



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, October 5, 2016

7:30 P.M.

MINUTES: July 13, 2016, September 7, 2016

NEW APPLICATIONS:

7:30 P.M. – 7:45 P.M.

1. **340 Croton Lake Road LLC (Owner), ML Management Associates, LLC (Applicant), 378-384 Croton Lake Road, Mt. Kisco, NY 10549.** Section 59.7 Block 1 Lot 7, R-4 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit an amended plan for the expansion of 3 roof dormers and the expansion of a second floor deck on an existing, non-conforming single family residence resulting in a front yard setback of 19' 8" where 75 feet is required in the Residential 4 acre Zoning District, where on May 6, 2015 Resolution #-5-15 Four granted a variance to permit the reconfiguration of roof dormers on a single family residence and an alteration to an existing second floor flat roof to be used as a deck. The residence has an existing, non-conforming front yard setback of 9.5 feet requiring variances of Article V the construction of a new deck with pergola at the front of an existing residence resulting in a front yard setback of 33 feet where 35 feet are required in the R-1/4 Acre Zoning District where the existing front yard setback is non-conforming at 32.5 feet. The existing residence is pre-existing, non-conforming for the front and rear yard setbacks in the R-1/4 Acre Zoning District. Article V Section 125-50 and Article III Section 125-11

7:45 P.M. – 8:00 P.M.

2. **Martin T. McGrath, Jr. (Owner) and Peter Dusenberry (Applicant), 136 Croton Lake Road, Katonah, NY 10536.** Section 60.5 Block 1 Lot 4, R-4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of a new 2 bedroom residence on an existing foundation resulting in (1) side yard setback of 4.6 feet where 50 feet is required and the existing side yard is non-conforming at 4.6 feet; (2) front yard setback of 45.4 feet where 75 feet is required and the existing front yard setback is non-conforming at 50.9 feet; (3) side yard setback of 24 feet where 50 feet is required and the existing side yard setback is non-conforming at 32.1 feet; (4) building coverage of 5.1% where 3% is permitted and the existing building coverage is non-conforming at 3.25%; (5) impervious surface coverage of 13.87% where 8% is permitted and the existing impervious surface coverage is 12.49%. The lot area is non-conforming consisting of 0.534 acres where 4 acres are required in the Residential 4 Acre Zoning District and the lot that does not meet the minimum 250 foot Effective Square requirement in the R-4 Acre Zoning District. Article V Section 125-50, Article III Section 125-11, and Article III Section 125-12 (B).

TOWN OF BEDFORD
ZONING BOARD OF APPEALS
Wednesday, October 5, 2016
Page Two

8:00 P.M. – 8:15 P.M.

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 (1) The construction of two second story dormers at the front of an existing, non-conforming second residence resulting in a front yard setback of 5.0 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is 0.1 feet requiring a variance of Article III Section 125-11 & Article V Section 125-50; (2) to permit the as built setback of 50.6 feet to the new porch addition where 54 feet was approved by Resolution #09-14 Two, the as built front yard setback of 36.1 feet to the new garage addition where 40 feet was approved by Resolution #09-14 Two, and the as built side yard setback of 48.8 feet to the new garage addition where 40 feet was approved by Resolution #09-14 Two requiring variances of Article III Section 125-11 and Article V Section 125-50; and as built building coverage of 3.3% where 3% is permitted in the R-4 Acre Zoning District requiring a variance of Article V Section 125-50

8:15 P.M. – 8:30 P.M.

4. Marc Levesque, 91 Meeting House Road, Mount Kisco, NY 10549. Section 59.14 Block 2 Lot 7, R-4 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit the creation of a one bedroom cottage on the second floor of an existing accessory building (barn) where the accessory building was issued a Certificate of Occupancy on August 3, 2016 and where no permit for a cottage shall be granted until five years after the construction of the accessory building, requiring a variance of Article VIII Section 125-79.1 (1).

