



TOWN OF BEDFORD

www.bedfordny.gov

AGENDA

BEDFORD ZONING BOARD OF APPEALS
425 Cherry Street, 2nd Floor Conference Room
Bedford Hills, New York 10507
WEDNESDAY, September 7, 2016

7:30 P.M.

MINUTES: June 1, 2016, July 13, 2016

CARRYOVER APPLICATIONS:

7:30 P.M. – 7:45 P.M.

Amended Application:

1. Michael A. Kalman, 300 McLain Street, Bedford Hills, NY 10507. Section 72.9 Block 1 Lot 2, R-2 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit the complete replacement of a pre-existing, non-conforming 6-foot solid board fence with a new 6-foot solid board fence in the same location which is situated less than 10 feet behind an existing rubble stone wall resulting in the combined height of 7 feet in some locations where 4 feet is permitted when the fence is located less than 20 feet from the front property line. Article III Section 125-15A. (1) (b) (3) (g).

NEW APPLICATIONS:

7:45 P.M. – 8:00 P.M.

1. Kimberly Hadney and Benjamin Ramirez, 15 David Lapsley Road, Bedford, NY 10506. Section 84.10 Block 1 Lot 14, R-1/4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of a new deck with pergola at the front of an existing residence resulting in a front yard setback of 33 feet where 35 feet are required in the R-1/4 Acre Zoning District where the existing front yard setback is non-conforming at 32.5 feet. The existing residence is pre-existing, non-conforming for the front and rear yard setbacks in the R-1/4 Acre Zoning District. Article III Section 125-11 and Article V Section 125-50.

8:00 P.M. – 8:15 P.M.

2. Estate of Joseph Epstein, 11 Franklin Drive, Bedford Hills, NY 10507. Section 60.9 Block 2 Lot 17, R-1/2 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the legalization of an existing one car garage (312 square feet) resulting in a side yard setback of 19 feet 4 inches where 20 feet is required in the Residential 1/2 Acre Zoning District. Article V Section 125-50.

BEDFORD ZONING BOARD OF APPEALS

Wednesday, September 7, 2016

Page Two

8:15 P.M. – 8:30 P.M.

3. Joseph and Angela Russo, 4 Ashby Place, Katonah, NY 10507. Section 49.19 Block 1 Lot 33, R-1/4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the construction of a covered front entry portico resulting in a front yard setback of 19.5 feet where 35 feet are required in the R-1/4 Acre Zoning District where the existing front yard setback is non-conforming at 22.5 feet. The existing residence is pre-existing, non-conforming for the front yard setback and both side yard setbacks and is located on a pre-existing, non-conforming lot consisting of 7,500 square feet where 10,000 square feet is required in an R-1/4 Acre Zoning District. Article III Section 125-11 and Article V Section 125-50

8:30 P.M. – 8:45 P.M.

4. Dogwood South LLC (Applicant-Contract Vendee) and Krista and Juan Briano (Owners), 732 Old Post Road, Bedford, NY 10506. Section 73.19 Block 1 Lot 10, R-4 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit the maintenance of four (4) horses on a 5.008 acre parcel consisting of 2.143 acres in the R-4 Acre Zoning District and 2.863 acres in the R-2 Acre Zoning District. Article II Section 125-7 and Article III Section 125-25 (B) (3).

8:45 P.M. – 9:00 P.M.

5. Gretchen and Timothy Goodall, 22 Hillside Avenue, Katonah, NY 10536. Section 49.19 Block 2 Lot 40, R-1/4 Acre Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the expansion of the kitchen at the rear of a single family residence resulting in a side yard setback of 6.0 feet where 15 feet is required in the R-1/4 acre Zoning District where the existing side yard setback for the residence at the location of the addition is 6.0 feet. The residence has existing, non-conforming side yard setbacks of 1.4 feet where 15 feet is required and 16.7 feet where 20 feet is required in the R-1/4 Acre Zoning District. The lot area is non-conforming consisting of 9,395 square feet where 10,000 square feet is required in the R-1/4 acre Zoning District. Article V Section 125-511

9:00 P.M. – 9:15 P.M.

5. 326 South Bedford Road LLC, 326 South Bedford Road, Bedford Corners, NY 10549. Section 83.13 Block 1 Lot 7, R-4 Acre Zoning District. The applicant requests a variance of the Town of Bedford Zoning Ordinance to permit the demolition of an existing greenhouse and the remains of an existing one story frame building and the reconstruction and expansion of an existing accessory structure (barn) to be used as recreational space to include a basketball court and lounge resulting in building coverage of 3.428% where 3% is permitted in the Residential 4 Acre Zoning District. The approved building coverage is 3.428% granted by Resolution #10-15 Three. This being a variance of Article III Section 125-11 and Article V Section 125-50; and the installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower), washer dryer, and wet bar (1 sink) where plumbing in accessory structures is prohibited. This being a variance of Article I Section 3 Definition of Studio

Supporting documentation for all items on this agenda is available at the Town of Bedford website www.bedfordny.gov. Town Government –Boards--Zoning Board of Appeals-Calendar of Meetings. Larger documents and plans are available at the office of the 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: **Michael A. Kalman**
300 McLain Street
Bedford Hills, NY 10507

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

The amended application requesting the complete replacement of a pre-existing, non-conforming 6-foot solid board fence with a new 6-foot solid board fence in the same location which is situated less than 10 feet behind an existing rubble stone wall resulting in the combined height of 7 feet in some locations where 4 feet is permitted when the fence is located less than 20 feet from the front property line. This being a variance of Article III Section 125-15 A. (1) (b) (3) (g) for property located on:

300 McLain Street
Bedford Hills, NY 10507

designated as Section 72.9 Block 1 Lot 2 on the Tax Map of the Town of Bedford in a R-2 Acre Zoning District.

Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd

Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of

or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or

their representative must be present. NOTE: All presentations from all Applicants will be limited to 15 minutes.

Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: August 23, 2016

Peter Michaelis, Chair
Town of Bedford Zoning Board of Appeals

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



ZONING BOARD OF APPEALS

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

APPLICATION FOR A VARIANCE

RECEIVED

MAY 16 2016

BEDFORD ZONING BOARD OF APPEALS

1. Name of Owner: Michael A. Kalman

Address: 300 McLain St Bedford Hills

Telephone/Email: goldac1@gmail.com

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

Address: _____

Telephone/Email: _____

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

Terry Bergendorff Collins

Address: 52 Starr Ridge Rd, Brewster, NY 10509

Telephone/Email: ?

4. Identification Property:

Street Address: 300 McLain St

Tax ID: 72.9-1-2 Zoning District: 2A Total Land Area: 5.90

Age of the Building 110 yrs; fence approx. 40 years

Is the property located in a designated Historic District? No

% of Building Coverage: _____ % of Impervious Surface _____

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

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

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

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

Page 2

RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS

5. Request:

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

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

To Permit:

Replacement of a dilapidated fence located
behind an existing stone wall, which was also
repaired resulting in an overall height of 7'

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

Margaret A. Kalman
Signature of Owner

5/27/16
Date

Signature of Applicant

Date

CHRISTINE AND JOHN BEACH

Dear Alex,

Regarding The Fence Installed At 300 McLain Street
Bedford Hills The Same 6' High Stockade Fence Was Installed
By My Parents over 40 Years Ago. The Fence Has
Been Repaired Several Times Due To Falling Trees And Car
Accidents. Should You Require Further Information Please
Feel Free To Contact Me

RECEIVED

MAY 13 2016

BEDFORD ZONING
BOARD OF APPEALS

Sincerely,

John C. Beach

LETTER OF PERMIT DENIAL



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

Application #:

Date: 6/16/2016

Parcel ID: 72.9-1-2

Owner Information

Kalman, Michael

Applicant Information

Kalman, Michael

300 Mclain St

Bedford Hills NY 10507

Location: 300 Mclain St

Parcel ID: 72.9-1-2

Permit Type: Fence

Work Description: Six foot Stockade fence to replace existing six foot stockade fence in the same location

Dear Resident,

Regarding the application for a Fence Permit on the property referenced above, the following facts are noted. This property is located in R-2A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The partial replacement of a pre-existing, non-conforming 6-foot solid board fence with a new 6-foot solid board fence in the same location located less than 10 feet behind an existing rubble stone wall resulting in the combined height of 7 feet in some locations where 4 feet is permitted when the fence is located less than 20 feet from the front property line. A variance of Article III Section 125-15 A. (1) (b) and (3) (g) is required from the Board of Appeals.

