



**TOWN OF BEDFORD**

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**AGENDA**

**BEDFORD ZONING BOARD OF APPEALS**  
**425 Cherry Street, 2<sup>nd</sup> Floor Conference Room**  
**Bedford Hills, New York 10507**  
**WEDNESDAY, April 6, 2016**

**MINUTES:** February 3, 2016, March 2, 2016

**7:30 P.M.**

**CARRYOVER APPLICATION:**

**7:30 P.M. – 7:45 P.M.**

**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 2, R-4 Acre Zoning District. The appellants hereby seek an Appeal as requested by a letter dated November 23, 2015 from Ruth Toporoff, RA, representing Michael Richman and Ruth Toporoff, from (1) the Town of Bedford Building Inspector's September 29, 2015 determination that the plan last submitted by the Galli's- namely, the Keane Coppelman Gregory Plot Plan, last revised September 18, 2015 ("September Plan") meets the conditions of the Zoning Board of Appeals; and (2) any building permit issued to the Gallis concerning the proposed improvements depicted in the September Plan. Said appeal is filed with the Zoning Board of Appeals pursuant to Article XII Section 125-129 (C) (1) (b) of the Code of the Town of Bedford. Public Hearing is closed.

**7:45 P.M. – 8:00 P.M.**

**2. DP32 LLC, c/o Diamond Properties LLC, 531 Bedford Road, Bedford Hills, NY 10507.** Section 72.5 Block 1 Lot 8, RB and LI Zoning Districts. The applicant requests variances of Article XI Section 125-120 B. (3) and the Schedule of Permitted Signs 125 Attachment 1:3 of the Town of Bedford Zoning Ordinance to permit: The installation of a 53.5 square foot Type C: freestanding sign where 25 square feet is permitted on property to be used as a car dealership located in the LI and RB zoning districts resulting in eight signs for one tenant on the parcel where two signs are permitted and where by Resolution #09-13 Six the Zoning Board of Appeals granted a variance to permit 7 walls on the car dealership building. Review revised submission.

## **BEDFORD ZONING BOARD OF APPEALS**

**Wednesday, April 6, 2016**

**Page Two**

### **NEW APPLICATIONS:**

**8:00 P.M. – 8:15 P.M.**

**1. Christopher Suppa and Allison Murphy, 126 Valley Road, Katonah, NY 10536. Section 49.18 Block 4 Lot 29, R-1/4 Acre.** The applicants request a variance of Article V Section 125-50 of the Town of Bedford Zoning Ordinance to permit additions and alterations to an existing single family residence including the construction of a one-story covered front porch addition resulting in a front yard setback of 29 feet where 35 feet is required in the R-1/4 Acre Zoning District; and when combined with a proposed two-story addition with 2 car garage underneath and balcony will result in building coverage of 20.47% where 20% is permitted in the R-1/4 Acre Zoning District.

**8:15 P.M. – 8:30 P.M.**

**2. John and Maija Arbolino, 97 Girdle Ridge Drive, Katonah, NY 10536.** Section 61.11 Block 1 Lot 2, R-4 Acre Zoning District. The applicants request a variance of Article V Section 125-50 and Article III Section 125-11 of the Town of Bedford Zoning Ordinance to permit additions and alterations to an existing single family residence resulting in (1) a front yard setback of 58 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is 53.1 feet; and (2) a front yard setback of 73.5 feet where 75 feet is required in the R-4 Acre Zoning District and a side-front yard setback of 72.8 feet where 75 feet is required in the R-4 Acre Zoning District; and (3) a side-front yard setback of 58 feet where 75 feet is required in the R-4 Acre Zoning District where the existing side-front yard setback is 45.7 feet. The building coverage is existing, non-conforming at 5.13% and will be reduced to 5.03% where 3% is permitted in the R-4 Acre Zoning District. The lot area is existing, non-conforming consisting of 2.889 acres where 4 acres are required in the R-4 Acre Zoning District.

**8:30 P. M. – 8:45 P.M.**

**3. Antioch Homes Housing Development Fund, 147 Railroad Avenue, Bedford Hills, NY 10507.** Section 60.14 Block 2 Lot 7, LI Zoning District. The applicants request a variance of Article V Section 125-50 of the Town of Bedford Zoning Ordinance to The demolition & removal of an existing apartment building, to be replaced with new modular type construction units on a new crawl space foundation utilizing the existing building for the creation of five (5) apartment units. The new structure will have a side yard setback along the south side property line of 1.2 feet where 15 feet is required in the LI Zoning District. The existing structure to be removed has an existing, non-conforming side yard setback ranging from 1.2 feet to 1.5 feet.

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

RECEIVED  
MAR 18 2016  
BEDFORD ZONING  
BOARD OF APPEALS

March 13, 2016

Dear Members of the ZBA,

Please forgive the need to once again respond to another spurious Toporoff submission.

I am grateful to the ZBA for the grant of the variance for manure storage on our property. As you are well aware, and to summarize for future judicial review, the variance grant places the manure storage more than 51.5' from the front lot line which is a conforming setback, Alice Rd is 50' wide and the Toporoff most recent as built survey which we received from the Town from FOIL indicates that their residence sits 95.8' from the front lot line creating a separation of approximately 197.3'. This distance substantially exceeds the zoning requirement of not being within 150' of a neighboring residence. In addition there is heavy screening by evergreens on our property, and furthermore evergreens and trees on the Toporoff property as well. There is also the additional provision required by the ZBA to have our dumpster covered.

In comparison, the Toporoff dumpster sits 130' due west from their own home, uncovered, unscreened and within plain sight of approximately 50% of their homes' windows with the prevailing winds in the region being westerly. In a balancing of equities, it should be further noted that the Toporoff dumpster sits an equivalent 197' from her neighbors' home according to data provided by the Building Dept., but less than the 300' DOH requirement for separation from the neighbors' pre-existing shallow well. The Toporoff dumpster is accessed by a second *newly* installed driveway which was created in apparent steep slopes when they removed their pre-existing tennis court. The new driveway runs approximately 100' along *her neighbors' contiguous lot line*.

On the plan submitted to the Town to perform the removal of the Toporoff tennis court, this new access driveway to the barn was disingenuously labeled, on information and belief, a drainage swale. But it is in fact used as a driveway, which had no permit from the DPW or Town. Deeply ironic and inflammatory that Toporoff audaciously challenges our pre-existing access and driveway to our barn, which exists on a document filed in the Westchester County clerks' office decades ago. In addition, there is a wide access gate behind the barn featured on the 1993 survey, prior to our purchase of the property, in the same location as the present access driveway and gate. The use of our pre-existing access and driveway to our barn is a right, not part of a permit grant or application.

After reviewing the most recent Toporff submission, I feel it pertinent to rebut some of the more egregious and false claims. One of the most hyperbolic, fabricated and spurious of Toporoff's allegations, is that an exchange of empty and full dumpsters is performed on Alice Rd. obstructing the roadway. We purchased the property in 1998 and shortly thereafter purchased our own dumpster. The process by which

the dumpster is removed, is quite straightforward. An *empty* truck comes, backs onto the property, picks up our full dumpster and within minutes departs. The truck then returns 2+ hours later with our empty dumpster and deposits our dumpster back in its storage area. This action takes place entirely on our property and each visit lasts a period of minutes. There is no exchange of dumpsters on Alice Rd. because we only have ever used our own dumpster. Our dumpster is currently stored at the Trashranger yard to allow construction of the new manure storage area to take place in an unimpeded manner.

To construct such a labyrinthine, hyperbolic, false and inflammatory series of lies about the use of our dumpster is tantamount to fraud. The fabricated scenario presented by Toporoff demonstrates our opponent's desire to duplicitously influence your review and cloud your perceptions. The use of our dumpster and manner of its removal can be verified by the company who services both properties. The Trashranger, which is run by Fred Lemay, has serviced both properties' manure dumpster removal for years and can be contacted to confirm the manner and history of removal of our dumpster from our property.

In the event that Alice Rd. had ever been obstructed, the police would have been called, a violation issued to the driver of the truck, and photos would have been taken. There is absolutely no evidence to support our opponents' blatantly false assertions. Innumerable of photos have been taken of me, my family, my property, and/or most workers who come to our home, and there is not one photo or shred of evidence to support these assertions or any record of complaint filed with any public agency.

Further evidence of Toporoff's desire to obfuscate the truth lies on page 7 of the most recent Toporoff submission. There she cites the **Town code 125-15** in which *she copies the entire section but incredibly omits section 1) b*. The code is correctly copied below with the section that Toporoff removed highlighted.

**Town code 125-15**

A. No fence or gate shall be erected except as provided herein:

(1) A fence or gate may be erected in a residential district wholly within the lot lines of the subject property, provided that the fence:

(a) Is located 20 feet or more from the front lot line and does not exceed six feet in height.

**(b) Is located less than 20 feet from the front lot line and does not exceed four feet in height;** provided that a permit for same has been issued by the Building Inspector.

[1] Application for a fence or gate shall be made on a form or forms provided by the Town. An application shall be accompanied by a plan or sketch clearly showing the location and height of the proposed fence or gate and it shall state the material of which it shall be constructed, all of which shall be in conformity with this chapter and accompanied by the appropriate fee. The Building Inspector may require the submission of an as-built survey to confirm the location of the fence.

[2] A permit to construct a fence or gate shall be in effect for six months from issuance.

[3] A final inspection must be conducted by the Building Department after completion of the installation of the fence or gate to check for compliance with the provisions of this chapter.

[4] The fee for issuance of a permit shall be set by resolution of the Bedford Town Board.

The omission of this section of code is another glaring attempt by Toporoff to convolute and mire an issue in false claims. It is my understanding that **a fence or**

**GATE 4' in height up to the lot line is an 'as of right ' activity for all residents and requires only an administrative permit.** This section of code has surreptitiously been omitted in an attempt to confuse, obfuscate and sway the opinion of review. By removing this section from the Town of Bedford code, she portrays our legal, and code compliant submission as insufficient. If no other resident is required to have a 4' fence or gate be reviewed by an engineer or the Highway dept. or be placed further back than the lot line, it seems unjust to have special rules created and applied only to our property.

Ms. Toporoff further laments unfair treatment by the Town in having her own fence placed 20' from the front lot line. This was a direct consequence of prosecution by the Town of Bedford for Wetlands violations. Although Ms. Toporoff did not elaborate in her submission, it is my understanding that this was one of the requirements in a court settlement with the Town, which resulted from the Town's prosecution of Toporoff-Richman for extensive transgressions in the Federal Wetland on their property.

Although the August Keanne Koppleman plan is fully code compliant in relation to a 4' gate being placed less than 20' from the lot line, we have directed our engineer to modify the plan to show a 6' stockade gate and fence to be located 20' from the lot line which is also code compliant. This measure will hopefully bring more peace to all parties. A 6' stockade gate will further screen the back of the barn and manure storage area. Furthermore, and of utmost importance to us, it will create greater privacy at our barn. We hope that the new submission is sufficient.

We await any further direction on how to proceed.

Sincerely,

Suzanne Galli

March 17, 2016  
Dept of Planning  
425 Cherry Street  
Bedford Hills, NY 10507

RECEIVED  
MAR 21 2016  
BEDFORD ZONING  
BOARD OF APPEALS

ATTN: Mr. Osterman, Director of Planning

RE: Planning Review of New paddocks in Steep slopes on Gallis Property on plans submitted for Manure Variance.

Dear Mr. Osterman,

Currently the Galli's are attempting to construct new paddocks in the steep slope areas of their property, however instead of filing proper applications, paying proper fees and getting the building & Planning permits required by the Bedford Code, they simply add it to the "sketch" they submitted to the Zoning board that was supposed to be limited to showing only the manure storage and the safe access to it.

In addition to the new paddock, their plans include building new retaining stone walls in the steep slopes area and new roads in and around the rear areas of their property. Since planning review and permits are required in order to work in these areas, we call your attention to this submittal so that as Planning Chairmen you can be aware of the Gallis attempt at "sneaking in" these improper paddock and along with non-conforming fencing and walls and demand proper compliance and Planning review. (see attached plan).

As you recall, you personally insisted that my property go through a long, agonizing process to extend my existing paddock into a non-wetland, non-steep slope area of the property. We did not "sneak it in" as the Gallis are doing now, but filed the proper applications for permits, and paid the proper fees which you then turned into a year long nightmare of restrictions. You claimed that we had a tiny bit of "what you called at the time steep slope", far away from the paddock extension. You demanded a years worth of restrictions and engineered large drainage tanks be added that delayed and increased costs and of course we complied. A large paddock already existed which had several hundred Square feet of area yet because a tiny amount of what you had claimed to be steep slope from the adjoining property was at the very border, which was nowhere near the extended area, the whole project was reviewed. Then drainage and restrictions were added. The work being done in the rear area of the property was for tree removal, fencing, seeding and grass yet **you demanded** extensive reviews, planning permits and insisted on costly , because of a tiny amount of steep slope ( later determined not to be steep at all) far away from the work area. The topography shown by the Towns own topography maps of the Gallis rear portion of the property, shows that their property has almost double the steepness then any slope anywhere ever on our property. These maps also confirm and clarify that this area at the rear of the Gallis property is all steep slope, and even Gallis

own Engineers agree its a steep slope area. ( as they claim they cannot put a dumpster in this steep slope area).