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:

Owner: **340 Croton Lake Road LLC - Owner**
 378-384 Croton Lake Road
 Mt. Kisco, NY 10549

Applicant: **ML Management Associates, LLC - Applicant**
 250 West 57th Street
 New York, NY 10017

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

An amended plan for the expansion of 3 roof dormers and the expansion of a second floor deck on an existing, non-conforming single family residence resulting in a front yard setback of 19' 8" where 75 feet is required in the Residential 4 Acre Zoning District, where on May 6, 2015 Resolution #05-15 Four granted a variance to permit the reconfiguration of roof dormers on a single family residence and an alteration to an existing second floor flat roof to be used as a deck. The residence has an existing, non-conforming front yard setback of 9.5 feet requiring variances of Article V Section 125-50 and Article III Section 125-11 for property located on:

378-384 Croton Lake Road
Mount Kisco, NY 10549

designated as Section 59.7 Block 1 Lot 7 on the Tax Maps of the Town of Bedford in a Residential 4-Acre Zoning District. Said hearing will take place on **Wednesday, the 5th day of October 2016**, 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. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: September 19, 2016

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

SULLIVAN ARCHITECTURE, PC

ARCHITECTURE
SITE PLANNING
URBAN DESIGN

September 16, 2016

Mr. Peter Michaelis, Chair & Board Members
Town of Bedford
Zoning Board of Appeals
425 Cherry Street
Bedford Hills, New York 10507

Re: Amended Variance – 378 Croton Lake Road

Dear Chairman Michaelis and Board Members,

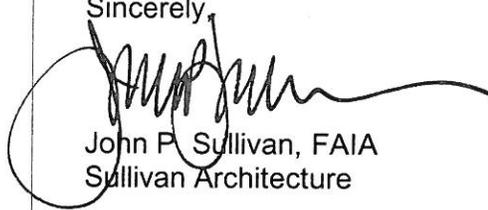
Enclosed for your review and consideration is an application for an amended front yard variance. Attached are 6 copies of architectural drawings, an application and a \$350 fee. This amended variance request is based upon the expansion of 3 roof dormers and a second floor deck that the board reviewed and granted a variance. These minor expansions do not reflect a ground level building increase nor change the previous front yard variance dimension that was granted on July 16, 2015 by your board.

The attached drawings have been shaded to assist in your identifying the areas that have been revised.

I'm requesting that this application be heard at your October 5th meeting, as the project is in construction. I, and the owner, appreciate your attentiveness and look forward to presenting and clarifying the changes.

Thank you for your consideration.

Sincerely,



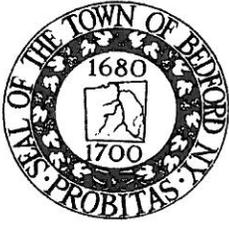
John P. Sullivan, FAIA
Sullivan Architecture

Cc: P. Zukowsky
B. Willis
J. Arons, Esq.

RECEIVED
SEP 19 2016
BEDFORD ZONING
BOARD OF APPEALS

31 Mamaroneck Avenue
White Plains, New York 10601
(914) 761-6006 Fax: (914) 761-4919
E-mail: jpsfaia@sullivanarch.com
www.sullivanarch.com

LETTER OF PERMIT DENIAL



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

Application #:

Date: 9/19/2016

Parcel ID: 59.7-1-7

Owner Information

340 Croton Lake Road LLC

Applicant Information

340 Croton Lake Road LLC

378-384 Croton Lake Road

Mount Kisco NY 10549

Location: 378-384 Croton Lake Rd

Parcel ID: 59.7-1-7

Permit Type: Additions & Alterations

Work Description: Revision submitted on 9/19/16 expand 3 roof dormers and an existing second floor deck

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:

9/19/16: The amended plan to permit the expansion of 3 roof dormers and the expansion of a second floor roof deck on an existing, non-conforming single family residence will required variances from the Board of Appeals and an amendment to Resolution #05-15 Four which granted variances to permit the re-configuration of roof dormers on the single family residence will result in a front yard setback of 19' 8" where 75 feet is required in the R-4 Acre Zoning District; (2) the alteration of an existing second floor flat roof to be used as a deck with pergola above will result in a front yard setback of 19' 8" where 75 feet is required in the R-4 Acre Zoning District; (3) the construction of a 4-foot wide wood deck located at the rear of the residence will result in a front yard setback of 30' 6" where 75 feet is required in the R-4 Acre Zoning District. The existing residence has a has a pre-existing, non-conforming front yard setback of 9.5 feet requiring variances of Article V Section 125-50 and 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,

