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, February 3, 2016

7:00 P.M. - EXECUTIVE SESSION - Pending Litigation
MINUTES: November 4, 2015, December 9, 2015, January 6, 2016

7:30 P.M.
NEW APPLICATIONS:

7:30 P.M. – 7:45 P.M.

1. Meredith and Jason Black, 49 Reyburn Road, Katonah, NY 10536. Section 49.13 Block 2 Lot 1, R-2 Acre Zoning District. The applicants request a variance of Article V Section 1250 of the Town of Bedford Zoning Ordinance to permit the construction of an addition at the rear of an existing residence for a utility room and garage resulting in a side yard setback of 28 feet where 40 feet are required in the Residential 2 Acre Zoning District.

7:45 P.M. – 8:00 P.M.

2. Andrea Schaefer and Christopher Davis, 40 Clark Road, Bedford, NY 10506. Section 84.9 Block 1 Lot 4, 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 the construction of a shade pavilion resulting in a side yard setback of 40' 9" where 50 feet is required in the Residential 4 Acre Zoning District; and building coverage of 3.35% where 3% is permitted and impervious surface coverage of 11.35% where 8% is permitted where the impervious surface coverage is existing, non-conforming at 12.85% for property located in the Residential 4 Acre Zoning District..

8:00 P. M. – 8:15 P.M.

3. Jill and James Lawrence, 12 Overlook Drive, Bedford Corners, NY 10549. Section 83.10 Block 1 Lot 1.20, R-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 the construction of a swimming pool and terrace resulting in impervious surface coverage of 9.0% where 8% is permitted where the impervious surface coverage is existing, non-conforming at 8.31% for property located in the Residential 4 Acre Zoning District..

8:15 P.M. – 8:30 P.M.

4. Old Corner Realty Corp., 70 Old Corner Road, Bedford, NY 10506. Section 85.15 Block 2 Lot 8, R-4 Acre Zoning District. The applicants request a variance of Article V Section 125-50 of the Town of Bedford Zoning Ordinance to permit the construction of a single family residence and swimming pool on a parcel with an existing tennis court resulting in building coverage of 4.12% where 3% is permitted and impervious surface coverage of 9.24% where 8% is permitted for property located in the Residential 4 Acre Zoning District.

8:30 P.M. – 8:45 P.M.

5. 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.

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: **Meredith and Jason Black**
49 Reyburn Road
Katonah, NY 10536

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

The construction of an addition at the rear of an existing residence for a utility room and garage resulting in a side yard setback of 28 feet where 40 feet are required in the Residential 2 Acre Zoning District. This request requires a variance of Article V Section 125-50 for property owned by the applicants and located on:

49 Reyburn Road
Katonah, NY 10536

designated as Section 49.13 Block 2 Lot 1 on the Tax Map of the Town of Bedford in an R-2 Acre Zoning District. Said hearing will take place on **Wednesday, the 3rd day of February 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 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 Applicants can then have 5 minutes of rebuttal.

DATED: January 11, 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

1. Name of Owner: JASON & MEREDITH BLACK

   Address: 49 REY BURN ROAD, KATONAH, NY 10536

   Telephone/Email: jayblackiso@gmail.com 914-906-7977

2. Name of Applicant, if other than Owner: MICHAEL C. MESSINGER

   Address: See below

   Telephone/Email:

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

   MICHAEL C. MESSINGER

   Address: 16 WASHINGTON AVE, BEDFORD NY 10506

   Telephone/Email: 914-234-4063, mike@greatoakstudio.com

4. Identification Property:

   Street Address: 49 REY BURN ROAD

   Tax ID: 49.13-2-1 Zoning District: R2A Total Land Area: 8.051 ac

   Age of the Building 1935

   Is the property located in a designated Historic District? No

   % of Building Coverage: 1.02% % of Impervious Surface 3.23%

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

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

   Property is on the West side of Rey burn Rd within the unincorporated area of the Town of Bedford.

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

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 addition of a garage and utility room and the reconfiguration of the roof will result in a side yard setback of 28 feet and will require a variance to the above code section.

6. Plans required:
Include six copies of survey, site plan, building elevations and floor plans.

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

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

Variance
(As required by Fee Schedule Town of Bedford Code)

Residential:	$350.00
Commercial:	$550.00

Signature of Owner — Date

Signature of Applicant — Date 12/29/2015

Rev. 5/18/10

LETTER OF PERMIT DENIAL

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

Parcel ID: **49.13-2-1**

Application #:

Date: 12/31/2015

Owner Information

Black, Meredith & Black, Jason

Applicant Information

Black, Meredith & Black, Jason
49 Reyburn Rd

Katonah NY 10536

Location: 49 Reyburn Rd
Parcel ID: 49.13-2-1
Permit Type: Additions & Alterations
Work Description: Two additions: one kitchen and family room, and one garage and utility room addition; roof reconfiguration; and new front porch

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

The addition of a garage and utility room and the reconfiguration of the roof will result in a side yard setback of 28 feet and 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

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: **Andrea Schaefer and Christopher Davis**
40 Clark Road
Bedford, NY 10506

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

The construction of a shade pavilion resulting in a side yard setback of 40' 9" where 50 feet is required in the Residential 4 Acre Zoning District; and building coverage of 3.35% where 3% is permitted and impervious surface coverage of 11.35% where 8% is permitted where the impervious surface coverage is existing, non-conforming at 12.85% for property located in the Residential 4 Acre Zoning District. This request requires a variance of Article V Section 125-50 and Article III Section 125-11 for property owned by the applicants and located on:

40 Clark Road
Bedford, NY 10506

designated as Section 84.9 Block 1 Lot 4 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 3rd day of February 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 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 Applicants can then have 5 minutes of rebuttal.

DATED: January 12, 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

DTE

APPLICATION FOR A VARIANCE

1. Name of Owner: Christopher Davis & Andrea Schaefer

   Address: 40 Clark Road, Bedford, N.Y. 10506

   Telephone/Email: 914-234-7035 / Asdavis@optonline.net

   RECEIVED
   OCT 2 2015
   BEDFORD BUILDING DEPARTMENT

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):

   Benedek & Ticehurst, Landscape Architectcs

   Address: 448H Old Post Road, Bedford, N.Y. 10506

   Telephone/Email: 914-234-9666 / Glenn@btlandarch.con

   RECEIVED
   OCT 2 2015
   BEDFORD ZONING BOARD OF APPEALS

4. Identification Property:

   Street Address: 40 Clark Road, Bedford, N.Y. 10506

   Tax ID: 84.9 / 1 / 4 Zoning District: R-4A Total Land Area: 4.00 acres

   Age of the Building n/a

   Is the property located in a designated Historic District? No

   % of Building Coverage: 3.35 % % of Impervious Surface 11.35 %

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

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

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

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

RECEIVED
OCT 2 2015
BEDFORD BUILDING DEPARTMENT

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 pavilion with a side yard setback of 40'-9", where 50'-0" is required, and a building coverage of 3.35%, where 3% is permitted. The final impervious coverage will be 11.35 where 8% is the maximum. This will be a net reduction in impervious coverage from the existing 12.85% to 11.35%.