AS mentioned above, in order to meet **your demands**, our Property had extensive planning review and of course, we complied with all the demands because you told us **that all residents needed to comply**, if they have the slightest area of slope. Your insistence on our compliance with Planning reviews, restrictions and the demands was clear, expensive and aggressive. To demand our compliance and now ignore the new paddocks in the Gallis steep slope areas in the rear of their property would be an unfair and uneven enforcement of the Code, which is your job to enforce without discrimination. To make us comply, pay fees, and get restrictions of compliance with the Code, while the Gallis ignore the same Codes is not proper.

In addition, the Galli's are also attempting to "sneak in" to the submittal and add hundreds of LF of over 5' foot fencing along most of Alice Road that does not conform to Zoning and Planning Code, Since it does not meet the required setbacks necessary to comply for a corner property, and does not have a variance to ignore the code and build in these locations, it must be rejected and/or removed. These exact setbacks were aggressively enforced by you, the Building Dept. and the Town Attorney for the same fencing when located on my corner property. As compliance to the setbacks was required for me and all other residents as per Code, it should be demanded that these residents also comply with these setbacks and enforced if not complied with. These numerous non-conforming items exposed on their property make Planning review an issue you need to deal with.

Yet the disregard of the Bedford Planning and Building Code by the Galli's does not end there, as the Gallis are not done "sneaking in" non-conforming unpermitted items in their manure storage drawing submittal. In addition to the items mentioned above, they show hundreds of feet of newly built **stone walls with mortar** along Succabone road that they installed without permits or variances. They are so blatant in their disregard of the Code , that they built a large portion of these illegal mortared walls many feet onto the public roadway! How are you not enraged? These stone walls were items that you spent a long time instructing me that they "absolutely cannot be built " with mortar yet the Gallis show hundreds of feet of mortared stone walls along Succabone road and you know that is prohibited. Why do you ignore these same items for the Gallis property when they confirm on plans that they exist and were built by the Galli's without permits? You insisted that any mortar used in our stone wall would required filing for a permit for a new structure, and non-compliance would result in enforcement, violations and legal action by your office if we built stone walls with mortar. We even have witnesses to this conversation. Since this is exactly what the Gallis did, and it is now proven to all, I can only expect that you would enforce these proven illegally constructed structures that do not comply with the Planning and Building Code that you enforced on me. No permits exist for these

mortared stone walls. Numerous constructions have been made by the Gallis and have been exposed for their lack of needed permits or variances, such as their renovation of their barn in the wetlands, their new structural patio in the wetlands that doubles the footprint of their non-conforming barn, the new illegal bridge in the wetlands that they build a culvert that was not there when they purchased the property, and hundreds of linear feet of fencing installed in non-conforming locations without variances, and it is clear that if any of these items were on my property you would demand that a review be done by your office, but do nothing in regards to the Gallis property. You simply turn a "blind eye" to the non-conformance of the Galli's, over and over and over again.

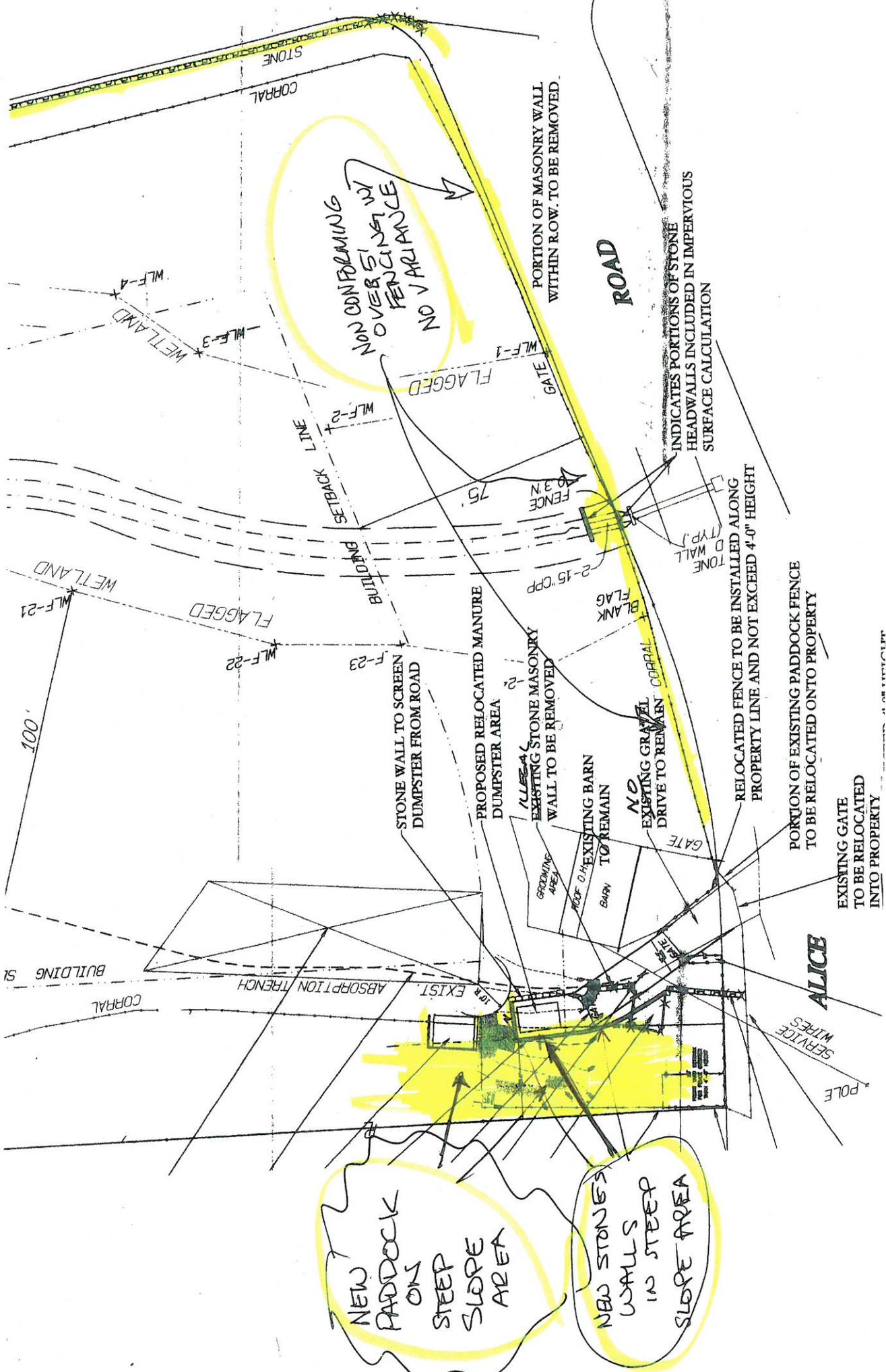
**As the Planning Chairman, you can see that a Planning review should be done for these plans and this property, with its numerous constructions built without permits that far exceed the allowable coverage and violate numerous aspects of the Bedford and Planning Code. It is clear to you that many applications, fees, and permits will be necessary to make the Gallis property approach a conforming property and your review is needed and proper. As their plans attempt to show the building of new construction in their steep slope area, along with the retaining walls for the new roads, new non-conforming stone walls and fencing it is all improper and needs a full Planning review prior to any approval.**

Your response in this matter is requested. Have a nice day.

Best

Ruth Toporoff & Michael Richman  
12 Alice Road  
Bedford NY 10549

cc- Joel Sacks , Keane and Beane  
Steve Fraitta, Bedford Building Inspector  
Peter Michaelis and Member of the Bedford Zoning Board



NEW PADDOCK ON STEEP SLOPE AREA

NEW STONES WALLS IN STEEP SLOPE AREA

NON CONFORMING OVERSIGHT FENCING NO VARIANCE

PORTION OF MASONRY WALL WITHIN R.O.W. TO BE REMOVED.

ROAD

INDICATES PORTIONS OF STONE HEADWALLS INCLUDED IN IMPERVIOUS SURFACE CALCULATION

RELOCATED FENCE TO BE INSTALLED ALONG PROPERTY LINE AND NOT EXCEED 4'-0" HEIGHT

PORTION OF EXISTING PADDOCK FENCE TO BE RELOCATED ONTO PROPERTY

EXISTING GATE TO BE RELOCATED INTO PROPERTY

ALICE

SERVICE WIRES

POLE

BUILDING 91

CORRAL

ABSORPTION TRENCH

EXIST.

GROWING AREA

ROOF D.H. EXISTING BARN

BARN TO REMAIN

NO EXISTING GRAVEL DRIVE TO REMAIN

GATE

BLANK FLAG

2-15' CPP

FENCE 6' H

75'

STONE WALL TO SCREEN DUMPSTER FROM ROAD

PROPOSED RELOCATED MANURE DUMPSTER AREA

EXISTING STONE MASONRY WALL TO BE REMOVED

ALLEGED

WETLAND

FLAGGED

100'

WLF-21

WLF-22

WLF-23

WLF-2

WLF-1

WLF-3

WLF-4

SETBACK LINE

BUILDING

FLAGGED

WETLAND

STONE

CORRAL

ROAD

INDICATES PORTIONS OF STONE HEADWALLS INCLUDED IN IMPERVIOUS SURFACE CALCULATION

RELOCATED FENCE TO BE INSTALLED ALONG PROPERTY LINE AND NOT EXCEED 4'-0" HEIGHT

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ALICE

SERVICE WIRES

POLE

BUILDING 91

CORRAL

ABSORPTION TRENCH

EXIST.

GROWING AREA

ROOF D.H. EXISTING BARN

BARN TO REMAIN

NO EXISTING GRAVEL DRIVE TO REMAIN

GATE

BLANK FLAG

2-15' CPP

FENCE 6' H

75'

STONE WALL TO SCREEN DUMPSTER FROM ROAD

PROPOSED RELOCATED MANURE DUMPSTER AREA

EXISTING STONE MASONRY WALL TO BE REMOVED

ALLEGED

WETLAND

FLAGGED

100'

