat for the usual areas of this house.

Heating for the garage bedroom is via an electric resistance heater.

COMPONENTS

The Thermopride furnace has an input of 156,250 BTU/HR and has an efficient 3450 RPM gun type flame retention oil burner; this is replacement equipment and is relatively new.

As long as this heating unit is maintained in a good condition and does not require replacement due to age, this output should be typically adequate for this size house. The adequacy, of course, can only be determined by a heat-loss study which is not within the scope of this inspection. The distribution of heat to various areas of the house can be controlled by adjusting the register dampers.

The primary control operates with a photoelectric cadmium cell which will turn the oil burner off in case of ignition failure.

The 275 gallon oil tank is in good condition.

The heating ducts were observed to be in good condition.

Integral with this hot air heating system is an AprilAire humidifier which was designed to maintain optimum humidity in the house during the heating season.

The installation of a programmable thermostat is recommended to further reduce energy consumption.

OPERATION

The heating unit is in good operational condition and the oil burner is functioning properly.

In order to minimize oil consumption and maximize the useful life of this heating unit, the system should be tuned up on a regular basis by a competent serviceman (we recommend that a service contract be obtained with a service company). This servicing should include a cleaning and vacuuming of the heating surfaces when required (because carbon deposits insulate the heating surfaces and reduce combustion efficiency and thereby increase fuel consumption), and cleaning of the chimney base.

Further, changing of the nozzle, adjustment of the air intake and draft, changing of the oil filter, oiling of the motors, checking of the controls, a smoke test, etc., and a carbon dioxide test should be performed to verify that the unit is tuned for maximum combustion efficiency. The Space Guard air filter (a good quality) should be changed on a regular basis.

All of the electric heating units were tested and were found to be operational.

SAFETY

The emergency heating plant shutoff switch was tested and was found to be operational; this switch is located at the top of the basement stairway.

It is recommended that a fire retarding ceiling (similar to 5/8" type "X" fire code sheetrock) be installed over the heating unit (required by most current standards).

FIREPLACE

Three fireplaces were inspected and were found to be in generally good condition; the fitting that holds the damper operator in the kitchen fireplace is broken and should be replaced.

Cleaning of the chimney flues on a regular basis is recommended (the kitchen fireplace needs cleaning now). It is recommended that the flues be cleaned prior to use and at that time, a further assessment can be made regarding the condition of the chimney flues.

As an energy savings measure you may wish to consider the installation of glass doors on the fireplace hearths.

During the course of the fireplace/wood-burning stove inspection, a fire is not ignited to test the chimney draw.

AIR-CONDITIONING

CHARACTERISTICS

The American Standard air-conditioning system consists of a split type configuration with the condensing unit - compressor located outdoors and the condenser unit - air handler installed as an integral part of the heating unit.

COMPONENTS

The American Standard air-conditioning system has an output of approximately 3.5 tons; this output should be typically adequate for about 2,000 square feet.

The visible air-conditioning ducts were found to be in good condition and these ducts are shared with the heating system.

OPERATION

The system was operationally tested and was found to be in good operational condition. A typical service life of an air-conditioning condensing unit varies from 10 to 12 years (this unit is about 3 to 4 years old).

In order to maximize the useful life of the air-conditioning system, annual servicing by a competent service company is recommended as is regular changing of the air filter.

:::::::::::::::::::
END OF REPORT
:::::::::::::::::::

CONCLUSION

This house is in generally good condition for one of its age group and type with the exceptions noted herein; as noted, some repairs are needed.

This inspection was performed by, and this report was prepared by, InspectAmerica Engineering, P.C. and is intended for the sole use of the owner(s) listed on Page 1 and is submitted in accordance with the information regarding this inspection commencing on Page 1 of this report which you should carefully read and understand.

If you do not understand the terms under which this report is submitted, or if you do not understand the contents of this report, or if you require further elaboration regarding this report, or if you have questions regarding this report, please contact us for a verbal and written explanation. This report should not be utilized for any purpose unless you fully understand its contents.

Although a thorough inspection was conducted of these premises, there are conditions and defects that only a homeowner, or a person residing in a home, may be aware of and only such a person would have information regarding conditions and defects that may have existed and may have been repaired. Therefore, some real estate agencies request home owners to complete a voluntary disclosure form when they list their home for sale; this form may or may not be available via the real estate agency.

Best wishes and, if InspectAmerica Engineering, P.C. can be of assistance to you in the future, feel free to call us.

Very truly yours,
InspectAmerica Engineering, P.C.
By:



E. M. Frank, P.E., President

EMF/ia
Enc.

cc:
Mr. Andrew Sokol, Atty.

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: **Richard and Barbara Saravay**
9 Mustato Road
Katonah, NY 10536

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

The addition of a wood frame structure over existing and expanded masonry entry steps and landing resulting in a front yard setback of 30.58 feet where 35 feet is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet. This being a variance of Article V Section 125-50 and Article III Section 125-11 for property owned by the applicants and located on:

9 Mustato Road
Katonah, NY 10536

designated as Section 49.16 Block 1 Lot 44 on the Tax Maps of the Town of Bedford in a Residential 1/2 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 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: August 12, 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, acosello@bedfordny.gov
www.bedfordny.gov



9

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

RECEIVED
JUL 30 2014

APPLICATION FOR A VARIANCE

BEDFORD ZONING
BOARD OF APPEALS

1. Name of Owner: RICHARD SARAVAY / BARBARA SARAVAY

Address: 9 MUSTATO ROAD, KATONAH, NY 10536

Telephone/Email: 914 232 2426 / rd.saravay@msn.com

2. Name of Applicant, if other than Owner: SAME

Address: _____

Telephone/Email: _____

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

RICHARD SARAVAY

Address: 9 MUSTATO ROAD, KATONAH, NY 10536

Telephone/Email: 917 664 4106 / rdsaravay@msn.com

4. Identification Property:

Street Address: 9 MUSTATO ROAD, KATONAH, NY

Tax ID: 49-16-1-44 Zoning District: R-42A Total Land Area: 454686

Age of the Building APPROX. 25 YRS

Is the property located in a designated Historic District? NO

% of Building Coverage: 11.06% % of Impervious Surface 17.73%

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 N/West side of Mustato within the unincorporated area of the Town of Bedford.

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

Page 2

RECEIVED
JUL 30 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: 12.5-129 Section: C (b)

To Permit:

EXTEND FRONT ENTRY EXTERIOR LANDING 8" NORTH & 8" SOUTH
CONSTRUCT ROOF OVER LANDING AND EXISTING STONE STEPS
8'-5" WIDE & 9'-0" LONG

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

Edward Averay, Barbara Averay
Signature of Owner

7/28/14
Date

Edward Averay, RA
Signature of Applicant

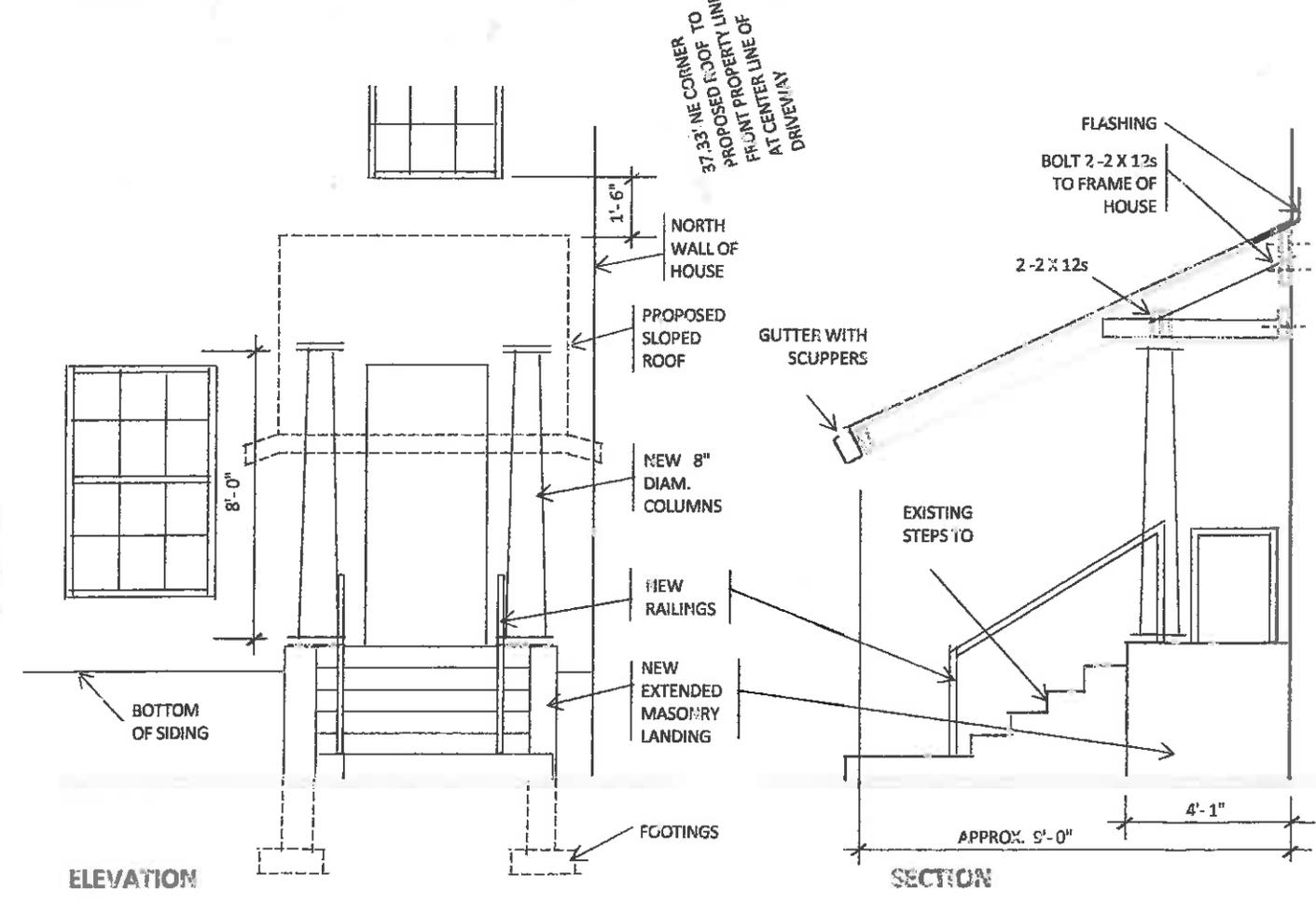
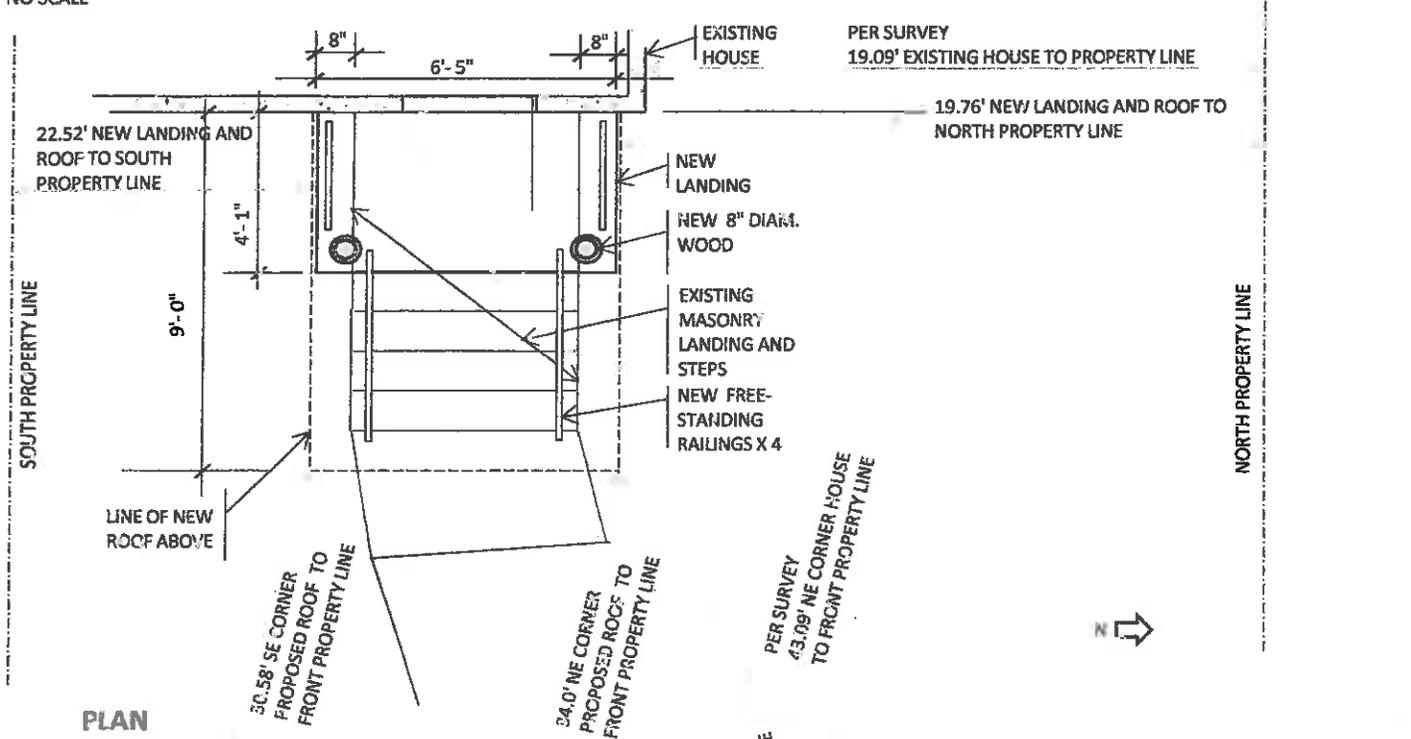
7/28/14
Date

EXPANDED FRONT LANDING WITH NEW ROOF

7/30/2014

SARAVAY RESIDENCE 9 MUSTATO ROAD, KATONAH, NY

NO SCALE



AMICTATA

DAN

NOW OR FORMERLY HASTINGS
1800 (Comp) 3141

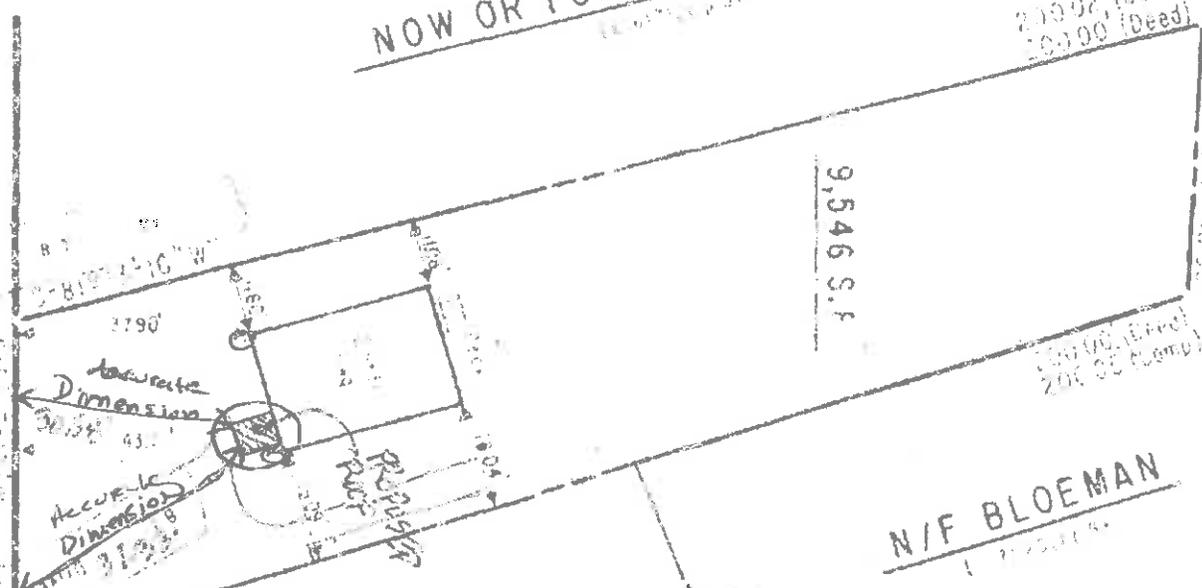
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9,546 S.F.

200.02 (Comp)
200.00 (Deed)

N/F BLOEMAN
1800 (Comp)

N/F GANUNG
1800 (Comp)



1800 (Comp) 3141

1800 (Comp) 3141

LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/1/2014

Parcel ID: 49.16-1-44

Owner Information

Saravay, Richard

Applicant Information

Saravay, Richard

9 Mustato Rd

Katonah NY 10536

Location: 9 Mustato Rd

Parcel ID: 49.16-1-44

Permit Type: Addition

Work Description: Wood frame roof structure over existing and expanded masonry entry steps and landing

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-1/2A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The addition of a wood frame structure over existing and expanded masonry entry steps and landing will result in a front yard setback of 30.58 feet where 35 is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet. Article III Section 125-11& Article V Section 125-50.

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

BOARD OF APPEALS
Town of Bedford
Westchester County, New York

Resolution # 8-91 eight

Mr. and Mrs. Coons

WHEREAS, application has been made pursuant to Section 125-50 and Section 215-11 C (1), of the Code of the Town of Bedford, application to permit the extension of existing deck towards the rear lot line has been made. Parcel is .253 A in an R 1/2 A Zone. Property is located on Mustato Road, premises being known and designated on the tax map of the Town of Bedford as Section 5, Lot 114, and as shown on survey of property submitted on July 25, 1991, and

WHEREAS, a public hearing was held on August 7, 1991, on this application, at which time all those present wishing to be heard were given the opportunity to be heard, and

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

WHEREAS, the Board of Appeals has received substantial evidence as to the practical difficulty involved in the failure to grant the variance, and

WHEREAS, the granting of this variance would in no way change the nature of the neighborhood,

NOW THEREFORE, on a motion by Mrs. Barton, seconded by Mr. McGovern, BE IT

RESOLVED, that the application for a variance for a 12' x 20' extension of existing deck into rear yard, be granted. Vote taken was as follows:

Ayes - Mrs. Deickler, Mr. McMillan, Mr. McGovern, Mrs. Barton, Mr. Ruger.
Nays - None.