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

x Andrea Schaef
Signature of Owner

9/30/15
Date

Signature of Applicant

Date

Rev. 5/18/10

LETTER OF PERMIT DENIAL

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

Parcel ID: **84.9-1-4**

Application #:

Date: 10/22/2015

Owner Information

Davis, Christopher & Schaefer, Andrea

Applicant Information

Davis, Christopher
Schaefer, Andrea
40 Clark Rd
Bedford NY 10506

Location: 40 Clark Rd
Parcel ID: 84.9-1-4
Permit Type: Accessory Structure
Work Description: Shade Pavilion

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 shade pavilion will require variances of Article III Section 125-11 and Article V Section 125-50 due to the proposed side yard setback of 40' 9" where 50 feet is required in the R-4A District; Building Coverage of 3.35% where 3% is permitted in the R-4A District; and Impervious Coverage of 11.35% where 8% is permitted (the existing Impervious Coverage is 12.85%). The proposal is located within the 100 foot wetland buffer and will require a permit from the Bedford Wetland Control Commission.

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

BENEDEK & TICEHURST
LANDSCAPE ARCHITECTS & SITE PLANNERS, P.C.

October 1, 2015

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

RECEIVED
OCT 2 2015
BEDFORD BUILDING
DEPARTMENT

re: 40 Clark Road

Dear Chairman Michaelis and Members of the Board:

Enclosed, please find our plans and application requesting an area variance (building coverage) and side yard setback variance for the installation of a pavilion at the Davis residence.

The existing building coverage is pre-existing/ non-conforming at 3.28%. The proposed building coverage is 3.35%.

The total existing impervious coverage is pre-exisiting/ non-conforming at 12.85%. The total proposed impervious coverage is 11.35%, a reduction of 1.5%. This reduction was achieved by eliminating significant portions of the existing bluestone terraces that are adjacent to the pool and residence, as well as modifying portions of the asphalt drive/ parking court.

The proposed pavilion will be located 40'-9" from the side yard property line, which has a 50'-0" setback. A variance of 9'-3" is requested. The pavilion is located at the northern side of the pool, which is partially covered with existing bluestone terrace. The pavilion is an "open-air" structure with a solid roof overhead, it is open on all four sides (no walls). This structure will provide shade from the sun, without being inside a totally enclosed structure.

We believe that our request is reasonable and will not have an adverse impact on the neighborhood character or environment.

We look forward to the opportunity of presenting this project at the November 4th ZBA meeting. Please contact me in the meantime with any questions or concerns.

Sincerely,

Glenn Ticehurst, RLA, ASLA
for B & T

448H Old Post Road, Bedford Village, New York 10506 / P. 914.234.9666 / F. 914.234.6882 / www.btlandarch.com

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: **Jill and James Lawrence**
12 Overlook Drive
Bedford Corners, NY 10549

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

The construction of a swimming pool and terrace resulting in impervious surface coverage of 9.0% where 8% is permitted where the impervious surface coverage is existing, non-conforming at 8.31% for property located in the Residential 4 Acre Zoning District. This request requires a variance of Article V Section 125-50 and Article III Section 125-11 for property owned by the applicants and located on:

12 Overlook Drive
Bedford Corners, NY 10549

designated as Section 83.10 Block 1 Lot 1.20 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 3rd day of February 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 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 Applicants can then have 5 minutes of rebuttal.

DATED: January 12, 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
DEC 30 2015
BEDFORD ZONING
BOARD OF APPEALS

$1350
Check
37881
Receipt
2445

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: James R Lawrence

   Address: 12 Overlook Drive Mt. Kisco NY 10549

   Telephone/Email: 241-1353

2. Name of Applicant, if other than Owner: Robert C Scopelliti Westfair

   Address: 585 Bedford Rd Bedford Hills

   Telephone/Email: 241-0100

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

   Address: 97 Pigott Rd Mahopac NY 10541

   Telephone/Email: 845-621-4002

4. Identification Property:

   Street Address: 12 Overlook Dr. Mt. Kisco NY 10549

   Tax ID: 83.10-1-1.20 Zoning District: R-4 Total Land Area: 5.487

   Age of the Building_____

   Is the property located in a designated Historic District? NO

   % of Building Coverage: 1.5 % of Impervious Surface 9

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

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

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

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE
Page 2

RECEIVED
DEC 30 2015
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: 111 Section: 125-11 125-50

To Permit: INGROUND SWIMMING POOL, TERRACE SURROUNDING POOL AND POOL FILTER PAD

6. Plans required:
Include six copies of survey, site plan, building elevations and floor plans.

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

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

Variance
(As required by Fee Schedule Town of Bedford Code)

Residential:	$350.00
Commercial:	$550.00

Signature of Owner — Date

Signature of Applicant — Date 12/30/15

Rev. 5/18/10

LETTER OF PERMIT DENIAL

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

Application #:

Date: 12/30/2015

Parcel ID: **83.10-1-1.20**

Owner Information

Lawrence, James & Lawrence, Jill

Applicant Information

Lawrence, James & Lawrence, Jill
12 Overlook Dr

Bedford Corners NY 10549

Location: 12 Overlook Dr
Parcel ID: 83.10-1-1.20
Permit Type: Swimming Pool
Work Description: 20 x 40-foot in ground swimming pool with terrace surround

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 of a swimming pool and terrace with result in impervious surface coverage of 9.0% where 8% is permitted in the Residential 4 Acre Zoning District.

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: **Old Corner Realty Corp.**
70 Old Corner Road
Bedford, NY 10506

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

The construction of a single family residence and swimming pool on a parcel with an existing tennis court will result in combined building coverage of 4.12% where 3% is permitted and impervious surface coverage of 9.24% where 8% is permitted for property located in the Residential 4 Acre Zoning District. This request requires a variance of Article V Section 125-50 for property owned by the applicants and located on:

70 Old Corner Road
Bedford, NY 10506

designated as Section 85.15 Block 2 Lot 8 on the Tax Map of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 3rd day of February 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 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 Applicants can then have 5 minutes of rebuttal.

DATED: January 11, 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

RECEIVED
JAN 6 2016
BEDFORD ZONING BOARD OF APPEALS

APPLICATION FOR A VARIANCE

1. Name of Owner: OLD CORNER REALTY CORP.
   Address: PO BOX 566 SCARSDALE N.Y. C/O 1 SHERBROOKE RD SCARSDALE N.Y.
   Telephone/Email: 914-723-5033 RONCO1@AOL.COM
2. Name of Applicant, if other than Owner: GARY SAVITZKY
   Address: PO BOX 566 SCARSDALE N.Y. 10583
   Telephone/Email: 914-403-6060 gary@garysavitzkyarchitects.net.
3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
   GARY SAVITZKY ARCHITECT
   Address: PO BOX 566 SCARSDALE N.Y. 10583
   Telephone/Email: 914-403-6060 gary@garysavitzkyarchitects.net
4. Identification Property:
   Street Address: 70 OLD CORNER ROAD
   Tax ID: 85.15-2-8 Zoning District: R-4A Total Land Area: 4.2817 Acres.
   Age of the Building N/A
   Is the property located in a designated Historic District? NO
   % of Building Coverage: 4.12% % of Impervious Surface 9.24%
   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 OLD CORNER ROAD within the unincorporated area of the Town of Bedford.