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

Very truly yours,

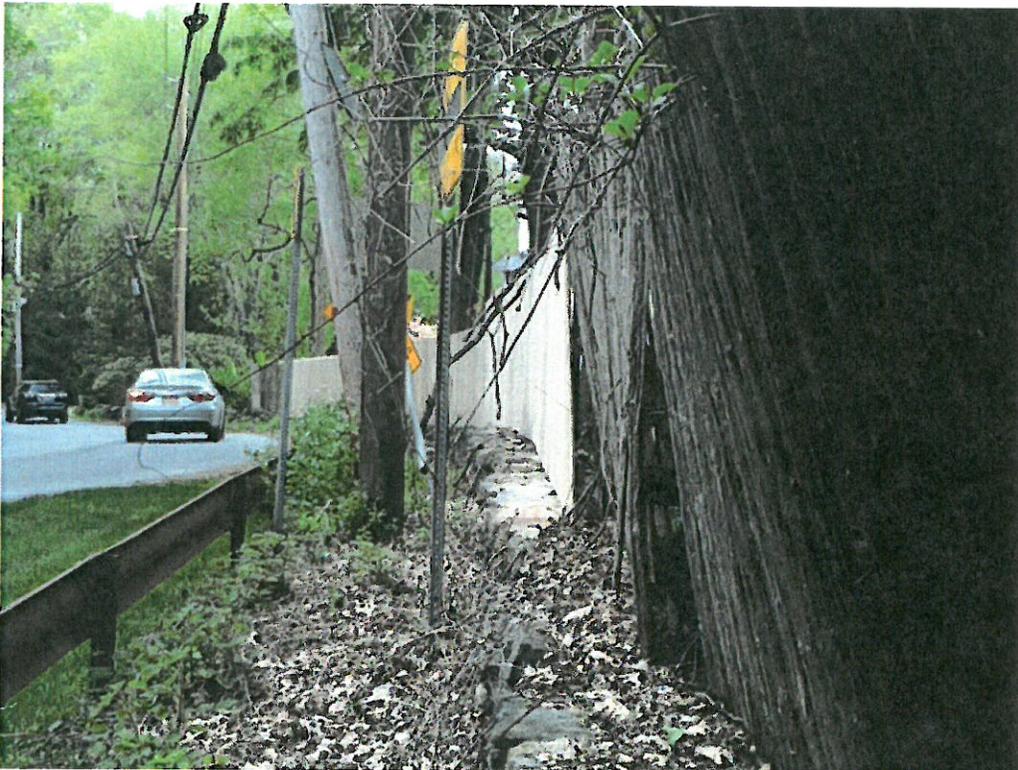
Alberto Ciraco
Building Inspector

Costello, Alex

From: goldoc1@gmail.com
Sent: Monday, May 16, 2016 7:50 PM
To: Costello, Alex
Subject: 300 McLain fence

[Download full resolution images](#)
[Available until Jun 15, 2016](#)

RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS



Robble
wall
Behind ~~the~~ wall
one foot a maximum



RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS

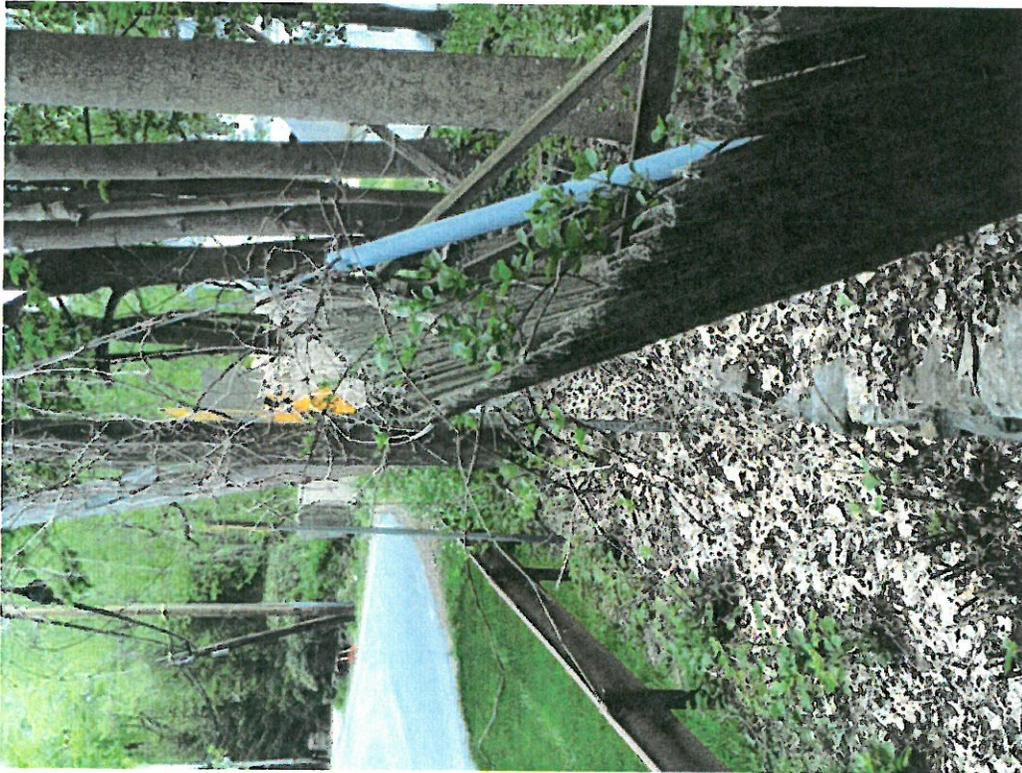




RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS

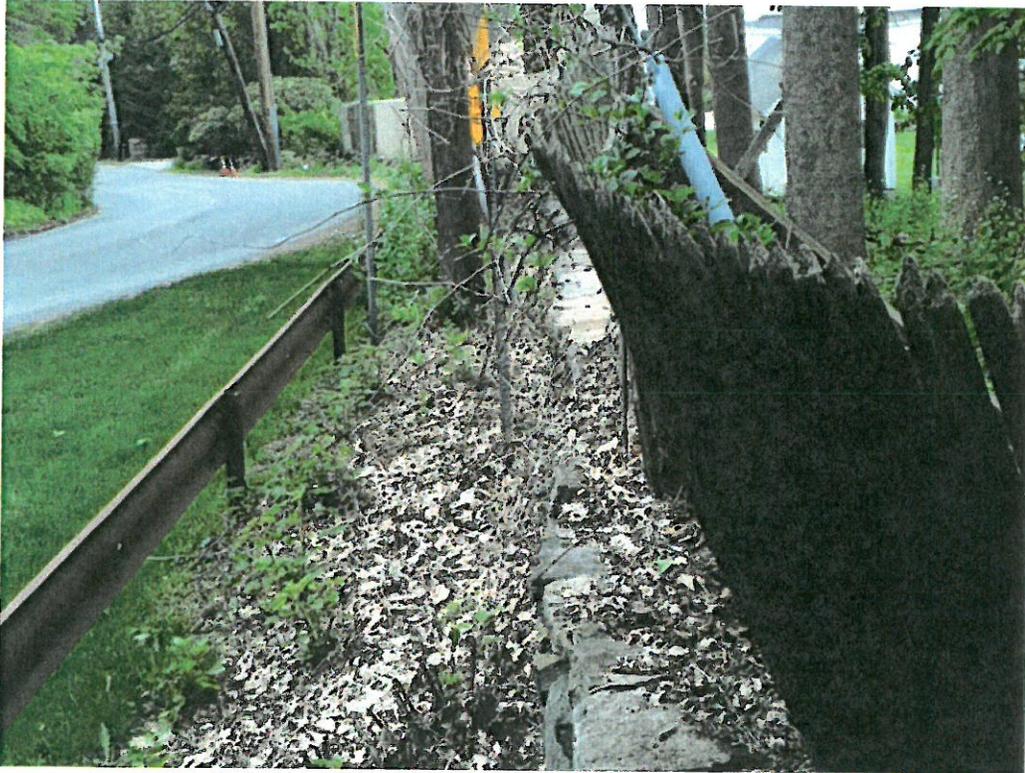


RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS





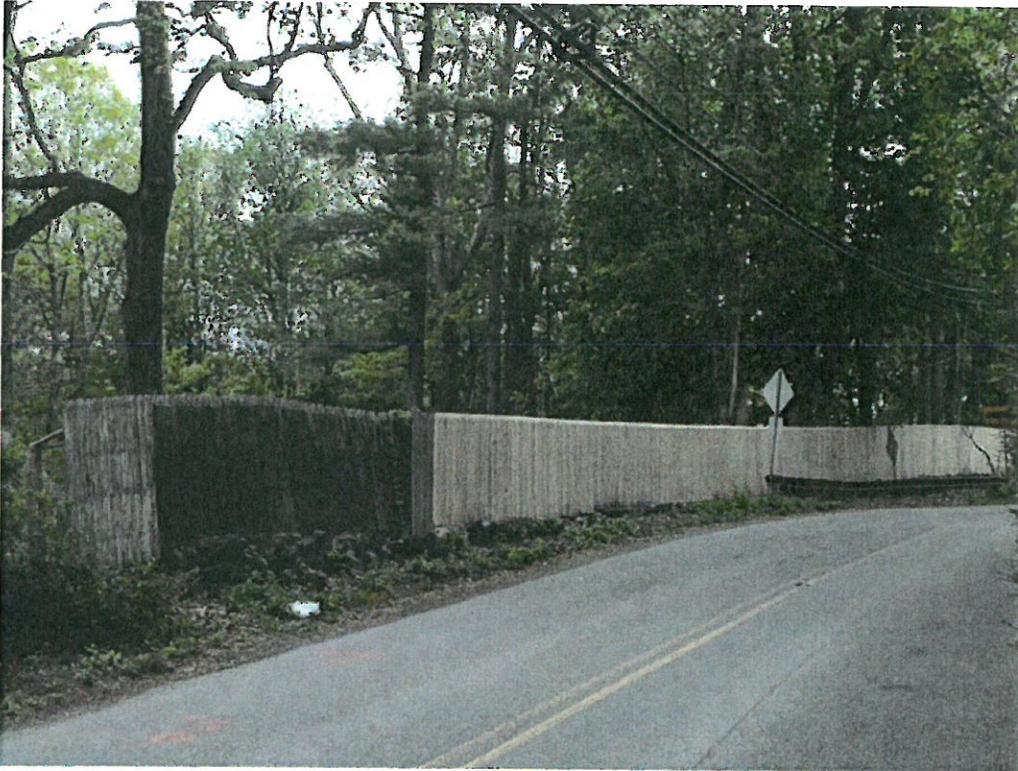
RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS





RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS





Sent from my iPhone

RECEIVED
MAY 16 2016
BEDFORD ZONING
BOARD OF APPEALS

PUBLIC NOTICE

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

Request of: **Kimberly Hadney and Benjamin Ramirez**
15 David Lapsley Road
Bedford, NY 10506

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

The construction of a new deck with pergola at front of an existing residence resulting in a front yard setback of 33 feet where 35 feet are required in the R-1/4 Acre Zoning District where the existing front yard setback is non-conforming at 32.5 feet. The existing residence is pre-existing, non-conforming for the front and rear yard setbacks in the R-1/4 Acre Zoning District. This being a variance of Article III Section 125-11 and Article V Section 125-50 for property owned by the applicants and located on:

15 David Lapsley Road
Bedford, NY 10506

designated as Section 84.10 Block 1 Lot 14 on the Tax Maps of the Town of Bedford in a Residential 1/4 Acre Zoning District. Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard.

Attendance at said hearing is not required. Applicants or their representative must be present. NOTE:

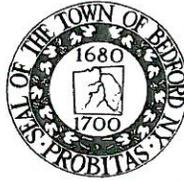
All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: August 16, 2016

Peter Michaelis, Chair
Town of Bedford Zoning Board of Appeals

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

pa # 101
Receipt
2489



ZONING BOARD OF APPEALS

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

RECEIVED
AUG 8 2016
BEDFORD ZONING
BOARD OF APPEALS

APPLICATION FOR A VARIANCE

- Name of Owner: KIM HADNEY & BENJAMIN RAMIREZ
Address: 15 DAVID LAPSLEY RD. BEDFORD, NY 10506
Telephone/Email: (917) 558-7856 ; (914) 714-9623 /
- Name of Applicant, if other than Owner: Khadney@hotmail.com
Address: _____
Telephone/Email: _____
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):

Address: _____
Telephone/Email: _____
- Identification Property:
Street Address: 15 DAVID LAPSLEY RD. , BEDFORD , NY 10506
Tax ID: 84.10-1-14 Zoning District: 1/4 Total Land Area: 21,755.9 ~~Ø~~
Age of the Building 1952 .50 acres
Is the property located in a designated Historic District? NO
% of Building Coverage: 8.7% % of Impervious Surface 8.7%
Property Abuts a State or County highway, parkway, thruway or park: Yes ___ No ✓
Property is within 500 feet of the boundary of the Town of Bedford: Yes: ___ No: ✓
Property is on the NORTH-EAST side of _____ within the unincorporated area of the Town of Bedford.

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

Page 2

RECEIVED

AUG 8 2016

BEDFORD ZONING
BOARD OF APPEALS

5. Request:

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

Article: 221 Section: 125-11

To Permit:

the construction of a small deck
with Pergola (trellis) on front of house
adjacent/attached to current front steps/entrance.
33 foot front yard setback per
verbal confirmation from Serge @

6. Plans required:

~~5/10/16~~ Big Apple Land Survey

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

Kimberly L. Hadway
Benzonkeny
Signature of Owner

8/7/16

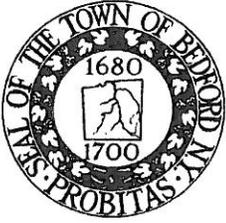
8/7/16

Date

Signature of Applicant

Date

LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/12/2016

Parcel ID: 84.10-1-14

Owner Information

Ramirez, Benjamin & Hadney, Kimberly

Applicant Information

Ramirez, Benjamin & Hadney, Kimb
15 David Lapsley Rd

Bedford NY 10506

Location: 15 David Lapsley Rd

Parcel ID: 84.10-1-14

Permit Type: Addition

Work Description: Addition of new deck with pergola at front and enclose existing open porch with screens

Dear Resident,

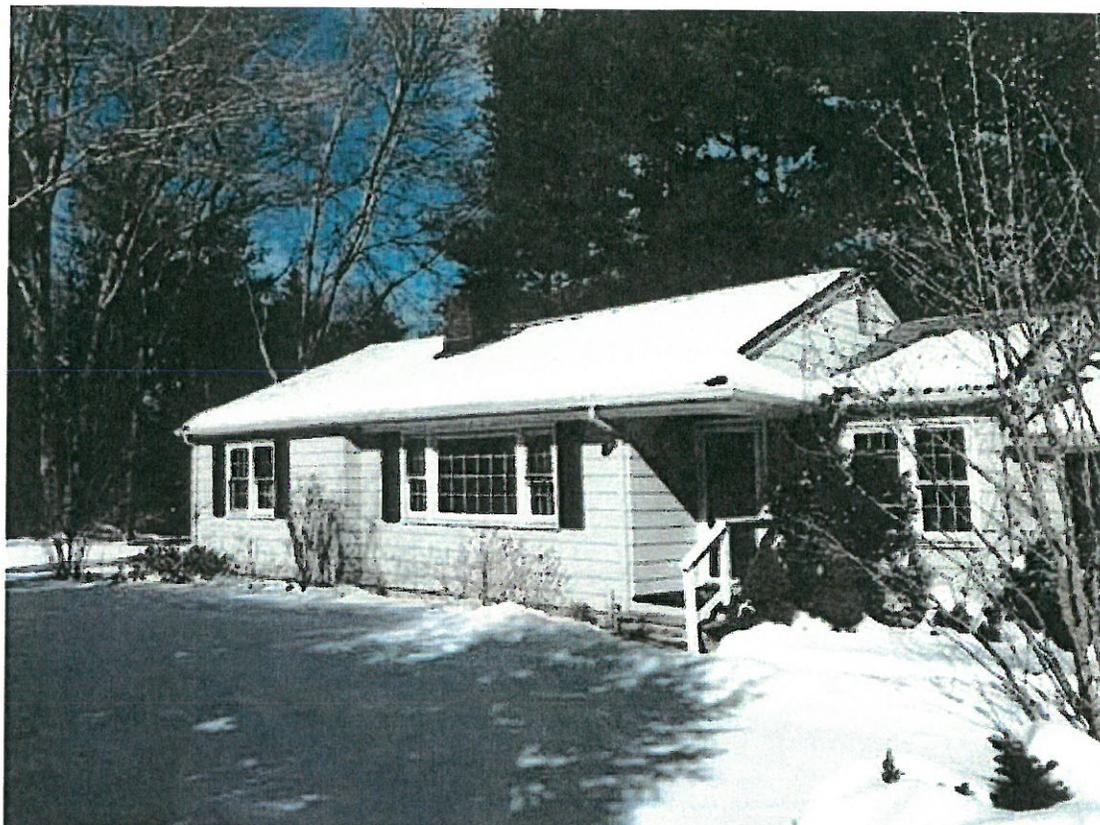
Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-1/4A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The addition of a new deck with pergola at the front of the residence will result in a front yard setback of 33.0 feet where 35 feet is required in the R-1/4 Acre Zoning District where the existing front yard setback is pre-existing, non-conforming at 32.5 feet in accordance with Article III Section 125-11 and Article V Section 125-50.