John W. Ruger
John W. Ruger, Chairman

The foregoing is certified to be 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

Beth Cassidy
Beth Cassidy, Secretary

Dated: September 3, 1991

RESOLUTION #4-82 SIX

CERTIFICATION OF DECISION
OF THE
ZONING BOARD OF APPEALS
OF THE
TOWN OF BEDFORD

Meeting held at Town Hall, Town of Bedford on the 14th day of April 1982

MEMBERS PRESENT: Donald M. McGrath, John W. Ruger, Alan M. Shaver, Laurence
S. Kennedy, Jr., Chairman

MEMBERS ABSENT: Judith J. Deickler

NAME AND ADDRESS OF APPLICANT: Thomas J. Skayne
9 Mustato Road
Katonah, New York

PROPERTY DESCRIPTION:

ZONING 1/2 acre SECTION 5 LOT 114

Owned xxx Leased _____ Contract-Vendee _____

Dated of Patent Trader Issue: April 5, 1982

Number of Property Owners Noticed: 24

RELIEF APPLIED FOR:

A variance pursuant to Article III, Section 1, Paragraph F to permit conversion of existing deck into a family room on an existing non-conforming parcel of property.

APPEARANCES: Mr. Thomas Skayne

EXHIBITS: Survey
Construction Plans

Mr. Skayne was present and informed the Board that he wished to convert an existing 12' x 14' deck area into a family room which would be directly adjacent to the kitchen to give added living space. The outer dimensions of the house, including deck, will not be altered. The need for Mr. Skayne's application is that the property is existing non-conforming, but this change would not make it any more non-conforming.

ON MOTION DULY MADE AND SECONDED, Mr. McGrath, Mr. Ruger, Mr. Shaver, Mr. Kennedy, voted in favor of the application.

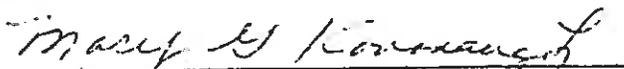
IT WAS RESOLVED THAT: A variance to convert deck into family room as per plans submitted, is granted to the applicant.

Dated: April 14, 1982

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 _____



Laurence S. Kennedy, Jr., Chairman



Mary G. Kavanaugh, Secretary

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: **Denise and Nicholas Delfico**
17 Gordon Avenue
Bedford, New York 10506

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

The legalization of an existing accessory building currently being used as a cottage located in a Residential 1-Acre Zoning District where cottages are permitted in Residential 2-Acre Zoning Districts and Residential 4-Acre Zoning Districts only. The existing accessory building has a rear yard setback of 36.8 feet where 50 feet is required in the Residential 1 Acre Zoning District. This being a variance of Article VIII Section 125-79.1(A) for property owned by the applicants and located on:

17 Gordon Avenue
Bedford, New York 10506

designated as Section 84.17 Block 1 Lot 10 on the Tax Maps of the Town of Bedford in a R-1 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 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. Applicant or his representative must be present.

DATED: August 12, 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
www.bedfordny.gov



RECEIVED
MAY 8 2014
BEDFORD ZONING
BOARD OF APPEALS

Revised
7-30-14

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

APPLICATION FOR A VARIANCE

- Name of Owner: NICHOLAS DELFICO & DENISE DELFICO
Address: 17 Gordon Avenue, Bedford, New York 10506
Telephone/Email: 552 9201 (Denice)
- Name of Applicant, if other than Owner: Same
Address: _____
Telephone/Email: _____
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

Address: _____
Telephone/Email: _____
- Identification Property:
Street Address: 17 Gordon Avenue
Tax ID: Section 73.2 Block 2 Lot 1 ⁸⁴⁻¹⁷⁻¹⁻¹⁰ Zoning District: R-1A
Total Land Area: 1 Acre
% of Building Coverage: 8.4 % of Impervious Surface 11.2
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 west side of Gordon Ave within the unincorporated area of the Town of Bedford.

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

Page 2

RECEIVED
MAY 8 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: VIII Section: 125-79.1

To Permit:

Existing Cottage on a 1 Acre Parcel in an R-1A district.
With a rear yard setback of less than 50 feet
Revised 7-2011

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

Neil Delpico
Signature of Owner

April 8, 2014
Date

Neil Delpico
Signature of Applicant

April 8, 2014
Date

APPLICATION OF DENICE AND NICHOLAS DELFICO
17 GORDON AVENUE

This is a request for a Special Use Permit for a Residential Cottage in an existing accessory building. Currently existing is a structure of 873 square feet with a kitchen and bath. There is a Certificate of Occupancy for the structure as a Studio issued on November 29, 1984. Because the structure is in a R1A Zone, we are asking for a denial from the Planning Board so that we may ask the Zoning Board of Appeals for a variance.

The structure was built by the previous owner in 1984. According to the tax assessor's card, the existing cottage features have been in existence since that time. We purchased this property in 1991 and other than normal maintenance; there have been no changes, additions or alterations to the inside of the accessory structure. We have been paying taxes on the structure as it is now for 23 years.

The structure is accessory to a one family dwelling in which we reside, there is only one accessory building on our property and there is a minimum of two off-street parking spaces suitable for year-round use provided on the lot.

We previously made an application for a variance, and then withdrew because the structure exceeded 25% of the total floor area of the principal residence. Since that time, we have renovated the main residence so that the structure would meet the square footage requirements. The structure is 873 square feet and does not exceed 25% of the total floor area of the principal residence structure which is 4, 200 square feet.

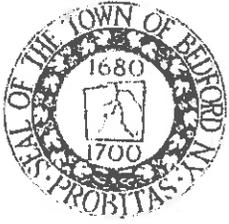
The water supply is fed from the main house which is checked annually by the Westchester County Department of Health and the approval of the Westchester County Department of Health for the septic is pending.

The structure is set back on the property and far from any neighbors. Behind the property is a wooded, unbuildable hill. In the past, we have considered attaching the main residence with the accessory structure, in which case the accessory structure would appear to satisfy the requirements for an accessory apartment in a one family dwelling. However, we would like to ask if the structure could remain unattached as a Cottage. Besides the expense of building the attachment, we believe that attaching the accessory structure to the main residence would not only present an appearance that is not in character with the neighborhood, but would also not be in character with the Town of Bedford which is known for its cottages.

Thank you very much,

Denice and Nicholas Delfico

LETTER OF PERMIT DENIAL



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

Application #:

Date: 5/16/2014

Parcel ID: 84.17-1-10

Owner Information

Delfico, Nicholas

Applicant Information

Delfico, Nicholas

17 Gordon Ave

Bedford Village NY 10506

Location: 17 Gordon Ave

Parcel ID: 84.17-1-10

Permit Type: Cottage/Accessory Apartment

Work Description: Legalization of accessory building currently being used as a Cottage. Its legal use is a Studio as defined by the Certificate of Compliance 2036A issued on 11/29/84.

Dear Resident,

Regarding the application for a Special Permit on the property referenced above, the following facts are noted. This property is located in R-1A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

In accordance with Article VIII Section 125-79.1 of the Town Code, a Special Use Permit of the Planning Board is required for accessory cottages. Accessory cottages are permitted in Residential 2 and 4 Acre Zoning Districts. This parcel is located in the Residential 1 Acre Zoning District where cottages are not permitted. The rear yard setback for the existing accessory building is 36.8 feet where 50 feet is required in the Residential 1 Acre Zoning District.

Amended application and plans filed on 7/30/14

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

**PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK**

**Resolution No. 14/12
DENIAL of Special Use Permit – Cottage**

Denise and Nicholas Delfico

WHEREAS, an application dated April 10, 2014 from Denise and Nicholas Delfico, 17 Gordon Avenue, Bedford, New York, for approval of an accessory cottage, affecting property located at 17 Gordon Avenue, Bedford, shown and designated on Town Tax Maps as Section 84.17 Block 1 Lot 10, in the Residential One 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:

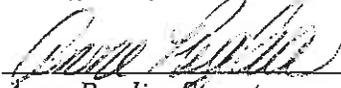
1. The addition of a cottage in a residential one acre zone where a cottage is permitted in the R-2A and R-4A Districts by Article VIII Section 125.79.1-A.
2. Creation of a cottage exceeding the maximum of 800 square feet permitted by Article VIII Section 125-79.1-A(7). The floor area of the cottage should be determined by the Building Inspector.

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

ADOPTED: May 13, 2014

DATED: August 7, 2014

The foregoing resolution is certified to be a true copy of the resolution, which was approved on May 13, 2014 by the Planning Board of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 8/7/2014.



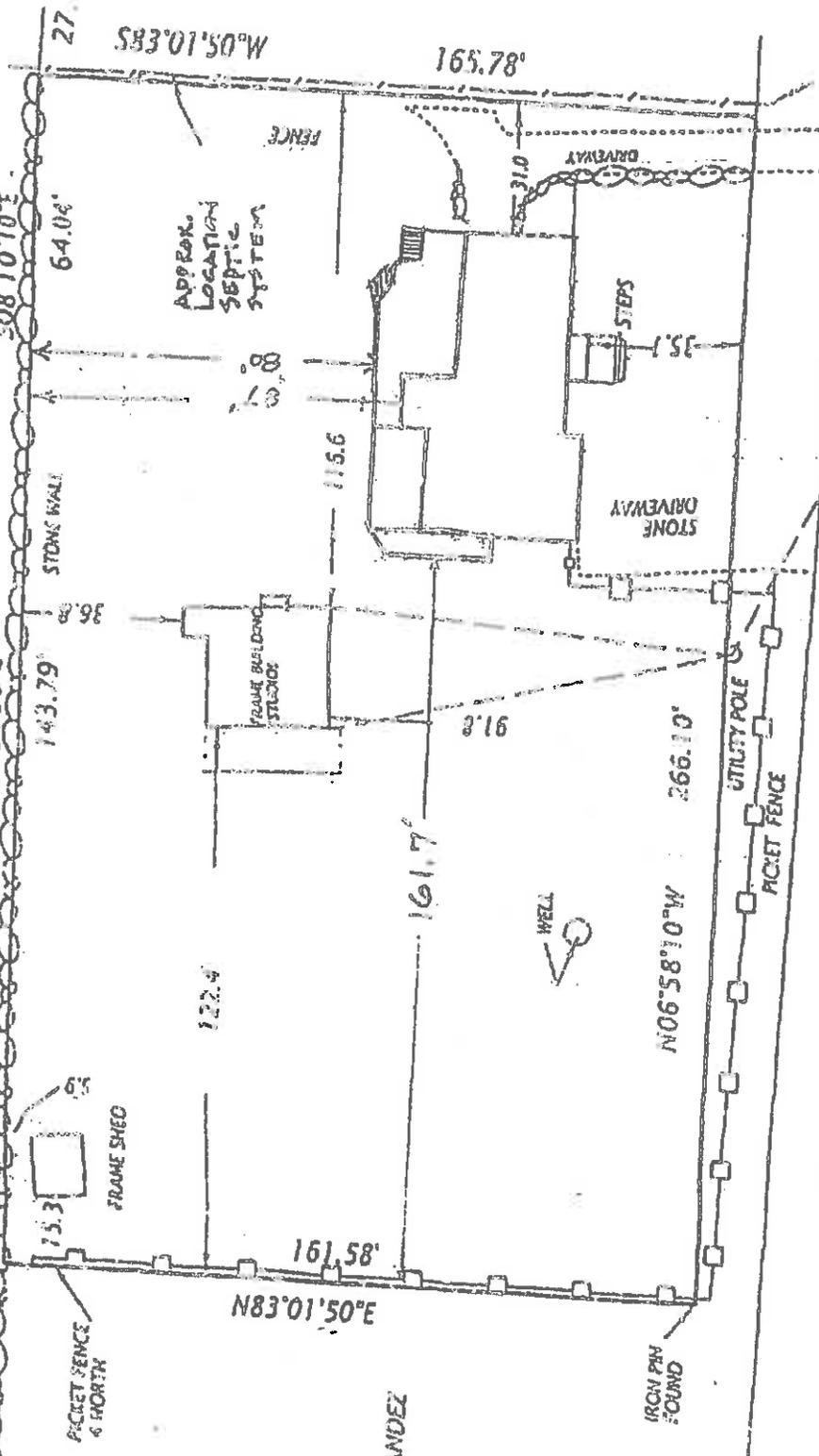
Anne Paglia, Secretary
Town of Bedford Planning Board

RECEIVED
AUG 11 2014
BEDFORD ZONING
BOARD OF APPEALS

IRON PIPE FOUND
LOOK 1.5 WEST, 0.1 NORTH
1986!

N/E ROBERT STEAD

NICK & DENISE DELPICE 17 SPANNAU
BROAD - NY - LEAD



508°16'10"E 58.30'
 507°34'30"E 143.79'
 508°10'10"E 64.06'
 583°01'50"W 165.78'
 161.7'
 161.58'
 N83°01'50"E
 N06°58'10"W 266.10'
 122.4'
 91.6'
 115.6'
 35.1'
 31.0'
 27'
 36'
 75.3'
 161.58'

N/E FERNANDEZ

GORDON AVENUE
150' WIDE

OVERHEAD WIRE

PICKET FENCE
4 NORTH

FRAME SHED

APPROX.
LOCATION
SEPTIC
SYSTEM

FENCE

STONE WALL

FRAME BUILDING
STORAGE

WELL

STEPS

STONE
DRIVEWAY

DRIVEWAY

IRON PIPE
FOUND

UTILITY POLE

PICKET FENCE

EDC





Denise + Nicholas DelPico
17 Gordon Avenue, Bedford, NY.

June 16, 2014.



SOUTH ELEVATION



NORTH ELEVATION

RECEIVED
JUN 24 2014
Bedford Building Dept.

Architect: JOHN D. WHALEN
61 North Street
Katonah, NY 10836

17 GORDON AVENUE, BEPPON, NY

JUNE 16, 2014



EAST ELEVATION

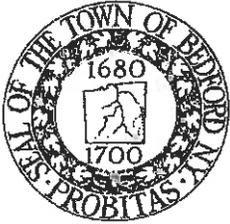


WEST ELEVATION

RECEIVED
JUN 24 2014
Building Dept.

Architect: JOHN D. WALEN
61 North Street
Katonah, NY 10538

PARCEL HISTORY



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

5/5/2014

Address: 17 Gordon Ave

Parcel ID: 84.17-1-10

Issued Date	Item	Status	CO/CC #	CO/CC Date
4/15/1965	Permit #:5991	APPROVED	2390	9/17/1965
Owner: Garage attached ot residence inspected 9/14/65 found complete and ready for occupancy				
4/21/1983	Permit #:10698	APPROVED	1518A	6/28/1983
Owner: Barn Inspected and approved on June 22, 1983				
11/27/1984	Permit #:11229	APPROVED	2036A	11/29/1984
Owner: Studio Inspected and approved				
11/10/1992	Permit #:771841	APPROVED	5944A	11/10/1992
Owner: One family residence Inspected 11/9/92 Recommendations: 1. Replace door to garage 2. Railings on front porch stairs				
1/31/1994	Permit #:14646	PENDING		
Owner: Delfico, Nicholas Finish basement and add bath				

PARCEL HISTORY



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

5/5/2014

Address: 17 Gordon Ave

Parcel ID: 84.17-1-10

Issued Date	Item	Status	CO/CC #	CO/CC Date
-------------	------	--------	---------	------------

3/1/2002	Permit #:19567	PENDING		
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Owner: Delfico, Nicholas

Second Story Addition - convert existing 1-1/2 story residence to 2-story residence

6/25/2002	Permit #:19703	PENDING		
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Owner: Delfico, Nicholas

Shed (8 x 10)

Certificate No 2390

Issued _____, 19__ ✓

TOWN OF BEDFORD
WESTCHESTER COUNTY, N. Y.

Certificate of Occupancy

Building Permit No. _____

This is to certify that _____
of _____ having filed on _____, 19__
Application No. _____ for a Certificate of Occupancy applying to premises located
at _____ being Sec. _____, Lot _____, Town of
Bedford Assessment Map at a _____ zone as shown on the building zone map, and the
application having been approved, authority is hereby given to occupy or use said premises or build-
ing or part thereof for the following purposes:

under the following limitations

on and after this date until revoked, and subject to all the provisions of
THE BUILDING ZONE ORDINANCE

Building Inspector

Issued *January 20, 1983*

TOWN OF BEDFORD
WESTCHESTER COUNTY, N. Y.

CERTIFICATE OF COMPLIANCE

Building Permit No. *10000*

This is to certify that *[redacted]* of *[redacted]* having filed on *[redacted]*, 19 *[redacted]* Application No. *[redacted]* for a Certificate of Occupancy applying to premises located at *[redacted]* being Sec. *[redacted]*, Lot *[redacted]*, Town of Bedford Assessment Map at a *[redacted]* zone as shown on the building zone map, and the application having been approved, authority is hereby given to occupy or use said premises or building or part thereof for the following purposes:

[Redacted text block]

under the following limitations

[Redacted text block]

on and after this date until revoked, and subject to all the provisions of

THE BUILDING ZONE ORDINANCE

[Signature]
Building Inspector

Certificate 002033
Issued *6-27-07*, 19*07*

TOWN OF BEDFORD
WESTCHESTER COUNTY, N. Y.