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE
Page 2

RECEIVED
JAN 6 2016

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
V 125-50

To Permit:
CONSTRUCTION OF A NEW SWIMMING POOL & NEW SINGLE FAMILY RESIDENCE WILL REQUIRE A VARIANCE OF ARTICLE V, SECTION 125-50 FROM THE BOARD OF APPEALS FOR BUILDING COVERAGE OF 4.12% WHERE 3% IS PERMITTED IN THE RES. ZONE 4 ACRE & VARIANCE OF ARTICLE V, SECTION 125-50 FROM THE BOARD OF APPEALS FOR IMPERVIOUS SURFACE COVERAGE OF 9.24% WHERE 8% IS PERMITTED IN 4 ACRE ZONING DISTRICT WHEN THE PROJECT IS COMBINED WITH THE CONSTRUCTION OF A POOL DECK, DRIVEWAY, PATIO & LANDSCAPE FEATURES

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

Ronald Parlato — 11/6/16.
Signature of Owner — Date

[illegible] — 1/6/16
Signature of Applicant — Date

Rev. 5/18/10

ZONING BOARD OF APPEALS
Town of Bedford
Westchester County, New York
Resolution #10-97 Five
Marlene Cassidy and Hubert Krantz

WHEREAS, application has been made pursuant to Article V, Section 125-50 of the Code of the Town of Bedford, for a variance to permit the construction of additions and alterations to a pre-existing non-conforming residence. The residence has a pool, pool house, and tennis court. The applicant would like an increase in the maximum building coverage. The current coverage is 11,540 square feet, the applicant proposes 11,587 square feet. The maximum coverage allowed is 5,136 square feet. Premises being known and designated on the tax map of the Town of Bedford as Section 85.15, Block 2, Lot 8. R4A Zone, and shown on the survey of property submitted on July 28, 1997, and

WHEREAS, a public hearing was held on October 8, 1997, on this application, at which time all those present wishing to be heard were given the opportunity to be heard, and

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

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

WHEREAS, The granting of this variance would not change the nature of the neighborhood and have no negative effect on the properties of the immediate neighbors,

NOW, THEREFORE, on a motion by Mr. McMillan, Seconded by Mr. McGovern,

RESOLVED, that the application for a variance be approved as submitted to permit the increase of the maximum building coverage to 11,707 square feet from 11,644 square feet where 5136 square feet is required. The expansion of the house is extensive but the footprint will only increase slightly. As per the plans dated 7/19/97.

Vote taken on the foregoing motion was as follows:
Ayes - Mr. McGovern, Mrs. Barton, Mr. Ranscht, Mrs. Nourse, Mr. McMillan.
Nays - None.

Hugh C. McMillan, Chairman

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford and was filed in the Office of the Clerk of the Town of Bedford on October 31, 1997.
Date: 10/31/97

Diane M. Egan, Secretary

LETTER OF PERMIT DENIAL

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

Parcel ID: **85.15-2-8**

Application #:

Date: 12/31/2015

Owner Information

Old Corner Realty Corp

Applicant Information

Old Corner Realty Corp
P O Box 566

Scarsdale NY 10583

Location: 70 Old Corner Rd
Parcel ID: 85.15-2-8
Permit Type: Swimming Pool
Work Description: Swimming Pool (684 Square Feet)

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

Construction of a new swimming pool and new single family residence will require a variance of Article V Section 125-50 from the Board of Appeals for building coverage of 4.12% where 3% is permitted in the Residential 4 Acre Zoning District and a variance of Article V Section 125-50 from the Board of Appeals for impervious surface coverage of 9.24% where 8% is permitted in the Residential 4 Acre Zoning District when the project is combined with the construction of a pool deck, driveway, patio, and landscape features.

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

Very truly yours,

Steven Fraietta
Building Inspector

LETTER OF PERMIT DENIAL

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

Parcel ID: **85.15-2-8**

Application #:

Date: 12/31/2015

Owner Information

Old Corner Realty Corp

Applicant Information

Old Corner Realty Corp
P O Box 566

Scarsdale NY 10583

Location: 70 Old Corner Rd
Parcel ID: 85.15-2-8
Permit Type: 1 Family Residence
Work Description: Single family 5 bedroom residence with unfinished basement

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

Construction of a new single family residence and new swimming pool will require a variance of Article V Section 125-50 from the Board of Appeals for building coverage of 4.12% where 3% is permitted in the Residential 4 Acre Zoning District and a variance of Article V Section 125-50 from the Board of Appeals for impervious surface coverage of 9.24% where 8% is permitted in the Residential 4 Acre Zoning District when the project is combined with the construction of a pool deck, driveway, patio, and landscape features.

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

RECEIVED
JAN 6 2016
BEDFORD ZONING
BOARD OF APPEALS

G A R Y N E I L S A V I T Z K Y

A R C H I T E C T

7 0 O L D C O R N E R

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 Richman and Ruth Toporoff**
12 Alice Road
Bedford Corners, NY 10549

The Applicants 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 Zoning Board of Appeals Resolution # 04-14 Six; 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. The Applicants ask the Zoning Board to reverse said determination of the Building Inspector for property owned by Stefano and Suzanne Galli and located on:

341 Succabone Road
Bedford Corners, NY 10549

designated as Section 83.11 Block 2 Lot 3 on the Tax Maps of the Town of Bedford in an R-4 Acre Zoning District. Said hearing will take place on **Wednesday, the 3rd day of February 2016,** at the Town House Offices, 2nd Floor, 425 Cherry Street, Bedford Hills, New York, beginning at **7:00 P.M.** At this hearing, all persons appearing in favor of or in opposition to the above Applicants 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, but can also submit written comments after the hearing closes.

DATED: January 12, 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
NOV 25 2015
BEDFORD ZONING
BOARD OF APPEALS

November 23, 2015

VIA EMAIL AND OVERNIGHT MAIL

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

Re: Appeal from Determination of the Building Inspector

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

We are Michael Richman and Ruth Toporoff (collectively "Appellants"), who live at 12 Alice Road, Bedford Corners, New York and we want to appeal to the Town of Bedford Zoning Board of Appeals ("ZBA") from a determination of Building Inspector Steven Fraietta ("Building Inspector") concerning an adjacent property located at 341 Succabone Road, Bedford Corners, New York (Parcel Identification Number 83.11-2-3) ("Galli Property") owned by Stefano and Suzanne Galli (the "Gallis").

We appeal from the Building Inspector's September 29, 2015 determination that the plan last submitted by the Gallis – namely, the Keane Coppelman Gregory Plot Plan last revised September 18, 2015 ("September Plan") – meets the ZBA's conditions and we also appeal from any building permit issued to the Gallis concerning the proposed improvements depicted in the September Plan. Attached as **Exhibit "A"** is: (a) the Building Inspector's September 29, 2015 determination (which is addressed to Mr. Gregory); and (b) the Building Inspector's October 2, 2015 letter to our attorneys that included: (i) his September 29, 2015 determination, (ii) the September Plan and (iii) Mr. Gregory's September 21, 2015 letter. Attached as **Exhibit "B"** is the September Plan. In accordance with the directions our attorneys were previously given by the Town, we also submit the variance form application even though it is largely inapplicable to our appeal/interpretation (see **Exhibit "C"**) and the fee required for a residential variance ($350.00). Finally, please provide the notice of public hearing and list of abutting landowners to the Galli Property.

I. Background

As you are no doubt aware, the ZBA granted the Gallis a variance for a manure storage dumpster subject to fourteen enumerated conditions and the ZBA's Amended Resolution #04-14 Six was filed with the Clerk's Office on July 10, 2014 ("ZBA Resolution"; see **Exhibit "D"**). At the ZBA's July 2, 2014 meeting, it was discussed that the Gallis should comply with all conditions before leaving the property (see relevant portions of July 2, 2014 minutes attached as **Exhibit "E"**). But the Gallis moved to England at the end of July, 2014, without complying with the conditions. When the issue with the Gallis' lack of compliance with the conditions was raised again at a ZBA's September 10, 2014 meeting, the ZBA's counsel noted that the Gallis should have complied with the requirements as they were well beyond a "reasonable period of time" and it was decided that the Gallis would be contacted and told to comply within 60 days (see relevant portions of September 10, 2014 meeting minutes attached as **Exhibit "F"**). Despite this directive, the Gallis did not submit their plan until March 2015, well over 3 months (90) days past the second and final deadline for submittal and well over the ZBA's attorneys determination of beyond a reasonable doubt, which he quantified as 60 days. For this reason the submittal should be rendered null and void.