WLF-21

WLF-22

WLF-23

WLF-2

WLF-1

WLF-3

WLF-4

SETBACK LINE

BUILDING

FLAGGED

WETLAND

STONE

CORRAL

ROAD

INDICATES PORTIONS OF STONE HEADWALLS INCLUDED IN IMPERVIOUS SURFACE CALCULATION

RELOCATED FENCE TO BE INSTALLED ALONG PROPERTY LINE AND NOT EXCEED 4'-0" HEIGHT

PORTION OF EXISTING PADDOCK FENCE TO BE RELOCATED ONTO PROPERTY

EXISTING GATE TO BE RELOCATED INTO PROPERTY

ALICE

SERVICE WIRES

POLE



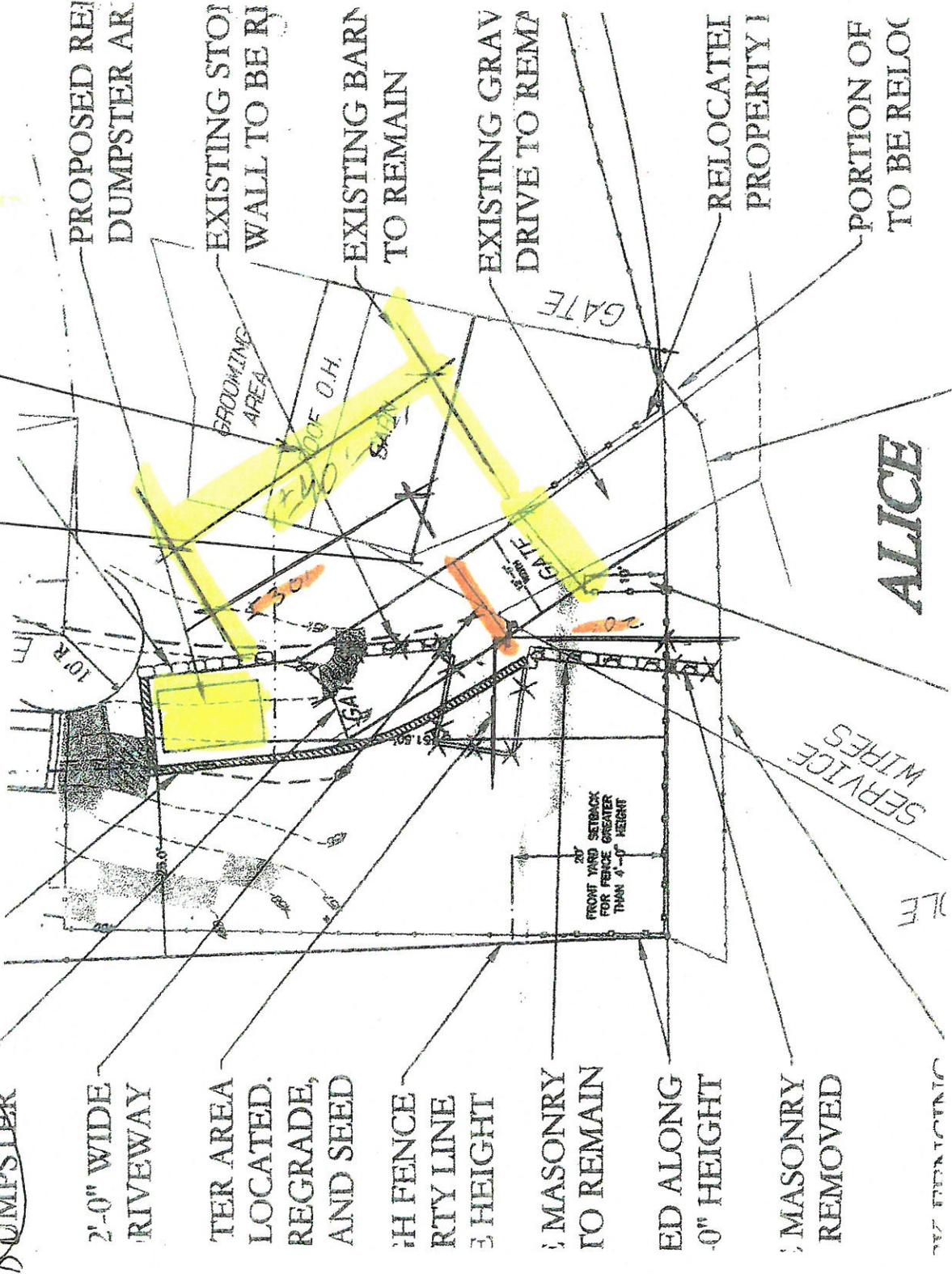


**DIAGRAM B**

IF THE SAME GATE 20' SETBACK - ROUGHLY 30' FROM DUMPSTER

GATE IS SHOWN OVER 40' AWAY FROM DUMPSTER WITH 10' SETBACK

CALLING ADDING ANOTHER GATE HITTING DUMPSTER



PROPOSED RELOCATED DUMPSTER AREA

EXISTING STORAGE WALL TO BE RELOCATED

EXISTING BARN TO REMAIN

EXISTING GRAVE DRIVE TO REMAIN

RELOCATED PROPERTY LINE

PORTION OF PROPERTY TO BE RELOCATED

ALICE

SERVICE WIRE

2'-0" WIDE DRIVEWAY

EXISTING BROODING AREA LOCATED. REGRADE, AND SEED

4'-0" FENCE SETBACK FROM PROPERTY LINE

EXISTING MASONRY TO REMAIN

20'-0" SETBACK FROM FRONT YARD FOR FENCE GREATER THAN 4'-0" HEIGHT

EXISTING MASONRY TO BE REMOVED

EXISTING FENCING

family and adherence to the variance is the law. So I ask again that you protect me by looking at Diagram A & B highlighted on the following pages, and determine that the BI should not have approved this drawing, as the conditions demanded by the variance are not met.

It should be noted that the Engineer nor Building Inspector makes any effort to demonstrate how moving the gate impacts the use of the dumpster, but simply says that it renders the dumpster "impossible to use" while offering no back up or proof of this random statement that any person can see is not correct. He bizarrely ignores the fact that the Gallis also show they will install another gate right up against the dumpster, (circled on plan) that does impact the dumpster, yet he makes no comment on that gate, but only has a problem with the gate that is needed to comply with the variance and be pulled 20' back from the property line as required to meet variance along with now introducing a new unsafe condition to the neighbor.

The Board should look closely at this BI's determination as we have seen previous incorrect statements by him that he later admits are wrong. Examples are when he incorrectly measured the 10' x 12' shed/barn which was over 120 SF, as 99 SF when the Gallis illegally installed and he later admitted he was wrong and also when he improperly determined non-conformance for my legally installed gate which was setback to conform with all zoning Codes and had an approved permit before it was installed which he again admitted he was wrong in his determination. He made no attempt to make the Town or neighbor whole for the time or costs he created by doing these jobs incorrectly and again he produced no back up or proof for that or any of his statements here. This same BI continues to ignore bridges built, relocated non-conforming fencing and structures built without permits by the Gallis, yet still they exist .... and the list goes on and on. This and many other examples demonstrate why the Board needs to look closely at this statement. The fact is that the gate remains over 25 feet away from the dumpster when it is moved 20 feet from Property Line as demanded by variance, as shown on the Diagrams enclosed, and his claim that it makes the use of the Dumpster impossible, is obviously a mistake.

As we stated in all our papers submitted time and again and has been ignored, this property has THOUSANDS of conforming locations all over the property that are accessible by wide, flat spaces with many places to put or access a dumpster on this flat property. Some go through wetlands like the Alice Road access does and others that do not. The one place it causes the most trouble and has the most constraints is access in the SW corner. Creating this situation of narrow access that does not have a long, straight path for the dumpster removal and placement and that will block the public road and negatively impact the neighbor, but not the Gallis, is not a proper design. Long straight access is needed and it is available everywhere on the property, except where shown on this submittal. Especially perfect is the already existing long, safe, paved main and only existing Galli driveway off the more appropriate Succabone Road. (See attached legal survey of this property as it was at the time it was purchased by Gallis's confirming only 1 driveway on property, Diagram C). This paved long, straight access can be used to safely drive a long 26 ft. dumpster truck and hold the dumpsters while being changed, without a single obstacle to the small, public Alice road and also have no impact to the neighbor, which is the standard that the Board should demand be achieved in this variance.

Lets now discuss the procedure involved to remove this dumpster in this location as done in the common way, which is standard for removal in the industry, and its negative impact on the neighbors and its lack of impact to the Gallis. The first step to achieve the cumbersome task of picking up a full dumpster, is that a large truck needs to bring an large, smelly, empty dumpster to replace the full one that its removing. This empty dumpster gets brought to the site and then gets put down somewhere while the full dumpster is being removed. In this scheme, since no large space, area or length of access road on the Galli property is designated to allow this process



safely in the dumpster area, the dumpster will be forced to be placed on Alice Road, causing a new problems and greater nuisance only to the neighbors. In addition to being an obstacle to the egress on and off of the neighbors entry, even more smells are now introduced as again the Gallis horse maintenance is forced on to the Public Alice road. As this plan does not show a place for this process to be safely on the Gallis property, despite thousands of flat, wide SF available on the Gallis property and a long paved access driveway already existing, it should be rejected as incomplete and unsafe and the BI and Zoning Board should reject this plan as it does not create enough area for standard dumpster removal process to be done safely, which was a Condition of the variance..

After the empty dumpster is left in Alice road in front of the neighbors home, the truck will only go partially into the property, as a gate is not far from the property line to allow it to enter fully, and then the truck will open this gate and the next gate and then and raise the full, stinky manure filled dumpster in the air, creating numerous gross smells for the neighbor. It will then bring this very stinky dumpster off of the Galli's property on to Alice road and place that dumpster also on Alice Road, tripling the negative impacts on the neighbors on Alice road. This removal is a huge series of obstacles, smells and noise on the road and it is only in front and in full view of the neighbors home, bedrooms and master bath, and far away and out of sight from the Gallis home and bedroom. So now, far away from the Gallis home, only viewed by the neighbor, the large noisy truck and the 2 dumpsters will now sit in the public road and then the truck will pick up the empty dumpster and attempt to place it to the location shown on the plan. As it is standard that this be done in a long straight line, and none exists here in this design and cannot be achieved in the SW corner, when the truck goes back on the Gallis property to drop this dumpster at a crazy angle in conflict with standard procedures, additional time to maneuver and noise is created. There is no proof submitted that the dumpster can be picked up at the angles shown, as the standard of long straight line 40 -50 is not achieved in front of the dumpster, so it is hard to imagine that a truck can drop the dumpster at the severe angles shown on this submittal. That being said, when that fiasco is done, the truck will again go fully on the public Alice road and pick up the sticky full dumpster that has now been sitting for hours in front of the neighbors home and driveway blocking access and smelling, far away from the Gallis home and driveway and finally leave hours later while the smells and damage to the road are left in its place. A proper staging and removal area is needed for this removal task, and none is made by this Engineer and therefore this scheme must be rejected.

The entire removal process must be designed so that it is able to take place entirely on their property, but instead what is done here by this submittal is just the opposite. The whole procedure is now forced to be taking place on the public road! The entire removal procedure of Gallis manure in this non-conforming location, should be done completely on the private property of the people who own and use the dumpster. That needs to be enforced by the Chairman and Board Members. Using the Public road for the procedure should be prohibited by this Board as it is in the condition to a the variance that it be safely done on their property. While dumpster removal takes place on numerous properties in Bedford, like ours, it requires designating enough large amounts of property and the of appropriate amount of land surrounding the dumpster that is needed to achieve this task can be done completely on the property. This is a smelly, noisy task that needs to be done completely on the boundaries of their own property, as is standard on all horse properties, but not the Gallis.

As stated by Supreme Court Judge DiBella, who in a well written decision for preliminary injunction determining that the Galli's manure storage in this SW area was already a nuisance is well-known to this Board prior to granting this variance. It stated that Owners (Galli's) should bear the greater amount of the negative aspects of their horse ownership and the neighbors should

not have to bear more of the burden of the negative aspects of the Gallis horse ownership, then the Owners bear. Placing a dumpster in the SW area , located 4 acres away from Gallis home and out of sight and smell of the Gallis, yet directly in front of the neighbors home, and entrance driveway, in direct view from our home, driveway, bedroom and master bathroom, does exactly this, in contradiction of the issues Judge DiBella had defined.

It is totally ridiculous, that the Town roads are used for the Gallis private dumpster removal. Even if the Gallis use a one dumpster process, what is stopping them to change to this procedure or for the next owners from using this process, which is the norm for dumpster removal and used daily by all dumpster removal companies. The design shown, inflicts these obstacles to our impact our property for years and years in the future. And not impact the Gallis at all, in their home or entry and exit to their home. As a variance runs forever with the property, this location and this narrow, short "snipet" design that requires using Alice Road to be the property's area for the dumpster removal, a new unnecessary nuisance is created. This is especially unnecessary when so much flat area is available on the property. It should be banned as an option. What a nightmare you are creating!!! If the Board and its Member s insists on using this inappropriate area of the property, it has to prohibit the use of Alice Road for placing these dumpsters and demand they are placed during this entire process on the Gallis property, as less then that is unsafe and does not meet the conditions of the variance.

Despite knowing this, the BI, now attempts to approve this narrow dangerous short access with only 10 ft to the property line which allows no work area to take place on the Gallis property, forcing it all onto Alice Road. He ignores the fact that this negatively impacts us and has no impact on the Gallis entry and exit. By approving this tiny "snipet" of land where there is no room to do the proper procedure of removal , squeezed between steep slopes and barn structures, he is not meeting the conditions of the variance forces us to bear the greater burden of the Gallis horse manure variance and also overlooks the dangers created. The Chairman that the Board have to consider these dangers when granting the ability to place manure in a non-conforming place that the Courts have already defined as a nuisance from the manure storage and now double the problem and nuisance with dangerous and invasive manure removal access area blocking their home.

The Gallis have an large property consisting of all wide open space with available access everywhere, that would cause no issue for long straight dumpster removal access and placement , and allow changing dumpsters to be completely performed on their own private property , as the Board should insist must be done for a residents own personal use. Before receiving a variance to not conform with the Zoning Code as written. This a design, far from the Gallis home and unsafe to the neighbors unfairly distributes all of the burden of the Gallis negative aspects of horse ownership on us , rather than on the Gallis who benefit. Using and blocking Alice road for these dumpsters to be placed during removal causing egress issues and is unsafe in many ways while only endangers our children playing, but has no impact on the Gallis play areas or children, 4 acres away. This cannot be the way that the Zoning Board deals with this residents private dumpster removal to receive this variance and must be rejected and a safe plan must be submitted, as was the reason that the Zoning Board asked for plans and conditions be met proving safety prior to receiving the variance.

To make matters more unbearable and unbelievable, is the fact that the Gallis have no negative impacts of all this noisy, smelly work by their house as there are no smells by their home, in fact they have no visual contact to this entire process. Only we are blocked for hours from the entering or exiting our home while the Gallis manure is removed! It is us that have smell these smells and see the full dumpster in front of our home and driveway, affect our young children playing, while

the Gallis and their guests and children have no impact at all, and would not even know that the dumpster is being taken, as there is no visual contact to their home and they can go in and out of their unblocked driveway without a single obstacle.