CERTIFICATE OF OCCUPANCY

Building Permit No. *122*

This is to certify that *George W. Smith, Jr.*
of *Bedford, N.Y.* having filed on *June 27, 1907*
Application No. *122* for a Certificate of Occupancy applying to premises located
at *Bedford, N.Y.* being Sec. *2*, Lot *27*, Town of
Bedford Assessment Map at *zone 1* zone is shown on the building zone map, and the
application having been approved, authority is hereby given to occupy or use said premises or build-
ing or part thereof for the following purposes:

Residential

under the following limitations

.....
.....
.....
.....

on and after this date until revoked, and subject to all the provisions of
THE BUILDING ZONE ORDINANCE

George W. Smith, Jr.
Building Inspector

Certificate 005344 A

Issued Nov. 10, 1992

TOWN OF BEDFORD
WESTCHESTER COUNTY, N. Y.
CERTIFICATE OF COMPLIANCE

Building Permit No. 402-2-28

This is to certify that [redacted] having filed on [redacted], 1992
Application No. [redacted] for a Certificate of Occupancy applying to premises located
at [redacted] being Sec. [redacted] Lot [redacted], Town of
Bedford Assessment Map at a [redacted] zone as shown on the building zone map, and the
application having been approved, authority is hereby given to occupy or use said premises or build-
ing or part thereof for the following purposes:

Close to by residence

Supervisor

under the following limitations:

*1. To be used as a private garage
2. To be used as a private storage*

on and after this date until revoked, and subject to all the provisions of
THE BUILDING ZONE ORDINANCE

David B. [redacted]
Building Inspector

RECEIVED

OCT - 4 2001

BEDFORD BUILDING DEPARTMENT

TOWN OF BEDFORD TOWN HOUSE, BEDFORD HILLS, NEW YORK

Application For Building Permit

No. 19567

- checkboxes for New Building, Alteration, Addition, Demolition

Date SEPTEMBER 28 2001

To the Building Inspector:

Application is hereby made for permission to perform the work in accordance with the plans and specifications herewith submitted and in compliance with the information given below.

It is agreed that if such permission is granted said building will conform in all respects to said plans and specifications and shall comply with all provisions of the local Building Zone Ordinance, and all State and Federal Laws or regulations pertaining in any way thereto.

Attached hereto are duplicate copies of the plot plan showing to scale position of building on the plot.

Owner NICK & DENISE DELFICO Address 17 GORDON AVE. BEDFORD, NY
Applicant OWNER Address
Architect RVL ARCHITECTURE Address 6 SPRUCE POND LN, BEDFORD, NY
Builder Address

Building is to be located on plot known as No. 17 GORDON AVENUE Street, Avenue.
Place, on the SOUTH side thereof, distance from the corner of 300' from Route 22 Street,
Avenue, Place; Section B4.17 Block 1 Lot 10 Town of Bedford Assessment Map.

Estimated Cost - \$100,000.00 / 75,000.00 Air Conditioning Yes checkbox No checkbox

Proposed use: RESIDENTIAL SINGLE FAMILY, CONVERT 1 1/2 STORY TO 2 STORY 1 & 2

Type of Heating: X Hot Water checkbox Electric checkbox Hot Air checkbox Solar checkbox
Air Conditioning: X No checkbox Yes checkbox Amount of square feet 1449 EXIST 1 1/2"
1250 FT 1401 PROP. 2850 TOTAL 1 1/2" 760 BASEMENT EXIST.

TYPE OF STRUCTURE

- checkboxes for One Family Dwelling, Two Family Dwelling, Multiple Dwelling, Detached Residential Garage, Commercial Building, Other

ZONING DISTRICT R-4A 2A (1A) 1/2A 1/4A TF VA Wetlands Yes checkbox No X
(Circle) CB NB LI FP PBO PBR

Number of stories 2; Height 26' feet.
Front yard 35.1 feet. Rear yard 80' feet.
Side yard 31' feet one side. Side yard 161.7 feet other side.

Type of Construction - Fireproof - Semi Fireproof - Frame. (Cross out all but one.)
(over)

I hereby certify that the statements and data on the reverse side of this sheet are correct and true to the best of my knowledge and belief. Property Owner shall sign application or file letter of approval to act as agent.

(Signed) Rich Delfico

Business Address _____

Telephone No. _____

Residence Address 17 GORDON AVE. BEDFORD

Telephone No. 234-4218

Date 9/28 ~~19~~ 2001

Notes: Before the building for which a permit is issued can be used for any purpose the owner or lessee thereof must obtain a Certificate of Occupancy from the Building Inspector as provided in Section 14 (C) of the Building Zone Ordinance.

Satisfactory evidence must be submitted that Compensation insurance has been provided in accordance with the Workmen's Compensation Law before a permit is issued by the Building Inspector.

Action By Building Inspector

The foregoing application and accompanying plans and specifications have been examined and considered, and the following action taken by me:

- Board of Health Approval
- Highway Approval
- Town of Bedford
- Westchester County
- State of New York

- Application Rejected
- Application Granted
- Referred to Board of Appeals

Reasons or Remarks: SEE CALLED STORY ADDITION

[Signature]
Building Inspector of the Town of Bedford, New York

FEEES:

Building Permit: 550.00

Certificate of Compliance: 20.00

Total: 570.00

Application No. 19567

Date Approved: FEB. 25, 2001

Date Notified _____

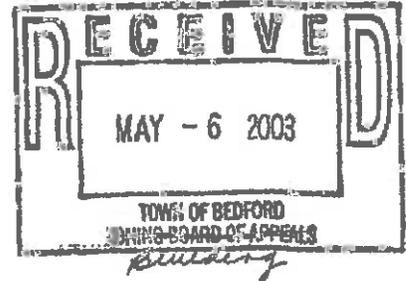


A r c h i t e c t u r e

Roger van Loveren, AIA, Architect • 6 Spruce Pond Lane, Bedford, NY 10506 • (914) 234-7823 • E-Mail: rvlarch@aol.com

May 5, 2003

Mr. Richard Megna
Building Inspector
Bedford Building Dept.
425 Cherry Street
Bedford Hills, NY 10507



RE: Delfico Residence, Gordon Drive, Bedford

Dear Mr. Megna:

I am submitting a revised set of drawings for the above project, with the following changes:

- Larger new deck
- Cathedral ceiling (partial) 2nd floor bedroom
- A roofed connection to the current freestanding building on the property

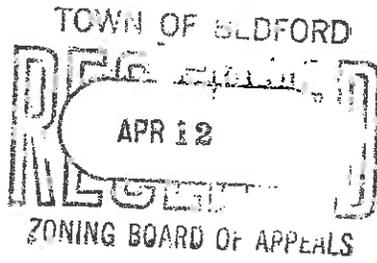
Based on my reading of the Building & Zoning Code, this connector will create one single building on the property eliminating the accessory cottage.

If you have any questions, please do not hesitate to call me.

Very truly yours,


Roger van Loveren, AIA

RvL:pah
Enc.
cc: Nick Delfico



April 14, 2000

Town of Bedford Zoning Board of Appeals
Town Hall
Bedford Hills, NY

Dear Members of the Board;

At the present time, we feel it is in our best interest to withdraw our application for a variance.

Sincerely,

Nick & Denice Delfico

2. The 15-foot freestanding sign shall be reduced in height to 12 feet or lower if the code allows and that the applicant shall determine this with the Building Inspector.
3. The A plus sign over the store shall be supplanted with a new A plus sign to coincide with the Sunoco blue fascia. The A plus sign on the right elevation, which was proposed, will not be allowed.

Mrs. Nourse seconded the motion.

A vote taken on the foregoing motion was as follows: Mr. McGovern, yes; Mrs. Barton, yes; Mrs. Nourse, yes; Mr. McMillan, yes.

The application has been approved subject to the conditions listed.

8. Nicholas and Denice Delfico – 17 Gordon Avenue, Bedford, NY. Section 84.17 Block 1 Lot 10, R-1A Zone. The applicants request a variance to permit a cottage in an R-1A Zone where at least two (2) acres are required. This cottage also exceeds the 25% floor area of the main residence.
VIII 125-79.1

Appearing before the Board on behalf of the applicants was attorney Jack Adesso who explained that this application for a variance was to allow the continued existence of a cottage-studio, which was there since 1984. He noted that his clients had purchased this property with the cottage on it in 1991 and at that time a title search was performed showing a Certificate of Occupancy (CO) for both the main house and cottage. He added that the cottage was occupied at the time they purchased it. He commented there had been no negative impact to the neighborhood as the cottage is set back on the property. He stated that when his clients were made aware of this situation in February of 1999 and when they appeared before the Planning Board for a Special Permit, the application was sent to the Building Inspector for his review for compliance with the code. Mr. Adesso reviewed the findings of the Building Inspector and stated that he had referred it to this Board for the variances. He discussed this building being prior non-conforming structure and felt it would be a hardship to his clients to lose the income from the rental of this cottage. He asked that the Board consider grandfathering this structure from the current zoning ordinance.

Mr. McGovern asked if the records on this property had been reviewed prior to it being purchased by the applicants. He advised that a variance for a second residence on the site had been denied by the ZBA in December 1984 and he described the assessor's notes on the property card.

Robert Morocco of 33 Gordon Avenue described the history of the property and that adjacent to it, when it belonged to Enoch Gatto and his family, including the fact that the property was subdivided in approximately 1981.

Mrs. Nourse felt there probably should have been a violation issued on this site at that time. She added that there was a violation now, and expressed her concern that a variance had been previously denied.

Mr. Addesso noted that this property had been reassessed in 1984 and taxes paid on the two structures. He commented that the circumstances of the denial in 1984 might have been different than those of the current application.

Mr. McMillan read the correspondence received concerning this matter, in support of the application from Thomas F. Conway of 54 Gordon Avenue, Caroline Searles of 18 Gordon Avenue and John and Margaret Scott of 22 Gordon Avenue.

Vincent Scarpa of 12 Gordon Avenue had questions concerning the work performed by the previous owner. He noted that the bathrooms in the building had been removed at one point by the previous owner and questioned the reinstallation of them.

Mr. Morocco commented that some of the neighbors who had submitted letters of support no longer lived on Gordon Avenue.

Mrs. Delfico noted that when they bought the property nine years ago the cottage was occupied and they had a good relationship with the neighbors. Mr. Delfico commented they were unaware that a violation existed at the time they purchased the property.

Mr. McGovern discussed the property being denied a variance in 1984 and expressed his concerns with the cottage being a rental unit as well as the lack of a CO on the property card. He requested that the title search that had been performed be submitted in order to review any exceptions that may be on it. He added the coverage of the cottage exceeded the allowable percentage of the main building.

Mrs. Nourse reviewed the reasons that the zoning code changed in 1989 regarding the allowance of cottages in two and four acre zoning and discussed the reasons they are not allowed in a one acre zone. She expressed her concerns with the violation and the coverage.

The Board discussed the uses that would be allowed in the building if it were not a rental unit. Mr. Addesso clarified that the Board had requested the title report to review.

This matter has been postponed until the January 2000 meeting.

There being no further discussion and on a motion made and seconded the meeting was adjourned at 11:00 PM. The next meeting of the Zoning Board of Appeals is January 5, 2000.



Nina Keliogg, Recording Secretary
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: Nicholas and Denice Delfico
 17 Gordon Avenue
 Bedford, New York 10506

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

a cottage in a R-1A Zone where at least two (2) acres is required. This cottage also exceeds the 25% floor area of the main residence.

This being a variance of Article VIII Section 125-79.1

for property owned by the applicants and located on:

 17 Gordon Avenue
 Bedford, New York 10506

designated as Section 84.17 Block 1 Lot 10 on the Tax Map of the Town of Bedford in a R-1A Zoning District. Said hearing will take place on the 1st day of December, 1999, 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 applicant will be heard.

Attendance at said hearing is not required. Applicant or his representative must be present.

DATED: November 17, 1999

Hugh C. McMillan, Chairman
Town of Bedford Zoning Board of Appeals

Inquiry may be directed to:

Eileen M. Regan, Secretary
Town of Bedford Zoning Board of Appeals
321 Bedford Road
Bedford Hills, NY 10507
(914) 666-4585

ZONING BOARD OF APPEALS

Town of Bedford

WESTCHESTER COUNTY, NEW YORK

APPLICATION FOR A VARIANCE

Submit To: Zoning Board of Appeals, Bedford Town House, Bedford Hills, N.Y.

1. Name of Owner: Nick & Denise DeFico
Address: 17 Gordon Ave
Telephone: (914) 234-4129



2. Name of applicant, if other than owner:
Address:
Telephone:

3. Name of Professional (New York State licensed architect, engineer, land surveyor, landscape architect) preparing plan:
Address:
Telephone:

4. Identification of Property:
Street address: 17 Gordon Ave
Bedford Tax Map Designation: Section: 84.17 Blk: 4 Lot(s): 10
Total Land Area: 1 Acre
Zoning District(s): R-1A
Property abuts a State or County highway, parkway, thruway or park:
Yes No

Property is on the side of
with the unincorporated area of the Town of Bedford

CERTIFICATION OF DECISION
OF THE
ZONING BOARD OF APPEALS
OF THE
TOWN OF BEDFORD:

Meeting held at Town Hall, Town of Bedford on the 3rd day of October 1984

MEMBERS PRESENT: John W. Ruger, Judith J. Deickler, Hugh C. McMillan, P. Daniel Hollis, Laurence S. Kennedy, Jr., Chairman

MEMBERS ABSENT:

NAME AND ADDRESS OF APPLICANT: Enoch Gatto
Gordon Avenue
Bedford, New York

PROPERTY DESCRIPTION:

ZONING 1 acre SECTION 20 LOT 77

Owned xx Leased Contract-Vendee

Dated of Patent Trader Issue: July 20, 1984

Number of Property Owners Noticed: 21

RELIEF APPLIED FOR:

A variance pursuant to Article IV, 2A1 and 4B1, to permit a newly constructed second residence to remain on the property of the applicant - said residence does not comply with setback requirements of the Bedford Zoning Ordinance.

APPEARANCES: Francis O'Neil, Esq.
Enoch Gatto
Correspondence

EXHIBITS: Survey of Property

1. That petitioner's property is zoned single family one acre.
2. That petitioner has caused construction of a second one-family house on this one acre homesite.
3. That petitioner did not apply for a building permit for a one family residence prior to commencement of construction.
4. That petitioner has if the structure is allowed to remain as is created a multi family house within a zone which allows only one main residence per acre.
5. The petitioner has created a self imposed hardship.
6. That an alternative use of the structure allowed by the Zoning Code could be obtained by making the building a studio-type living quarters.
7. That the police power of the Town through its zoning regulations is designed to protect the integrity of each zone established in the Town and denial of this application would further the welfare of the community by upholding the Zoning Code and by the elimination of a multi family use of a one acre single family parcel.

WHEREFORE, the Board of Zoning Appeals voting as follows:
Mr. Ruger, No; Mrs. Deickler, No; Mr. McMillan, No; Mr. Kennedy, No;
~~Denied:~~ *The* application for the granting of the variance to permit
a newly constructed second residence to remain on the property of
applicant.

Mr. Hollis-Abstain

Dated: December 31, 1984

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 January 8, 1985

Mary G. Kavanaugh
Mary G. Kavanaugh, Secretary

Laurence S. Kennedy, Jr.
Laurence S. Kennedy, Jr., Chair

When the tennis court was constructed, an area of rock was discovered causing the court to be turned slightly. If the patio were constructed on the side away from the Beattie's, neighboring property owners, viewers would be looking into the Beattie's swimming pool area. This proposal is to construct the patio on the other side, near the Beattie's property line. It was not the intention of the applicant to deceive the Board - just unfortunate that the outcropping of rock was discovered.

Correspondence was received, read and made part of these minutes: Letter in favor of application from Carl and Ann ~~Cradel~~ *Kradel*, letter in opposition from Charles Beattie, neighboring property owner, who opposed the original application earlier this year, letter in opposition from James Trapasso, neighboring property owner, Keven Dwyer, Esq., spoke on behalf of Mr. Beattie in opposition to the application.

There being no further discussion either for or against the application, vote was taken as follows: Mr. Ruger, No; Mrs. Deickler, No; Mr. McMillan, No; Mr. Kennedy, No. The application is denied and so stated in Resolution #10-84 TWO.

3. GATTO, ENOCH, Gordon Avenue, Bedford, New York, Section 20, Lot 77, R 1-acre, to permit a newly constructed second residence to remain on the property of the applicant - said residence does not comply with setback requirements of the Bedford Zoning Ordinance. IV. 2A 1 & 4B 1. See public notice attached to and made part of these minutes.

Meeting of Oct 3/84

Mr. Hollis disqualified himself at this point stating that he had consulted with Mr. O'Neill, attorney for the applicant, prior to his appointment to this Board and, therefore, would not feel comfortable being included in the vote. Mr. O'Neill reviewed the history of the situation which is set forth in the Minutes of Meeting dated August 1, 1984. He concluded this review stating that this application was for an area variance and not for a use variance.

Memorandum, dated October 1, 1984, from Conrad Veenstra, Director, Building Department, was read in its entirety and thereby made part of these minutes. In the memo, Mr. Veenstra cited the dates of his visitations to the Gatto property and the conversations with Mr. Gatto regarding the illegality of what he was doing. Under oath, Mr. Gatto denied these occurrences.

It is Mr. O'Neill's contention that his client is not seeking to change the use of the property which is zoned residential but is seeking to change the intensity of the use - 2 residences on one piece of property zoned for 1 residence. To emphasize his case, Mr. O'Neill presented the Board with a memorandum which was read in its entirety and thereby made part of these minutes. The practical difficulties set forth are the fact that to move the new residence to Mr. Gatto's adjoining acre would be too costly, and because of the construction of the building, there would be no guarantee that it would withstand the move - the approximate \$60,000 spent on the construction of the building would most likely be lost. Mr. O'Neill went on to reiterate his case for the area variance at some length.