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

Very truly yours,

Alberto Ciraco
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: **Estate of Joseph Epstein
c/o Edward Krupnik
208 Beverly Road
White Plains, NY 10605**

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

The legalization of an existing one car garage (312 square feet) resulting in a side yard setback of 19 feet 4 inches where 20 feet is required in the Residential 1/2 Acre Zoning District in accordance with Article V Section 125-50 for property located on:

**11 Franklin Drive
Bedford Hills, NY 10507**

designated as Section 60.9 Block 2 Lot 17 on the Tax Maps of the Town of Bedford in a Residential 1/2 Acre Zoning District. Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard.

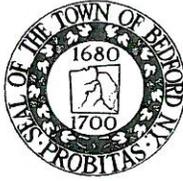
Attendance at said hearing is not required. Applicants or their representative must be present. NOTE:

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

DATED: August 9, 2016
Corrected notice August 16, 2016

Peter Michaelis, Chair
Town of Bedford Zoning Board of Appeals

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



ZONING BOARD OF APPEALS

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

APPLICATION FOR A VARIANCE

- Name of Owner: ESTATE OF JOSEPH EPSTEIN
Address: 208 BEVERLY ROAD WHITE PLAINS, NY 10605
Telephone/Email: 914-831-5111 / ephrpnikr@gmail.com
- Name of Applicant, if other than Owner: _____
Address: _____
Telephone/Email: _____
- Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
ARISTOTLE BOURNAZOS PC
Address: 20 CEDAR STREET NEW ROCHELLE, NY 10801
Telephone/Email: 914 633 9100 / ABSURV@aol.com
- Identification Property:
Street Address: 11 FRANKLIN DRIVE
Tax ID: 60.9-2-17 Zoning District: RESIDENTIAL 1/2 ACRE Total Land Area: 1.98
Age of the Building GARAGE 3/2015 HOUSE 1955
Is the property located in a designated Historic District? No
% of Building Coverage: 3.04% % of Impervious Surface 3.12%
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.

RECEIVED
JUL 8 2016
BEDFORD ZONING
BOARD OF APPEALS

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

Page 2

5. Request:

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

Article: 125 Section: 129(C)(2)

To Permit:

LEGALIZATION OF AN EXISTING SHED LOCATED
WITHIN PROPERTY LINE BUFFER ZONE

6. Plans required:

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

7. Public Notice:

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

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

Variance

(As required by Fee Schedule Town of Bedford Code)

Residential:

\$350.00 ✓

Commercial:

\$550.00

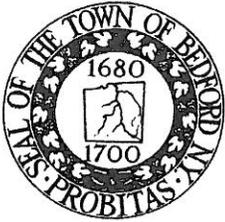
Edward Kupmil, Executor
Signature of Owner

07/08/16
Date

Signature of Applicant

Date

LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/5/2016

Parcel ID: 60.9-2-17

Owner Information

Epstein Trust, Joseph

Applicant Information

Epstein Trust, Joseph

c/o Edward Krupnik

208 Beverly Rd

White Plains NY 10605

Location: 11 Franklin Dr

Parcel ID: 60.9-2-17

Permit Type: Addition

Work Description: Legalization of one-bay garage

Dear Resident,

Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-1/2A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The one-bay garage has a side yard setback of 19 feet 4 inches where 20 feet is required in the R-1/2 Acre Zoning District in accordance with Article V Section 125-50 and will require a variance from the Board of Appeals.

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

Very truly yours,

Alberto Ciraco

Building Inspector

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: **Joseph and Angela Russo**
4 Ashby Place
Katonah, NY 10536

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

The construction of a covered front entry portico resulting in a front yard setback of 19.5 feet where 35 feet are required in the R-1/4 Acre Zoning District where the existing front yard setback is non-conforming at 22.5 feet. The existing residence is pre-existing, non-conforming for the front yard setback and both side yard setbacks and is located on a pre-existing, non-conforming lot consisting of 7,500 square feet where 10,000 square feet is required in an R-1/4 Acre Zoning District. This being a variance of Article III Section 125-11 and Article V Section 125-50 for property owned by the applicants and located on:

4 Ashby Place
Katonah, NY 10536

designated as Section 49.19 Block 1 Lot 33 on the Tax Maps of the Town of Bedford in a Residential 1/4 Acre Zoning District. Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard.

Attendance at said hearing is not required. Applicants or their representative must be present. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: August 16, 2016

Peter Michaelis, Chair
Town of Bedford Zoning Board of Appeals

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



Call # 1779
Receipt 2486

RECEIVED
AUG 1 2016
TOWN OF BEDFORD, WESTCHESTER COUNTY, NEW YORK
CHERRY STREET, BEDFORD HILLS, NEW YORK 10507
ALEXANDRA J. COSTELLO, SECRETARY
914-666-4585; 914-666-2026 FAX
acostello@bedfordny.gov

APPLICATION FOR A VARIANCE

1. Name of Owner: MR/MRS J & T RUSSO
Address: 4 ASHBY PLACE - KATONAH, NY 10536
Telephone/Email: 646-772-7270

2. Name of Applicant, if other than Owner: SAME AS ABOVE
Address: _____
Telephone/Email: _____

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor or Landscape Architect):
FREDERICK L. PHILOPONA LIA ARCHITECT PLLC
Address: 7 OVERHILL ROAD, MT. VERNON, NEW YORK 10552
Telephone/Email: 914-441-6633 Cell #

4. Identification Property:
Street Address: 4 ASHBY PLACE, KATONAH, NY 10536
Tax ID: 49.19-01 33 Zoning District: Y4 Total Land Area: _____
Age of the Building _____
Is the property located in a designated Historic District? YES
% of Building Coverage: _____ % of Impervious Surface _____
Property Abuts a State or County highway, parkway, thruway or park: Yes _____ No
Property is within 500 feet of the boundary of the Town of Bedford: Yes: _____ No:
Property is on the _____ side of _____ within the unincorporated area of the Town of Bedford.

RECEIVED
AUG 2 2016
BEDFORD ZONING BOARD OF APPEALS

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

Page 2

5. Request:

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

Article: III Section: 125-11

To Permit:

TO PERMIT ONE FRONT entry canopy with structural support columns on stone side-walls to match existing. (See supporting plans.

RECEIVED
AUG 2 2016
BEDFORD ZONING BOARD OF APPEALS

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.

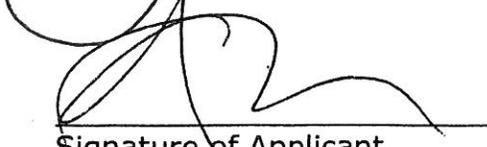
8. Fees: (make checks payable to the Town of Bedford)

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



Signature of Owner

8/1/16
Date



Signature of Applicant

08/01/16
Date

Memo

To: Alberto Ciraco, Building Inspector
Jeff Osterman, Director of Planning

From: John Stockbridge, Chairman
Historic Building Preservation Commission

Date: July 28, 2016

Re: Owners/Applicants: Russo, Joseph and Angela
New Second and Third Story Windows on Front of Residence
and New Front Entry
4 Ashby Place, Katonah
Section 49.19 Block 1 Lot 33, R-1/4A Zone

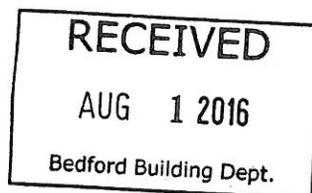
Plans: Drawings prepared by Fred Philopena, Architect, received on 2/26/16,
titled "Front Elevation" and 2nd Floor Plan.