As a review, by placing the dumpster in the Gallis SW corner within 50 of Property Line, in contradiction of the Zoning code and then now additionally creating access through the wetland to a location in this SW corner with angles in narrow areas between structures and steep slope areas directly across for the neighbors only driveway, that does not allow for a truck to go fully on the property to remove dumpster, or in a straight line to the dumpster, or to do the job safely is preposterous and dangerous. And to have this process is in full view for the neighbor and not visible at all from the Gallis home, completely ignores the Supreme Court Judges clearly written decision that the Gallis should bear more of the burden.

This is why the Zoning board must intervene and demand safe access from the main driveway or another place on the property, and not allow this dangerous "snipet" of land to be used as shown on this submittal. No access was agreed when the variance was presented, as the sketch was incomplete in this area. It lacked the details of the area that was to be used for removal access, and this plan does not show proper or safe access nor does it meet the multiple conditions of the variance as describe in this and in the original Appeal, as required by law. That we should bear the smells created by their manure storage in non-conforming location close to our home and then multiple the problem by allowing the manure removal to take over the road and block only our home, while the Galli's bear none of the smells or impact of removal is without merit or reason.

Going back to the actual gate, what you must understand is that it makes a huge difference when they simply do not comply with the conditions in the variance. Without moving it 20 from the property line, **the gate makes the variance conditions unmet and the variance, by law, must be voided.** Once the gate is moved 20 feet from the property line it can either: (1) open toward the property line; or (2) open toward the dumpster as it clears the face of the dumpster, (3) be a gate with an opening in the middle can be used. In either case, there would be no interference with the manure dumpster. The fact remains that 20 feet can easily be achieved and the Building Inspector and the Gallis have no authority to disregard this Board's clear mandate. Likewise, this Board cannot disregard its own mandate under the guise of upholding the Building Inspector's determination. (Again Kevin Winn does NOT state that it can not be achieved, he simply states that the Building Inspector thinks this, and we all can see clearly that it is incorrect).

But the location of the gate, while clearly not meeting Condition 13 in the variance, is not the only incorrect thing about the Building Inspectors determination. Many items are detailed already in the papers we submitted in our appeal, that the Zoning board did not allow me to address in the meeting, as the 20 minutes assigned to me was filled up with Town Attorney explaining the law that all conditions must be met, or the variance must be voided. But one additional area that got touched on was the non-conforming fences shown on this submittal and their lack of existing variances that are required.

The explanation made that the fences were non-conforming and the Gallis allegedly made them less non-conforming is also incorrect. **It is the law, that for something to be non-conforming, it has to have at some point been legal. Since, it was never legal for the Gallis (or their predecessors-in-interest) to install fences on the Town's road and a property owner cannot allege adverse possession against a municipality, any of the linear feet of Galli fences, stone walls, etc. that exist on the Town Roads are simply illegal locations and that fencing need to be removed.** If new fencing is to be installed, it must be with separate permits applications and reviews, as this variance for manure storage does not include placing fencing in violation of the

Zoning codes and setbacks which require separate variance and reviews when not in full conformance with the CURRENT zoning code, which these are not. The Zoning Code again listed below, requires these 5 ft fences be installed 20' back from the property line. Along with paddock fencing be its required setbacks from the property lines. The 20 ft fencing setback on Alice Road as in the Zoning Code was strictly enforced by the Town attorney, Keane and Beane's Nancy Tagliferro, on me and my property on the same Alice Road, and she knows well that her clients fences need to be moved 20 feet back to be compliant. AS this is not shown , a new and separate variance is required due to its lack of compliance. Fees and penalties should be given to the Gallis for the large amounts of non-conforming fencing installation along with their multiple stone walls built on the public roads with out permits , that are illegal. The Gallis fencing along Alice road starting at Succabone and going all the way to the cemetery property line, does not meet any Zoning legal requirements and cannot be legal without additional variances as was enforced on my property by this Town Attorneys office.

Thus, since the Gallis fencing is not in conforming to the current Zoning Code and it must obtain a variance, this drawing cannot be approved. Showing proper setbacks on the drawing was also required by the Zoning Board Conditions, and is another Condition that is not met, so this also demonstrates an additional reason that it is improper to have the BI approve this submittal. These and many other Conditions are not met, and are these and others are pointed out in our original appeal papers.

There were many discussions about fences at the meeting at the time of the drafting of the Variance. In fact, during the review of the Gallis' variance request, this Board made it crystal clear that the Gallis were not before you for a fence variance. Multiple fencing variances are required to install locate or relocate the fencing at the corner locations shown on this portion of this property shown on this submitted plan, yet fence NO variances exist for this property. It is required by Code, that a Planning review be done to start to correct the multiple improper placements of their fencing and structures built without permits, yet despite multiple requests, Mr Osterman does not do this . He also does not respond with any legal reasons as to why he does not review this property with its nonconforming structures, fencing, mortared stone wall built on public roads, building and impacts on steep slopes and the Gallis building new bridges and patios and renovating their non-conforming barn all built without permits, but suffice to say that the locations of the fencing shown on this submittal need variances, as they do not conform to the Zoning code.

The "sketch" plan the Gallis submitted to this Board during the variance review did not even depict the property line or any of the areas along Alice Road. Yet, now they triple the area shown on the submittal shown on the "manure storage and access plan". Showing the Gallis improper and non-conforming over 5 ft. fencing along the entire length of Alice Road, which was never shown in the sketch is not part of this variance and can not be "sneaked in" as a legal aspect of this review. It also attempts to add an improper paddock along the rear cemetery property area, that was forbidden by the BI when the shed/barn was approved in this area, (in steep slope area) yet now they try to create a horse paddock surrounding this shed/barn that lack these required variances, planning review and building permits required by Code to build in steep slopes and near the rear Property line. (Again see Diagram C - the legal survey in 1998 of property when purchased).

While the Gallis admitted to building these structures/fencing without permits, and photos show them doing so, they also never had any planning permit for this work in the steep slope area, as was required on our property to build paddocks by Mr. Osterman. (see letter to Mr Osterman sent prior to Board meeting asking why Planning review is not done for the Gallis steep slope work) .

A variance is needed for any installation of fencing to be installed at any locations that is in conflict with Zoning Code, yet almost every line of fence shown on this drawing is in non-conformance with the Bedford Building and Zoning Code and meet NONE of the current setback required when relocating fencing. On the Bedford Building Dept. website on the same page as it displays the BI photo and information, It states a demand by the Town ---that they charge all non-conforming residents for unpermitted building ( like the BI is aware of on the Gallis property) such as the Gallis illegal bridge, relocated grandfathered five foot fencing, mortared stone walls built on property and on public roads, , new stone wetland patio structure expanding footprint of non-conforming barn, renovation of barn without permits, and building rear paddock fencing in steep slope area, , etc.. – that he is employed to enforce. See below:

Legalizations and Building Without a Permit

**Please be advised:** If caught building without a permit, the Town Board has adopted a legalization fee of \$1000 plus the original permit fees. This fee is also in effect for any construction that was not filed for prior to the adoption of this fee. This includes finished basements, decks, pools, etc. An already built shed is \$500 plus the original permit fees.

An administrative fencing permit (by wetlands) cannot be given for any fencing that does not comply with zoning code, without a variance. Practically every fence shown on this submittal, including the Galli's illegally built mortared stonewalls, lack these needed variances and cannot be approved on this "manure storage variance". The Board itself demanded that no fencing was to be dealt with in this variance. Details of how improper the Galli fencing is, is detailed in our original appeal documents. The appropriate Zoning Codes dealing with fencing from Bedford's Zoning Code is highlighted below:

**§ 125-15. Obstructions in yards; fences and gates.**

A. No fence or gate shall be erected except as provided herein:

(1) A fence or gate may be erected in a residential district wholly within the lot lines of the subject property, provided that the fence:

**(a) Is located 20 feet or more from the front lot line and does not exceed six feet in height. \* (Corner lots have to have side yard comply to setbacks same as as front yard setbacks)\* (And is over 4 ft.) .**

(c) Is located inside the required front, side and rear yard requirements, ... structure.

(d) Fences and gates shall be erected within the boundaries of the applicant's property.

(-) All existing fences and gates which do not conform to the provisions of this chapter may be continued as they presently exist, **except that these fences and gates shall not be altered, extended, replaced or modified except in accordance with the provisions of this chapter.** (Galli has admitted to relocating her grandfathered fencing under oath and penalty of perjury for all fencing along Alice Road )

125-25 Horses.

On conforming lots in the R-2A and R-4A Districts, the maintenance of horses is permitted as an accessory use, subject to the conditions listed below:

(b) **Barns and manure storage areas shall be located at least 50 feet from each property line and 150 feet from any existing residence other than that on the lot. Fences and all exercise yards or pasturelands shall be located at least five feet from each property line. \* (\*Even if 4' in height)**

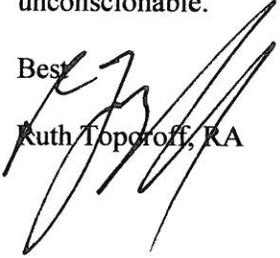
For these many important reasons this plan cannot be approved. As it does not meet Condition 13 and also creates a very dangerous situation through poorly designed access impacting the neighbors home. Additionally the fact that this Board specifically said it would not allow Gallis to "sneak in" any fencing variances in this manure storage project, it must be rejected. The

locations shown of these new and relocated fences along Alice Road and Succabone Road do not conform with the zoning code, requiring separate variances that to date do not exist for these locations of over 5 foot fencing. Therefore, the claim that all permits are in place is again very, incorrect and this Condition of the Variance is also not met. The Building Inspector incorrectly approved a plan with out proper permits and variances in place, which was a requirement of the variance.

The Gallis prior two plans depicted the area enclosed in by a fence they installed as a "paddock yet paddock fence must be 5 feet from any property line. Either the fences have to be made conforming or they must be required to get a variance, along with a needed Planning permit for the steep slope it is located in. It is preposterous that this Board would ignore that the Gallis have used this area as a paddock and there is no doubt in my mind that they will continue to use this area with fences that do not meet the required setbacks unless they are restricted.

To knowingly cause a great and disproportionate harm and impact to us as the neighbor, with no impacts to the owners is surely an item the Zoning board should not allow. For the Board to approve and allow large noisy, smelly truck use the middle of the public road for the Gallis private use and block the neighbors home and egress and make it stinky with manure dumpsters, while the Gallis sit in their house 4 acres away with out being impacted at all is preposterous and unconscionable.

Best



Ruth Toporoff, RA

TOWN OF BEDFORD  
WESTCHESTER COUNTY, NY

Kevin Winn, P.E.  
Commissioner of Public Works



**Memo**

**To:** Peter Michaelis, Zoning Board Chair  
**From:** Kevin Winn *KW*  
**Date:** February 9, 2016  
**Re:** Driveway on Alice Road to 341 Succabone Road (Galli property)

RECEIVED  
FEB 11 2016  
BEDFORD ZONING  
BOARD OF APPEALS

This email is in reference to the Zoning Board's request for me to evaluate the proposed location of a gate at the above referenced location. The Zoning Board required the following:

The access gate shall be pulled back 20 feet into the applicant's property; or if in the opinion of Kevin Winn, the Commissioner of Public Works, 20 feet cannot be achieved, the access gate shall be pulled back a minimum of 10 feet to achieve greater conformity so that trucks coming and going have room to pull in and partially open the gate before proceeding into the property, thereby limiting obstruction of Alice Road

I am told by the Building Inspector Steve Fraietta that installation of the gate 20' into the property would make it impossible to utilize the manure dumpster at the location where the zoning board approved the dumpster. The plans submitted by the Gallis to the Building Department show the proposed gate at a minimum of 26' from the travelled road, which will allow a dumpster transport truck to drive off of the road and not obstruct the road while opening the gate to access the dumpster location. Steve Fraietta told me that the Building Department shall mandate that a truck no longer than 26' be used. This is the typical length for a truck that transports 10 cubic yard containers.

Based on the above I recommend that the gate location shown on the plans from Keane Coppelman Gregory Engineers PC revised 9/18/15, received 9/21/15 by the Building Department be approved.

Please contact me with any questions.

C: Steve Fraietta, Building Inspector  
Joel Sachs, Town Attorney

301 ADAMS STREET, BEDFORD HILLS, NY 10507  
Tel. (914) 666-7669 • Fax (914) 666-4987  
E-mail: kwinn@bedfordny.gov • www.bedfordny.gov



**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](mailto:buildinginsp@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

*Steven Fraietta, Building Inspector*  
*James Genovese, Assistant Building Inspector*  
*William O'Keefe, Code Enforcement Officer*  
*Michael Repp, Jr., Deputy Fire Inspector*

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

*Donna M. Berkowitz, Sr. Office Assistant*

February 3, 2016

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

Re: Zoning Board of Appeals - Appeal  
Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District  
341 Succabone Road, Bedford Corners, New York

RECEIVED

FEB 3 2016

BEDFORD ZONING  
BOARD OF APPEALS

Dear Chairman Michaelis and Board Members,

On July 10, 2014, the Zoning Board of Appeals adopted Amended Resolution No. 4-14 Six in regard to an application for certain variances by Stefano and Suzanne Galli related to a manure storage dumpster. In granting the variances, the Zoning Board imposed a number of conditions including that the applicants must submit an as-built plot plan to the Building Department which complies with the conditions of the variance. Many of the 14 conditions were required to be shown on such new plot plan to be prepared on behalf of the Gallis.