The Board suggested that one remedy would be to remove the kitchen and bathroom, thus creating a studio-type living quarter which is now allowed by the regulations. This was not acceptable to Mr. O'Neill. The Board also pointed out that there would be no guarantee in the future, if and when Mr. Gatto no longer owned the land, what use this building would be put to and that it could easily become rental property - also disallowed by the zoning laws.

There being no further discussion either for or against the application, vote was taken as follows: Mr. Ruger, No; Mrs. Deickler, No; Mr. McMillan, No; Mr. Kennedy, No. The application is denied and so stated in Resolution #10-84 THREE.

4. KRZEMINSKI, KATHY NELLIGAN, 37 Sands Street, Port Chester, New York. Section 8A, Lot 49, TF zone, to permit construction of a one-family dwelling. Lot does not meet the requirements of the Bedford Zoning Ordinance. V, 125-50. See public notice attached to and made part of these minutes.

Mrs. Krzeminski wishes to build a one-family house in a 2-family area. A 2-family house could not be built because of the septic problem. The proposed house would be 44' x 65' including garage. Applicant is asking for reduction to 10' on one side yard and to 11' on the other side yard from the required 15' and 35' respectively, from the required 10,000 sq. ft. to 8,741 plus or minus with an effective square of roughly 63-1/2.

There being no further discussion either for or against the application vote was taken as follows subject to issuance of building permit and approval of Board of Health: Mr. Ruger, Yes; Mrs. Deickler, Yes; Mr. McMillan, Yes; Mr. Hollis, Yes; Mr. Kennedy, Yes. The Board also agreed that under SEQRA regulations this would have no adverse affect on the environment. The application is approved and so stated in Resolution #10-84 FOUR.

5. CARPENTER, JEFFREY AND DONNA, P.O. Box 377, Katonah, New York. Section 5, Lot 124, 2A zone, to permit creation of a lot (proposed two-lot subdivision) that does not have frontage on a public road. III, 125-13A. See public notice attached to and made part of these minutes.

Mr. Carpenter represented his application and explained his proposal to divide his property into two lots each exceeding two acres. His house would not have frontage on a town road. Access is over deed of easement. His request is for a variance to allow him to create a lot with no frontage on town road. Correspondence from Assistant Building Inspector Brown stating access was sufficient for emergency vehicles. Letter from Police Chief Marden regarding on-site inspection showed adequate access for use by emergency vehicles. From Mr. Crotty, Town Engineer, memo stating subdivision cannot be approved without the variance although there is no other objection to the proposal except that the driveway does not comply with the 25' width required. Declaration of easement to be made part of the file.

3. NEDELL, KATHLEEN, 602 Cantitoe Street, Bedford, New York. Section 17, Lot 44A, 4-acre zone, to permit the construction of a tennis court which would result in a decrease in rear and side yard setbacks. IV, 4, B1. See public notice attached to and made part of these minutes.

Mr. Ben Needell represented the application. The Board reviewed plans and sketch layout. Letter was received and read from Mr. James Congdon, neighboring property owner, in opposition to approval of the application since it would require extensive cutting and clearing of trees. Mr. Congdon's house is presently on the market for sale, and he feels this would inflict financial hardship and lower the value of his property.

Mr. Needell explained the reasons for the placement of the court. First, that an accessory cottage on the property stands in the way of moving the tennis court any further out to meet the 50' setback requirements. The architect had placed it in the most convenient spot, and, also, that it was most desirable to place a tennis court from north to south rather than east/west. Mr. Needell said he would be willing to install a screening of 6 foot pine trees to replace the smaller shrubbery currently in the area so that there would be screening all year.

Mr. William Banks was present to speak in opposition on behalf of his wife and another neighboring property owner, Mrs. Neale. Mr. Banks based his objection on the fact that he was familiar with the lay of Mr. Needell's land. He said that it was 4 acres of fairly level land and that what sloping there was, was gradual. He could not understand that with all that space, there was no other spot where the tennis court could be constructed. Mr. Needell explained that the front of his property was pie-shaped and would not contain the tennis court; another suggested spot would interfere with his septic system. Mr. Needell is also planning to build a swimming pool on the property. Mr. Banks is aware of this and suggested that perhaps the swimming pool might be eliminated and thereby more land would be available for the court. Mr. Congdon was present at this meeting and stated that his concerns about the screening which was read earlier in his letter, have been allayed by the promise to plant evergreens. However, he still feels there is no hardship shown here and that there are other locations for the tennis court that would fall within the requirements. Even through discussion with the three neighbors present at this meeting, it seemed there would be no compromise.

There being no further discussion either for or against the application, vote was taken as follows: Mrs. Deickler, No; Mr. McMillan, No; Mr. Root, Abstain; Mr. Ruger, No. The application is denied and so stated in Resolution #8-84 TWO.

4. GATTO, ENOCH AND DOROTHY, Gordon Avenue, Bedford, New York. Section 20, Lot 77, 1-acre zone, to permit a newly constructed second residence to remain on the property of the applicant - said residence does not comply with setback requirements of the Town of Bedford Zoning Ordinance. IV, 2A & 4 B1. See public notice attached to and made part of these minutes.

Minutes of August 1/84

Frank O'Neil, Esq., represented the Gatto's. Mr. Ruger repeated his opening statement about the necessity of having three affirmative votes for approval of the application and that the applicant could withdraw at this time and be reheard at such time as a full Board were present. After consulting with his client, Mr. O'Neil said he would present the case tonight. Plans and surveys were presented for Board review.

Mr. O'Neil explained that the application was to allow two principal residences on a one-acre piece of property even though the ordinance precludes such a situation. Mr. O'Neil further stated that a series of errors has brought his client to this point and that it was, indeed, self-created. Mr. Gatto applied for and obtained a building permit for a pole barn. While the barn was being constructed, Mr. Gatto's son-in-law became very ill and is now unable to work (the couple have two small children). At that point, Mr. Gatto decided to convert the barn into a residence for his daughter and her family. The builder at the time told Mr. Gatto this would be all right to do and completed the building as a residence. At this time the house is finished and ready to move into. They have not occupied the house as yet. When it was inspected by Mr. Veenstra for a certificate of occupancy, the Gatto's were told that it was an illegal building and that they would have to apply to the Zoning Board for relief.

Before applying to this Board, Mr. O'Neil had discussed with Mr. Gatto the possibility of moving the structure to an adjoining piece of property owned by Mr. Gatto. After investigating this with movers, it seems that it would be very difficult to move the house the way it has been constructed and there was no guarantee that this could be safely accomplished. Mr. O'Neil reiterated that he and his client are not unmindful of the fact that even though the contractor said it would be permissible, they should have known better. They have had some difficulty with the contractor since the completion of the house, but find they must now ask for the mercy of this Board.

Mr. John Streb, neighboring property owner present at this meeting, spoke in behalf of the application. Letters were received and read on behalf of the applicant from Peter Schultz, Rosina Sarles and Peter A. Tatarzewski, all neighboring property owners. A letter to the Gatto's from the Building Inspector, Mr. Veenstra. Mr. Veenstra had visited the property in April and advised Mr. Gatto that he was in a great deal of difficulty because of the completed residence. Mr. Veenstra subsequently wrote a letter to the Gatto's stating in part that (a) they had no building permit for the structure completed; (b) no certificate of compliance; and (c) the septic system had not been approved by the county department of health. This letter gave the Gatto's 14 days to reply.

A lengthy discussion was held among all parties regarding the options the Gatto's might have: (a) tear the building down entirely; (b) reconvert it to a barn; (c) move it to the other piece of property owned by Mr. Gatto. Mrs. Deickler read from the Zoning Ordinance the section disallowing two main dwellings on a 1-acre piece of land and the section listing the permitted uses of accessory buildings - this residence cannot be considered an accessory building.

TOWN
OF
BEDFORD

Westchester County



TOWN HOUSE
BEDFORD HILLS
NEW YORK 10507

CONRAD E. VEENSTRA I.A.O.C.C.A.
Director

BUILDING & ASSESSMENT DEPARTMENT
BUILDING INSP. 666-8040
ASSESSOR 666-5149

June 14, 1984

Mr. & Mrs. Enoch Gatto
17 Gordon Avenue
Bedford, New York 10506

RE: Section 20, Lot 77

Dear Mr. & Mrs. Gordon:

On April 18, 1983 you applied for a building permit to construct a pole barn. On April 21, 1983 Building Permit # 10648 was issued to you for this construction. On June 28, 1983 Certificate of Compliance # 1518A was issued for this barn. Since that time you have converted this barn into a habitable dwelling without proper authority.

I spoke with you concerning this matter in April and suggested that you contact the Town of Bedford Building Inspector. To date this Office (Building Department), of which I am now Director, has not heard from you. I therefore now formally charge you with the following violations of the Code of the Town of Bedford.

1. Article V, Section 2, Paragraph B, "Building Permits"
No Building Permit for conversion.
2. Article V, Section 3, Paragraph A "Certificate of Compliance"
No Certificate of Compliance for conversion
3. Article IV, Paragraph K, "Provision of Septic System"
Not approved by Westchester County Department of Health

Please be advised that you have fourteen (14) days in which to comply with the above charges. Should you fail to do so this Office will petition the proper Court of Law for the necessary relief required.

Very truly yours,

Conrad Veenstra, Director
Building Department
Town of Bedford

CV/th

JUN 28 11

Bernard and Valerie Molka
38 Gordon Avenue
Bedford, NY 10506
914 234 4229

Town of Bedford **Zoning** Board
Town Hall
Bedford Hills, NY

Thursday May 8th, 2014

Dear Members of the Board,

As a resident of Gordon Avenue, we would like to offer our support to Nick & Denice Delfico regarding their application for a variance for the use/rental of the cottage on their property.

We have no objections to the Delfico's continuing the use of the cottage in the manner for which it has-been used prior to and after the purchase of their home.

Granting a variance for the continued use/rental of this cottage by responsible tenants, in our opinion, will not be injurious or otherwise detrimental to the public welfare of the neighborhood.

Sincerely,


Bernard Molka


Valérie Molka

RECEIVED
JUL 30 2014
BEDFORD ZONING
BOARD OF APPEALS

DISN-2BA

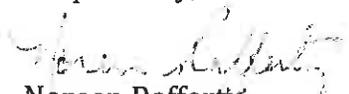
May 12, 2014

Attention: To the Bedford Town Board and Planning Board

As residents of the property at 27 Gordon Avenue in Bedford, we have no objection to our neighbors, Nicholas and Denice Delfico, renting the cottage on their property to responsible tenants.

In addition, we have no objections to the variance they have applied for to permit them to rent the cottage on their property.

Respectfully,


Noreen Rafferty


George Fernandez

RECEIVED
JUL 30 2014
BEDFORD 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:

The expansion of a pre-existing, non-conforming second residence consisting of (1) the construction of a new porch addition resulting in a front yard setback of 54 feet where 75 feet is required in the Residential 4 Acre Zoning District; (2) the construction of a new garage addition with deck above resulting a front yard setback of 40 feet where 75 feet is required in the Residential 4 Acre Zoning District and a side yard setback of 40 feet where 50 feet is required in the Residential 4 Acre Zoning District. The existing structure is a pre-existing, non-conforming second residence located in a 4 Acre Zoning District with an existing front yard setback of 0.7 feet where 75 feet is required. These being variances of Article III Section 125-11 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 10th day of September 2014**, at the Town House Offices, 2nd 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: August 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; FAX (914) 666-2026
acostello@bedfordny.gov
www.bedfordny.gov



Amended

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

RECEIVED
AUG 15 2014

APPLICATION FOR A VARIANCE

BEDFORD ZONING
BOARD OF APPEALS

- Name of Owner: ANNIE MARGARET & DENNIS BAUM
Address: 128 BALDWIN ROAD, BEDFORD COUNTRYSIDE, N.Y. 10549
Telephone/Email: _____
- Name of Applicant, if other than Owner: JOSEPH M. PALUMBO, ARCHITECT LLC
Address: 414 ELIZABETH RD. TONAWANDA N.Y. 10598
914.319.8089
Telephone/Email: joepalumbo@jmparchitect.com
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
AS ABOVE
Address: _____
Telephone/Email: _____
- Identification Property:
Street Address: 128 BALDWIN RD.
Tax ID: 83.12-1-19 Zoning District: R4A
Total Land Area: 5.8 ACRES
% of Building Coverage: 2.9 % of Impervious Surface 3.3
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 RD 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:

THE ADDITION OF A NEW ENTRY PORCH, A NEW
GARAGE w/ A NEW DECK ON TOP.

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:

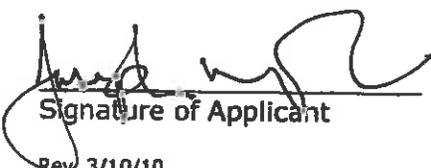
\$350.00

Commercial:

\$550.00

Signature of Owner

Date


Signature of Applicant

Date

Rev. 3/10/10

RECEIVED

AUG 15 2014

BEDFORD ZONING
BOARD OF APPEALS

6/23/14

LETTER OF PERMIT DENIAL



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

Application #:

Date: 6/24/2014

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: The expansion of a pre-existing, non-conforming second residence: addition of a new porch & addition a new garage with deck above

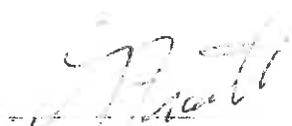
Dear Resident,

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:

Additions will result in the expansion of a pre-existing, non-conforming second residence located in the R-4A District & will result in a front yard setback of 54 ft. (porch) & front yard setback of 40 ft. & a side yard setback of 40 ft. (garage & deck). Existing front yard is 0.7 ft. where 75 is required; 50 ft. side yard setback required. HBPC required. Amended plan dated 8/14/14. Article III Section 125-11.

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.

- 108 Babbitt, circa 1890, George and Phoebe Hunt house, includes barn on School Street: notes

- 112 Babbitt Road
- 118 Babbitt Road
- 122 Babbitt Road
- 126 Babbitt Road

Baldwin Road

- 128 Baldwin Road
- 180 Baldwin Road, C. C. Hoyt House
 - 194 Baldwin, circa 1900, E. W. Humphreys house: notes, assessor information

Banksville Road

- 290 Banksville: picture

Barrett Street

- * 32 Barrett, W. G. Barrett House, circa 1905: report

Barker Street

- 207 Barker Street

Beaver Dam Road

- 125 Beaver Dam Road
- 128 Beaver Dam Road

Bedford Center Road

- 10 Bedford Center Road
- 17 Bedford Center Road
 - 21 Bedford Center Road, 1926, report: former cottage on "Knox Farm"
 - 150 Bedford Center: notes, see interview with Ruth Burgdefer
 - 111 Bedford Center Rd, (Carolla horse farm). "Courtyard Farm", "Starr Farm", "Broadbrook Farm", Low-Brixey property: see also 111 Stone Bridge Lane & 160 Broadbrook Road) Buildings circa 1900: notes, clippings
 - 165 Bedford Center: Notes with clippings
 - 205 Bedford Center Road
- 209 Bedford Center Road
- 213 Bedford Center Road
 - 234 & 38 Bedford Center, Glen Arbor Golf Club, formerly Harold T. White Estate: chronology
- 249 Bedford Center Road
- 250 Bedford Center Road
- 254 Bedford Center Road
- 290 Bedford Center Road
- 326 Bedford Center Road
- 388 Bedford Center Road
- 472 Bedford Center Road
- 489 Bedford Center Road
- 504 Bedford Center Road
- 514 Bedford Center Road
- 519 Bedford Center Road
 - 525 Bedford Center
- 531 Bedford Center Road

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,

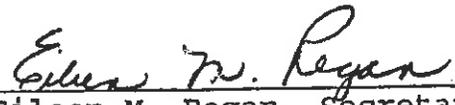
RESOLVED, that the application for a variance to permit the construction of a second-story addition to a pre-existing non-conforming residence resulting in a front yard setback of 35 feet where 75 feet is required be approved because of the reasons stated above and such construction be in accordance 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 23rd, 2002.


Eileen M. Regan, 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: **Samuel Thomas Terry and Katherine Terry**
 535 Guard Hill Road
 Bedford, NY 10506

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

The revision to the existing approval granted by Zoning Board of Appeals Resolution #10-13 Five. The amended application is to permit the demolition of the existing rear 1-1/2 story kitchen/bedroom wing and replacement with a new rear 1-1/2 story kitchen/mudroom/bedroom wing; and rebuild and extend the existing front porch to wrap around the east elevation of the residence with screened porch. The amended proposal will result in a front yard setback of 46.7 feet where 75 feet is required; a rear yard setback of 35.4 feet where 50 feet is required; and building coverage of 3.15% where 3% is permitted. The residence a pre-existing, non-conforming 3-story residence where 2½ stories are permitted on a parcel consisting of 3.712 acres where 4 acres are required in the Residential 4-Acre Zoning District. This being a variance of Article III Section 125-11 and Article V Section 125-50 for property located on:

535 Guard Hill Road
Bedford, NY 10506

designated as Section 84.05 Block 1 Lot 14 on the Tax Maps of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 2014, at the Town House Offices, 2nd 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. Applicants or their representative must be present.

DATED: August 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; FAX: (914) 666-2026
acostello@bedfordny.gov
www.bedfordny.gov



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Receipt*

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

RECEIVED

APPLICATION FOR A VARIANCE AUG 1 2014

BEDFORD ZONING BOARD OF APPEALS

- 1. Name of Owner:** Samuel T. & Katherine K. Terry

Address: 535 Guard Hill Road, Bedford, New York 10506

Telephone/Email: 914 205 3228 / ~~katekerry@gmail.com~~ KATEKLEMMERTERRY@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).**

Darren P. Mercer, Architect, PLLC

Address: 32 Flintlock Ridge Road, Katonah, New York 10536

Telephone/Email: 914 392 4490 / darrenpmercergmail.com
- 4. Identification Property:**

Street Address: 535 Guard Hill Road, Bedford, New York 10506

Tax ID: Section 84.05 Block 1 Lot 14 **Zoning District:** R-4A

Total Land Area: 161,695 SF

% of Building Coverage: 3.16 **% of Impervious Surface** 3.54

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: X 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: 111 Section: 125-11

To Permit:

Demolition of Existing Rear 1 1/2 Story Kitchen / Bedroom Wing and replacement with new Rear 1 1/2 Story Kitchen / Mud Room /
Bedroom Wing. Rebuild and Extend Existing Front Porch to wrap around Side (East) Elevation w/ Screened Dining Porch (Phase 2 Constr.)
Project requires Building Coverage Variance (3.0% vs 3.15% Proposed), Rear Yard Variance (50' vs 3.54% Proposed)
Front Yard Variance (75' vs 46.7' Proposed).