But despite the disregard for the deadline given to the Gallis by the ZBA's Attorney, the proposed plan that the Gallis submitted – the plan dated February 5, 2015 and marked received on March 19, 2015 ("March Plan" attached as **Exhibit "G"**) – `failed to comply with the ZBA's conditions. As a result, we were forced to retain attorneys at additional cost to us, to write to the Building Department and ZBA's counsel outlining how the Gallis' plan failed to conform to this Board's requirements (see May 27, 2015 letter attached as **Exhibit "H"**). The Town refused to respond to our letters, or requests to release the public documents of the closed meetings they had with the Gallis engineers (without their attorneys) and any comments made which were requested in FOIL's. Next, without any response or documents of comments or meetings, the Gallis submitted another plan dated August 6, 2015 and stamped received by the Building Department on August 10, 2015 ("August Plan" attached as **Exhibit "I"**). This plan also failed to comply with the ZBA's condition.

But three times is not the charm as the Gallis' latest plan – "the September Plan" – still fails to conform to the ZBA's conditions.

In this new plan it seems that the Gallis attempted to remedy the flaws in the March Plan by simply omitting information as there are no dimensions on the plan to indicate lengths or widths of almost everything on the drawing and brazenly proposed new development in locations not permitted by Bedford Zoning Code or most significantly, not addressed in the ZBA Resolution. Some of these are new horses paddocks in steep slopes areas with rear yards setback ignored, 5 foot fencing relocated despite non-conformance with Bedford Zoning Code setbacks, and retaining walls without dimensions or details and stone walls built with mortar - all without a plethora of necessary permits.. None of these items were on the "Sketch Plan" dated 4/4/14 ("Sketch Plan" see **Exhibit "J"**) submitted to and reviewed by the ZBA during the ZBA's variance review. As this Board's variance grant was based upon the Sketch Plan, the new items not depicted upon or reviewed by the ZBA as part of its variance review cannot be included on the September Plan as they were not part of the grant/variance. The Sketch Plan was used as the base upon which dimensions and details of manure storage, safety for access, widths, lengths, etc. were to be added yet none this information was added. Instead, the Engineer eliminated almost all dimensions , showed new paddocks in the steep slopes areas with no variances, showed 5 ft. fencing relocated without a variance, mortar stone structures and increased the non-conformance dramatically with items not on the previous sketch and certainly not within the ZBA's variance grant parameters. As multiple planning, building and wetland permits, etc. were not given for these items, and <u>multiple variances</u> for these items that do not conform are needed, the September Plan should have been rejected by the Building Inspector as it does not meet the Zoning Board's variance grant (Condition 11) that no other variances are needed.

II. This Board Should Grant this Appeal

As the Building Inspector has no authority to approve a plan that does not conform to the ZBA's conditions and the Zoning Code, the ZBA should overturn the Building Inspector's determination and any subsequent determination, including any building permit, arising out of such determination.

A. Standard of Review

Town Law § 267-b entitled "Permitted action by board of appeals" provides:

1. Orders, requirements, decisions, interpretations, determinations.
   The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

In addition, Town of Bedford Zoning Code ("Zoning Code") § 125-129(C)(1)(b) states:

> "The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement decision or determination as, in its opinion, ought to be made . . . ."

As such, this Board has the authority to reverse or modify the decision of the Building Inspector. Accordingly, beyond simply appellate review powers (the authority to affirm or reverse a Building Inspector's determination), this Board has authority both under Town Law and the Zoning Code to interpret the Zoning Code and make the decision that "ought to have been made" by the Building Inspector.[1] Further, in rendering the decision that ought to have been made, this Board has the enforcement powers of the Building Inspector as Town Law specifically provides that this Board "shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken."[2]

We respectfully request that the Board utilize all of its statutory authority to reverse the determination of the Building Inspector and determine that the Building Inspector erred in finding that the Gallis' September Plan satisfies the numerous conditions this Board placed upon the variance grant, including but not limited to the condition that no further variances or approvals are required. There are numerous items shown without Building, Planning and Wetland permits in place and <u>multiple new additional variances are needed</u> for items built or shown without permits in non-conforming locations by the Gallis. Therefore the Building Inspectors approval was in error, as this Board required in Condition (11) that the Building Inspector confirm that all variances are in place. Appellants timely bring this appeal within 60 days of that determination (that was rendered on September 29, 2015).

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[1] Town Law § 267-b; *see also* Zoning Code § 125-129(C)(1)(b).
[2] Town Law § 267-b; *see also* Zoning Code § 125-129(C)(1)(b).

B. Appeal

The Building Inspector has no authority to vary the ZBA's ruling and must apply the conditions imposed by the ZBA in connection with the manure dumpster variance grant.

The September Plan's most glaring inadequacies involve the fences and gates installed by the Gallis both on their property and Town property in non-conforming locations that require multiple additional variances and permits.

1. GATE – GATE LOCATION BY ACCESSWAY

The most glaring of these is that the September Plan fails to comply with Condition 13 in the ZBA Resolution, which mandates that the access gate (no matter the height) is to be back 20 feet into the applicant's property. The ZBA determined that 20 feet be achieved for the location of this gate, period. The fence can be 3' feet high or 6' feet high, but the LOCATION is mandated by the Board to be placed 20 feet back, and it is the only location allowed by this variance grant from the property line. Only if "in the opinion of Kevin Winn, the Commission of Public Works, 20 feet cannot be achieved", could a change of location take place. However this was not opined to by Kevin Winn. It is doubtful that Mr. Winn, as a professional engineer, would ever opine that 20 feet cannot be achieved given that it is clearly an open area and there is no reason the gate cannot be moved back. As it is clear that the gate can be moved back 20 feet as mandated by this Board and as Mr. Winn has not opined otherwise, the fact that the gate is not depicted 20 feet back from the property on the September Plan establishes that the Gallis failed to comply with Condition (13). Since the Building Inspector has no authority to alter the conditions of the variance, his determination that the September Plan conforms to the ZBA's conditions must be overturned.

By way of background the March Plan indicated that the gate would be pushed back 13.5 feet, but since the gate is currently several feet onto Alice Road (Town property), it was only actually being pushed back approximately 6 or 7 feet onto the Gallis' property. The August Plan's solution was to remove the reference to the 13.5 feet, and not indicate how far the gate was being moved back, apparently taking the strategic approach of "out of sight out of mind." But the September Plans depiction of the gate 10 feet back (instead of 6 or 7 feet back as depicted in the two prior plans) still does not conform to this Board's requirement that the gate be set back 20 feet into the property. For this reason alone, the Building Inspector should have rejected the September Plan as it still does not meet this Boards express conditions.