I have reviewed this project and have determined that it does not require referral to the
Historic Building Preservation Commission.

RECEIVED

AUG 5 2016

BEDFORD ZONING
BOARD OF APPEALS



LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/11/2016

Parcel ID: 49.19-1-33

Owner Information

Russo, Joseph and Angela

Applicant Information

Russo, Joseph and Angela

4 Ashby Pl

Katonah NY 10536

Location: 4 Ashby Pl

Parcel ID: 49.19-1-33

Permit Type: Additions & Alterations

Work Description: Add/Alt. to residence (relocated master bath/closets, remodel kitchen/laundry center & relocation of front elevation windows & new covered front entry portico.

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:

The addition of a new front entry portico will result in a front yard setback of 19.5 feet where 35 feet are required in the R-1/4 Acre zoning district where the existing front yard setback is non conforming at 22.5 feet. The existing residence is pre-existing, non-conforming for the front yard setback and both side yard setbacks and is located on a pre-existing, non-conforming lot of 7,500 square feet where 10,000 square feet is required in an R-1/4 Acre District in accordance with Article III Section 125-11 and Article V Section 125-50

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

Very truly yours,

Alberto Ciraco
Building Inspector

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

**Resolution #07 – 06 Four
Christopher and Alexis Roberts**

WHEREAS, application has been made pursuant to Article V Section 125-50 and Article III Section 125-11 of the Code of the Town of Bedford for a variance to permit the construction of a two-story addition to the rear of an existing residence resulting in (1) a side yard setback of 9.94 feet where 15 feet is required and (2) a side yard setback of 16.88 feet where 20 feet is required where the existing residence has pre-existing, non-conforming front yard and side yard setbacks and is located on a pre-existing, non-conforming lot of 7,500 square feet where 10,000 square feet is required for premises located at 4 Ashby Place, Katonah, New York 10536, being known and designated on the Tax Map of the Town of Bedford as Section 49.19 Block 1 Lot 33 in the Residential 1/4 Acre District, and shown on a site plan submitted on May 31, 2006, and

WHEREAS, a public hearing was held on July 12, 2006 at which time all those present wishing to speak were given an opportunity to be heard, and

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

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

RESOLVED, that the application for a variance to permit the construction of a two-story addition to the rear of an existing residence resulting in (1) a side yard setback of 9.94 feet where 15 feet is required and (2) a side yard setback of 16.88 feet where 20 feet is required where the existing residence has pre-existing, non-conforming front yard and side yard setbacks and is located on a pre-existing, non-conforming lot of 7,500 square feet where 10,000 square feet is required, be approved in accordance with the plans received entitled "Roberts Residence, 4 Ashby Place, Katonah, N.Y." prepared by Alta Indelman, Architect dated 5/25/06, because of the following:

1. That the benefit cannot be achieved by another means feasible to the applicant because the house is non-conforming and the construction of the two-story addition will not increase the non-conformity; and
2. That there will be no undesirable change to the neighborhood or nearby properties; and
3. That the request is substantial, however, it will not increase the present non-conformity; and

Resolution #07 – 06 Four Christopher and Alexis Roberts
Page Two

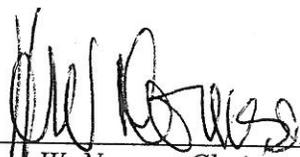
- 4. That the request will not have an adverse physical or environmental effect due to the fact that the house is an older dwelling which pre-dates the zoning code; and
- 5. That even though the alleged difficulty is self-created, this is only one of the factors to be considered by the Board in making its decision.

And, subject to the following conditions:

- 1. That the applicant apply for a building permit within one (1) year of the date of the Board's vote on the application and diligently pursue such application to completion.

Vote taken on the foregoing motion was as follows:

Ayes – Mr. McGovern, Mr. Menken, Mrs. Spano, Mr. Michaelis, Mrs. Nourse.
Nays – None



Hazel W. Nourse, Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 4-5, 2007.



Alexandra J. Costello, Secretary
Zoning Board of Appeals

PUBLIC NOTICE

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

Request of: **Dogwood South LLC (Applicant-Contract Vendee)**
Krista and Juan Briano (Owners)
732 Old Post Road
Bedford, NY 10506

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

The maintenance of four (4) horses on a 5.008 acre parcel consisting of 2.143 acres in the R-4 Acre Zoning District and 2.863 acres in the R-2 Acre Zoning District. This requiring variances of Article II Section 125-7 and Article III Section 125-25 (B) (3) for property located on:

732 Old Post Road
Bedford, NY 10506

designated as Section 73.19 Block 1 Lot 10 on the Tax Maps of the Town of Bedford in a Residential 2 Acre and 4 Acre Zoning Districts. Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: August 16, 2016

Peter Michaelis, Chair
Town of Bedford Zoning Board of Appeals

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



ZONING BOARD OF APPEALS

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

RECEIVED
AUG 4 2016

BEDFORD ZONING
BOARD OF APPEALS

APPLICATION FOR A VARIANCE

1. Name of Owner: Krista and Juan Briano

Address: 98 Springhurst Road, Bedford, NY 10507

Telephone/Email: 914-234-2885 / kb.briano@gmail.com
2. Name of Applicant, if other than Owner: Dogwood South, LLC

Address: 732 Old Post Road, Bedford, NY 10506

Telephone/Email: 914-234-4459 / lisaclaire.sigal@gmail.com
3. Name of Professional ~~(New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect)~~
~~XXXXXXXXXXXXXXXXXXXX~~
Barry G. Naderman, P.E. - Naderman Land Planning & Engineering, P.C.

Address: 1 Deans Bridge Road, Somers, NY 10589

Telephone/Email: 914-245-5403 / bgn@naderman.com
4. Identification Property:

Street Address: 732 Old Post Road, Bedford, NY 10506

Tax ID: 73.19-1-10 Zoning District: R-4A & R-2A

Total Land Area: 5.006

% of Building Coverage: 1.81% in R-4A 3.29% in R-4A
1.90% in R-2A % of Impervious Surface 5.59% in R-2A

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

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

Property is on the West side of Old Post Road within the unincorporated area of the Town of Bedford.

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

Page 2

RECEIVED

AUG 4 2016

BEDFORD ZONING

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: II Section: 125-7
 III Section: 125-25.B.(3)

To Permit:

To allow 4 horses on a 5.008 ac. parcel consisting of 2.143 acs. in the R-4A Zone and 2.863 acs. in the R-2A Zone.

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 Authorization Letter Attached

Signature of Owner

Date


Signature of Applicant

8/3/2016
Date

§ 125-7. Lots in two or more districts or municipalities.

Where a lot is divided by one or more zoning district or municipal boundary lines, any building or land use established thereon shall comply with the regulations of the district in which such building or land use is located. All requirements of this chapter, including yards and other dimensional requirements, shall be met on property located within the Town.

§ 125-8. Order of restrictiveness of districts.

For purposes of this chapter, the terms "more restrictive" and "less restrictive" refer to the order in which the residential districts are listed in § 125-4 of this Article, the first named being the most restrictive.

ARTICLE III**Applicability; General Regulations****§ 125-9. Minimum requirements.**

In interpreting and applying this Zoning Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety and general welfare. This chapter shall not be deemed to affect, in any manner whatsoever, any easements, covenants or other agreements between parties, except that, where this chapter imposes a greater restriction upon the use of structures or land or upon the erection, construction, establishment, moving, alteration or enlargement of structures than those which are imposed by easements, covenants or agreements or by public ordinances, rules, regulations, licenses, certificates or other authorizations, the provisions of this Zoning Ordinance shall prevail.

§ 125-10. Conformance required.

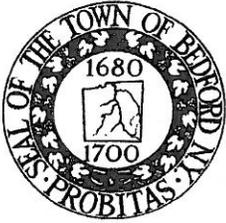
No structure shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water or structure be used, designed or arranged to be used, for any purpose except in accordance with this Zoning Ordinance and with the requirements stated in this Zoning Ordinance for the district in which such building or land is located.