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.

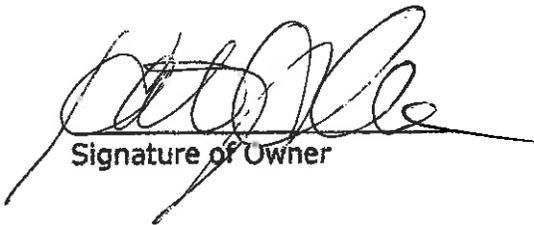
8. Fees: (make checks payable to the Town of Bedford)

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00


Signature of Owner

Date

Signature of Applicant

Date

LETTER OF PERMIT DENIAL



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

Application #:

Date: 7/23/2014

Parcel ID: 84.5-1-14

Owner Information

Terry, Samuel Thomas

Applicant Information

Terry, Samuel Thomas

Klemmer Terry, Katherine

535 Guard Hill Rd

Bedford NY 10506

Location: 535 Guard Hill Rd

Parcel ID: 84.5-1-14

Permit Type: Additions & Alterations

Work Description: Demolition of 1-story rear wing of home & construct new 1-story addition; rebuild & extend front porch w/screened porch.

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 proposal is a revision to the approval granted by ZBA Resolution #10-13 Five. The structure is a pre-existing, non-conforming 3-story residence where 2 stories are permitted; the existing front porch has a pre-existing, non-conforming front yard setback of 51.1 feet where 75 feet is required & a variance is required; the existing rear yard setback is pre-existing, non-conforming at 39.3 feet where 50 feet is required & a variance is required; ZBA approved building coverage of 3.25% where 3% is permitted; & lot area consists of 3.712 acres where 4 acres are required in the R-4 Acre zone. ZBA-variance of Article III Section 125-11, Wetlands permit, & Historic review required.

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: July 22, 2014
Re: **TERRY**, Samuel Thomas and Katherine Terry
535 Guard Hill Road, Bedford
84.5-1-14, R-4 Acre District
New Application Replacing 2012 and 2013 Approvals

With reference to the above property, the owners/applicants wish to obtain a building permit, zoning variance and wetland permit for the demolition of an existing rear 1 ½ story kitchen/bedroom wing and replacement with new rear 1½ story kitchen/mudroom/stair/bedroom wing; and rebuild and extend the existing front porch to wrap around the side (east) elevation with screened dining porch (Phase 2 construction).

The property is located at 535 Guard Hill Road, Bedford. The applicants received HBPC, Zoning Board, and Wetland Commission, and HBPC approval for a project in 2012 and then again in 2013 before. These projects did not go forward. **This is a new application with a new architect and supersedes the 2012 and 2013 applications.**

The property is not listed on the HBPC's Survey of Historic Buildings and the age is not indicated on the Assessor's records.

Please advise us of the outcome of your review.

Thank you.

Att.

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

**Resolution #10-13 Five
Samuel Thomas Terry and Katherine Terry
Additions and Alterations to Existing Residence
REVISED PLANS**

WHEREAS, application has been made pursuant to Article III Section 125-11 and Article V Section 125-50 of the Code of the Town of Bedford for a variance to permit a two story frame addition to the south side of the existing residence and a covered wrap-around porch to the north and east sides of the existing residence resulting in (1) a front yard setback of 41.3 feet where 75 feet is required where the existing front porch has a pre-existing, non-conforming front yard setback of 51.1 feet; (2) a rear yard setback of 30.8 feet where 50 feet is required where the existing rear yard setback is pre-existing, non-conforming at 39.3 feet; (3) building coverage of 3.25% where 3% is permitted; (4) a 3-story residence where 2½ stories are permitted where the existing residence is a pre-existing, non-conforming 3-story residence; (5) lot area of 3.712 acres where 4 acres are required in the Residential 4-Acre Zoning District, for premises located at 535 Guard Hill Road, Bedford, New York 10506, being known and designated on the Tax Maps of the Town of Bedford as Section 84.05 Block 1 Lot 14 in the R-4 Acre District, and shown on a plan submitted on April 17, 2012, 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 the opportunity to inspect the site, and

WHEREAS, the Town of Bedford Zoning Board of Appeals granted a variance on July 11, 2012 by Resolution #07-12 Three; and

WHEREAS, on September 10, 2013 the applicants submitted revised plans dated 9/6/13 entitled "Terry Residence Renovation," prepared by Michael Gorski Architect, modifying the previous approval; and

WHEREAS, the Town of Bedford Wetlands Control Commission granted conditional approval by Resolution 12/27, dated 8/6/12 and subsequent time extension by Resolution No. 13/19 as Amendment No. 1 to Resolution No. 12/27; and

WHEREAS, the Historic Building Preservation Commission reviewed the revised plans dated 9/6/13 as submitted by Michael Gorski, Architect and recommended approval and issuance of appropriate permits by the Building Inspector; and

WHEREAS, the Board acknowledged a memorandum from John Stockbridge, Chairman, Historic Building Preservation Commission, recommending issuance of any permits required.

NOW THEREFORE, on a motion by Ms. Black, seconded by Ms. Schaefer, be it

RESOLVED, that the application for a variance to permit a two story frame addition to the south side of the existing residence and a covered wrap-around porch to the north and east sides of the existing residence resulting in (1) a front yard setback of 41.3 feet where 75 feet is required where the existing front porch has a pre-existing, non-conforming front yard setback of 51.1 feet; (2) a rear yard setback of 30.8 feet where 50 feet is required where the existing rear yard setback is pre-existing, non-conforming at 39.3 feet; (3) building coverage of 3.25% where 3% is permitted; (4) a 3-story residence where 2½ stories are permitted where the existing residence is a pre-existing, non-conforming 3-story residence; (5) lot area of 3.712 acres where 4 acres are

**Resolution #10-13 Five – Samuel Thomas Terry and Katherine Terry
Additions and Alterations to Existing Residence – REVISED PLANS**

Page Two

required in the Residential 4-Acre Zoning District, be approved in accordance with the plan submitted on September 10, 2013 entitled "Terry Residence Renovation," prepared by Michael Gorski Architect, dated 9/6/13. 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 applicant given the fact that the new design is in keeping with the architecture and historic nature of the house and outlines a comprehensive plan reducing some of the previously approved variances and increasing others; and
2. That there will be no undesirable change to the neighborhood or detriment to nearby properties given that the re-designed plans have an aesthetic appeal which makes sense to the neighborhood overall; and
3. That the request is not substantial when the proposal is viewed in its entirety; and
4. That the request will not have an adverse physical or environmental effect on the property; 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. 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. The applicants submit an as-built survey to the Building Department prior to the issuance of a Certificate of Occupancy for the main dwelling.
3. The applicants submit as-built certified coverage calculations to the Building Department prior to the issuance of a Certificate of Occupancy for the main dwelling.
4. Zoning Board of Appeals Resolution #07-12 Three dated July 11, 2012 is hereby rescinded.
5. That the variance is granted in accordance with the plan submitted on September 10, 2013 entitled "Terry Residence Renovation," prepared by Michael Gorski, Architect, dated 9/6/13.

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 _____, 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: **Bruce and Cynthia S. Nathan**
462 Succabone Road
Bedford Corners, NY 10549

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

Construction of a new detached 2-bay garage on grade level and guest bedroom and bathroom on upper level resulting in (1) building coverage of 4.0% where 3.0% is permitted in the Residential 4 Acre Zoning District where the existing building coverage is existing, non-conforming at 3.1%.; and (2) the installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower) in the proposed guest bedroom where plumbing in an accessory structure is prohibited. The parcel consists of 1.750 acres where 4 acres are required in the Residential 4-Acre Zoning District. This request being a variance of Article III Section 125-11 and Article I Section 125-3 Definition of Studio for property owned by the applicants and located on:

462 Succabone Road
Bedford Corners, New York 10549

designated as Section 83.16 Block 1 Lot 5 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 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 representatives must be present.

DATED: August 20, 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 FAX
acostello@bedfordny.gov
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.info

APPLICATION FOR A VARIANCE

RECEIVED

AUG 1 2014

BEDFORD ZONING
BOARD OF APPEALS

1. Name of Owner: BRUCE NATHAN and CYNTHIA S. NATHAN

Address: 462 Succabone Road, Bedford, NY 10549

Telephone/Email: 212-262-6700 bnathan@lowenstein.com

2. Name of Applicant, if other than Owner: Daniel D. Tartaglia, Esq., As Attorney

Address: 800 Westchester Avenue, Suite N307, Rye Brook, NY 10573

Telephone/Email: 914-481-1880 ddt@tartagliagroup.com

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

Darren P. Mercer, Architect, PLLC

Address: 32 Flintlock Ridge Road, Katonah, NY 10536

Telephone/Email: 914-391-4490 darrenpmc@comcast.net

4. Identification Property:

Street Address: 462 Succabone Road, Bedford, NY 10549

Tax ID: Section 83.16, Block 1, Lot 5 Zoning District: R-4A

Total Land Area: 76,230

% of Building Coverage: 3.00% % of Impervious Surface 8.00%

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 Succabone Road within the unincorporated area of the Town of Bedford.



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

Application #:

Date: 8/20/2014

Parcel ID: 83.16-1-5

Owner Information

Nathan, Bruce

Applicant Information

Nathan, Bruce

Nathan, Cynthia Shaftel

462 Succabone Rd

Mt Kisco NY 10549

Location: 462 Succabone Rd

Parcel ID: 83.16-1-5

Permit Type: Accessory Building

Work Description: Construction of a detached garage structure for two (2) cars on grade level and a guest bedroom and bathroom on upper level.

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:

A new detached 2-bay garage and guest bedroom & bathroom on upper level will result in building coverage of 4.0% where 3.0% is permitted in the R-4A Zone & the installation of plumbing facilities (1 toilet, 1 sink, 1 shower) in the proposed guest bedroom is prohibited in an accessory structure. The lot has an area of 1.750 acres where 4 acres are required in the R-4-A Zone. Article III Section 125-11 and 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,

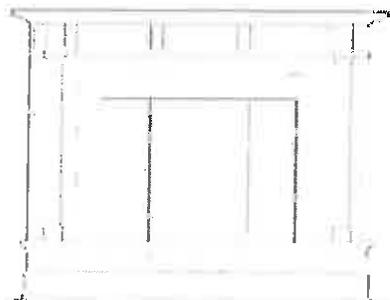
Steven Fraietta
Building Inspector

Costello, Alex

From: Darren Mercer [darrenpmrcer@gmail.com]
Sent: Monday, August 25, 2014 1:00 PM
To: Costello, Alex
Subject: Nathan Residence: 462 Succabone Road- ZBA
Attachments: 2014-08-15 Nathan Garage - Summer Solstice.pdf

Hi Alex,
Attached are 3D Renderings of the above application. Can you attached these renderings to application drawings?
Regards,
Darren

DARREN P. MERCER
ARCHITECT, PLLC



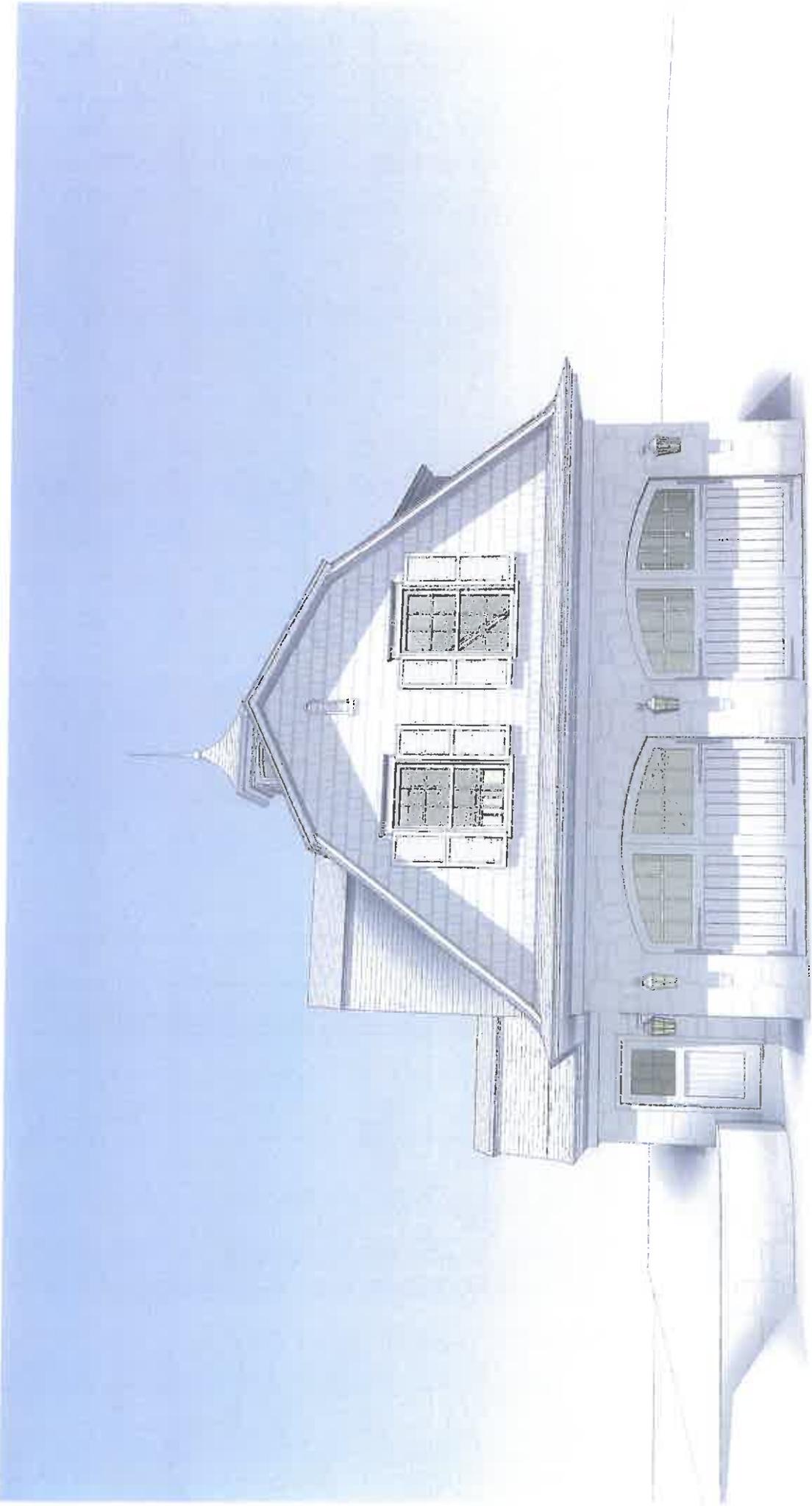
Architecture & Interior Design

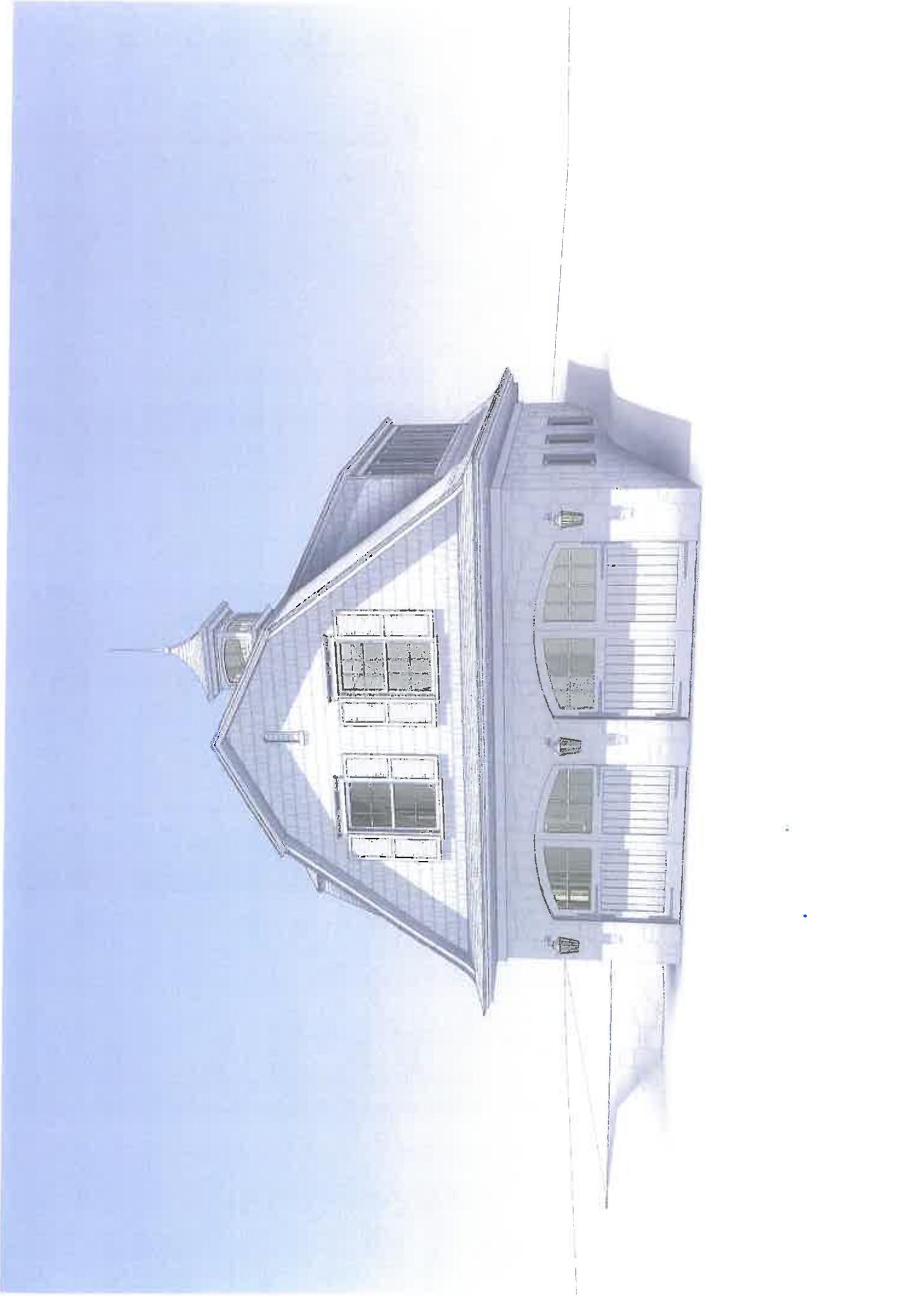
32 Flintlock Ridge Road
Katonah, New York 10536