On September 18, 2015, Peter Gregory of Keane Coppelman transmitted a plot plan, last revised 9/18/15. By memorandum dated September 29, 2015, (copy attached) I indicated that the revised plot plan was in conformity with the requirements set forth in the July 10, 2014 Zoning Board determination. By letter dated November 23, 2015, Michael Richman and Ruth Toporoff who reside at 12 Alice Road, Bedford Corners, New York appealed my determination that the September 18, 2015 plot plan submitted by Keane Coppelman complies with the July 10, 2014 zoning variance conditions. In their appeal, Toporoff and Richman set forth 11 issues which they have with the September 18, 2015 plot plan submitted on behalf of Mr. and Mrs. Galli. Although the appeal submitted by Toporoff and Richman is quite lengthy, my responses to the 11 objections which were raised by Richman/Toporoff are as follows. I have addressed each one of the Appellants appeals in order of what was submitted.

1. The gate is being lowered to 4 feet in height, which now meets the Town Code and no variance is required. This gate can be located on the property line, but is proposed to be 26 feet from the edge of the road. The applicant moved the gate 10 feet back from the property line as per condition 13 of the variance. I discussed this with the Commissioner of Public Works who said he has no issue with it.
2. Regarding the access way to the new manure storage dumpster, the only area that is being expanded is outside the buffer to the new manure storage area. This complies with the approved variance and does not require a steep slope or wetland permit.
3. Does not apply to the variance. Routine maintenance is allowed.
4. Does not apply to the variance. The proposal for a fence west of the gate is 4 feet and no variance is required. The fence east of the gate is 4.5 feet and is existing, non-conforming.
5. The stone wall along Succabone Road does not apply to the variance and is shown on a survey from 1958 and from a Building Permit issued in 1975.
6. All fences in this area will meet the Town Code and do not require a variance. No steep slope permit is required. It is not a paddock area.
7. Does not apply. The current plan shows the fence complies with the Town Code and does not require a variance. It is not a paddock area.
8. The plot plan submitted by Peter Gregory shows the new manure storage dumpster 25 feet from rear property line, which is further away than the 22.7 feet granted by the Board of Appeals. Planting of trees along Alice Road does not require a variance.
9. The plan dated 2/5/15, last revised 9/18/15 has been sealed.
10. The plot plan shows proposed building and impervious coverage including stone walls. The owners will submit an as-built survey when completed as per condition # 3 of the variance granted.
11. The culvert area is included in the impervious surface calculation as indicated on the plot plan submitted. The September plot plan indicates total impervious surfaces including all existing and proposed walls.

Respectfully,



Steven Fraietta  
Building Inspector

cc: Joel H. Sachs, Esq. – Keane & Beane, PC  
Jeffrey Osterman – Town Director of Planning  
Ruth Toporoff and Michael Richman  
Katherine Zalantis, Esq. – Silverberg Zalantis, Esq.  
Suzanne and Stefano Galli  
Nancy Tagliaferro, Esq. – Hogan & Rossi

**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:           **DP32, LLC**  
                              **c/o Diamond Properties LLC**  
                              **333 North Bedford Road**  
                              **Mt. Kisco, NY 10549**

For a Variance of the Town of Bedford Zoning Ordinance to permit: The installation of a 53.5 square foot Type C: freestanding sign where 25 square feet is permitted on property to be used as a car dealership located in the LI and RB zoning districts resulting in eight signs for one tenant on the parcel where two signs are permitted and where by Resolution #09-13 Six the Zoning Board of Appeals granted a variance to permit 7 walls on the car dealership building. This request requires variances of Article XI Section 125-120 B. (3) and the Schedule of Permitted Signs 125 Attachment 1:3 for property owned by the applicant and located on:

**531 Bedford Road**  
**Bedford Hills, New York 10507**

designated as Section 72.5 Block 1 Lot 8 on the Tax Map of the Town of Bedford in RB and LI Zoning Districts. Said hearing will take place on **Wednesday, the 2<sup>nd</sup> day of March 2016** at the Town House Offices, 2<sup>nd</sup> Floor, 425 Cherry Street, Bedford Hills, New York at 7:30 p.m. At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicant or his representative must be present. 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 Applicant can then have 5 minutes of rebuttal.

DATED: February 10, 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](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)

TOWN OF BEDFORD

New Building  Addition  Alteration  Demolition  Roof  Pool  Already Built

Bldg. Permit No. \_\_\_\_\_

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 Town of Bedford Zoning Ordinance, and all State and Federal Laws or regulations pertaining in any way thereto.

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

Owner DP 32 LLC Address 333 N. Bedford Pkwy Mt. Kisco 10549 Tel.# \_\_\_\_\_

Applicant Saxton Sign Corp. Address 1320 Route 9 Castleton NY 12033 Tel.# 518-754-2025

Architect/Engineer \_\_\_\_\_ Address \_\_\_\_\_ Tel.# \_\_\_\_\_

Builder \_\_\_\_\_ Address \_\_\_\_\_

Building is located at 531 Bedford Road

Section 72 Block 5-1 Lot 8 Town of Bedford Assessment Map.

**INFORMATION MUST BE PROVIDED:**

Detail of proposed construction: Install one 53.5 ft, 10'H internally illuminated monument sign

Estimated COST OF CONSTRUCTION: \$4000<sup>00</sup>

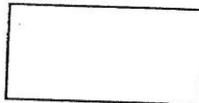
**AFFIDAVIT OF CONSTRUCTION COST:** This affidavit must be completed by the Design Professional if the estimated cost is \$20,000 or more OR for Legalizations

I \_\_\_\_\_ do hereby affirm and certify as follows: (i) I am an architect/engineer (circle one) licensed by the State of New York; (ii) I have reviewed the plans, drawings and specifications for this application and am fully familiar with the proposed construction; (iii) based on my training and experience, I estimate the total cost of construction including all labor, all materials, all professional fees and all associated costs to be approximately \$ \_\_\_\_\_, and (iv) pursuant to Penal Law § 210.45, I acknowledge that a false written statement made knowingly is a Class A misdemeanor.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Sign and Affix Seal



Amount of square feet for new project 53.5 Total % of Building Coverage of property \_\_\_\_\_

Total % of Impervious Surface of property \_\_\_\_\_ Area of disturbance \_\_\_\_\_ If over 5000 sq. ft. submit erosion & sediment control plan.

Age of Building or year built \_\_\_\_\_

TYPE OF STRUCTURE

One Family Dwelling    Two Family Dwelling    Multiple Dwelling

Accessory Structure Sign   Pool    Tennis Court    Commercial

ZONING DISTRICT (circle)   R-4A   2A   1A   1/2A   1/4A   TF   VA   MF   EL

RO   CB   NB   LI   RB   PBO   PBR   PBOK

Number of stories \_\_\_\_\_; Height \_\_\_\_\_ feet.   Interior only \_\_\_\_\_

Front yard \_\_\_\_\_ feet.   Rear yard \_\_\_\_\_ feet.   Side yard \_\_\_\_\_ feet one side.

Side yard \_\_\_\_\_ feet other side.

**The above setbacks must be filled in.**

I hereby certify that the statements and data on 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:

(Signed) Stacey Kuback

Telephone No. 518-754-7025 / Email Stacey@saxtonsign.com

**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

Variance Requested \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Building Inspector of the Town of Bedford, New York

**FEES:**

**Building:** \_\_\_\_\_

**Certificate of Compliance** \_\_\_\_\_

**Total:** \_\_\_\_\_

**Permit No.** \_\_\_\_\_

**Date Approved** \_\_\_\_\_

**Date Notified** \_\_\_\_\_

# LETTER OF PERMIT DENIAL



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

Application #:

Date: 1/14/2016

Parcel ID: 72.5-1-8

## Owner Information

DP 32 LLC

## Applicant Information

DP 32 LLC

333 North Bedford Rd

Mt Kisco NY 10549

Location: 531 Bedford Rd

Parcel ID: 72.5-1-8

Permit Type: Sign

Work Description: Sign Permit- 7 Wall Signs (Mopar, Chrysler, Dodge, Arroy, Jeep, Ram, Service) and one free standing sign

Dear Resident,

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

By Resolution #09-13 Six, The Board of Appeals granted a variance to permit 7 wall signs where 2 signs for one tenant are permitted on a parcel located in the RB Zoning District and where the signs exceed the permitted letter height of 12 inches by a variation of 3 inches to 18 inches. The applicant has applied for an 8th sign for the tenant consisting of a 53.5 square foot type C: freestanding sign which will be the 8th sign on the parcel and which exceeds the permitted size of 25 square feet. The type C: freestanding sign will require variances from the Board of Appeals: Article XI Section 125-120 B. (3) and the Schedule of Permitted Sign 125 Attachment 1:3. \*\*The applicant must provide dimensions for the heights of each letter and for the logos on the free-standing sign and will be required to obtain a variance if the letters and logos exceed 12 inches in height.

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

Very truly yours,

Steven Fraietta  
Building Inspector



## ZONING BOARD OF APPEALS

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

RECEIVED

JAN 20 2016

BEDFORD ZONING  
BOARD OF APPEALS

## APPLICATION FOR A VARIANCE

1. Name of Owner: DP 32 LLC

Address: 333 NORTH Bedford Road Mt. Kisco NY 10549

Telephone/Email: \_\_\_\_\_
2. Name of Applicant, if other than Owner: Saxton Sign Corp

Address: 1320 Route 9 Castleton NY 12033

Telephone/Email: 518-754-2025 Stacey@saxtonsign.com
3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

\_\_\_\_\_

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

Telephone/Email: \_\_\_\_\_
4. Identification Property:

Street Address: 531 Bedford Road

Tax ID: 72.5-1-8 Zoning District: RB Total Land Area: \_\_\_\_\_

Age of the Building \_\_\_\_\_

Is the property located in a designated Historic District? \_\_\_\_\_

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

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

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

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

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

Page 2

5. Request:

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

Article: XI Section: 125-127 B. (3)

RECEIVED

JAN 20 2016

To Permit:

One 53.5 Sq. Ft., 10' H internally illuminated monument sign  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BEDFORD ZONING  
BOARD

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

See Attached  
Signature of Owner

\_\_\_\_\_  
Date

Steve Deshaide  
Signature of Applicant

1/15/16  
Date

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

Page 2

**5. Request:**

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

Article: XI Section: 125-120 B. (3)

**To Permit:**

One 53.5 Sq. Ft., 10'H internally illuminated monument sign

RECEIVED  
JAN 20 2016

**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.

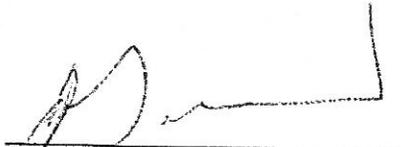
**8. Fees: (make checks payable to the Town of Bedford)**

**Variance**

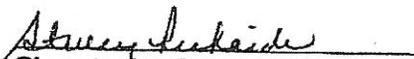
(As required by Fee Schedule Town of Bedford Code)

Residential: \$350.00

Commercial: \$550.00

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

1/15/16  
\_\_\_\_\_  
Date

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

1/15/16  
\_\_\_\_\_  
Date





**SIGN DETAIL**

**4 SERIES 5' x 6'  
MONUMENT at 8' OAH**

*Revised  
on view  
@ 4-6-16  
ZBA Meeting*

RECEIVED  
MAR 9 2016

ENVIRONMENTAL ZONING  
BOARD OF APPEALS

**Square Footage**  
33.9 ft<sup>2</sup>

**Manufacturing Details**

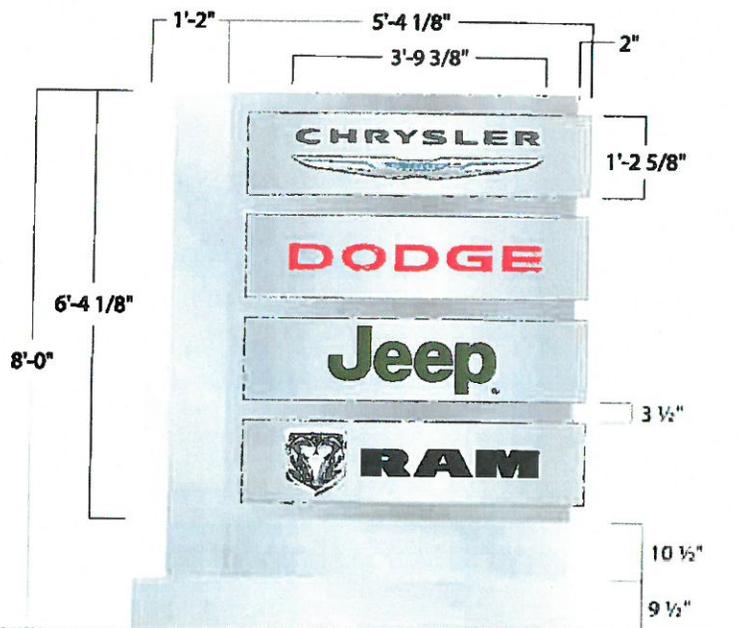
- Painted aluminum exterior construction with chrome accents on cladding.
- Clear acrylic logos pushed thru cabinet face with 1st surface decoration vinyl /color digital print.