2. ACCESS WAY

Next, as explained in our May 27 letter, neither the ZBA Resolution nor the Gallis' April 2nd Sketch Plan that the variance grant was based upon make any reference to or approve a "proposed 12'0" wide gravel driveway," but yet one is depicted on all the Gallis' proposed plans, including the September Plan. As such, if the Gallis do seek to pursue construction and installation of a gravel driveway, in wetlands, in accordance with the September Plan, the

Building Inspector, again in accordance with Condition 11, must find that the Gallis need additional variances and approvals related to the installation of a new expanded west facing gravel driveway[3] into a steep slope area[4] and in the wetlands controlled area[5] that does not comply with the minimum width set forth in the Zoning Code.[6] These items cannot be done by administrative permits as any change to an existing driveways (adding gravel and expanding width, changing direction and use) must receive a wetlands permit as per wetlands code 122-8 B(5)as stated:

> Section 122 -8 Controlled acts
> Regulated acts which require a permit. It shall be unlawful to perform any of the following activities in any wetland or within the wetland/watercourse buffer area unless specifically allowed under § **122-8C** without a duly issued permit from the Commission:
> (1)Place or construct any structure, accessory structure, swimming pool or tennis court. **The foregoing shall include, without limitation**:(a)Any related storage or stockpiling of construction materials, use of equipment or machinery or other construction activity**; (b) Renovations or alterations to existing improvements** which increase the impervious surface **or area extent of such improvements including walls, driveways, drives** or other improvements; and…..
> (4) **Alter or grade natural features and contours, alter drainage conditions** or divert any flow of a watercourse, water body, marsh or swamp-
> (5) Construct docks, dams, **other water control devices, pilings or bridges,** whether or not they change the ebb and flow of the water.--
> **(7)Construct pervious or impervious driveways or roads -**(8) Cut or remove any healthy plant.

And this Board should overturn the Building Inspector's determination in his September 29, 2015 letter that an administrative wetlands permit is sufficient. Administrative wetlands permits are only permitted for certain minimal development in the wetlands (see Wetlands Code § 122-8(D)). But the Gallis' proposed wetland driveway expansion (which we challenged as never existing) requires gravel & grading, fill, drainage changes due to gravel and road surfaces and weight of vehicles. Accordingly, based upon the Code, the proposed introduction of new gravel into the wetlands for the purposes of improving and/or constructing a new or expanded access road requires a permit issued by the Wetlands Commission and not just an administrative wetlands permit.[7] Construction of an angled, west facing gravel driveway heading west and away from the barn, is undisputedly work that requires a Wetland permit issued with approvals from the Commission. In addition, the Wetlands Chairman has also opined in openly in public meetings, that any changes to a driveway in the wetlands, (specifically defined on tape at the meeting reviewing projects with renovations to driveways) whether new or existing, requires both approval and permit from the Wetlands Commission along with approved drainage

[3] Zoning Code 125-67(A).
[4] Town Code 102-3(A)(1).
[5] Wetlands Code 122-8(B)(8).
[6] Zoning Code 125-13(B).
[7] Wetlands Code 122-8(B)(3).

calculations from the Commission (Tape of meeting can be submitted at time of Zoning Board review if necessary). (**EXHIBIT K**- portions of transcript of wetland driveway wetland meeting). Thus, this Board should overturn the Building Inspector's determination that only an administrative wetlands permit is required.

But the Gallis' September Plan still depicts the Gallis' proposed widened second wetland access road extending onto Alice Road, blocking the narrow residential public road. We previously pointed out in our May 27 the letter that it was disingenuous for the Gallis to suggest in their March Plan and accompanying letter that there is 22 feet of "driveway" for trucks to pull in, where that "driveway" (1) is not authorized by the ZBA Resolution or the Zoning Code and (2) is mostly on the Town's property on Alice Road and not on their property. But the September Plan still depicts the Gallis' proposed second driveway extending onto Alice Road and therefore the September Plan fails to meet this Board's condition to maintain a "safe access way".

As an initial matter, the Zoning Board requirement was that this access be looked at by the Engineer in determining placement in Condition (8) "while preserving a safe access", which was not achieved here. This new use in this SW crowded corner for an access and egress through the wetland, lacks the required engineering details and is also missing the seal of a professional to make it a professional drawing. The NYS Licensing Board states that a drawing is not a professional "engineer" drawing if it does not contain a current seal from the professional, and it has no professional responsibility without this seal. Therefore the request by the Zoning Board was NOT met for a professional Engineers pre-construction survey as that would require a seal to be valid professional work. For this reason alone, it does not meet the requirements as an engineering drawing, so does not meet the requirements of the ZBA's grant (Condition 8).

Further, to make this unsealed effort even less professional and incomplete, it lacks any turning radius and road clearance information, required when demonstrating safety conditions are met, when adding any road or access. Information such as dimensions, materials, radius, wheel axil lengths, weight and calculations of the support of these weight over the a wetlands and other sub-surface conditions here, especially with the extreme heavy loads of these trucks carrying full manure dumpsters, etc. These are all required on a professional drawing and again by the Zoning Board's Conditions (Condition 8) where it states that the dumpster must be in a location that also preserves "a safe access way". This "safety" is not demonstrated when the trucks are using Gallis' proposed access road that is 22 feet into the public road and where children play on a narrow road. As this condition of the Zoning Board grant was not completed and the Zoning Board requirements are not met, this plan must be rejected. The Building Inspector's approval of the September Plan should be null and void as the Building Inspector has no authority to approve a zoning **non-compliant** plan that is not proven safe with calculations, turning radius, dimensions and safety measures as required by the ZBA's requirement for safe access and no steep slope impacts as set forth in conditions 8 (relating to steep slopes) and condition 14 (requiring Mr. Winn to confirm the safety factors so there is no impacts on sight line requirements).

As an aside, there are hundreds of other areas that a heavy manure truck could drive through on this property and be fully on the property, and hundreds of flat, open other areas of

their open and flat wetlands that would create a safe, straight, visable egress and access that would be safer and less impactful. Yet, the September Plan fails to make this effort even though the Gallis were required to do so by the ZBA (see Condition 8 and 14).

3. FENCING, GATES AND STONE WALLS

The Gallis' fencing and removal of large , double wide access gates on Alice Road (see photos of existing double access gates along Alice Road, that Gallis' removed without permits or approvals, in the wetlands, on **EXHIBIT L & M)** is another demonstration of how the Engineer and the Gallis have doubled and tripled the non-conforming issues on this plan by increasing the area shown from the manure storage and access area in a small portion of the property on the Sketch Plan to a full blown non-conforming plan of over ½ the property which now includes many more of the Gallis known non-conforming constructions that lack permit and approvals so are needing variances. This is despite the fact that condition of 11 of the variance grant requires that the Building Inspector confirm that no additional variances are required on the Gallis' property.

4. FENCING - 5 ft HIGH FENCING WEST OF GATE ALONG ALICE ROAD

The proposed 5' ft. fencing, that runs hundreds of feet along Alice Road to Succabone Road, was not discussed in the manure storage grant nor depicted on the Sketch Plan. In fact, this Board discussed how there was no fencing variance request before it. Yet, this area with non-conforming fences is now magically added to the September Plan. Omitting, of course, showing the removal off the large existing access gates on the East side of the barn on Alice Road by the Gallis'. This unsealed document showing the improperly relocated and new 5 ft fencing and the improperly removed existing gates East of the barn, is a blatant attempt to circumvent the requirement to obtain needed permits, approvals and variances. This improperly relocated 5-foot high fencing along Alice road, requires a variance to be in this location as did the removal of these gates and replaced with new 5' fencing that does not comply with Zoning setbacks. It is a corner lot, and the Bedford Zoning Code clearly states that side yards are subject to the same setbacks dimensions as a front yard setback. Yet this improper relocated and new fencing, is shown without any hint of dimensions required by a professional drawing, and of course is not conforming, or included in this variance grant. Another separate variance is needed for this non-conforming fencing on a corner lot in disregard of Zoning Code 123-15 & 123-18 along Alice Road (see Suzanne Gallis deposition under oath **Exhibit N**). This 5 ft high fencing, hundreds of feet long, requires a variance to be in the place shown, so the requirement of the Condition (11) has not been met and therefore the Building Inspector's determination must be overturned. See zoning code below:

> **Section 123-15** Obstructions in Yards; Fences and Gates
> 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.**

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

Section 125-18 - Yard requirements for corner lots.
On a corner lot, there shall be provided a side yard on a side street equal in depth to the required front yard.