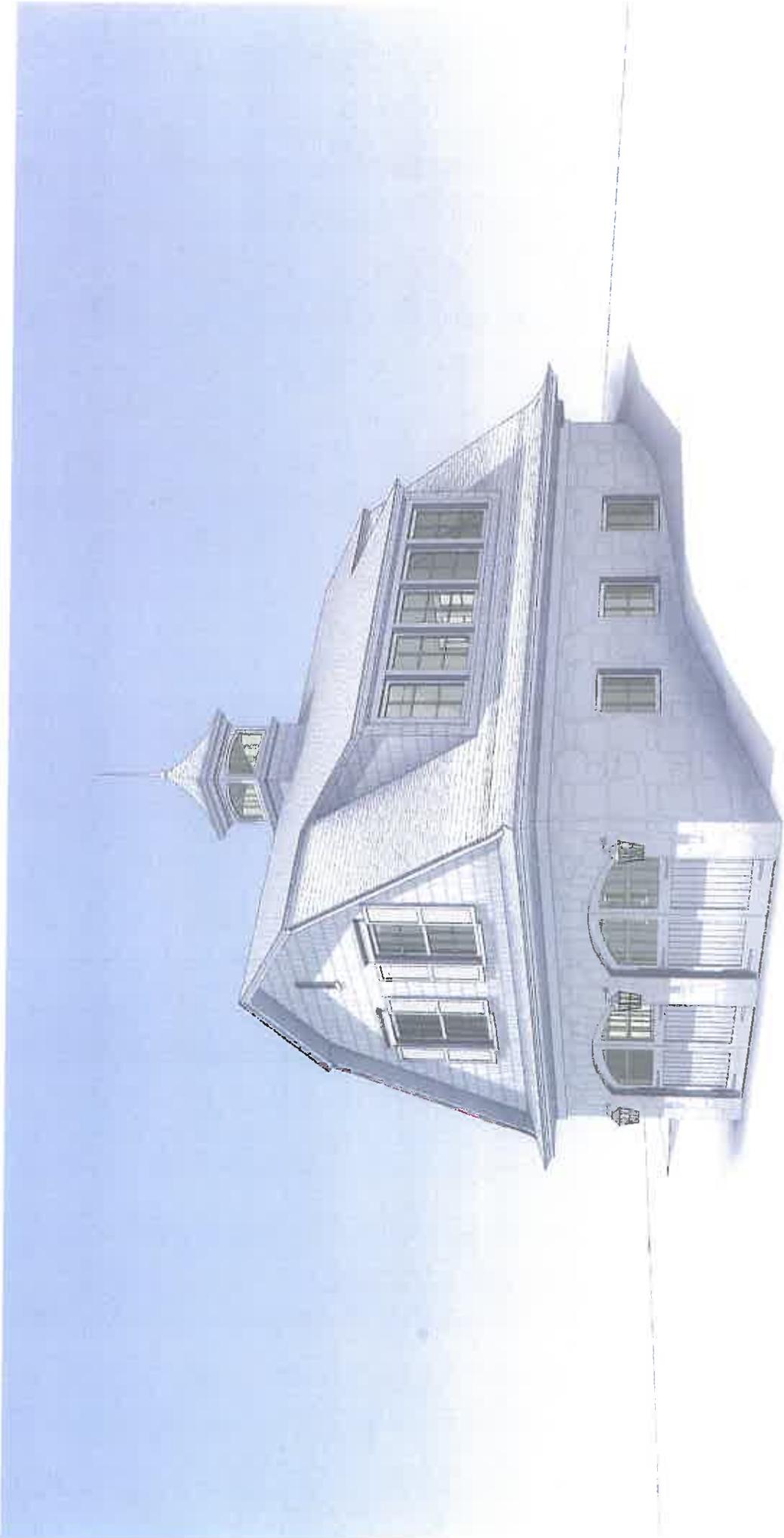
telephone: 914-391-4490
darrenpmrcer@aol.com