§ 125-11. Nonconforming uses and structures.

- A. Continuing of existing nonconforming uses. Any lawful use of a structure or of land existing on the effective date of this chapter may be continued even though such use does not conform with the use provisions of this chapter. Such uses shall be deemed nonconforming uses.
- B. Nonconforming use of land. Where no structure is involved, the nonconforming use of land may be continued, provided that:
 - (1) Such nonconforming use shall not be enlarged or increased, nor shall it be extended to occupy a greater area of land than occupied by such use at the time of the adoption of this chapter.

- (1) Fowl (such as chickens and ducks).
 - (a) The maintenance of 12 or fewer fowl is permitted as an accessory use in the R-1/2A, R-1A, R-2A and R-4A Districts. No roosters shall be permitted in the R-1/2A and R-1A Districts.
 - (b) All feed shall be housed in rodentproof containers.
 - (c) The maintenance of more than 12 fowl on a lot must meet the following standards:
 - [1] At least four acres of lot area in the R-4A District is required.
 - [2] All structures used for the housing and feeding of fowl and all exercise yards, pens or other areas used for their maintenance shall be located at least 50 feet from each property line and at least 150 feet from any existing residence other than that on the lot. Abutting lots with common beneficial ownership shall be considered a single lot.
- (2) Goats and sheep.
 - (a) The maintenance of two or fewer goats or sheep is permitted as an accessory use on conforming lots in the R-1A, R-2A and R-4A Districts. All structures, exercise yards, pens or other areas used for their maintenance shall be located at least five feet from each property line.
 - (b) All feed shall be housed in rodentproof containers.
 - (c) The maintenance of three or more goats or sheep on a lot must meet the following standards:
 - [1] At least one acre of lot area is required for the first two goats or sheep. An additional one-half (1/2) acre of lot area is required for each goat or sheep after two.
 - [2] All structures used for the housing or feeding of goats or sheep shall be located at least 50 feet from each property line and at least 150 feet from any existing residence other than that on the lot. All exercise yards, pens or other areas used for their maintenance shall be located at least five feet from each property line.
- (3) **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:
 - (a) Two acres of lot area shall be required for the first horse; one acre of lot area shall be required for each horse after one.
 - (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 pasture lands shall be located at least five feet from each property line. Abutting lots with common beneficial ownership shall be considered a single lot.

LETTER OF PERMIT DENIAL



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

Application #:

Date: 8/12/2016

Parcel ID: 73.19-1-10

Owner Information

Briano, Juan Antonio & Bassett Briano, Krista

Applicant Information

Briano, Juan Antonio & Bassett Bria
732 Old Post Rd

Bedford NY 10506

Location: 732 Old Post Rd

Parcel ID: 73.19-1-10

Permit Type: Zoning

Work Description: The maintenance of four (4) horses on a 5.008 acre parcel consisting of 2.143 acres in the R-4 A Zoning District & 2.863 acres in the R-2 A Zoning District

Dear Resident,

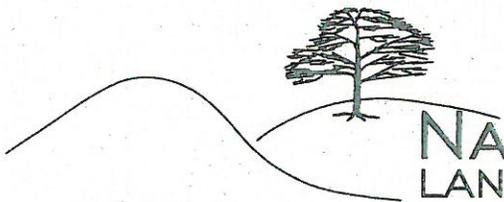
Regarding the application for a Building Permit on the property referenced above, the following facts are noted. This property is located in R-2A Zoning District. The requirements of the Zoning Ordinance of the Town of Bedford in comparison to your proposal are listed as follows:

The maintenance of four (4) horses on a 5.008 acre parcel consisting of 2.143 acres in the R-4 Acre Zoning District and 2.863 acres in the R-2 Acre Zoning District will require a variance of Article II Section 125-7 and Article III Section 125-25 (B) (3) from the Board of Appeals.

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

Very truly yours,

Alberto Ciraco
Building Inspector



NADERMAN

LAND PLANNING AND ENGINEERING, P.C.

BARRY G. NADERMAN, P.E.

August 4, 2016

VIA HAND DELIVER

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

Att: Peter Michaelis - Chair

Re: Residence for Dogwood South, LLC
732 Old Post Road
Town of Bedford
Sec. 73.19; Blk 1; Lot; 10

RECEIVED

AUG 4 2016

BEDFORD ZONING
BOARD OF APPEALS

Dear Chair Michaelis and Board Members:

Enclosed please find six (6) sets of the following for the submission of an application for a variance for the above referenced project:

- Completed Application for a Variance
- Letter from Dogwood South, LLC dated July 27, 2016
- Authorization letter from Briano dated July 20, 2016
- Dwg ZC-1 "Zoning Conformance Plan" dated 7/26/16

Also enclosed find a checks in the amount of \$350 for the Variance Application Fee.

The Applicants are in contract for the purchase of the 5.006 acres consisting of 2.143 acres in the R-4A zone and 2.863 acres in the R-2A zone. Applicant is seeking a variance to allow the keeping of 4 horses on the property.

We request we be placed on your September 7th meeting agenda for consideration on this matter. In the meanwhile, please feel free to contact me should you have any questions or require any additional information.

Respectfully,

Barry G. Naderman, P.E.
Naderman Land Planning & Engineering, P.C.

Cc: Dogwood South, LLC w/ enc.
John Arons, Esq. w/ enc.

5913zbasub

DOGWOOD SOUTH LLC
732 Old Post Road
Bedford, New York 10506

July 27, 2016

Town of Bedford Building Department
425 Cherry Street
Bedford Hills, New York 10507

RECEIVED
AUG 4 2016
BEDFORD ZONING
BOARD OF APPEALS

Re: Request to Maintain 4 Horses
732 Old Post Road, Bedford, New York (the "Premises")

Dear Building Department:

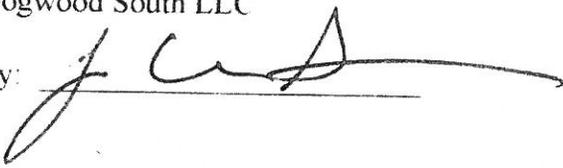
Dogwood South LLC and has entered into a Contract to purchase the Premises from Juan Antonio Briano and Krista Bassett Briano.

As previously discussed with the Building Inspector, the Premises lie partially in the Two Acre Zone and partially in the Four Acre Zone.

Request is hereby made to the Town of Bedford Building Department for its approval to maintain 4 horses on the Premises.

Very truly yours,

Dogwood South LLC

By: 

JUAN ANTONIO BRIANO and KRISTA BASSETT BRIANO
98 Springhurst Road
Bedford Hills, New York 10507

July 20, 2016

Town of Bedford Building Department
Town of Bedford Zoning Board of Appeals
425 Cherry Street
Bedford Hills, New York 10507

RECEIVED
AUG 4 2016
BEDFORD ZONING
BOARD OF APPEALS

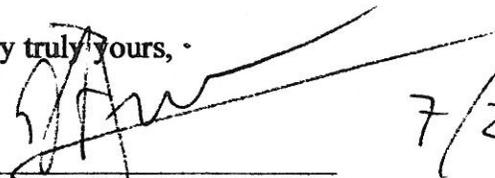
Re: Applications of Dogwood South LLC
732 Old Post Road, Bedford, New York (the "Premises")

To Whom It May Concern:

This is to confirm that we are the owners of the Premises and have entered into a Contract to sell the Premises to Dogwood South LLC.

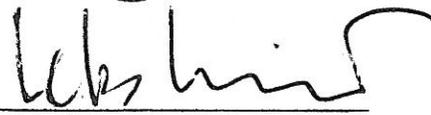
We do hereby confirm our consent to the applications of Dogwood South LLC to the Town of Bedford Building Department and Zoning Board of Appeals for all necessary approvals to permit the maintenance of 4 horses on the Premises..