A wetland permit is also needed additionally for this relocated fencing along with a building permit for the Gallis removal of the existing large access gates (see photos attached of existing access gates on Alice road, **Exhibit L & M**) that existed prior these relocations in disregard of Zoning setbacks. Even if a portion of fencing has a (challenged as improper) wetland permit for it, it is still mandatory to receive a separate variance as it is in conflict with the Zoning code above. None of these permits exist, another variance is needed along with the proper fees, applications prior to this plans approval, so the requirement of the Condition (11) has not been met and therefore the Building Inspectors approval must be overturned.

It is interesting to note, that this exact Zoning Code provision (corner lot, 5 ft paddock fencing) was strictly enforced by the Town on Toporoff/Richman property for the same road, by Nancy Tagliferro, of Keane and Beane, when a few years ago she demanded compliance with the 20 ft setback of the same Paddock fencing on our property, which we complied with. Surely, the Town/Zoning Board will not choose to only enforce this code on our property and disregard it for the Gallis. The Town must now apply the same level of enforcement with respect to the Gallis side yard over 5 foot fencing on a corner lot.

5. MORTARED STONE WALL ALONG SUCCABONE

The Gallis'stone wall along Succabone Road is again another demonstration of how the Engineer and the Gallis have doubled and tripled the non-conforming issues on the plan, and increased the scope of the improvements well beyond the manure storage variance. Although the September Plan shows that the illegally built mortared stone wall (constructed without permits or approvals) to be "removed" from certain portions of the R.O.W, it fails to depict whether the mortared wall will be set back into the property , to meet Zoning Setbacks and fails to depict the height of these walls. Not only did the Gallis build this structure with mortar without permits, fees etc. for permits but it is in the wetlands and it extends far onto the Town right of way and onto public property. All three Codes openly disregarded by the Gallis, that all other residents have to conform with.

This mortared stone wall, is considered a structure by the Bedford Building Code. It is hundreds of feet long, along Succabone Road and was built by the Gallis with mortar without a permit, which is required when mortar is used. (See *Bedford Planning Depts. - The Do and Don'ts of Stone Wall Building*- where it states that for mortared walls in wetlands, a wetlands permit is required along with building permits, footings, approvals and conformance with Codes.) As the September Plan gives no indication that the mortared wall be set back any distance, to attempt to meet Zoning setback requirements from the property line and fails to depict the height of these walls, the Building Permit cannot determine compliance with the

Zoning Code § 125-15. Thus, this Board's Condition (11) has not been met and therefore the Building Inspectors approval must be overturned.

Again the Bedford Planning Department's Chief of Planning, Mr. Jeff Osterman personally demanded (with witnesses present) that Toporoff/Richman stone wall on Succabone Road. a few feet away be built <u>without mortar</u> to be legal in the exact location of the existing wall, or receive violations and penalties. The Town cannot choose to only enforce the code across the street on our property. They must now apply the same level of enforcement with respect to the Gallis mortared wall (structure).

As discussed above, this wall requires a variance, but additional permits are also needed for demolition and removal of the piece of stone wall built illegally by the Gallis on a Town Road. It is necessary have dimensions, quantities, safety provisions and insurances to get proper permit. Details showing the lengths, width, locations, removal process, weight, road protection, etc must be shown in detail to do this work on the public Road. Demolition by the resident requires yet another approval and variance. So for this stone wall structure alone 2 to 3 additional variances are needed, and the requirement of Condition (11) has not been met and therefore the Building Inspectors approval must be overturned.

6. PADDOCK ON STEEP SLOPE IN REAR OF PROPERTY SURROUNDING SHED/BARN

While the Gallis originally submitted their Sketch Plan of the manure area that the ZBA reviewed, the Gallis and their Engineer now increase this sketched area to include East (and West) of the manure storage area and also add developments in the steep slope area. Work in the area bordering and supporting the cemetery and behind the barn/shed and up to the Gallis rear property line requires a Planning Permit and other approvals. As it is a steep slope area and also affecting areas disturbed near a property line, it is critical that a Planning/steep slope approval and permit is obtained for construction in this area. Since new paddock work is beyond the scope of the manure storage variance reviewed or on the Sketch Plan dated 4/14/14 referenced in the grant, it is beyond the scope and cannot be added to this manure variance grant.

Also, the September Plan states that with respect to fencing along Alice Road that the "existing paddock fending to be removed from R.O.W. and relocated onto property." But the September Plan fails to depict how far into the property the paddock fences will be relocated even though paddock fences (or fences where horses will be maintained) must be 5 feet from the property line (see Zoning Code § 125-25(3)(b)). The September Plan specifically refers to this fencing as "paddock fencing" and that is what the Gallis have used this area for. As such, the September Plan fails to conform to the Zoning Code's requirements and to this Board's Condition 11 that no further "variances are required." Based upon this alone, this Board must overturn the Building Inspector's determination approving the September Plan without requiring the Gallis obtain a variance for paddock fencing that fails to comply with the Zoning Code.

Also, in the Gallis continuing disregard of requirements and permits needed for their construction, the September Plan shows this new unapproved enclosed paddock in the rear,

sloped area of the SW corner. Again, this paddock fencing is not set back five-feet from the property line as required (Zoning Code § 125-25(3)(b)). This enclosed paddock also surrounds the shed/barn, which the ZBA previously ruled is not to be used to store horses. This new paddock has no building permit and of course, lacks the necessary Planning/steep slope permits, as mentioned above. Getting these required permits it allows legal due diligence to the surrounding residents to have their rights protected from these constructions that affect the enjoyment of the their property. Despite this, the September Plan improperly adds this un-approved paddock, with no dimensions, information and details of materials, equipment and construction to the plan, as the plan attempts to improperly "sneak" this construction of something new into the manure storage variance, which it is not a part of. Additionally this new steep slope, rear paddock, will bring unmonitored manure piles /storage within the setback areas near and on top of the hill adjoining property lines. Adding this paddock without permits in place, to this drawing and receiving no objections from the Building Inspector is improper as he knows from many on-going complaints, that it has no permit to be constructed there. It is improper for a Building Inspector to selectively choose not to enforce the Building Code and Planning Code be met by the Gallis' for this paddock construction on a steep hill on the rear property line to house horses. The fact that he can turn a blind eye to it on this drawing, and allow illegally constructed development without any adherence to the Code just clarifies the improper nature of this submittal.

Either way, this steep slope construction requires yet another variance Condition (11) has not been met and therefore the Building Inspector's determination must be overturned.

It is again interesting to note again, Mr. Osterman, Head of Bedford's Planning Dept., demanded compliance to this code with detailed drainage calculations, etc for us to have a paddock near (but not in) a steep, sloped area, but has no demands for their work on the now proven steep slope on the Galli property. Again, he deliberately and selectively chooses to enforces the code on some residents, but not all. Despite his lack of enforcement of these residents, it remains a fact that to construct this paddock in this rear area of this property a Planning/steep slope permit is needed. The Town should equally enforce the steep slope restriction and they should not only be applied across the street to our property.