RECEIVED
AUG 25 2014
BEDFORD ZONING
BOARD OF APPEALS





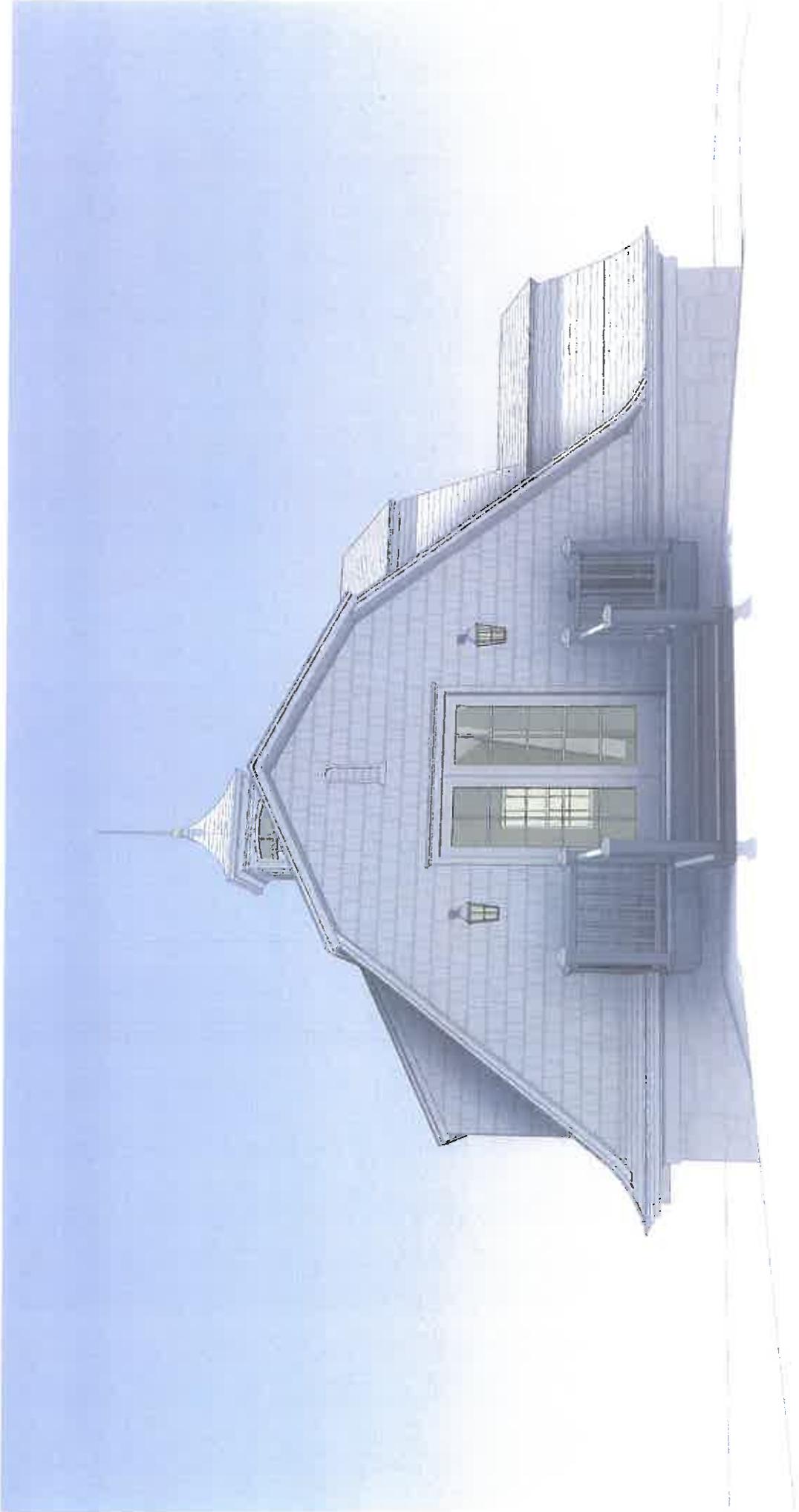


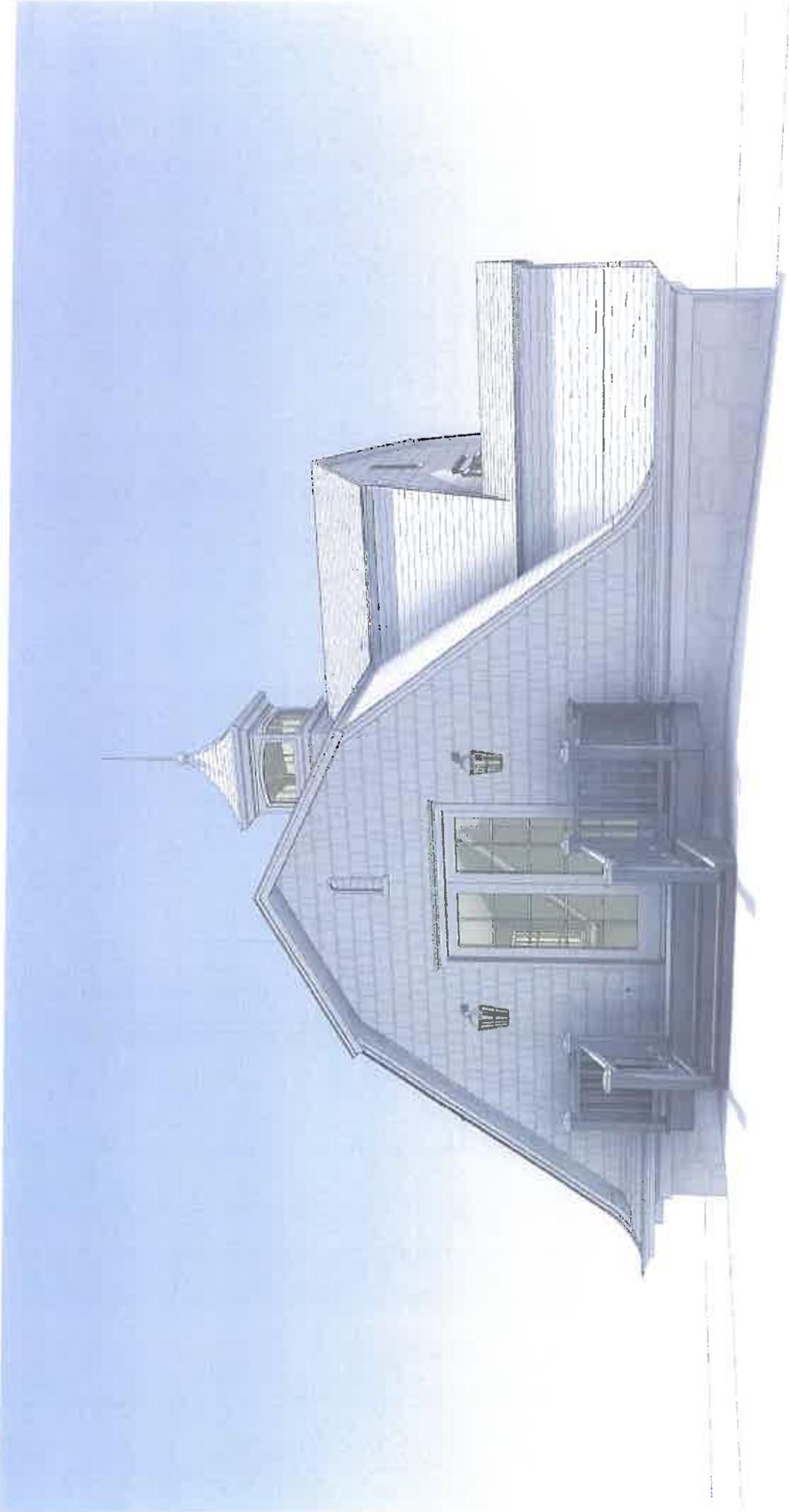


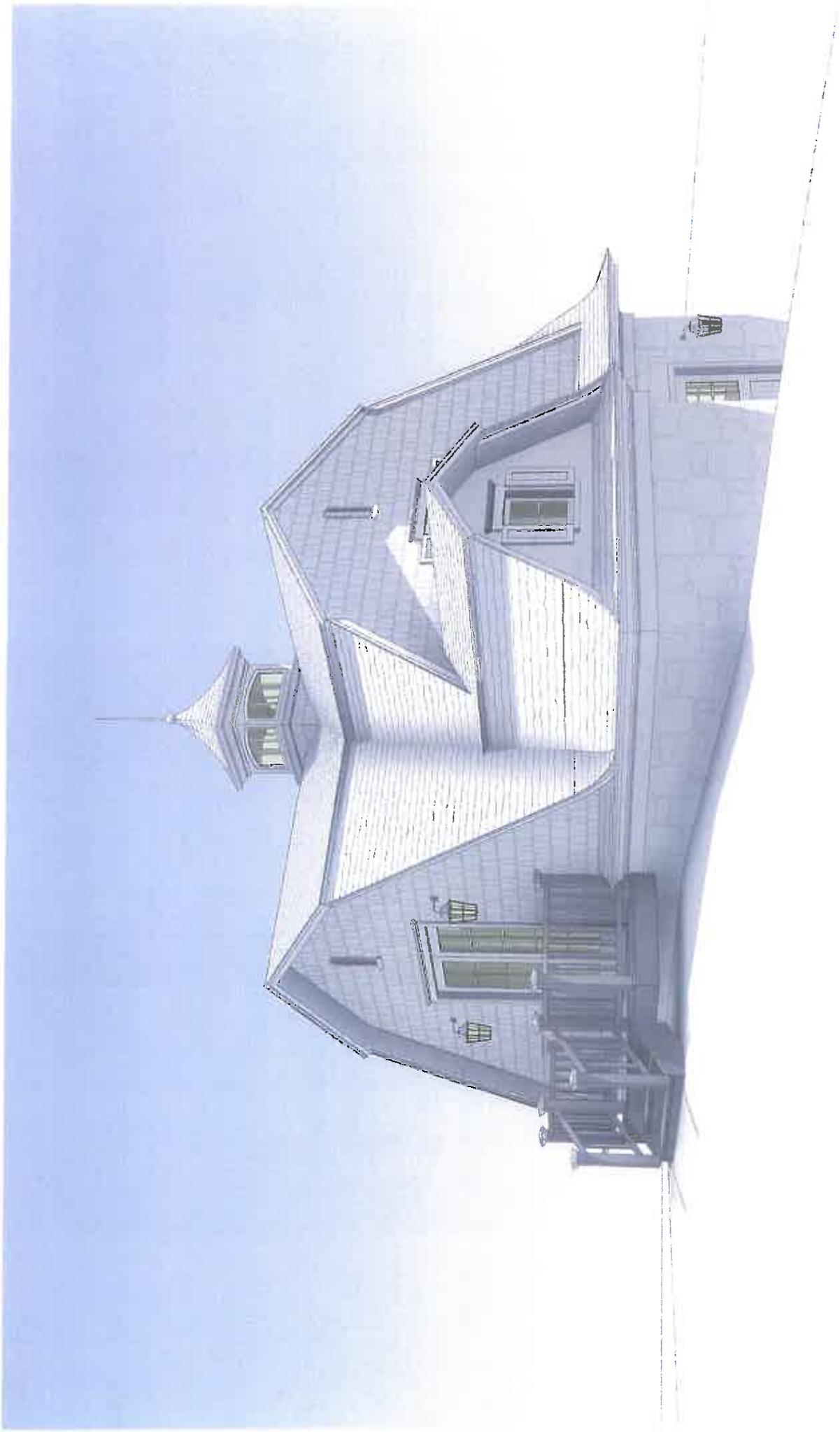


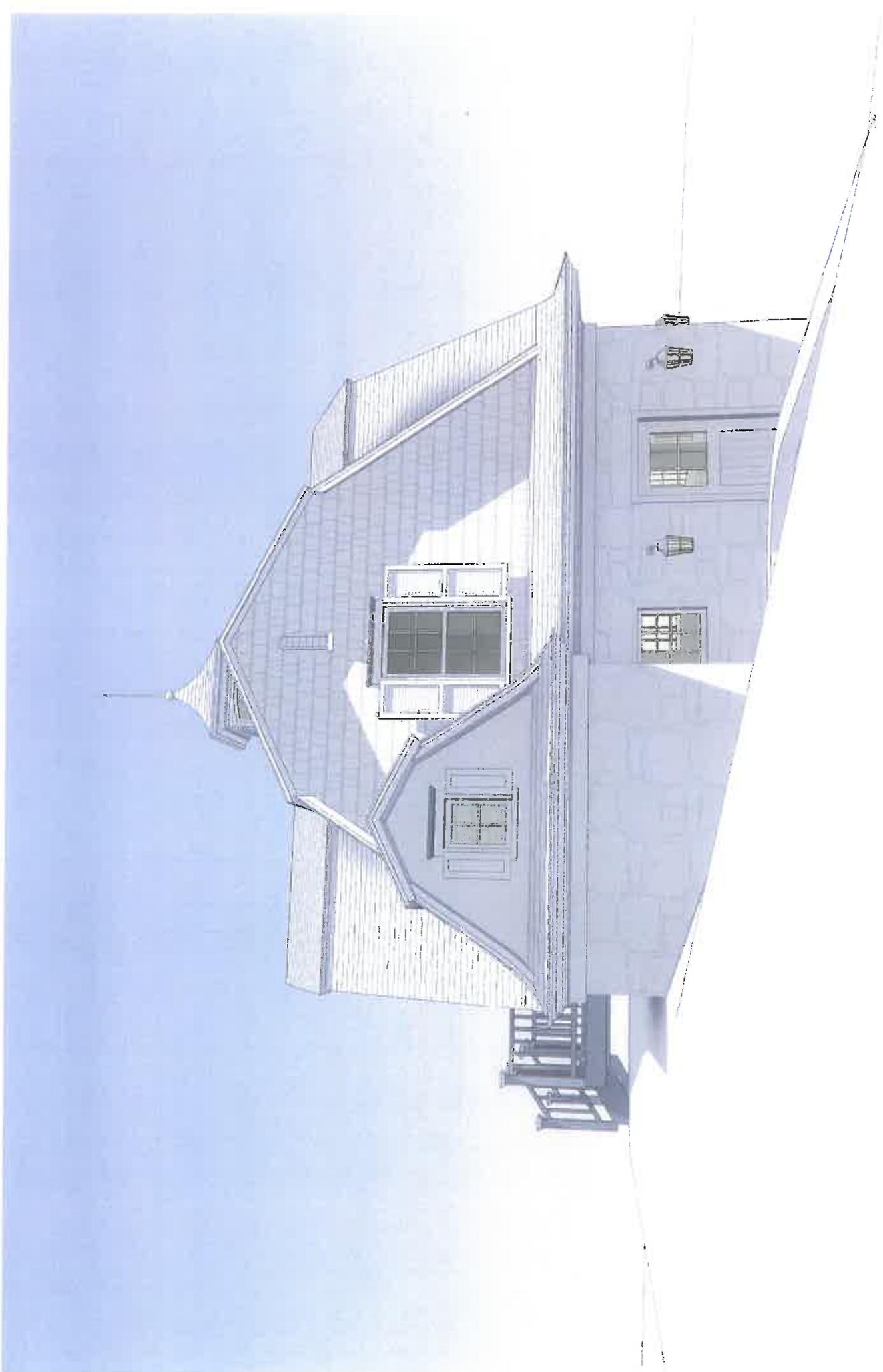














**ZONING BOARD OF APPEALS
Town of Bedford
Westchester County, New York**

**Resolution #07 – 06 Five
Mr. and Mrs. Bruce Nathan**

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 construction of (1) a change in roof pitch on an existing residence from a gable to gambrel roof resulting in a front yard setback of 45' 7" where 75 feet is required and (2) to extend the existing front porch resulting in a front yard setback of 69'2" where 75' is required where the existing residence is pre-existing, non-conforming for front yard and side yard setbacks for premises located at 462 Succabone Road, Bedford Corners, New York 10549, being known and designated on the Tax Map of the Town of Bedford as Section 83.16 Block 1 Lot 5 in the Residential 4-Acre District, and shown on a site plan submitted on May 18, 2006, and

WHEREAS, a public hearing was held on July 12, 2006 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 renovations are to match the exterior of the house to what is presently there; and

NOW THEREFORE BE IT RESOLVED, on a motion by Mr. Michaelis, seconded by Mr. McGovern,

RESOLVED, that the application for a variance to permit the construction of (1) a change in roof pitch on an existing residence from a gable to gambrel roof resulting in a front yard setback of 45' 7" where 75 feet is required and (2) to extend the existing front porch resulting in a front yard setback of 69'2" where 75' is required where the existing residence is pre-existing, non-conforming for front yard and side yard setbacks, be approved in accordance with the plans received entitled "Nathan Residence, 462 Succabone Road, Bedford, New York," prepared by Margo Neri Ward Designstudio, dated 3/5/06, last revised 5/15/06, because of the following:

1. That the benefit cannot be achieved by another means feasible to the applicant because the house is situated on the lot with a non-conforming front yard setback, and
2. That there will be no undesirable change to the neighborhood or nearby properties because of the location of this house and the long driveway to access it, and

Resolution #07 – 06 Five – Mr. and Mrs. Bruce Nathan
Page Two

3. That the request is not substantial as it will not increase the present non-conformity;
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.

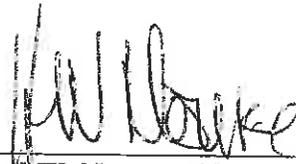
And, subject to the following conditions:

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 application to completion.

Vote taken on the foregoing motion was as follows:

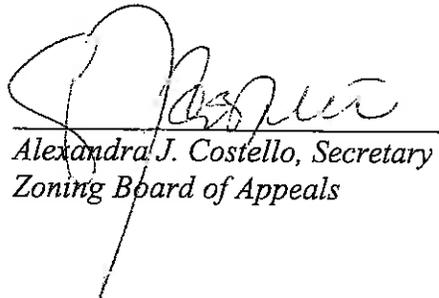
Ayes – Mr. McGovern, Mr. Menken, Mrs. Spano, Mr. Michaelis, Mrs. Nourse.

Nays – None



Hazel W. Nourse, 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
4-5, 2007.*



*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: **David Griff**
739 Croton Lake Road
Mount Kisco, NY 10549

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

The rebuild of a pre-existing, non-conforming two-story frame accessory structure (barn and shed) for use as an art studio/playroom on the first floor with mezzanine on the second floor which is situated 3'5" from the side property line where 30 feet is required in the Residential 1 Acre Zoning District; and to construct a one-story, one-car garage addition to the accessory structure resulting in a side yard setback of 20' 5" from the side property line where 30 feet is required in the Residential 1 Acre Zoning District. This being a variance of Article III Section 125-11 and Article V Section 125-50 for property owned by the applicant and located on:

739 Croton Lake Road
Mount Kisco, NY 10549

designated as Section 71.11 Block 2 Lot 4 on the Tax Maps of the Town of Bedford in a Residential 1 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 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: August 12, 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, acostello@bedfordny.gov
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.info

APPLICATION FOR A VARIANCE

1. Name of Owner: David Griff

Address: 739 Croton Lake Rd, Mount Kisco, NY

Telephone/Email: 914-241-1121

2. Name of Applicant, if other than Owner: Teo Siguenza

Address: 460 Old Post Rd, Bedford NY

Telephone/Email: 914-234-6289 / ts@teosiguenza.com

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

Teo Siguenza Architect P.L.L.C

Address: 460 Old Post Rd, Bedford NY

Telephone/Email: 914-234-6289 / ts@teosiguenza.com

4. Identification Property:

Street Address: 739 Croton Lake Rd, Mount Kisco NY

Tax ID: 71.11-2-4

Zoning District: R-1A

Total Land Area: 1860

% of Building Coverage: 2.59

% of Impervious Surface

7.07

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 Croton Lake Rd. within the unincorporated area of the Town of Bedford.

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BEDFORD BUILDING
DEPARTMENT

**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: XII Section: 125-129

To Permit:

To rebuild an existing structure (deteriorated by both weather and time) in its current location with the addition of a 1-story, 1-car garage shed. A new foundation must be constructed and the existing timber frame is to be reused/restored in the rebuilt barn.

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



Signature of Applicant

Date

7/31/14
Date

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BEDFORD BUILDING
DEPARTMENT

LETTER OF PERMIT DENIAL



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

Application #:

Date: 7/22/2014

Parcel ID: 71.11-2-4

Owner Information

Griff, David

Applicant Information

Griff, David

739 Croton Lake Rd

Mt Kisco NY 10549

Location: 739 Croton Lake Rd

Parcel ID: 71.11-2-4

Permit Type: Accessory Building

Work Description: Rebuild existing 2-story barn and attached shed and construct a 1-story garage addition

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-1A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The pre-existing, non-conforming 2-story barn is located 3'5" from the side property line where 30 feet is required in the R-1 Acre Zoning District. A variance of Article III Section 125-11 of the Town Code is required from the Zoning Board of Appeals. The parcel is listed on HBPC Survey of Historic Buildings. The applicant has indicated the structure dates back to 1860. The proposal is referred to the HBPC 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: July 22, 2014
Re: **GRIFF, David**
Rebuild Existing 2-Story Barn and Attached Shed and Construct a 1-Story Garage Addition
739 Croton Lake Road, Mt. Kisco
71.11-2-4, R-1 Acre Zoning District

With reference to the above, a Building Permit application has been submitted to rebuild the existing barn and construct a 1-story garage addition. The project will require a setback variance from the Zoning Board of Appeals and is scheduled for a hearing on September 10, 2014.

The parcel is located at 739 Croton Lake Road, Mt. Kisco and is listed on the HBPC Survey of Historic Buildings. The applicant has indicated the structure dates back to 1860.

A copy of the Assessor cards and Certificates of Occupancy are attached.

Thank you.

Att.

PARCEL HISTORY



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

7/22/2014

Address: 739 Croton Lake Rd

Parcel ID: 71.11-2-4

Issued Date	Item	Status	CO/CC #	CO/CC Date
9/28/1965	Permit #:6174	APPROVED	2407	10/19/1965
Owner: Alterations to existing barn inspected found complete				
9/1/1970	Permit #:7768	APPROVED	4537	7/30/1971
Owner: Addition of two windows and interior renovations to existing kitchen Inspected 7/25/1973				
1/20/1988	Permit #:771201	APPROVED	3546A	1/20/1988
Owner: Single Family Residence Inspected January 14, 1988 Recommendations: 1. Railings on basement & stairs 2. Railing on third story stairs 3. Sheetrock over boiler				
1/20/1988	Permit #:771202	APPROVED	3547A	1/20/1988
Owner: Garage with storage above Inspected January 14, 1988				
11/3/1994	Permit #:14938	APPROVED	7885A	9/24/1996
Owner: Enclose porch, addition of entrance and 1/2 bath Inspected 9/20/96				

PARCEL HISTORY



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

7/22/2014

Address: 739 Croton Lake Rd

Parcel ID: 71.11-2-4

Issued Date	Item	Status	CO/CC #	CO/CC Date
6/20/2008	Permit #:21488	APPROVED	2009-0149	5/28/2009

Owner: Griff, David

Additions and alterations to existing residence:

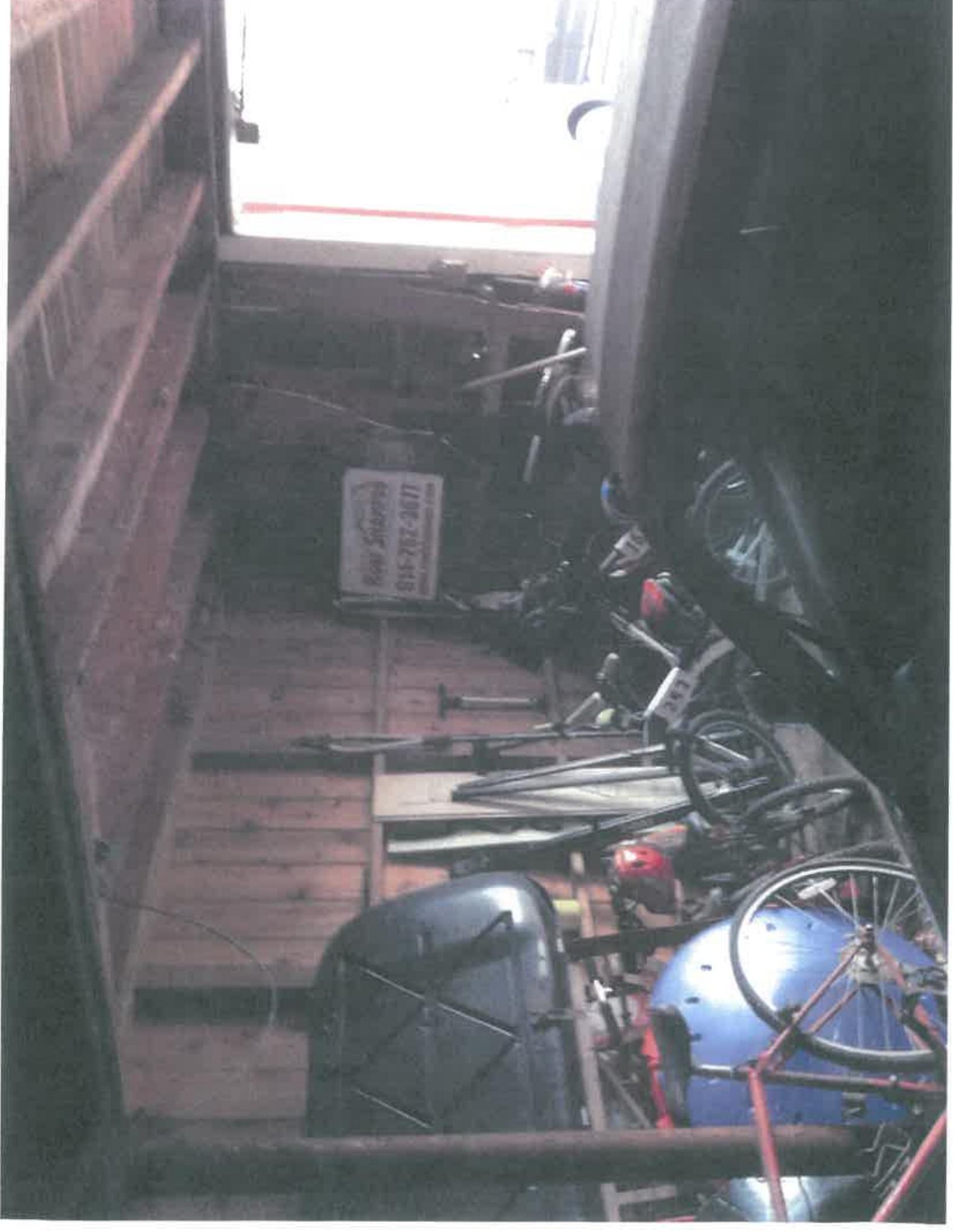
First floor: Covered porch, mudroom, powder room, sunroom, family room;

Second floor: Full bath, laundry, master bedroom suite w/dressing room, walk-in closet, full bath, rear porch.

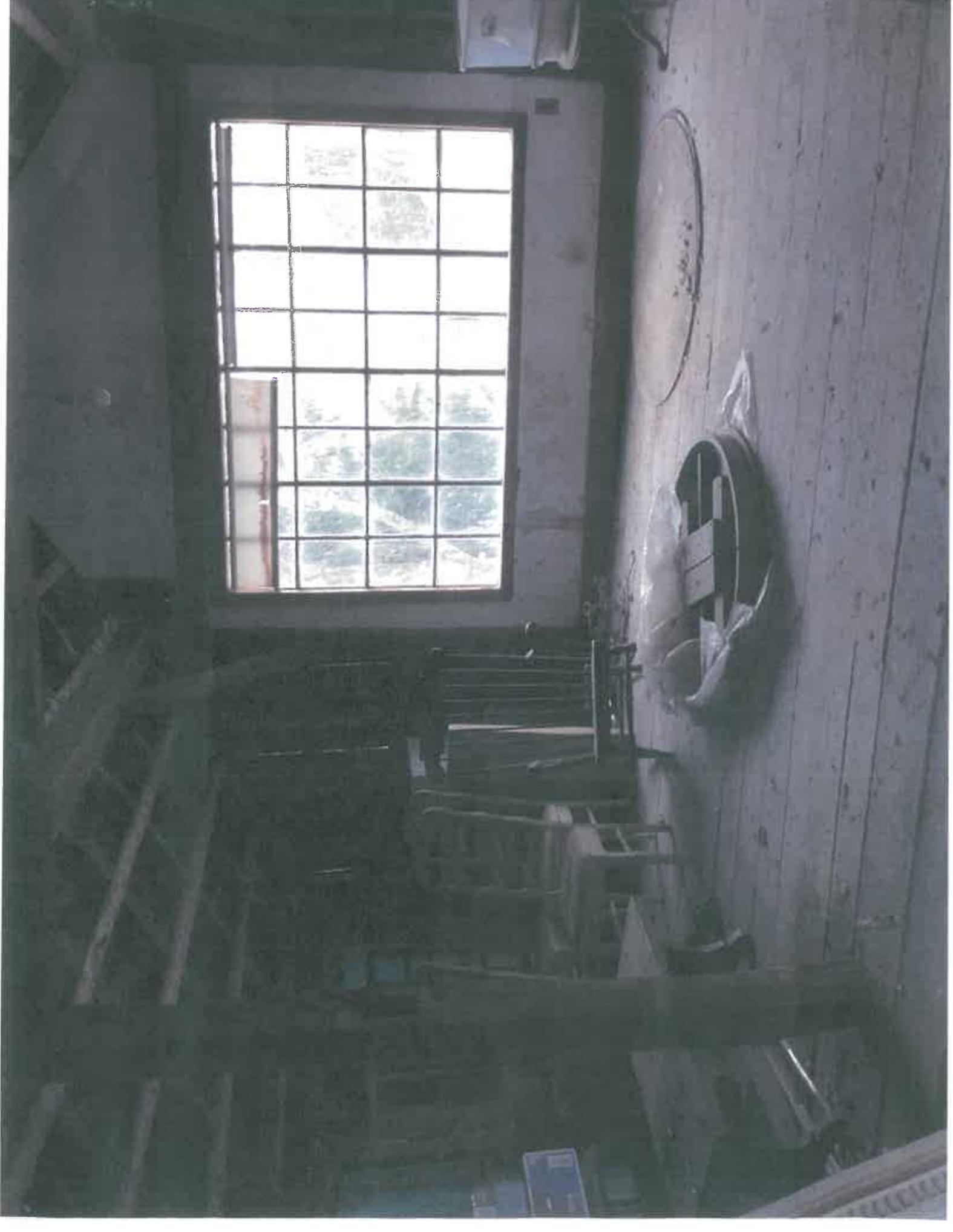
Inspected - 2/12/2009











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: **Thomas and Susan McCrossan**
118 Middle Patent Road
Bedford, NY 10506

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

The construction of an 18 x 36 (648 square feet) in ground swimming pool resulting in building coverage of 3.68% where 3% is permitted for property located in a Residential 4 acre zoning district where the existing building coverage is non-conforming at 3.09%. This being a variance of Article V Section 125-50 and Article III Section 125-11 for property owned by the applicants and located on:

143 West Patent Road
Bedford Hills, New York 10507

designated as Section 72.17 Block 1 Lot 2.3 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 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: August 12, 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; acostello@bedfordny.gov
www.bedfordny.gov

July 15, 2014

Town of Bedford
Zoning Board of Appeals
425 Cherry Street
Bedford Hills, NY 10507

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JUL 18 2014
BEDFORD ZONING
BOARD OF APPEALS

re: 143 West Patent Road

Dear Mr. Chairman Michaelis and Members of the Board,

The McCrossan's are requesting a variance for building coverage, to construct an in ground swimming pool. The proposed pool will result in a total of 3.68% building coverage, where 3% is allowed. The impervious surface area will be 4.87%, well below the allowable 8%.