Very truly yours, -



Juan Antonio Briano

7/26/16



Krista Bassett Briano

7-26-16

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: **Gretchen and Timothy Goodall**
22 Hillside Avenue
Katonah, NY 10536

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

The expansion of the kitchen at the rear of a single family residence resulting in a side yard setback of 6.0 feet where 15 feet is required in the R-1/4 Acre Zoning District where the existing side yard setback for the residence at the location of the addition is 6.0 feet. The residence has existing, non-conforming side yard setbacks of 1.4 feet where 15 feet is required and 16.7 feet where 20 feet is required in the R-1/4 Acre Zoning District. The lot area is non-conforming consisting of 9,395 square feet where 10,000 square feet is required in the R-1/4 Acre Zoning District in accordance with Article V Section 125-50 and Article III Section 125-11 for property located on:

22 Hillside Avenue
Katonah, NY 10536

designated as Section 49.19 Block 2 Lot 40 on the Tax Maps of the Town of Bedford in a Residential 1/4 Acre Zoning District. Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments.

The Applicants can then have 5 minutes of rebuttal.

DATED: August 23, 2016

Peter Michaelis, Chair
Town of Bedford Zoning Board of Appeals

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



RECEIVED
JUL 15 2016
Bedford Building Dept.

ZONING BOARD OF APPEALS

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

APPLICATION FOR A VARIANCE

1. Name of Owner: Tim Goodall

Address: 22 Hillside Ave, Katonah NY 10536

Telephone/Email: 917-558-7449 tmgoodall49@gmail.com

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

Address: _____

Telephone/Email: _____

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

H. Stanley Johnson & Company

Address: 42 Smith Avenue P.O. Box 93

Telephone/Email: 914-241-3872

4. Identification Property:

Street Address: 22 Hillside Ave, Katonah NY

Tax ID: Sect. 49.19 Block 2 LOT 40 Zoning District: R-1/4A Total Land Area: 9,395 S.F.

Age of the Building Approx 70 yrs.

Is the property located in a designated Historic District? No

% of Building Coverage: 13.48% % of Impervious Surface 33.11%

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.

RECEIVED
JUL 15 2016
BEDFORD ZONING

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

Page 2

5. Request:

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

Article: _____ Section: _____

To Permit:

*Proposed Addition 99**

6. Plans required:

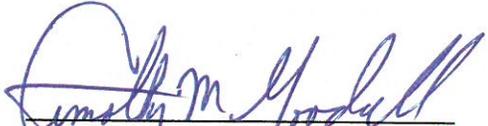
Include six copies of survey, site plan, building elevations and floor plans.

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

7/15/2016

Date

Signature of Applicant

Date

PUBLIC NOTICE

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

Request of: **326 South Bedford Road LLC**
 326 South Bedford Road
 Bedford Corners, NY 10549

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

The demolition of an existing greenhouse and the remains of an existing one story frame building and the re-construction and expansion of an existing accessory structure (barn) to be used as recreational space to include a basketball court and lounge resulting in building coverage of 3.428% where 3% is permitted in the Residential 4 Acre Zoning District. The approved building coverage is 3.428% granted by Resolution #10-15 Three. This being a variance of Article III Section 125-11 and Article V Section 125-50; and the installation of plumbing facilities consisting of a full bath (1 toilet, 1 sink, 1 shower), washer dryer, and wet bar (1 sink) where plumbing in accessory structures is prohibited. This being a variance of Article I Section 3 Definition of Studio, for property owned by the applicant and located on:

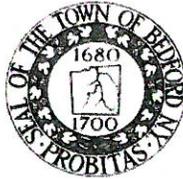
326 South Bedford Road
Bedford Corners, New York 10549

designated as Section 83.13 Block 1 Lot 7 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 7th day of September 2016**, at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, at **7:30 P.M.** At this hearing all persons appearing in favor of or in opposition to the above application will be heard. Attendance at said hearing is not required. Applicants or their representative must be present. NOTE: All presentations from all Applicants will be limited to 15 minutes. Others wishing to speak can have 5 minutes but can also submit written comments. The Applicants can then have 5 minutes of rebuttal.

DATED: August 23, 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; (914) 666-2026 FAX
acostello@bedfordny.gov
www.bedfordny.gov



ZONING BOARD OF APPEALS

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

APPLICATION FOR A VARIANCE

1. Name of Owner: 326 South Bedford Road, LLC
Address: 326 South Bedford Road. Bedford Corners, NY 10549
Telephone/Email: 212-492-5661
2. Name of Applicant, if other than Owner: Carol Kurth Architecture, P.C.
Address: 644 Old Post Road. Bedford, NY 10506
Telephone/Email: 914-234-2595
3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
Carol Kurth, FAIA New York State Licensed Architect
Address: 644 Old Post Road. Bedford, NY 10506
Telephone/Email: 914-234-2595 carol.kurth@carolkurtharchitects.com
4. Identification Property:
Street Address: 326 South Bedford Road
Tax ID: 83.13 Block: 1 Lot: 7 Zoning District: 4A Total Land Area: 10,395 acres
Age of the Building 40 +/-
Is the property located in a designated Historic District? No
% of Building Coverage: 3.44%* % of Impervious Surface 6.1%*
Property Abuts a State or County highway, parkway, thruway or park: Yes X No _____
Property is within 500 feet of the boundary of the Town of Bedford: Yes: _____ No: X
Property is on the south side of Rte. 72 within the unincorporated area of the Town of Bedford.

RECEIVED
AUG 5 2016
BEDFORD ZONING
BOARD OF APPEALS

* Includes tennis court and proposed outbuilding.

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 and Article I Section 125.3

To Permit:

Demolition of existing greenhouse and the remains of an existing 1story frame structure
Rebuild existing barn with new recreation barn with plumbing for a bathroom with shower and wet bar.

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 \$350.00
AUG 5 2016 \$550.00
BEDFORD ZONING
BOARD OF APPEALS

Signature of Owner

Date

Signature of Applicant

Date

Cara J. Weissman Kuehl, FAID

AUG 4. 2016



CAROL KURTH
ARCHITECTURE PC

Architectural, Interior Design & Construction

THE ARCADE BUILDING | 644 OLD POST ROAD | BEDFORD, NY 10506 | T. 914.234.2595 | F. 914.234.6552

August 4, 2016
Town of Bedford
Zoning Board of Appeals
Building Department
425 Cherry Street
Bedford Hills, NY 10507

RECEIVED

AUG 5 2016

BEDFORD ZONING
BOARD OF APPEALS

Re: Zoning Application for:
326 South Bedford Road LLC
Bedford Corners, NY 10549
Section 83.13 / Block 1/ Lot 7

Dear Members of the Zoning Board of Appeals,

On behalf of our clients we are returning to you and seeking Zoning Board Approval for a revised site plan approval for previously approved Zoning Approvals for the above referenced property.

We are proposing to tear down and replace the existing barn with a more functional recreational structure to meet the client's needs. We would then demolish the existing greenhouse and the remains of the existing 1story frame structure. Note that we had previously been granted a demo permit to demolish and rebuild the cottage. The Cottage has been demolished, and the client would then not proceed with the cottage construction and withdraw the building permit.

We are seeking approval of the following:

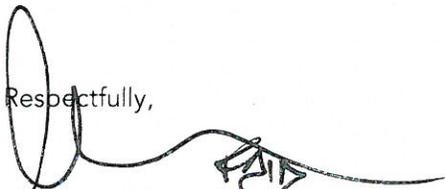
- A New Recreation Barn to replace the existing barn
- Approval of plumbing for a bathroom with a shower and a wet bar in the proposed recreation building.
- Demolition of the existing greenhouse
- Demolition the remains of the existing 1story frame structure
- Withdrawal of Cottage Building Permit

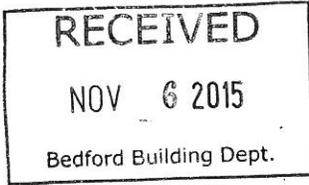
We were previously granted relief from Article V, Section 125.50, of the Bedford Zoning Code for building coverage and would maintain the approved building coverage threshold.

We were also granted prior approval per Article I Section 125.3 for plumbing.

Thank you for your review and consideration. Please feel free to contact our office should you have any questions.

Respectfully,


Carol J.W. Kurth, FAIA
Carol Kurth Architecture, P.C.