7. REAR PADDOCK ILLEGAL ISSUES AND FENCING

To continue the problems with this improper paddock as shown, that is not be part of this variance, any paddock must be comply with the Zoning Code setbacks in the rear and side yards in accordance with: (1) the Zoning Code requirement that paddock fences be set back 5 feet from the property line, (2) Condition 14 of the ZBA Resolution, which states that if deemed warranted by the Commissioner of Public Works the Gallis shall move the fences 5 feet back onto the property. However, on the August Plan and September Plan, the fences East and West of the access gate are conveniently no longer referred to as "paddock" fences, even though that is what they are, as they fence in the areas where the horses graze (see attached photographs showing horses grazing in this area with the horse's nose over the fence on the property line attached as **Exhibit "O"**), and instead of being set back 5 feet from the property line they are proposed to be installed on the property line. The rear fences were randomly, unsafely installed

by the Gallis, without any of the multiple required permits. Any paddock here must conform with the current rear yard zoning standards along with the setbacks deemed required for side and rear yard fencing along Alice Rd. Additionally they must comply with the ZBA's Conditions currently requiring setbacks for the entire length located along Alice Road to the access gate. This over 5 foot fencing currently sits many feet into the Public Road.

8. PRE-CONSTRUCTION SURVEY

Condition 8 of the ZBA Resolution requires that the Gallis conduct a "pre-construction survey" to be submitted to the Town which evaluates whether the dumpster can be relocated to reduce essentially all of the impacts associated with the approved location by moving it out of the wetlands and the steep slope area and into a location of greater conformity – basically everything that the ZBA should have assessed and determined before granting the variance. Nevertheless, this is the first condition to reference any submission being required by the Gallis depicting the layout of their property. The subsequent conditions demand that this additional information must be included on "the plan," referenced in condition 8. This also makes sense from a rational and practical standpoint since the purpose of the pre-construction survey is to identify whether the location of the manure dumpster could be changed to be less environmentally intrusive and in greater zoning compliance. However the Gallis fail again to meet this requirement. No pre-condition survey has been submitted and therefore, the necessary analysis has not be undertaken.

The Zoning Board required an "Engineer" drawing (professional only if sealed) to produce a pre-construction survey (see Condition (8)) which evaluated whether the dumpster "can be shifted.....while preserving a safe access way." If the dumpster is not moved, the "applicants' engineer must outline in writing a compelling reason why it cannot be so relocated." Instead the Engineer submitted a "pre-construction plan" that lays out where aspects of the development of many un-permitted items and new development without any construction information such as dimensions, details heights, widths of walls, weights, materials, etc. and simply ignored the ZBA's condition mandating proof and evaluation in writing of why it cannot be relocated to better spot for more compliance and safer access.

Just as there is no written explanation of why this dumpster is not farther from the property line and the sloped area to create a safer access for a truck onto the Gallis' property as was required by the ZBA's Condition 8, there is also not information certifying that this is a safe access way at all. To demonstrate safety, these drawings need to contain details of standard driveway construction which requires radius' and calculations including the truck turning axis' sight line yet there is nothing on this drawing to show that this is a safe or compliant access. There is no sight line analysis to show safety to children playing and other vehicles using the road, from the emerging trucks out on to a narrow road.

Also, as the Gallis added 40+ trees along Alice road (challenged as illegally installed on public road with fill in the wetlands) creating a buffer hundreds of feet long that completely blocks the ability to see the egress of these trucks with large dangerously heavy loads from the Gallis' driveway onto Alice Road, it is notably unsafe. Yet the September Plan fails to even

depict these trees and therefore, ignores the ZBA's condition to prove safe access. In her deposition, under oath, Suzann Galli states that she installed 30 trees along Alice Road on her property (see **EXHIBIT "P"** Suzanne Galli deposition under oath) (challenged by us to be improperly installed on the public road without permits). Yet, these trees are not depicted on the September Plan, despite the fact that these trees installed by Galli completely block all sight to the road, creating a dangerous access.

The rows of large, tall all-season evergreen trees along Alice Road need to be shown on the September Plan in order to establish whether there is safe access, but as discussed above, not for the purpose of seeking to legalize improper actions by the Gallis without the proper permits and approvals as part of this variance grant. How can the September Plan demonstrate safe access if it fails to show the conditions surrounding the location where the proposed access and Alice Road meet? These are obstacles that affect the safety of the new access road. How can the September Plan demonstrate safe access around these trees, if it fails to even show these unsafe obstacles blocking view to the oncoming traffic? It is also a fact that no analysis of needed sight lines that make egress in and out of this access safe, has been done. This is a condition of the ZBA. As there is no sight lines analysis done or applied, and it seems clear that no sight lines exist because of these trees (omitted deliberately from the drawing), therefore Condition (8) of the ZBA grant is not met by this September Plan.

9. UN-SEALED DRAWINGS – ARE NOT LEGAL ENGINEER DRAWING

The engineer fails also to complete his submittal with his seal on the drawing to make it a legal document. As a license, along with the ZBA approval , will be held responsible for this design, a seal is demanded in order for this to be an "engineer" drawing. As it lacks a seal, this is not an engineers' drawing and therefore does not meet the Zoning Boards, condition (8) , of demand of an Engineers drawing **certifying the fact** of safe, sight lines, view, and dimension that are sorely lacking in this "sketch" drawing.

Accordingly, the Gallis' March, August and September Plans are supposed to be the "pre-construction survey," in which case they utterly fail to comply with the requirement that the Gallis fully assess whether the dumpster can be placed in a different location; or (2) the Gallis still have to submit the "pre-construction survey," in which case the plot plans were nothing more than an exercise in futility as the Gallis have not demonstrated that the dumpster cannot be relocated nor submitted any Engineering on this drawing. Either way, at this stage the Town cannot permit the Gallis to go forward with the development and reconfiguration of the southwest corner of their property because they have not complied with condition 8 (among all of the other reasons set forth in this letter).

10. ALL SETBACKS AND ZONING TO BE SHOWN ON DRAWING AND COMPLIED WITH

To add to the non-conforming aspects of this submittal, as per condition 9, it was required that all setback calculations be shown. Yet the Zoning setbacks for yards, fencing, etc on corner lots which apply for this property, specifically Zoning Code Section 125-15 and 125-

18 are not included anywhere on the drawing. If the Gallis had provided these setback requirements and its necessary calculations, it would be clear that these are not in conformance with these setbacks as per Zoning Code (as discussed in previous paragraphs above).

Lastly, the Gallis rely upon the building coverage and impervious surface calculations set forth in their June 2014 survey (see **Exhibit "Q"**) to comply with condition 9. However, as set forth in our May 27 letter, they then make adjustments to reduce the impervious surface based upon interior stone walls that are going to be removed even though those stone walls were not included in the June 2014 survey's impervious surface calculation. This was not corrected in the Gallis' August or September submission. To make more of a mockery of the process, the September Plan never states the length and, more importantly the width of the new stone or retaining walls. This is in conflict with all practices and requirements of the Building Dept. for construction of anything including walls. This is the most basic requirement of an engineering drawing. Some of the walls shown hold back slope dirt and in of the wetland regulated areas, and must have engineering, details and still more permits. In addition to them having unknown thickness, which are needed to calculate the square footage of anything, they cannot be checked on now or later at completion for correct dimensions. Therefore there is no way to know what length or thickness is approved and therefore no ability to calculate pervious or impervious surfaces.