Alberto Ciraco
Building Inspector



ZONING BOARD OF APPEALS

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

APPLICATION FOR A VARIANCE

- Name of Owner: 340 CROTON LAKE ROAD, LLC - c/o PAUL ZUKOWSKY
Address: 250 WEST 57TH STREET, NEW YORK, N.Y. 10017
Telephone/Email: (212) -333-5665 PZUKOWSKY@MLMGMT.COM
- Name of Applicant, if other than Owner: JOHN P. SULLIVAN / SULLIVAN ARCHITECTURE, PC
Address: 31 HAMADONCK AVENUE, WHITE PLAINS, N.Y. 10601
Telephone/Email: (914) 761-6006 JAINS@SULLIVANARCH.COM
- Name of Professional (New York State Licensed Architect, ~~Engineer, Land Surveyor, Landscape Architect~~):
(SAME AS #2 ABOVE - APPLICANT)
Address: "
Telephone/Email: "

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SEP 19 2016

BEDFORD ZONING
BOARD OF APPEALS

- Identification Property:
Street Address: 378 CROTON LAKE ROAD
Tax ID: 59.7-1-7 Zoning District: 24-A Total Land Area: 8.161 AC.
Age of the Building APPRX 148 YEARS (1868)
Is the property located in a designated Historic District? NO
% of Building Coverage: 1.55 % of Impervious Surface 3.89
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 CROTON LAKE ROAD 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: 'V' Section: 125-5D (ATTACHEMENTS)

To Permit:

FRONT YARD VARIANCE - AMENDED PREVIOUSLY APPROVED
VARIANCE - RESOLUTION # 05-15 FOUR, DATED 7-16-15
• EXPANSION OF (2) DORMERS - SECOND FLOOR - REAR ELEVATION
• EXPANSION OF SECOND FLOOR DECK
• EXPANSION OF (1) DORMER - SECOND FLOOR - FRONT ELEVATION
(NOTE: NO CHANGE TO BUILDING FRONT YARD SETBACK, PREVIOUSLY APPROVED)

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:

RECEIVED

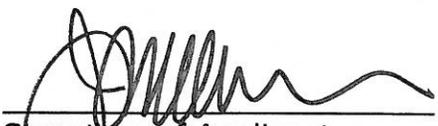
\$550.00

SEP 19 2016

BEDFORD ZONING
BOARD OF APPEALS

Signature of Owner

Date



Signature of Applicant

9.16.16

Date

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

**Resolution #05-15 Four
340 Croton Lake Road, LLC
Additions and Alterations to a Pre-Existing, Non-Conforming Residence**

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 (1) the re-configuration of roof dormers on a single family residence to improve bedroom egress and ceiling height resulting in a front yard setback of 19' 8" where 75 feet is required in the Residential 4-Acre Zoning District; (2) the alteration of an existing second floor flat roof to be used as a deck with pergola above resulting in a front yard setback of 19' 8" where 75 feet is required in the Residential 4 Acre Zoning District; (3) the construction of a 4-foot wide wood deck located at the rear of the residence resulting in a front yard setback of 30'6" where 75 feet is required in the Residential 4 Acre Zoning District. The existing residence has an existing, non-conforming front yard setback of 9.5 feet, for premises located at 378-384 Croton Lake Road, Mount Kisco, New York 10549, being known and designated on the Tax Maps of the Town of Bedford as Section 59.7 Block 1 Lot 7 in the R-4 Acre Zoning District, and shown on a site plan and survey submitted on April 17, 2015; and

WHEREAS, a public hearing was held on May 6, 2015, at which time all those present wishing to speak were given an opportunity to be heard; and

WHEREAS, the Historic Building Preservation Commission will review the application at it meeting scheduled on May 20, 2015; and

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

RESOLVED, that the application for a variance of Article V Section 125-50 to permit (1) the re-configuration of roof dormers on a single family residence to improve bedroom egress and ceiling height resulting in a front yard setback of 19' 8" where 75 feet is required in the Residential 4-Acre Zoning District; (2) the alteration of an existing second floor flat roof to be used as a deck with pergola above resulting in a front yard setback of 19' 8" where 75 feet is required in the Residential 4 Acre Zoning District; (3) the construction of a 4-foot wide wood deck located at the rear of the residence resulting in a front yard setback of 30'6" where 75 feet is required in the Residential 4 Acre Zoning District. The existing residence has an existing, non-conforming front yard setback of 9.5 feet, be approved in accordance with the plans submitted on April 6, 2015 entitled "Cottage Renovation, 378 Croton Lake Road, Bedford, NY, Owner: ML Management Associates, LLC.," prepared by Sullivan Architecture, PC, dated 4/1/15. In particular, the Board finds that the benefit to the applicant by the granting of the variance outweighs any alleged detriment to the community and determined the following.