**Electrical Requirements**

- Fluorescent internal illumination  
(5) F60 / T12 / Daylight / High Output Lamps
- (1) Transco Ballast TRA-16-832EP at 2.0 amps each
- LED external halo illumination  
(116) Agilight White Tuffrayz
- (1) Advance Xitanium Power Supply  
LED-120A-0012V-50F at 0.63 amps each
- Total Load: 2.63 amps at 120 V**  
(1) 20 amp Circuit Required

**Colors**

- Chrysler Badge:** Black Process Black  
Blue PMS 287  
Silver
- Dodge Badge:** Red PMS 485  
White  
Silver
- Jeep Badge:** Green PMS 371  
White  
Silver
- Ram Badge:** Black Process Black  
Silver



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

**Resolution #09-13 Six  
DP32 LLC – Chrysler Jeep Dodge Dealership – Bedford Hills  
Renewal**

**WHEREAS**, application has been made for renewal of the variance granted by Resolution #03-12 One on March 7, 2012 pursuant to the Town of Bedford Zoning Code to permit the renovation and expansion of an existing building located in the LI and RB zoning districts to be used as a car dealership resulting in: (1) A side yard setback of 5' 7" where 15 feet is required in the LI Zoning District where the side yard setback for the existing building is pre-existing, non-conforming for the LI and RB Zoning Districts at 5' 7"; Article V Section 125-50, Article III Section 125-11. (2) 105 parking spaces in the LI and RB zoning districts where a combined total of 150 parking spaces are required on the site in the LI and RB Zoning Districts; Article X Section 125-102A. (3) Seven (7) signs for a commercial use on a parcel where 2 signs are permitted; Article XI Section 125-120 B. (4) Letters on wall signs exceeding 12 inches (by a variation of 3 inches to 18 inches) where 12 inches is permitted when the signs are located less than 100 feet from the center line of the road (Bedford Road); Article XI Section 125-120 B (1). (5) Building coverage of 24% in the RB Zoning District where the existing building coverage is pre-existing non-conforming at 23% where 20% is permitted, for premises located at 531 Bedford Road, Bedford Hills, New York 10507, being known and designated on the Tax Map of the Town of Bedford as Section 72.5 Block 1 Lot 8 in RB and LI Zoning District, and shown on a plan submitted on August 19, 2013; and

**WHEREAS**, a public hearing was held on September 11, 2013 at which time all those present wishing to speak were given an opportunity to be heard; and

**WHEREAS**, the applicant explained that there are changes to the approved site plan granted by Resolution #03-12 One on March 7, 2012, including relocation of handicapped spaces and that the brands of the cars to occupy the dealership are the same; and

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

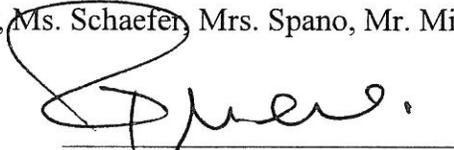
**NOW THEREFORE BE IT RESOLVED**, on a motion by Mrs. Spano, seconded by Ms. Schaefer,

**RESOLVED**, that the application requesting a one year extension of the variance granted by Resolution #03-12 One on March 7, 2012 pursuant to the Town of Bedford Zoning Code to permit the renovation and expansion of an existing building located in the LI and RB zoning districts to be used as a car dealership resulting in: (1) A side yard setback of 5' 7" where 15 feet is required in the LI Zoning District where the side yard setback for the existing building is pre-existing, non-conforming for the LI and RB Zoning Districts at 5' 7"; Article V Section 125-50, Article III Section 125-11. (2) 105 parking spaces in the LI and RB zoning districts where a combined total of 150 parking spaces are required on the site in the LI and RB Zoning Districts; Article X Section 125-102A. (3) Seven (7) signs for a commercial use on a parcel where 2 signs are permitted; Article XI Section 125-120 B. (4) Letters on wall signs exceeding 12 inches (by a variation of 3 inches to 18 inches) where 12 inches is permitted when the signs are located less than 100 feet from the center line of the road (Bedford Road); Article XI Section 125-120 B (1). (5) Building coverage of 24% in the RB Zoning District where the existing building coverage is pre-existing non-conforming at 23% where 20% is permitted, be approved in accordance with the plans submitted on August 19, 2013, prepared by Gallin Beeler Design Studio entitled "Chrysler Jeep Dodge Dealership at Bedford Hills, 531 Bedford Road, Bedford Hills, Zoning Board Submission," dated September 11, 2013. In particular, the Board finds that the benefit to the applicant by granting the variance outweighs any alleged detriment to the community.

**Resolution #09-13 Six**  
**DP32 LLC – Chrysler Jeep Dodge Dealership – Bedford Hills**  
**Renewal**  
**Page Two**

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*

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

**Resolution #03-12 One  
DP32 LLC – Chrysler Jeep Dodge Dealership – Bedford Hills**

**WHEREAS**, application has been made for variances pursuant to the Town of Bedford Zoning Code to permit the renovation and expansion of an existing building located in the LI and RB zoning districts to be used as a car dealership resulting in: (1)A request to permit a side yard setback of 5' 7" where 15 feet is required in the LI Zoning District where the side yard setback for the existing building is pre-existing, non-conforming for the LI and RB Zoning Districts at 5' 7"; Article V Section 125-50, Article III Section 125-11. (2)A request to permit 105 parking spaces in the LI and RB zoning districts where a combined total of 150 parking spaces are required on the site in the LI and RB Zoning Districts; Article X Section 125-102A. (3)A request to permit Seven (7) signs for a commercial use on a parcel where 2 signs are permitted; Article XI Section 125-120 B. (4) A request to permit letters on wall signs exceeding 12 inches by a variation of 3 inches to 18 inches) where 12 inches is permitted when the signs are located less than 100 feet from the center line of the road (Bedford Road); Article XI Section 125-120 B (1). (5)A request to permit building coverage of 24% in the RB Zoning District where the existing building coverage is pre-existing non-conforming at 23% where 20% is permitted, for premises located at 531 Bedford Road, Bedford Hills, New York 10507, being known and designated on the Tax Map of the Town of Bedford as Section 72.5 Block 1 Lot 8 in RB and LI Zoning District, and shown on a plan submitted on February 13, 2012; and

**WHEREAS**, a public hearing was held on March 7, 2012 at which time all those present wishing to speak were given an opportunity to be heard; and

**WHEREAS**, the Town of Bedford Planning Board by Resolution No. 12/07 dated February 8, 2012 found the proposal did not meet the standards for approval of the Town Code; and

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

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

**RESOLVED**, that the application for variances to permit the renovation and expansion of an existing building located in the LI and RB zoning districts to be used as a car dealership resulting in: (1)A request to permit a side yard setback of 5' 7" where 15 feet is required in the LI Zoning District where the side yard setback for the existing building is pre-existing, non-conforming for the LI Zoning District at 5' 7"; Article V Section 125-50, Article III Section 125-11. (2)A request to permit 105 parking spaces in the LI and RB zoning districts where a combined total of 150 parking spaces are required on the site in the LI and RB Zoning Districts; Article X Section 125-102A. (3)A request to permit Seven (7) signs for a commercial use on a parcel where 2 signs are permitted; Article XI Section 125-120 B. (4) A request to permit letters on wall signs exceeding 12 inches by a variation of 3 inches to 18 inches) where 12 inches is permitted when the signs are located less than 100 feet from the center line of the road (Bedford Road); Article XI Section 125-120 B (1). (5)A request to permit building coverage of 24% in the RB Zoning District where the existing building coverage is pre-existing non-conforming at 23% where 20% is permitted, be approved in accordance with the plan submitted on February 15, 2012 entitled "Diamond Properties, Chrysler Jeep Dodge Dealership at Bedford Hills, 531 Bedford Road, Bedford Hills," consisting of 11 sheets, prepared by Gallin Design Studio, dated February 13, 2013, and because of the following,

1. That the benefit cannot be achieved by another means feasible to the applicant due to the constraints on the site including the location of the septic system; and

**Resolution #03-12 One**  
**DP32 LLC – Chrysler Jeep Dodge Dealership – Bedford Hills**  
**Page Two**

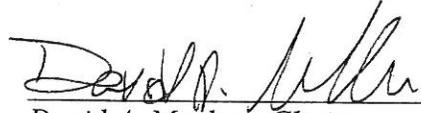
2. That there will be no undesirable change to the neighborhood or nearby properties and in fact the renovation will improve the existing facility which has been left neglected for the past five years; and
3. That even though the variance requests are substantial in several categories, this is only of the factors to be considered by the Board in making its decision and is not determinative.
4. That the requests will not have an adverse physical or environmental effect, and
5. That even though the alleged difficulty is self-created, the proposal is a realistic plan in terms of other automobile dealerships in the area and this is only one of the factors to be considered by the Board in making its decision.

And, subject to the following conditions:

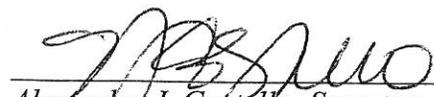
1. That the variance for the signs are being granted because this is a multi brand business with four brands and that one of the signs states “service”.
2. Subject to site plan approval by the Bedford Planning Board as well as any conditions imposed therein.
3. That the applicant applies for a building permit within one (1) year of the date of the Board’s vote on the application and diligently pursues such application to completion.
4. That the applicant shall submit an as-built survey to the building department prior to the issuance of a Certificate of Occupancy.
4. The variances are granted in accordance with the plans submitted on February 15, 2012 entitled “Diamond Properties, Chrysler Jeep Dodge Dealership at Bedford Hills, 531 Bedford Road, Bedford Hills,” consisting of 11 sheets, prepared by Gallin Design Studio, dated February 13, 2012.

Vote taken on the foregoing motion was as follows:

Ayes – Mr. Bird, Ms. Schaefer, Mr. Michaelis, Mrs. Spano, Mr. Menken  
Nays – None

  
David A. Menken, 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 7-6, 2012.

  
Alexandra J. Costello, Secretary  
Zoning Board of Appeals

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

**RESOLUTION NO. 13/41  
CHRYSLER JEEP DODGE DEALERSHIP  
FINAL SITE PLAN APPROVAL**

**WHEREAS**, a formal application dated August 19, 2013, was received from DP 32, LLC, 333 North Bedford Road, Mount Kisco, NY 10549, for final site plan approval to permit modifications to an existing building to permit the operation of a car sales center for Chrysler Jeep Dodge, on property located at 531 North Bedford Road, Bedford Hills, New York, shown and designated on Town Tax Maps as Section 72.5 Block 1 Lot 8, in the Central Business Light Industrial District was received by the Planning Board on August 19, 2013, and

**WHEREAS**, accompanying the written request were plans consisting of nine (9) sheets entitled "Chrysler Jeep Dodge Dealership of Bedford Hills," prepared by Kellard Sessions Consulting, dated 6/28/13, as follows:

- C 1 – Existing Conditions Plan
- C 2 - Site Layout Plan
- C 3 – Grading and Utility Plan
- C 4 – Sediment and Erosion Control Plan
- C 5 – Details
- C 6 – Details
- C 7 – Details
- C 8 – Existing Conditions Hydrology Plan
- C 9 – Proposed Hydrology Plan
- C10 – Subsurface Sewage Treatment System Plan
- C11 – Subsurface Sewage Treatment System Plan Details
- L 1 – Site Layout Plan & Zoning Analysis
- L 2 – Landscape Details
- L 3 – Site Lighting Plan
- A 1 – Enlarged Lower Level Plan
- A 2 – Enlarged Ground Level Plan
- A 3 – Mezzanine Level Plan
- A 4 - Elevations

**WHEREAS**, the application was approved by the Zoning Board of Appeals Resolution #03-12 One, and

**WHEREAS**, the Planning Board has determined that the proposed use will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQRA), and

**NOW THEREFORE BE IT RESOLVED**, that the above final site plan for the approval of the Chrysler Jeep Dodge dealership for automotive sales and service is hereby approved subject to the following conditions:

**Resolution No. 13/41**  
**Chrysler Jeep Dodge Dealership**  
**Final Site Plan Approval**  
**Page 2**

1. All cars and trucks to be loaded and unloaded on site. No car carriers delivering cars or trucks to this site will park in any public right of way in connection with such deliveries.
2. The applicant to shall submit a new landscape plan with 50% native vegetation following the guidelines discussed at the meeting
3. The applicant shall request advice from the Tree Board for plantings for the front of building. Additional plantings shall be added at the rear of the property along the parking lot. The final landscaping plan will be approved by the Director of Planning and the site plan committee of the Planning Board. The wetland boundary to be confirmed by the Town Wetland Consultant, Beth Evans. If the line is not confirmed the applicant shall return to the Planning Board.
4. All exterior lights in the parking area shall be on motion detectors after 10:00 p.m. except the lights in the front parking lot will go off at 10:00 p.m. with one of the pole lights on a motion detector.
5. The bollard lights along the walkway shall go off at the close of business. Exit lights required by code shall stay on all night.
6. Any signs with lights the applicant must be approved by the Planning Board.
7. The retaining wall in the rear of the property shall be removed from all sheets of the plan.
8. Approval of the Stormwater Pollution Plan by James J. Hahn Town of Bedford Engineering Consultant.
9. All occurrences of the following invasive plants shall be removed: Oriental Bittersweet, Multiflora Ross, Porcelain-Berry, Japanese Barberry.
10. All plantings shall be maintained I a healthy state.