The pool is modest in size, 18' x 36' (648 s.f.), and not excessive. The McCrossans have approached their neighbor to the south and offered to purchase the land required to bring the project into conformance. The neighbor has declined because his land is currently for sale.

The McCrossan's situation is unique in that the existing cottage that is adjacent to West Patent Road will remain, as requested by both the Historic Building Preservation Commission and Planning Board, adding to the particular neighborhood character of the area. Additionally, the proposed swimming pool will be located behind the new house and will not be visible from West Patent Road or the neighboring properties.

In closing, we believe that the proposed swimming pool will not have an adverse impact on the neighborhood character or surrounding properties. We look forward to presenting this at the September meeting.

Thank you.



Seth Ticehurst, RLA
For B and T



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JUL 18 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

APPLICATION FOR A VARIANCE

1. Name of Owner: THOMAS AND SUSAN McCROSSAN

Address: 113 MIDDLE PATENT RD., BEDFORD, NY

Telephone/Email: 914-234-6330

2. Name of Applicant, if other than Owner: BENEDEK AND TICEHURST

Address: 448H OLD POST RD, BEDFORD VILLAGE, NY 10506

Telephone/Email: 914-234-9666

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

BENEDEK AND TICEHURST

Address: 448H OLD POST ROAD, BEDFORD VILLAGE, NY 10506

Telephone/Email: 914-234-9666

seth@btlandarch.com
glenn@btlandarch.com

4. Identification Property:

Street Address: 143 WEST PATENT RD., BEDFORD, NY 10506

Tax ID: 72.17/1/2.1

Zoning District: R-4A

Total Land Area: 4.00 ACRES

% of Building Coverage: 3.68

% of Impervious Surface 4.87

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 WEST PATENT RD. within the unincorporated area of the Town of Bedford.

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

Page 2

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JUL 18 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: V Section: 125-50

To Permit:

The construction of a swimming pool that will exceed the building coverage by 0.68% bringing the total building coverage to 3.68%. The impervious coverage will be 4.87% well beneath the coverage threshold of 5%. The pool is only 12 x 36 = 648 sq. ft., modest lot most standards.

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

Thomas J. McCreary
Signature of Owner

7/11/14
Date

[Signature]
Signature of Applicant

7.11.14
Date

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

**Resolution #05-13 Eight
Jerome and Terry Feldman (Owners)
Thomas and Susan McCrossan (Applicants)
Existing Cottage**

WHEREAS, application has been made pursuant to Article VII Section 125-79.1A (5) (7) 50 of the Code of the Town of Bedford for a variance to permit the conversion of an existing residence to accessory cottage that does not meet the requirements of the Town Code resulting in (1) 1,551 square feet of floor area where 800 square feet of floor area is permitted; (2) 29.5% maximum permitted percentage of floor area based on the proposed new residence of 5,262 square feet where 25% is permitted; (3) an existing front yard setback of 38.3 feet where 75 feet is required in the Residential 4 Acre Zoning District; (4) an existing side yard setback of 22.5 feet where 50 feet is required in the Residential 4 Acre Zoning District, for premises located at 143 West Patent Road, Bedford Hills, New York 10506, being known and designated on the Tax Maps of the Town of Bedford as Section 72.17 Block 1 Lot 2.3 in the R-4 Acre Zoning District, and shown on plans submitted on April 10, 2013, and

WHEREAS, a public hearing was held on May 1, 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 the opportunity to inspect the site, and

WHEREAS, the Town of Bedford Planning Board reviewed the application and by Resolution No. 13/16 dated April 26, 2013 found the proposal did not meet the standards for approval as specified in the Town Zoning Code, and

WHEREAS, the Board acknowledged the presence of Michael Rosenbaum, a resident of 111 West Patent Road, as well the letter dated April 25, 2013 from Nina Freedman and Michael Rosenbaum, in opposition to the application; and

WHEREAS, the Board acknowledged the presence to Dan Ginnel, a resident of 59 West Patent Road, in support of the application; and

WHEREAS, the Board acknowledged the receipt of memorandums dated April 5, 2013 and April 22, 2013 from John Stockbridge, Chairman of the Historic Building Preservation Commission; and

WHEREAS, the Board acknowledged the receipt of an undated memorandum from John Milnes Baker, AIA; and

NOW THEREFORE BE IT RESOLVED, on a motion by Mr. Michaelis, seconded by Ms. Spano.

RESOLVED, that the application for a variance to permit the conversion of an existing residence to accessory cottage that does not meet the requirements of the Town Code resulting in (1) 1,551 square feet of floor area where 800 square feet of floor area is permitted; (2) 29.5% maximum permitted percentage of floor area based on the proposed new residence of 5,262 square feet where 25% is permitted; (3) an existing front yard setback of 38.3 feet where 75 feet is required in the Residential 4 Acre Zoning District; (4) an existing side yard setback of 22.5 feet where 50 feet is required in the Residential 4 Acre Zoning District, be approved in accordance with the plans submitted on April 10, 2013 entitled "ZBA Variance for Pre-existing Accessory Dwelling, Thomas J. and Susan M. McCrossan," prepared by Kellard Sessions Consulting, dated April 5, 2013, and because of the following:

1. That the benefit cannot be achieved by another means feasible to the applicant given the fact that it is an existing historical structure and demolition of it would be against the recommendations of the Historic Building Preservation Commission and Planning Board; and
2. That there will be no undesirable change to the character of the neighborhood or nearby properties given that it is an estate area and there are properties with similar dwellings; and
3. That the request is substantial by definition because the existing cottage is double the size of what is permitted, however, it is mitigated by the fact that the cottage has existing historical value; and
4. That the request will not have an adverse physical or environmental effect on the neighbor; and
5. That the alleged difficulty is self-created, this only one of the factors to be considered by the Board in making its decision and is not determinative.

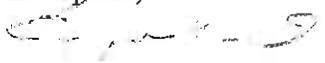
And, subject to the following conditions:

1. The applicants shall apply for a building permit for the main residence within one (1) year of the date of the Board's vote on the application and diligently pursue such construction to completion.
2. The applicant shall submit an as-built survey to the building department prior to the issuance of a Certificate of Occupancy for the main dwelling.
3. The applicant shall submit as-built certified coverage calculations to the building department prior to the issuance of a Certificate of Occupancy for the main dwelling.
4. The variance is granted in accordance with the plans submitted on April 10, 2013 entitled "ZBA Variance for Pre-existing Accessory Dwelling, Thomas J. and Susan M. McCrossan," prepared by Kellard Sessions Consulting, dated April 5, 2013.
5. The applicant shall return to the Zoning Board in the event there is destruction, damage or change to the building.

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 9-30, 2013.



Alexandra J. Costello, Secretary
Zoning Board of Appeals

LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/1/2014

Parcel ID: 72.17-1-2.3

Owner Information

McCrossan, Thomas

Applicant Information

McCrossan, Thomas
118 Middle Patent Rd

Bedford NY 10506

Location: 143 West Patent Rd

Parcel ID: 72.17-1-2.3

Permit Type: Swimming Pool

Work Description: Inground swimming pool (18 x 36, 648 square feet)

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 the inground swimming pool will result in building coverage of 3.68% where 3% is permitted for property located in a Residential 4 acre zoning district where the existing building coverage is non-conforming at 3.09%. A variance of Article V Section 125-50 and Article III Section 125-11 is required.

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: **Meredith and Jason Black**
157 Jay Street
Katonah, NY 10536

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

The installation of a post and rail fence to be located less than 10 feet from the existing stone wall and less than 20 feet from the front lot line resulting in an overall height when combined with the stone wall of not more than 8 feet in height from the existing grade where 4 feet is permitted. This being a variance of Article III Section 125-15 A.

(1) (b) and Article III Section 125-15 A. (3) (g) for property located on: on:

157 Jay Street
Katonah, NY 10536

designated as Section 49.16 Block 2 Lot 26 on the Tax Maps of the Town of Bedford in a Residential 1 Acre Zoning District. Said hearing will take place on **Wednesday, the 10th day of September 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: August 12, 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, acostello@bedfordny.gov
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

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AUG 5 2014

BEDFORD ZONING
BOARD OF APPEALS

APPLICATION FOR A VARIANCE

1. Name of Owner: Meredith Blach

Address: 157 Jay Street, Katonah, NY 10536

Telephone/Email: (914) 906-7977; mdenecke2@hotmail.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): _____

Address: _____

Telephone/Email: _____

4. Identification Property:

Street Address: 157 Jay Street, Katonah, NY 10536

Tax ID: 49-16-2-260 Zoning District: KA-1 Total Land Area: 1 Acre

Age of the Building 100 yrs

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 X No _____

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

Property is on the North side of Jay Street 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: §125-129 (b)

To Permit:

The installation of a 3 ft high wood split, post and rail fence immediately adjacent to the existing stone wall located in the front yard, where it would be located less than 20 feet from the front lot line and would have an overall height when combined with that of the stone wall to no more than 8 ft in height, said request thereby requires a variance of §125-15(A)(1)(a) and 125-15(A)(3)(g).

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:

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\$350.00

Commercial:

AUG 5 2014

\$550.00

BEDFORD ZONING
BOARD OF APPEALS

M. Blech

Signature of Owner

8/1/2014

Date

Signature of Applicant

Date

LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/12/2014

Parcel ID: 49.16-2-26

Owner Information

Black, Jason & Meredith

Applicant Information

Black, Jason & Meredith

157 Jay St

Katonah NY 10536

Location: 157 Jay St

Parcel ID: 49.16-2-26

Permit Type: Fence

Work Description: Installation of a 3-foot, wood post and rail fence located behind an existing rubble wall.

Dear Resident,

Regarding the application for a Fence Permit on the property referenced above, the following facts are noted. This property is located in R-1A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The post and rail fence will be located in the front yard less than 10 feet from the existing stone wall and less than 20 feet from the front lot line. The fence will have an overall height when combined with the stone wall of no more than 8 feet. Article III Section 125-15 A. (1) (b) and Article III Section 125-15 A. (3) (g).

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

JAY STREET

S 29°36'00" E
25.15'

S 27°56'40" E 93.14'

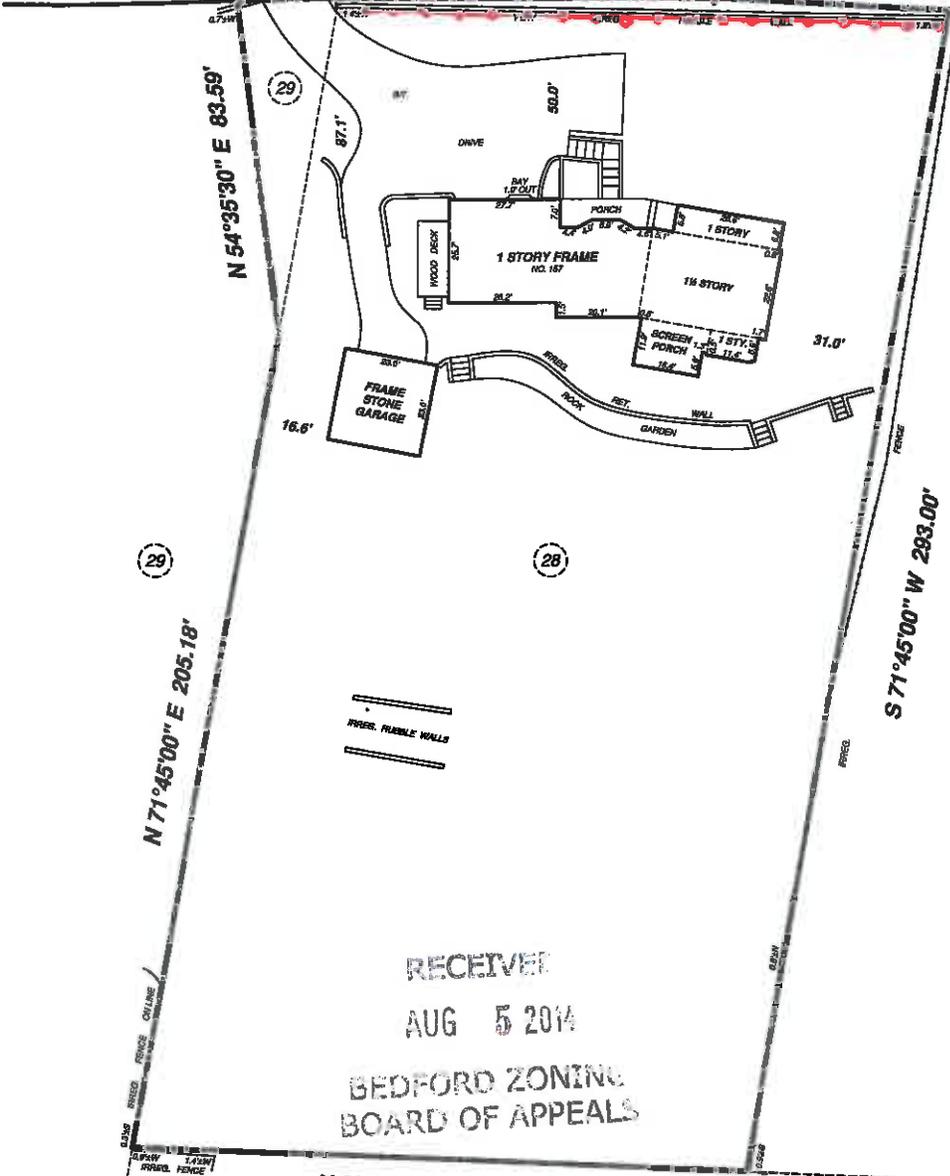
S 24°47'30" E 58.57'

N 54°35'30" E 83.59'

N 71°45'00" E 205.18'

S 71°45'00" W 283.00'

N 25°36'10" W 151.24'



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AUG 5 2014
BEDFORD ZONING
BOARD OF APPEALS

MAP OF ROBERTSON PARK
FILED 06-22-1954 MAP NO. 9141
LOT 26 & P/O LOT 29
(AMENDED: 11-20-2009)

MEASUREMENT IN U.S. STANDARD

THE EXISTENCE OF RIGHT OF WAYS AND/OR EASEMENTS OF RECORD, IF ANY,
NOT SHOWN ARE NOT GUARANTEED

THE DIMENSIONS SHOWN HEREON, FROM THE STRUCTURES TO THE PROPERTY LINE, ARE FOR A SPECIFIC PURPOSE ONLY. THEY
ARE NOT INTENDED TO BE USED FOR THE ERECTION OF FENCES, STRUCTURES OR ANY OTHER IMPROVEMENTS.

UNAUTHORIZED ALTERATION OR
ADDITION TO A SURVEY MAP
BEARING A LICENSED LAND
SURVEYOR'S SEAL IS A VIOLATION
OF SECTION 7209, SUBDIVISION 2,
OF THE NEW YORK STATE
EDUCATION LAW.

ONLY COPIES FROM THE
ORIGINAL OF THIS SURVEY
MARKED WITH AN ORIGINAL OF
LAND SURVEYOR'S EMBOSSED
SEAL SHALL BE CONSIDERED TO
BE VALID TRUE COPIES.

GUARANTEES INDICATED HEREON SHALL RUN ONLY TO
THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND
ON HIS BEHALF TO THE TITLE COMPANY GOVERNMENTAL
AGENCY AND LENDING INSTITUTION LISTED HEREON,
AND TO THE ASSIGNEES OF THE LENDING INSTITUTION.
GUARANTEES ARE NOT TRANSFERABLE TO ADDITIONAL
INSTITUTIONS OR SUBSEQUENT OWNERS.

KULHANEK & PLAN
LAND SURVEYORS, P.C.

1-800-541-5124
1-914-764-0304
1-516-431-9358
1-718-347-3533

P.O. BOX 178
73 WESTCHESTER AVE.
POUND RIDGE, NY 10576

FAX: 1-800-242-4955
EMAIL: KP.LSPC@VERIZON.NET

SECTION	BLOCK	DATE
GUARANTEED TO:		08-19-2009
STEWART TITLE INSURANCE COMPANY		KATONAH
EAM LAND SERVICES, INC.		WESTCHESTER COUNTY
WELLS FARGO BANK, NA		JOB NO.:
JASON BLACK		09-69772
MEREDITH BLACK		