1. The benefit cannot be achieved by another means feasible to the applicant because there is no other means for the applicant to achieve improved egress and ceiling height; and
2. There will be no undesirable change to the character of the neighborhood or detriment to nearby properties; and
3. The variance request is not substantial because the structure is pre-existing, non-conforming and the additions will not increase the non-conformity; and
4. The request will not result in any adverse physical or environmental effects on the neighborhood or community; and

Resolution #05-15 Four
340 Croton Lake Road, LLC
Additions and Alterations to a Pre-Existing, Non-Conforming Residence
Page Two

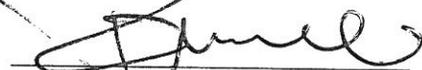
5. That the alleged difficulty is self-created, but it is only one of the factors to be considered by the Board in making its decision and is not determinative.

And, subject to the following conditions:

1. The applicant must apply for a building permit for the project within one (1) year of the date of the Board's vote on the application and diligently pursue such construction to completion.
2. The approval is granted in accordance with the plans submitted on April 6, 2015 entitled "Cottage Renovation, 378 Croton Lake Road, Bedford, NY, Owner: ML Management Associates, LLC.," prepared by Sullivan Architecture, PC, dated 4/1/15.

Vote taken on the foregoing motion was as follows:

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


Peter Michaelis, Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 7-16, 2015.


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:

Owner: **Martin T. McGrath, Jr.**
 136 Croton Lake Road
 Katonah, NY 10536

Applicant: **Peter Dusenberry**
 49 Frontier Road
 Cos Cob, CT 06807

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

The construction of a new 2 bedroom residence on an existing foundation resulting in (1) side yard setback of 4.6 feet where 50 feet is required and the existing side yard is non-conforming at 4.6 feet; (2) front yard setback of 45.4 feet where 75 feet is required and the existing front yard setback is non-conforming at 50.9 feet; (3) side yard setback of 24 feet where 50 feet is required and the existing side yard setback is non-conforming at 32.1 feet; (4) building coverage of 5.1% where 3% is permitted and the existing building coverage is non-conforming at 3.25%; (5) impervious surface coverage of 13.87% where 8% is permitted and the existing impervious surface coverage is 12.49%. The lot area is non-conforming consisting of 0.534 acres where 4 acres are required in the Residential 4 Acre Zoning District and the lot that does not meet the minimum 250 foot Effective Square requirement in the R-4 Acre Zoning District. This proposal requiring variances of Article V Section 125-50, Article III Section 125-11, and Article III Section 125-12 (B), for property located on:

136 Croton Lake Road
Katonah, NY 10536

designated as Section 60.5 Block 1 Lot 4 on the Tax Map of the Town of Bedford in an R-4 Acre District. Said hearing will take place on **Wednesday, the 5th day of October 2016**, 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. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: September 16, 2016

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

h-2-16



pa \$35
ch #
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.gov

APPLICATION FOR A VARIANCE

RECEIVED
SEP 2 2016

BEDFORD ZONING
BOARD OF APPEALS

- Name of Owner: MARTIN McGRATH
Address: 11 Oak Road Katonah NY 10536
Telephone/Email: _____
- Name of Applicant, if other than Owner: PETER DUSENBERRY
Address: 49 FRONTIER RD COS COB CT 06807
Telephone/Email: 914-806-2992 PETEDUSE@~~XXXX~~EMAIL.COM
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
PAUL RAYMOND, ARCHITECT STANLEY JOHNSON, SURVEYOR
Address: 207 MOUNTAIN VIEW AVE, WAKEKILL NY 12589 (ARCHITECT)
Telephone/Email: 845-564-1396 MAL@PRWARCHITECTS.COM
- Identification Property:
Street Address: 136 CROTON LAKE RD
Tax ID: 60.5-1-~~2~~4 Zoning District: AA Total Land Area: .534 ACRE
Age of the Building NEW
Is the property located in a designated Historic District? NO
% of Building Coverage: 5.1 % of Impervious Surface 8.85%
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: ___
Property is on the SOUTH side of CROTON LAKE RD within the unincorporated area of the Town of Bedford.