**BE IT FURTHER RESOLVED**, that no application for final site plan approval shall be submitted until the requirements of items 1 through 10 above have been satisfied.

**APPROVED:**           October 8, 2013  
**DATED:**               October 21, 2013

*The foregoing resolution is certified to be a true copy of the resolution, which was approved on October 8, 2013 by the Planning Board of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on October 2, 2013.*

  
\_\_\_\_\_  
Gail M. Amyot, Secretary  
Town of Bedford Planning Board

**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:     **Christopher Suppa and Allison Murphy**  
                  **126 Valley Road**  
                  **Katonah, NY 10536**

for variances of the Town of Bedford Zoning Ordinance to permit:

Additions and alterations to an existing single family residence including the construction of a one-story covered front porch addition resulting in a front yard setback of 29 feet where 35 feet is required in the R-1/4 Acre Zoning District and when combined with a proposed two-story addition with 2 car garage underneath and balcony will result in building coverage of 20.47% where 20% is permitted in the R-1/4 Acre Zoning District. This being a variance of Article V Section 125-50 for property located on:

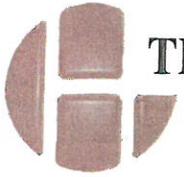
**126 Valley Road**  
**Katonah, NY 10536**

designated as Section 49.18 Block 4 Lot 29 on the Tax Map of the Town of Bedford in a Residential 1/4-Acre Zoning District. Said hearing will take place on **Wednesday, the 6<sup>th</sup> day of April 2016** 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. 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:** March 15, 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](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)



**THE HELMES GROUP, LLP**  
ARCHITECTURE • ENGINEERING

PROJECT RECEIVED

FEB 03 2016

Bedford Building Dept.

**Hand Delivered**

February 2, 2016

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

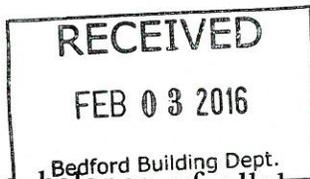
**Project:** Proposed Additions & Alterations to Existing Residence  
For Christopher & Allison Suppa, Contract Vendee  
126 Valley Road, Katonah, NY 10536  
Section 49.18, Block 4, Lot 29, R-1/4A Zone District

Dear Mr. Michaelis & Members of the Board:

On behalf of our client, Christopher & Allison Suppa, Contract Vendee, and as required by the Building Department, we are making this submission to the Zoning Board of Appeals, (ZBA) requesting two (2) variances of the Town of Bedford Zoning Ordinance to permit the construction of a one-story covered front porch addition and a two-story addition to existing residence as indicated on our preliminary design drawings, dated 2/2/16, as prepared by The Helmes Group, LLP, Architects.

The applicant request a front yard variance of the Town of Bedford Zoning Ordinance to permit the construction of a one-story covered front porch addition located off the front (north) side of existing residence resulting in a front yard setback of 29 feet where 35 feet is required for property located in the Residential R-1/4A Acre Zoning District. *Article V Section 125-50.*

We are also requesting a second variance to permit the construction of a two-story addition located off the rear south side of existing house utilizing existing macadam driveway area as indicated on Site Plan Drawing, which complies to all building yard setbacks. However, as a result of the proposed additions and alterations to existing house this project will require a variance for slightly exceeding the maximum building coverage on site calculated at 20.47, where 20% is permitted for Residential ¼ Acre Zoning District. *Article V Section 125-50.*



Please note the ~~balance of all~~ building yard setbacks and impervious surface calculations comply with Zoning District Regulations as noted on Site Plan Drawing. If the variance is granted, we believe there will be no undesirable change in the character of the neighborhood and the covered front porch addition would help improve the overall appearance of existing house and will not be detrimental to any of the adjoining property owners.

Accordingly, enclosed herewith please find the following attachments:

- Application for Building Permit - (1 original & 5 copies)
- Application for a Variance - (1 original & 5 copies)
- Check #119 in the amount of \$350 made payable to the "Town of Bedford", covering the ZBA Filing Fee - (6 copies)
- Check #118 in the amount of \$75 made payable to the "Town of Bedford", covering Building Permit Application Filing Fee - (6 copies)
- Architectural Drawings #1, #2 & #3 including Site Plan / Survey, Existing & Proposed Floor Plans and Exterior Elevation Drawings & Reference Photographs – dated 2/1/16, as prepared by The Helmes Group, LLP – Architects - (6 copies)
- Authorization Letter, dated 2/1/16, allowing The Helmes Group, LLP to act as Owner's Architect & Agent - (6 copies)
- List and Map of surrounding property Owners within 500 feet, including Section, Block, Lot, Name and Address of each property Owner – *To be submitted under separate cover.*

It is my understanding that we will be scheduled to appear before the Zoning Board of Appeals, ZBA on Wednesday, March 2, 2016 at 7:30 p.m. and look forward to presenting this application in order to obtain the required variance to allow the proposed additions and alterations to existing residence be constructed as indicated on Site Plan and Preliminary Design Drawings.

I trust that the above information is in order; however, should you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,  
THE HELMES GROUP, LLP  
  
Steven C. Helmes, AIA  
Architect

SCH:KA Encl.  
cc: Christopher & Allison Suppa, Contract Vendee  
cc: Christopher Sobieski, Equity Partners, Inc., Builder



## ZONING BOARD OF APPEALS

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

### APPLICATION FOR A VARIANCE

- Name of Owner: CHRISTOPHER & ALLISON SUPPA  
Address: 126 VALLEY ROAD, KATONAH, NY 10536  
Telephone/Email: 914-356-7367 CHRISTOPHER\_SUPPA@MASTERCARD.COM
- Name of Applicant, if other than Owner: THE HELMES GROUP, LLP  
Address: 184 KATONAH AVENUE, KATONAH, NY 10536  
Telephone/Email: 914-232-4633 SCH@THEHELMESGROUP.LLP
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):  
STEVEN C. HELMES, AIA THE HELMES GROUP, LLP  
Address: 184 KATONAH AVENUE, KATONAH, NY 10536  
Telephone/Email: 914-232-4633 SCH@THEHELMESGROUP.COM
- Identification Property:  
Street Address: 126 VALLEY ROAD, KATONAH, NY 10536  
Tax ID: 49.18-4, 29 Zoning District: R-1A Total Land Area: 11,293 SF  
Age of the Building 1954  
Is the property located in a designated Historic District? NO  
% of Building Coverage: 20.47 % of Impervious Surface 36%  
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 SOUTH side of VALLEY 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:       125.50      

To Permit:

THE CONSTRUCTION OF A ONE-STORY COVERED FRONT PORCH ADDITION APPROXIMATELY 448 SF LOCATED ON THE NORTH SIDE OF EXISTING HOUSE. AS A RESULT OF THE PORCH ADDITION WHICH ENDOACHES INTO THE FRONT YARD BUILDING SETBACK A VARIANCE IS REQUIRED FOR A 6'-0" ENDOACHMENT PLEASE NOTE, THE BALANCE OF WORK COMPLIES TO ALL BUILDING YARD SETBACKS HOWEVER, THE BUILDING COVERAGE IS OVER BY 0.47% AS INDICATED ON SITE 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      

REFER TO AUTHORIZATION LETTER

Signature of Owner

THE HELMES GROUP, LLP

2-1-18  
Date

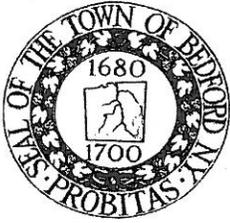


Signature of Applicant

STEVEN C HELMES, AIA

2-1-18  
Date

# LETTER OF PERMIT DENIAL



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

Application #:

Date: 2/4/2016

Parcel ID: 49.18-4-29

## Owner Information

Christopher Suppa & Allison Murphy

## Applicant Information

Christopher Suppa & Allison Murphy  
126 Valley Road

Katonah NY 10536

Location: 126 Valley Rd

Parcel ID: 49.18-4-29

Permit Type: Additions & Alterations

**Work Description:** Additions and alterations to permit construction of a one-story covered front porch and a two-story addition to the existing residence.

Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-1/4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

Additions and alterations to an existing single family residence located in the Residential 1/4 Acre Zoning District will require variances from the Board of Appeals in accordance with Article V Section 125-50 and Article III Section 125-11 to permit the construction of a one-story covered front porch resulting in a front yard setback of 29 feet where 35 feet is required and when combined with the proposed two-story addition will result in building coverage of 20.47% where 20% is permitted. Review by the Town Environmental Consultant confirms that a full wetland permit will be 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:     John and Maija Arbolino  
                  97 Girdle Ridge Drive  
                  Katonah, NY 10536**

for variances of the Town of Bedford Zoning Ordinance to permit:

Additions and alterations to an existing single family residence resulting in (1) a front yard setback of 58 feet where 75 feet is required in the R-4 Acre Zoning District where the existing front yard setback is 53.1 feet; and (2) a front yard setback of 73.5 feet where 75 feet is required in the R-4 Acre Zoning District and a side-front yard setback of 72.8 feet where 75 feet is required in the R-4 Acre Zoning District; and (3) a side-front yard setback of 58 feet where 75 feet is required in the R-4 Acre Zoning District where the existing side-front yard setback is 45.7 feet. The building coverage is existing, non-conforming at 5.13% and will be reduced to 5.03% where 3% is permitted in the R-4 Acre Zoning District. The lot area is existing, non-conforming consisting of 2.889 acres where 4 acres are required in the R-4 Acre Zoning District. This being a variance of Article V Section 125-50 and Article III Section 125-11 for property located on:

**97 Girdle Ridge Drive  
Katonah, NY 10536**

designated as Section 61.11 Block 1 Lot 2 on the Tax Map of the Town of Bedford in a Residential 4-Acre Zoning District. Said hearing will take place on **Wednesday, the 6<sup>th</sup> day of April 2016** 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. 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:** March 15, 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](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)



### ZONING BOARD OF APPEALS

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

RECEIVED

MAR 8 2016

### APPLICATION FOR A VARIANCE

BEDFORD ZONING BOARD

- Name of Owner: John and Maija Arbolino  
Address: 97 Girdle Ridge Rd Katonah, NY, 10536  
Telephone/Email: 914-232-3948 / john-arbolino@hotmail.com
- Name of Applicant, if other than Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone/Email: \_\_\_\_\_
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):  
Lawrence Borges / LUFT Architecture  
Address: 104 Sullivan Street New York NY 10012  
Telephone/Email: 212-353-1320 / larry@luftarc.com
- Identification Property:  
Street Address: 97 GIRDLE RIDGE ~~RD~~ DRIVE  
Tax ID: 61.11-1-2 Zoning District: R-4A Total Land Area: 2.889 ACRES  
Age of the Building 95 YEARS  
Is the property located in a designated Historic District? NO  
% of Building Coverage: EXIST: 5.13% PROPOSED: 5.03% % of Impervious Surface EXIST: 7.19% PROPOSED: 7.08%  
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 S.W side of GIRDLE RIDGE ~~RD~~ within the unincorporated area of the Town of Bedford.