PLANNING BOARD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

Resolution No. 15/39
Special Use Permit
Accessory Structure Over 20 Feet in Height
Barn

326 South Bedford Road, LLC

WHEREAS, an application dated September 1, 2015 was received on September 1, 2015 from 326 South Bedford Road, LLC, 326 South Bedford Road, Bedford Corners, New York 10549, for a Special Use Permit for an accessory structure over 20 feet in height, affecting property located at 326 South Bedford Road, Bedford Corners, Town of Bedford, shown and designated on Town Tax Maps as Section 83.13 Block 1 Lot 7, in the Residence Four Acre District, and

WHEREAS, the applicant submitted four plans prepared by Carol Kurth Architecture, P.C., The Arcade Building, 644 Post Road, Bedford, New York 10506-0323, as follows:

Dwg. No.	Title	Dated	Revised
SP-100	Proposed Barn Plot Plan	8/31/15	
A-101	Proposed Rebuild Barn/Recreation	8/31/15	
A-102	Proposed Rebuild Barn/Recreation	8/31/15	
SP-100	Proposed Composite Site Plan	8/31/15	9/14/15, and

WHEREAS, a duly advertised public hearing was held on said application at the Town House Offices, 425 Cherry Street, Bedford Hills, New York, on September 29, 2015 at approximately 8:05 P.M., at which time all interested parties present were given an opportunity to be heard, and

WHEREAS, the Zoning Board of Appeals approved said application by Resolution #10-15 Three, on October 7, 2015, and

WHEREAS, the Board reviewed the Environmental Clearance Form submitted by the applicant and determined that this proposal will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act (SEQR), and

WHEREAS, the Planning Board determined that the subject application meets the requirements of Article VIII Section 125-79.1 of the code of the Town of Bedford.

NOW THEREFORE BE IT RESOLVED, that a Special Use Permit is hereby granted for an accessory structure over 20 feet in height on property located at 326 South Bedford Road, Bedford Corners, Town of Bedford, subject to the following conditions:

1. The barn shall be wood-sided.
2. There shall be no lighting in the peaks of the barn roof.

3. The highest point of the barn structure shall be 23 feet from the average finished grade.

APPROVED: October 13, 2015

DATED: October 27, 2015

The foregoing resolution is certified to be a true copy of the resolution, which was approved on October 13, 2015 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 27, 2015.



Anne Paglia, Secretary
Town of Bedford Planning Board

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

RECEIVED

DEC 11 2015

Resolution #10-15 Three

326 South Bedford Road LLC LISBETH FUMAGALLI, TOWN CLERK
Cottage, Plumbing in an Accessory Structure (Barn), Tennis Court, Building Overhang TOWN OF BEDFORD, NEW YORK

WHEREAS, four applications have been made as follows: (1) pursuant to Article V Section 125-50 and Article III Section 125-79.1 (1), (2), and (7) of the Code of the Town of Bedford for a variance to permit the demolition and reconstruction of an existing one-story cottage resulting in living area of 976 square feet where 800 square feet of gross floor area is permitted; and total proposed building coverage of 3.428% where 3% is permitted in the Residential 4 Acre Zoning District; (2) pursuant to Article V Section 125-50 and Article I Section 125-3 Definition of Studio of the Code of the Town of Bedford for a variance to permit the installation of plumbing facilities consisting of a powder room, (one toilet and one sink) and kitchenette in a reconstructed accessory structure (barn) to be used as recreational space where plumbing in accessory structures is prohibited; and total proposed building coverage of 3.428% where 3% is permitted in the Residential 4 Acre Zoning; (3) pursuant to Article V Section 125-50 of the Code of the Town of Bedford for a variance to permit the renovation of an existing greenhouse/shed to be used as a greenhouse/art studio with construction of a 24-square foot kiln addition resulting in total proposed building coverage of 3.428% where 3% is permitted in the Residential 4-Acre Zoning District; (4) pursuant to Article V Section 125-50 of the Code of the Town of Bedford for a variance to permit the construction of a tennis court resulting in building coverage of 3.428% where 3% is permitted, for premises located at 326 South Bedford Road, Bedford Corners, New York 10549, being known and designated on the Tax Map of the Town of Bedford as Section 83.13 Block 1 Lot 7 in the Residential 4-Acre Zoning District, and shown on applications submitted on September 1, 2015 and plans submitted on September 23, 2015, and

WHEREAS, public hearings were held and opened together on October 7, 2015 for the four applications, 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 had the opportunity to inspect the site; and

WHEREAS, the Board acknowledged an email dated October 3, 2015, submitted by Gary and Lauren Cohen, 320 South Bedford Road, in support of the application; and

NOW THEREFORE BE IT RESOLVED, on a motion by Mr. Michaelis, seconded by, Mr. Petschek, it is

RESOLVED, that that the approval of all four applications be incorporated into one single resolution that grants variances as follows: (1) a variance of Article V Section 125-50 and Article III Section 125-79.1 (1), (2), and (7) to permit the demolition and reconstruction of an existing one-story cottage resulting in living area of 976 square feet where 800 square feet of gross floor area is permitted; and total proposed building coverage of 3.428% where 3% is permitted in the Residential 4 Acre Zoning District; (2) a variance of Article V Section 125-50 and Article I Section 125-3 Definition of Studio to permit the installation of plumbing facilities consisting of a powder room, (one toilet and one sink) and kitchenette in a reconstructed accessory structure (barn) to be used as recreational space where plumbing in accessory structures is prohibited; and total proposed building coverage of 3.428% where 3% is permitted in the Residential 4 Acre Zoning District; (3) a variance of Article V Section 125-50 to permit the renovation of an existing greenhouse/shed to be used as a greenhouse/art studio with the construction of a 24-square foot kiln addition resulting in total proposed building coverage of 3.428% where 3% is permitted in the Residential 4-Acre Zoning District; and (4) a variance of Article V

Resolution #10-15 Three
326 South Bedford Road LLC
Cottage, Plumbing in an Accessory Structure (Barn), Tennis Court, Building Coverage,
Page Two

Section 125-50 to permit the construction of a tennis court resulting in building coverage of 3.428% where 3% is permitted for property located in the Residential 4-Acre Zoning District. In particular, the Board finds that the benefit to the applicant by the granting of the variance outweighs any alleged detriment to the community and determined the following:

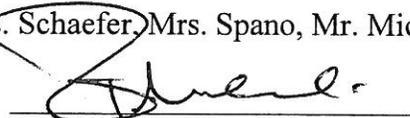
1. That the benefit cannot be achieved by another means feasible to the applicant because the structures are in disrepair and that the tennis court is not offensive because it is located far from the road; and
2. That there will be no undesirable change to the character of the neighborhood or detriment to nearby properties as noted by a letter from the closest property owners in support of the applications; and
3. That the variance requests are substantial, given the mathematical calculations but this is only one of the factors considered by the Board in making its decision and is not determinative; and
4. That the requests will not result in any adverse physical or environmental effects on the neighborhood or community and in fact the property will be improved dramatically by repairing and replacing the many building that are in disrepair; and
5. That the alleged difficulty is self-created, but this is only one of the factors to be considered by the Board in making its decision and is not determinative.

Approval of the proposed variance is subject to the following conditions:

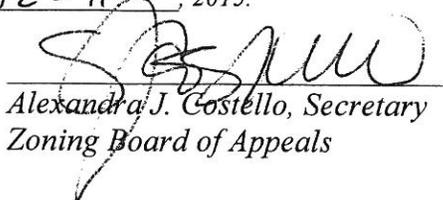
1. The applicant must apply for a building permit for each of the projects within one (1) year of the date of the Board's vote on the applications and diligently pursue such construction to completion.
2. The applicant shall submit an as-built survey to the Building Department prior to the issuance of a Certificate of Occupancy for the projects.
3. The applicant shall submit as-built certified coverage calculations to the Building Department prior to the issuance of a Certificate of Occupancy for the projects.
4. The variance is granted in accordance with the plans submitted on September 23, 2015 consisting of one sheet entitled "326 South Bedford Rd LLC, Bedford Corners, NY, Proposed Composite Site Plan," prepared by Carol Kurth Architecture, PC, dated 8/31/15, last revised 9/14/15 and said plan will be adjusted to accurately reflect the impervious surface coverage calculation of 6.99%.
5. The Zoning Board recommends to the Planning Board that the cottage not be permitted to be rented.
6. The variances are approved in accordance with the applicant obtaining appropriate approvals from the Planning Board for each project and in compliance with any conditions they may impose.

Vote taken on the foregoing motion was as follows:

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


Peter Michaelis, Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 12-11, 2015.


Alexandra J. Costello, Secretary
Zoning Board of Appeals