LETTER OF PERMIT DENIAL



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

Application #:

Date: 9/15/2016

Parcel ID: 60.5-1-4

Owner Information

Mcgrath Jr, Martin

Applicant Information

Mcgrath Jr, Martin

11 Oak Rd

Katonah NY 10536

Location: 136 Croton Lake Rd

Parcel ID: 60.5-1-4

Permit Type: 1 Family Residence

Work Description: Single family 2-bedroom residence on existing foundation

Dear Resident,

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

Construction of a new 2 bedroom residence on an existing foundation resulting in (1) side yard setback of 4.6 feet where 50 feet is required and the existing side yard is non-conforming at 4.6 feet; (2) front yard setback of 45.4 feet where 75 feet is required and the existing front yard setback is non-conforming at 50.9 feet; (3) side yard setback of 24 feet where 50 feet is required and the existing side yard setback is non-conforming at 32.1 feet; (4) building coverage of 5.1% where 3% is permitted and the existing building coverage is non-conforming at 3.25%; (5) impervious surface coverage of 13.87% where 8% is permitted and the existing impervious surface coverage is 12.49%. The lot area is non-conforming consisting of 0.534 acres where 4 acres are required in the Residential 4 Acre Zoning District and the lot that does not meet the minimum 250 foot Effective Square requirement in the R-4 Acre Zoning District. Variances of Article V Section 125-50, Article III Section 125-11, and Article III Section 125-12 (B) are required from the Board of Appeals.

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

Very truly yours,

Alberto Ciraco
Building Inspector

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

Resolution #11 – 07 Three
Martin T. McGrath, Jr.

WHEREAS, application has been made pursuant to Article III Section 125-11 of the Code of the Town of Bedford for a variance to permit the demolition of a pre-existing non-conforming residence and the construction of a new log cabin residence in the same location resulting in (1) side yard setback of 4.6 feet where 50 feet is required and the existing side yard is non-conforming at 4.6 feet; (2) front yard setback of 45.4 feet where 75 feet is required and the existing front yard setback is non-conforming at 50.9 feet; (3) side yard setback of 20.5 feet where 50 feet is required and the existing side yard setback is non-conforming at 28.3 feet; (4) building coverage of 5.24% where 3% is permitted and the existing building coverage is non-conforming at 3.25%; (5) impervious surface coverage of 9.10% where 8% is permitted and the existing impervious surface coverage is 9.24%. The lot area is non-conforming consisting of .534 acres where 4 acres are required in the Residential 4 Acre for premises located at 136 Croton Lake Road, Katonah, New York 10549, being known and designated on the Tax Maps of the Town of Bedford as Section 60.5 Block 1 Lot 4 in the Residential Four Acre District, and shown on a plan submitted on October 4, 2007, and

WHEREAS, a public hearing was held on November 14, 2007 at which time all those present wishing to speak were given an opportunity to be heard, and

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

WHEREAS, the Board acknowledged the presence of Mr. Chris Jenkins, resident of 126 Croton Lake Road, in support of this application; and

WHEREAS, the Board acknowledges that is a unique property in that even though it is an substantially undersized lot existing in the Residential 4 Acre District, it must meet the zoning standards of the District; and

NOW THEREFORE BE IT RESOLVED, on a motion by Mrs. Spano, seconded by Ms. Schaefer.

RESOLVED, that the application for a variance to permit the demolition of a pre-existing non-conforming residence and the construction of a new log cabin residence in the same location resulting in (1) side yard setback of 4.6 feet where 50 feet is required and the existing side yard is non-conforming at 4.6 feet; (2) front yard setback of 45.4 feet where 75 feet is required and the existing front yard setback is non-conforming at 50.9 feet; (3) side yard setback of 20.5 feet where 50 feet is required and the existing side yard setback is non-conforming at 28.3 feet; (4) building coverage of 5.24% where 3% is permitted and the existing building coverage is non-conforming at 3.25%; (5) impervious surface coverage of 9.10% where 8% is permitted and the existing impervious surface coverage is 9.24%. The lot area is non-conforming consisting of .534 acres where 4 acres are required in the Residential 4 Acre District, be approved in accordance with the plan entitled "McGrath Residence, Croton Lake Rd., Bedford, N.Y." prepared by Phillip Ceradini Architect, AIA, dated September 27, 2007 and a survey entitled "Survey of Property Prepared for Martin T. McGrath, Jr. Situate in the Town of Bedford, Westchester County, New York, prepared by Robert S. Johnson, LLS, dated August 21, 2007, last revised October 3, 2007 and because of the following:

1. That the benefit cannot be achieved by another means feasible to the applicant; since the entire lot is undersized and predates the present zoning; and

2. That there will be no undesirable change to the neighborhood or nearby properties; and
3. That the request is not substantial given that the lot is undersized and that the applicant has designed a home that is modest and affordable and well-suited to the lot; 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, subject to the following condition:

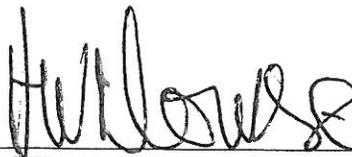
1. That the applicant applies for a building permit within one (1) year of the date of the Board's vote on the application and diligently pursue such application to completion.
2. That the applicant shall submit an as-built survey to the building department prior to the issuance of a Certificate of Occupancy.
3. That the variance is granted in accordance with the plans on view at the November 14, 2007 meeting entitled "McGrath Residence, Croton Lake Rd., Bedford, N.Y." prepared by Phillip Ceradini Architect, AIA, dated September 27, 2007 and a survey entitled "Survey of Property Prepared for Martin T. McGrath, Jr. Situate in the Town of Bedford, Westchester County, New York, prepared by Robert S. Johnson, LLS, dated August 21, 2007, last revised October 3, 2007.

Vote taken on the foregoing motion was as follows:

Ayes – Ms. Schaefer, Ms. Spano, Mr. Michaelis, Mrs. Nourse

Nays – None

Absent – Mr. Menken



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 2-14, 2008.



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

PUBLIC NOTICE

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

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

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

(1) The construction two second story dormers at the front of an existing, non-conforming second residence resulting in a front yard setback of 5.0 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is 0.1 feet requiring a variance of Article III Section 125-11 & Article V Section 125-50; (2) to permit the as built setback of 50.6 feet to the new porch addition where 54 feet was approved by Resolution #09-14 Two, the as built front yard setback of 36.1 feet to the new garage addition where 40 feet was approved by Resolution #09-14 Two, and the as built side yard setback of 48.8 feet to the new garage addition where 40 feet was approved by Resolution #09-14 Two requiring variances of Article III Section 125-11 and Article V Section 125-50; and as built building coverage of 3.3% where 3% is permitted in the R-4 Acre Zoning District requires a variance of Article V Section 125-50, 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 an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 5th day of October 2016**, 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.

NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: September 16, 2016

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



\$350
cut # 5397
Receipt 2490

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
AUG 23 2016
BEDFORD ZONING
BOARD OF APPEALS

APPLICATION FOR A VARIANCE

1. Name of Owner: ANNE MARENGUST & DENNIS BAUM

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

Telephone/Email: eetrilogy@aol.com 914-954-4945

2. Name of Applicant, if other than Owner: Joseph M. PALUMBO, Architect

Address: 414 ELIZABETH ROAD, YONKONK HILLS, N.Y. 10598

Telephone/Email: 914-319-8089 joepalumbo@jmaparchitect.com

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

AS. ABRAHAM

Address: _____

Telephone/Email: _____

4. Identification Property:

Street Address: 128 BALDWIN ROAD

Tax ID: 83.12/1/19 Zoning District: R4A Total Land Area: 254,582

Age of the Building 80+

Is the property located in a designated Historic District? No

% of Building Coverage: 3.3% % of Impervious Surface 4.9%

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

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

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

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

RECEIVED
AUG 23 2016

Page 2

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: _____ Section: _____

To Permit:

2ND STORY DORMER ADDITION ON EXISTING HOUSE,
AS NEW AS EXISTING SETBACKS AS PER
NEW UP TO DATE PLOT PLAN

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

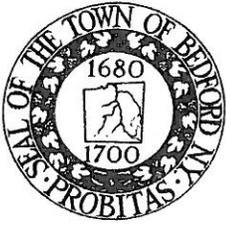
Signature of Owner

Date

Signature of Applicant

Date

LETTER OF PERMIT DENIAL



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

Application #:

Date: 9/19/2016

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: 8/23/16:Revision to construct a 2nd story dormer at the front of an existing 2nd residence & legalization of as built setbacks granted by Resolution 09-14 Two

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 construction two second story dormers on the side roof lines at the front of an existing, non-conforming second residence will result in a front yard setback of 5.0 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is 0.1 feet and will require a variance of Article III Section 125-11 & Article V Section 125-50; a request to amend the original resolution of approval will require variances of Article III Section 125-11 & Article V Section 125-50 to permit the as built setback of 50.6 feet to the new porch addition where 54 feet was approved by Resolution #09-14 Two, the as built front yard setback of 36.1 feet where 40 feet was approved by Resolution #09-14 Two to the new garage addition; and the as built side yard setback of 48.8 feet where 40 feet was approved by Resolution #09-14 Two to the new garage addition; as-built building coverage of 3.3% where 3% is permitted in the R-4 Acre.
Review of HBPC 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,