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

Page 2

RECEIVED

MAR 3 2016

BEDFORD ZONING BOARD

**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: III Section: 125-11

**To Permit:**

1. REMOVE UTILITY SHED OF 152 S. F. Attached to Resid.  
2. ADD TO EXISTING COAT ROOM & PORCH 32 S. F. @ front  
side of residence - resulting 73'5" where 75' Road  
3. Raise roof to create office and Hall/corridor  
w/ side front of 45'7" where 75' is  
Required

**6. Plans required:**

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

**7. Public Notice:**

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

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

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential:

✓ \$350.00

Commercial:

\$550.00

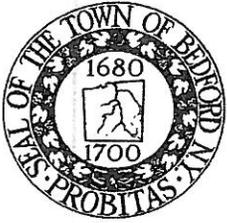
Mary Anne  
Signature of Owner

3/1/16  
Date

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

\_\_\_\_\_  
Date

# LETTER OF PERMIT DENIAL



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

Application #:

Date: 3/3/2016

Parcel ID: 61.11-1-2

## Owner Information

Arbolino, Maija & Debany, Maikki

## Applicant Information

Arbolino, Maija & Debany, Maikki  
97 Girdle Ridge Dr

Katonah NY 10536

Location: 97 Girdle Ridge Dr

Parcel ID: 61.11-1-2

Permit Type: Additions & Alterations

Work Description: Expand kitchen and coatroom/porch. Add attic room above garage, remove floor of second floor room to create cathedral ceiling in family room

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 addition at the property will result in a front yard setback of 58 feet where 75 feet is required (Girdle Ridge Drive) in the R-4 Acre Zoning District; and a side-front yard setback 72.8 feet where 75 feet is required (Girdle Ridge Road) in the R-4 Acre Zoning District. The existing building coverage is non-conforming at 5.13% and will be reduced to 5.03% where 3% is required in the R-4 Acre District. The lot area is existing, non-conforming consisting of 2.889 acres where 4 acres are required in the R-4 Acre Zoning District. Variances of Article III Section 125-11 and Article V Section 125-50 will be 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,

Steven Fraietta  
Building Inspector

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

**Resolution #03-13 Five  
Philip and Marja Liisa Smith  
Demolition and Reconstruction of a Pre-existing, Non-conforming Pool House**

**WHEREAS**, application has been made pursuant to Article III Section 125-11 and Article V Section 125-50 of the Town of Bedford for a variance to permit the demolition and reconstruction of a pre-existing, non-conforming pool house destroyed by fallen trees resulting in a front yard setback of 25' 8" where 75 feet is required in the Residential 4 Acre Zoning District where the existing front yard setback is 25' 8" where 75 feet is required; and building coverage of 4.19% where 3% is permitted where the existing building coverage is pre-existing, non-conforming at 4.19%. The lot area is pre-existing, non-conforming consisting of 2.889 acres where 4 acres are required in a Residential 4 Acre Zoning District, for premises located at 97 Girdle Ridge Road, Katonah, New York 10536, being known and designated on the Tax Maps of the Town of Bedford as Section 61.11 Block 1 Lot 2 in the R-4 Acre Zoning District, and shown on plans submitted on January 30, 2013, and

**WHEREAS**, a public hearing was held on March 6, 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

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

**RESOLVED**, that the application for a variance to permit the demolition and reconstruction of a pre-existing, non-conforming pool house destroyed by fallen trees resulting in a front yard setback of 25' 8" where 75 feet is required in the Residential 4 Acre Zoning District where the existing front yard setback is 25' 8" where 75 feet is required; and building coverage of 4.19% where 3% is permitted where the existing building coverage is pre-existing, non-conforming at 4.19%. The lot area is pre-existing, non-conforming consisting of 2.889 acres where 4 acres are required in a Residential 4 Acre Zoning District, be approved in accordance with the plans submitted on January 30, 2013 and on view at the meeting entitled "Project: Smith Residence, 97 Girdle Ridge Road (Town of Bedford), Katonah, NY 10536," dated 2/1/13, prepared by Larry J. Nardecchia, PE, and because of the following:

1. That the benefit cannot be achieved by another means feasible to the applicant because it is the result of storm damage; and
2. That there will be no undesirable change to the character of the neighborhood or nearby properties because the building will be built in the same location as what is existing; and
3. That the variance request is substantial, but it is nicely planned out from the road; and
4. That the request will not have an adverse physical or environmental effect; and
5. That the alleged difficulty is not self-created because it was caused by a storm.

And, subject to the following conditions:

1. The applicants shall apply for a building permit within one (1) year of the date of the Board's vote on the application and diligently pursue such construction to completion.

**Resolution #03-13 Five**  
**Philip and Marja Liisa Smith**  
**Demolition and Reconstruction of a Pre-existing, Non-conforming Pool House**  
**Page Two**

2. The applicants shall submit an as-built survey to the building department with certified coverage prior to the issuance of a Certificate of Occupancy.
3. The variance is granted in accordance with the plan submitted on January 30, 2013 and on view at the meeting entitled "Project: Smith Residence, 97 Girdle Ridge Road (Town of Bedford), Katonah, NY 10536," dated 2/1/13, prepared by Larry J. Nardecchia, PE.

Vote taken on the foregoing motion was as follows:

Ayes – Mr. Petschek, Ms. Black, Ms. Schaefer, Mr. Michaelis  
Nays – None  
Absent – Mrs. Spano



*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 7-24, 2013.*

  
*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:     **Antioch Homes Housing Development Fund**  
                  **PO Box 232**  
                  **Bedford Hills, NY 10507**

for variances of the Town of Bedford Zoning Ordinance to permit:

The demolition & removal of an existing apartment building, to be replaced with new modular type construction units on a new crawl space foundation utilizing the existing building for the creation of five (5) apartment units. The new structure will have a side yard setback along the south side property line of 1.2 feet where 15 feet is required in the LI Zoning District. The existing structure to be removed has an existing, non-conforming side yard setback ranging from 1.2 feet to 1.5 feet. This being a variance of Article V Section 125-50 for property owned by the applicant and located on:

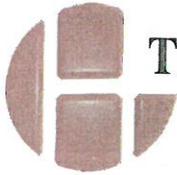
**147 Railroad Avenue**  
**Bedford Hills, NY 10507**

designated as Section 60.14 Block 2 Lot 7 on the Tax Map of the Town of Bedford in a LI Zoning District. Said hearing will take place on **Wednesday, the 6<sup>th</sup> day of April 2016** 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. 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:** March 15, 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](mailto:acostello@bedfordny.gov)  
[www.bedfordny.gov](http://www.bedfordny.gov)



**THE HELMES GROUP, LLP**  
ARCHITECTURE • ENGINEERING  
PROJECT MANAGEMENT

**Hand Delivered**

March 1, 2016

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

RECEIVED

MAR 1 2016

BEDFORD ZONING  
BOARD OF APPEALS

**Project:** Replacement of Existing Apartment Building  
For Antioch Homes, HDFC  
147 Railroad Avenue, Bedford Hills, NY 10507  
Section 60.14, Block 2, Lot 7, Zoning District LI (Light Industrial)

Dear Mr. Michaelis & Members of the Board:

On behalf of our client, Antioch Homes, HDFC and as required by the Building Department, we are making this submission to the Zoning Board of Appeals, (ZBA) requesting a variance of the Town of Bedford Zoning Ordinance as indicated on Preliminary Design Drawings, dated 2/17/16.

We are requesting a side yard variance to permit the replacement of an existing apartment building, which will require a new crawl space foundation utilizing existing building footprint. Thus, resulting in a side yard setback of 1.2 feet where 15 feet is required (pre-existing side yard setback ranges from 1.2 feet to 1.5 feet along west side of property) as indicated on attached drawings. *Article V Section 125-50.*

Please note, since the existing building was constructed in 1930 according to the Assessors Card on file, predating zoning code this building is classified as pre-existing non-conforming with respect to having insufficient building side yard setback.

The proposed building replacement will be of modular type construction consisting of five (5) individual apartment units with separate entrances and will not increase the pre-existing non-conformity of side yard setback and the building height will conform to code. Also, the proposed building and impervious surface coverage calculations on site comply with the LI (Light Industrial) zone district requirements as indicated on Site Plan Drawing / Zoning Data Chart.

If the variance is granted, we believe there will be no undesirable change in the character of the neighborhood and the new apartment building structure will not be detrimental to any of the adjoining property owners.

Accordingly, enclosed herewith please find the following attachments:

- Application for Building Permit - (1 original & 5 copies)
- Application for a Variance - (1 original & 5 copies)
- Check #1325 in the amount of \$75 made payable to the "Town of Bedford", covering Building Permit Application Filing Fee - (6 copies)
- Check #1326 in the amount of \$350 made payable to the "Town of Bedford", covering the ZBA Filing Fee - (6 copies)
- Architectural Drawings #1 & #2 including Site Plan, Floor Plans, Elevations & Photographs – dated 2/17/16, as prepared by The Helmes Group, LLP – Architects - (6 copies)
- Survey of Property dated 1/8/16, prepared by INSITE Engineering, Surveying & Landscape Architecture, P.C., Jeffrey DeRosa, LS., New York State License No. 050749 - (6 copies)
- Authorization Letter allowing The Helmes Group, LLP to act as Owner's Architect & Agent - (6 copies)
- List and Map of surrounding property Owners within 500 feet, including Section, Block, Lot, Name and Address of each property Owner – *To be submitted under separate cover.*

It is my understanding that we will be scheduled to appear before the Zoning Board of Appeals, ZBA on Wednesday, April 6, 2016 at 7:30 p.m. and look forward to presenting this application in order to obtain the required variance to allow the proposed additions and alterations to existing apartment building be constructed as indicated on Site Plan Drawing.

I trust that the above information is in order; however, should you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

THE HELMES GROUP, LLP



Steven C. Helmes, AIA  
Architect

SCH:KA Encl.

cc: Antioch Homes, HDFC – Marion Blount, President



### ZONING BOARD OF APPEALS

Town of Bedford, Westchester County, New York  
425 Cherry Street, Bedford Hills, New York 10507

Alexandra J. Costello, Secretary  
914-666-4585; 914-666-2026 FAX  
[acostello@bedfordny.gov](mailto:acostello@bedfordny.gov)

RECEIVED

MAR 1 2016

BEDFORD ZONING  
BOARD OF APPEALS

### APPLICATION FOR A VARIANCE

1. Name of Owner: ANTIOCH HOMES, H.D.P.C.

Address: 147 RAILROAD AVENUE, BEDFORD HILLS, NY

Telephone/Email: 914-241-0189 MLBLOUNTG5@GMAIL.COM

2. Name of Applicant, if other than Owner: THE HELMES GROUP, LLP

Address: 184 KATONAH AVENUE, KATONAH, NY 10536

Telephone/Email: 914-232-4633 / SCH@THEHELMESGROUP.COM

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

THE HELMES GROUP, LLP

Address: 184 KATONAH AVENUE, KATONAH, NY 10536

Telephone/Email: 914-232-4633 / SCH@THEHELMESGROUP.COM

4. Identification Property:

Street Address: 147 RAILROAD AVENUE, BEDFORD HILLS, NY 10507

Tax ID: 60.14-2-7 Zoning District: LI Total Land Area: 38,062.50 SF

Age of the Building 1930

Is the property located in a designated Historic District? NO.

% of Building Coverage: 12.47 % of Impervious Surface 31.04%

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 SOUTH side of RAILROAD AVENUE 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:       125-50      

To Permit:

DEMOLITION & REMOVAL OF EXISTING APARTMENT BUILDING  
WHICH IS BEING REPLACED WITH NEW MODULAR TYPE  
CONSTRUCTION UNITS ON NEW CRAWLSPACE FOUNDATION  
UTILIZING EXISTING BUILDING FOOTPRINT FOR CREATING  
FIVE (5) APARTMENT UNITS AS INDICATED ON DRAWINGS.  
& THIS APPLICATION REQUIRES A SIDE YARD VARIANCE,  
PRE-EXISTING NON-CONFORMING SIDE YARD SETBACK.

6. Plans required:

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

7. Public Notice:

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

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

**Variance**

(As required by Fee Schedule Town of Bedford Code)

Residential:

Commercial:

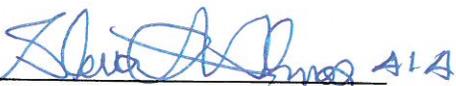
RECEIVED  
MAR 1 2016  
BEDFORD ZONING  
BOARD  
\$350.00 ✓  
\$550.00

REFER TO AUTHORIZATION LETTER

Signature of Owner

Date

2-22-18



Signature of Applicant

Date

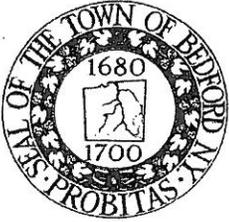
2-22-18

STEVEN C. HELMES, AIA

Rev. 5/18/10

THE HELMES GROUP, LLP

# LETTER OF PERMIT DENIAL



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

Application #:

Date: 3/15/2016

Parcel ID: 60.14-2-7

## Owner Information

Antioch Baptist Church

## Applicant Information

Antioch Baptist Church  
PO BOX 232

Bedford Hills NY 10507

Location: 147 Railroad Ave

Parcel ID: 60.14-2-7

Permit Type: Apartment

**Work Description:** Demolition & removal of existing apartment building, to be replaced with new modular type construction units on new crawl space foundation utilizing the existing building

Dear Resident,

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

The proposed structure for the creation of five (5) apartment units will result in a side yard setback along south side property line of 1.2 feet where 15 feet is required in the LI Zoning District. The existing structure to be removed has an existing, non-conforming side yard setback ranging from 1.2 feet to 1.5 feet. The proposal will require a variance of Article V Section 125-50 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,

Steven Fraietta

Building Inspector