Alberto Ciraco
Building Inspector

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

RECEIVED

NOV - 5 2014

**Resolution #09-14 Two
Anne Margaret and Dennis Baum
Expansion of Pre-Existing, Non-Conforming Second Residence**

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

WHEREAS, application has been made pursuant to Article III Section 125-11 of the Code of the Town of Bedford for a variance 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 in 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 with an existing front yard setback of 0.7 feet where 75 feet is required, for premises located at 128 Baldwin Road, Bedford Corners, New York 10549, being known and designated on the Tax Map of the Town of Bedford as Section 83.12 Block 1 Lot 19 in the R-4 Acre Zoning District, and shown on an application submitted on August 15, 2014; and

WHEREAS, a public hearing was held on September 10, 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 an opportunity to inspect the site; and

WHEREAS, the Board acknowledged Determination No. 14/06, dated August 20, 2014 from the Historic Building Preservation Commission recommending approval of the application; and

NOW THEREFORE, on a motion by Mr. Petschek, seconded by, Mrs. Schaefer, it is

RESOLVED, that the application for a variance of Article III Section 125-11 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 in 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 with an existing front yard setback of 0.7 feet where 75 feet is required, be approved in accordance with the plan submitted on August 15, 2014 entitled "Addition and Alteration to the Baum Cottage, 128 Baldwin Road, Bedford Corners, NY 10549," last revised 8/14/14, prepared by Joseph M. Palumbo, Architect LLC. In particular, the Board finds that the benefit to the applicant by granting the variance outweighs any alleged detriment to the community and determined the following.

1. That the benefit to the applicant cannot be achieved by another means feasible; and
2. That there will be no undesirable change to the character of the neighborhood or nearby properties and in fact it will be to the betterment of the neighborhood; and
3. The request is not substantial in the context of what exists now; and
4. The request will have no adverse physical or environmental effects on the neighborhood or community; and

Resolution #09-14 Two
Anne Margaret and Dennis Baum
Expansion of Pre-Existing, Non-Conforming Second Residence
Page Two

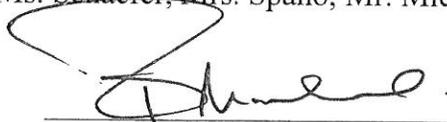
5. That the alleged difficulty is likely self-created, but this is only one of the factors to be considered by the Board in making its decision and is not determinative.

And, subject to the following condition:

1. That the applicants must apply for a building permit for the project 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.
3. The applicants submit as-built certified coverage calculations to the Building Department prior to the issuance of a Certificate of Occupancy.
4. The approval is granted in accordance with the plan submitted on August 15, 2014 entitled "Addition and Alteration to the Baum Cottage, 128 Baldwin Road, Bedford Corners, NY 10549," last revised 8/14/14, prepared by Joseph M. Palumbo, Architect LLC.
5. The scope of the work covered by Resolution #06-02 Nine is subject to condition #1 above in that the applicants must apply for a building permit within one year (1) of the date of the Board's vote on the application and diligently pursue such construction to completion.

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: **Marc Levesque**
91 Meeting House Road
Mount Kisco, NY 10549

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

The creation of a one bedroom cottage on the second floor of an existing accessory building (barn) where the accessory building was issued a Certificate of Occupancy on August 3, 2016 and where no permit for a cottage shall be granted until five years after the construction of the accessory building, requiring a variance of Article VIII

Section 125-79.1 (1) for property owned by the applicant and located on:

91 Meeting House Road
Mount Kisco, NY 10549

designated as Section 59.14 Block 2 Lot 7 on the Tax Map of the Town of Bedford in a Residential 4-Acre Zoning District. Said hearing will take place on **Wednesday, the 5th day of October 2016**, 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. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: September 16, 2016

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



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

\$350
CK # 2192
Receipt 2491

RECEIVED
AUG 31 2016

BEDFORD ZONING
BOARD OF APPEALS

APPLICATION FOR A VARIANCE

1. Name of Owner: MARC LEVESQUE

Address: 91 MEETING HOUSE ROAD

Telephone/Email: MARC@LEVESQUE@GMAIL.COM
914 666-2884

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: 91 MEETING HOUSE ROAD

Tax ID: 59-14-2-7 Zoning District: R4A Total Land Area: 5.9 Acres

Age of the Building 2002

Is the property located in a designated Historic District? Yes

% of Building Coverage: _____ % of Impervious Surface _____

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

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

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

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

Page 2

RECEIVED

AUG 31 2016

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: 125 Section: 79.1

To Permit:

CONSTRUCTION OF COTTAGE IN SEPARATE PRE-ENGINEERED BUILDING

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

Mari Ferguson
Signature of Owner

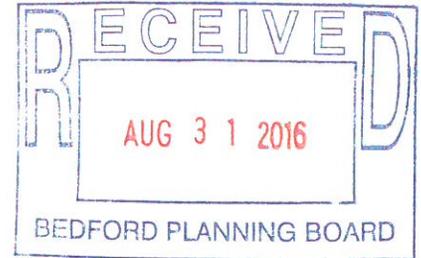
Aug 31, 2016
Date

Mari Ferguson
Signature of Applicant

Aug 31, 2016
Date

August 31, 2016

Marc Levesque
91 Meeting House Road
Bedford Corners
New York 10549



To whom it may concern,

With respect to the above referenced property, submitted herein is my application for a Special Use Permit for a cottage in a pre-existing building on the above referenced property. In compliance with Article 125-79.1 of the Town Code, regarding separate cottage, please note the following conditions pertaining to Paragraph A, sub-paragraphs 1 through 10 for this property, which is located in an 4A zone.

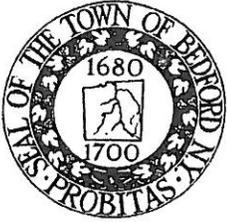
- 1) This pre-existing structure dates back to 2001, when the original barn/garage was taken down and a new structure was built. Construction was completed in spring of 2002 with inspection completed, for electrical, insulation and sheetrock. The owner was not aware that five year rule on a separate pre-existing structure was from date of the Certificate of Occupancy, and not the completion of construction. The owner would have filed for Certificate of Occupancy back in 2002. Certificate of Occupancy was obtained August 3, 2016. The tax assessment record indicates that a full assessment for the structure was in affect May 2003.
- 2) The existing cottage floor area pre-dates spring 2002
- 3) The owner occupy the principal residence on this property.
- 4) The cottage is the sole additional residence on this property.
- 5) The entire property conforms to all zoning requirements, including all setbacks, and lot size, lot coverage.
- 6) The number off street parking spaces on this property exceeds the two car minimum, and the property currently is well screened from both the road and neighboring properties.
- 7) The cottage comprises 765 sq. ft. of space comfortably within the 400 to 880 square foot criteria. The main house is approximately 3,400 sq.ft. of habitable space.

8) We enclose survey and a copy of a preliminary dimensional floor plan of the proposed cottage.

9) We anticipate a new septic system will be installed to service this building. Planning Board issuance of a special use permit can be conditional upon final approvals by WCDH and installation of a new system.

10) The building inspector to inspect the proposed cottage has not been scheduled at time of this application.

LETTER OF PERMIT DENIAL



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

Application #:

Date: 9/15/2016

Parcel ID: 59.14-2-7

Owner Information

Levesque, Marc & Levesque, Willoughby

Applicant Information

Levesque, Marc & Levesque, Willou
91 Meeting House Rd

Mt Kisco NY 10549

Location: 91 Meeting House Rd

Parcel ID: 59.14-2-7

Permit Type: Cottage/Accessory Apartment

Work Description: Creation of a cottage in an existing accessory building (barn)

Dear Resident,

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

The creation of a one bedroom cottage on the second floor of an existing accessory building (barn) will require a Special Use Permit of the Planning Board. A variance of Article VIII Section 125-79.1 (1) is required because the CO for the structure was granted on 8/3/16, which is less than 5 years after the construction of the accessory building.

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,

Alberto Ciraco
Building Inspector

Certificate of Compliance



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

8/3/2016

Certificate: 2016-2891

Issued: 8/3/2016

Building Permit No. 19164

This is to certify that: **Levesque, Marc**
of **91 Meeting House Rd, Mt Kisco, NY 10549**

having filed on **8/3/2016**

Application No. **2016-2891**

for a Certificate of Occupancy applying to premises located at **91 Meeting House Rd**
Bedford Corners, NY 10549

being Section, Block and Lot **59.14-2-7**

town of Bedford Assessment map in the **R-4A** district as shown on the Town zoning 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:

Barn and storage and wood stove.

Inspected - 8/2/2016

Ralph Jacobine Jr. Esq.
Asst. Building Inspector