It is also clear with only a cursory glance, that the linear and square footage of the new stone walls, far exceeds the calculations made by this engineer. Again, it cannot be checked by the Building Inspector nor any due diligence done, without dimensions which are required in any other construction project, but missing from this plan. Again without seal and dimensions and details, it is a sketch by an individual and does not satisfy the ZBA grant.

11. CULVERT AND BRIDGE/PLATFORM CONSTRCUTION ABOVE CULVERT

Likewise, condition 10 requires the Gallis to include a statement as to whether the culvert, which is a series of structural stone, mortared walls built to divert water in the easement around the supports built in the easement for the platform above in the wetlands , or more importantly to support the Gallis new bridge above culvert, it has structure and has square footage of (approximately 200 sf) that also needs to be included. The culvert is a strong wide series of stone walls, built by the Gallis without permits, in the wetland drainage easement. It is a prohibited act as per the Wetlands code and the building of the culvert and platform above, need numerous wetland and building permits and without these a variances is needed. The ZBA's condition 10 requires that the culvert (thick stone support walls) be looked at for its square footage to be included as it is a structural item. Thus, for this reason also, the September Plan fails to conform to the ZBA's conditions.

While the September Plan does indicate that certain portions were included in impervious surface, there is no indication of how much additional impervious surface this entails and they do not provide an updated impervious surface calculation to include the culvert, and bridge supported above the culvert, which was not included in the June 2014 survey calculations that were made before the ZBA Resolution was issued. Therefore, the Gallis should be required to

provide an updated impervious surface calculation that does not deduct for stone walls that allegedly will be removed but were not originally included in the impervious surface calculation and include the additional impervious surface related to the culvert based upon the engineer's determination as required pursuant to condition 10 of the ZBA Resolution.

Here again the Town of Bedford's Wetland Commissioner, Mr. Messinger demanded that Toporoff/Richman wetland area a few feet away be permitted for any work near the same easement on their property and persecuted us for simply cleaning of the easement, yet now that a set of structural stone walls and new structural supports with bridge above, are shown to be built by the Gallis in the easement without permits or approvals, he and the Building Inspector must respond with enforcement for these clear violations in the wetlands to the Wetlands Code. Surely, the Wetland Commissioner and Zoning Board will not choose to only apply the restrictions of the Wetlands Code only to our property, and ignore it for the Gallis multiple and substantial, gross abuses of improper construction in the wetland. They must apply enforcement with respect to the Gallis unpermitted construction in the wetland area.

I also attached for your convenience,(**EXHIBIT R**) the approved Survey of the Galli property as it was when purchased by the Galli's attached to their deed in 1999 or so, to use to compare to the present Survey with its multiple constructions and additions (structures,fencing, walls) made and relocated without permits and the necessary variances. This document was also used and accepted by the Town as the current survey in 2004 and 2006 for the Gallis extensive renovation to their residential home and the revocations that added a new cottage and septic aspects to the property. Also, please **note the lack of any paths, roads, access, driveways from Alice road to the barn prior to the Gallis ownership**, the lack of any existing of the new culvert and bridge in wetlands and in the drainage easement prior to the Gallis ownership, the relocated fencing along Alice road, moved random dimensions and non-conforming to Zoning setbacks, the lack of hundreds of feet of interior fencing in the wetlands by Alice Road to form a rink and additional paddocks, the lack of stone wall into the Public Road at the corner of Succabone Road, and new paddock fencing in the rear and side setback areas of the SW corner , and on and on…all without variances as required by ZBA Condition (11) of the ZBA's grant.

SUMMARY

In sum, there are still numerous flaws with the Gallis' September Plan and several ways in which it does not comply with the ZBA Resolution and the Zoning Code. It also attempts to add paddocks, fencing walls and bridges built in wetlands without permits that need proper permits in place to have any "manure storage variance" approved. The Gallis cannot be permitted to proceed with the contemplated development until the ZBA Resolution conditions are fully and adequately complied with and the Gallis obtain all additional necessary approvals related to the proposed development in the steep slope and the wetlands controlled area and additional Building and Planning permits to the extent they do not comply with the ZBA's grants Conditions. The Building Inspector has no authority to approve a plan that does not conform with the Board's conditions and/or the Zoning Code. Thus, this Board should overturn the

Building Inspector's determination and make the decision that ought to have been made – that the September Plan still fails to conform to this Board's clear requirements.

Thank you for your consideration.

Very truly yours,

Ruth Toporoff, RA

Enclosures

cc: Steven Fraietta, Building Inspector (via E-Mail & FedEx)
Joel H. Sachs, Esq. (via E-Mail & FedEx)
Bedford Town Board
Chris Burdick, Town Supervisor

EXHIBIT A

TOWN OF BEDFORD
BUILDING AND CODE ENFORCEMENT

Steven Fraietta
Building Inspector

James Genovese
Assistant Building Inspector

William O'Keefe
Code Enforcement Officer

Alexandra J. Costello
Sr. Office Assistant

Donna M. Berkowitz
Sr. Office Assistant

Michael Repp
Deputy Fire Inspector

September 29, 2015

Peter Gregory, P.E.
Keane Coppelman Gregory Engineers, P.C.
113 Smith Ave.
Mt. Kisco, NY 10549

RE: 341 Succabone Rd.

Dear Peter:

After reviewing the plan you submitted for the above referenced property for the manure storage area, I find that it meets the conditions of the Zoning Board of Appeals.

Prior to the Galli's commencing the project they will have to secure a fence permit and an administrative wetland permit.

Sincerely,

Steven Fraietta
Building Inspector

Town of Bedford

Building Department

425 Cherry Street • Bedford Hills, New York 10507
Tel: (914) 666-4585 • Fax: (914) 666-2026
E-Mail: buildinginsp@bedfordny.gov
www.bedfordny.gov

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

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

Donna M. Berkowitz, Sr. Office Assistant

October 2, 2015

Katherine Zalantis, Esq.
Silverberg Zalantis, LLP
220 White Plains Road, Fifth Floor
Tarrytown, New York 10591

Re: FOIL Request
Section 83.11 Block 2 Lot 3, R-4 Acre Zoning District
341 Succabone Road, Bedford Corners, New York

Dear Ms. Zalantis,

With reference to the email from Joel H. Sachs, Esq. to you on October 1, 2015, the enclosed letter from the Building Inspector dated September 29, 2015 along with a letter dated September 21, 2015 and revised map, last revised 9/18/15, from Peter J. Gregory, PE is in response to your client's FOIL request.

Very truly yours,

Steve Fraietta
Building Inspector

cc: Joel H. Sachs, Esq.
Lisbeth Fumagalli – Town Clerk

KEANE
COPPELMAN
GREGORY
ENGINEERS, P.C.
CIVIL & ENVIRONMENTAL CONSULTANTS

113 SMITH AVENUE
MOUNT KISCO, NY 10549
T:(914) 241-2235
F:(914) 241-6787

September 21, 2015

Mr. Steven Fraietta, Building Inspector
Town of Bedford
425 Cherry Street
Bedford Hills, New York 10507

Regarding: Resolution #04-14 Six-Manure Storage Dumpster
Zoning Board of Appeals Application
Section 83.11, Block 2, Lot 3, R-4 Acre Zoning District
341 Succabone Road, Bedford Corners
Owners/Applicants: Stefano and Suzanne Galli

Dear Mr. Fraietta:

Attached please find two (2) copies of a revised Plot Plan for the above referenced application. The plan has been revised to reflect changes to the location of the proposed gate serving the existing driveway on Alice Road. The gate is now proposed to be relocated 20' into the property measured from the property line.

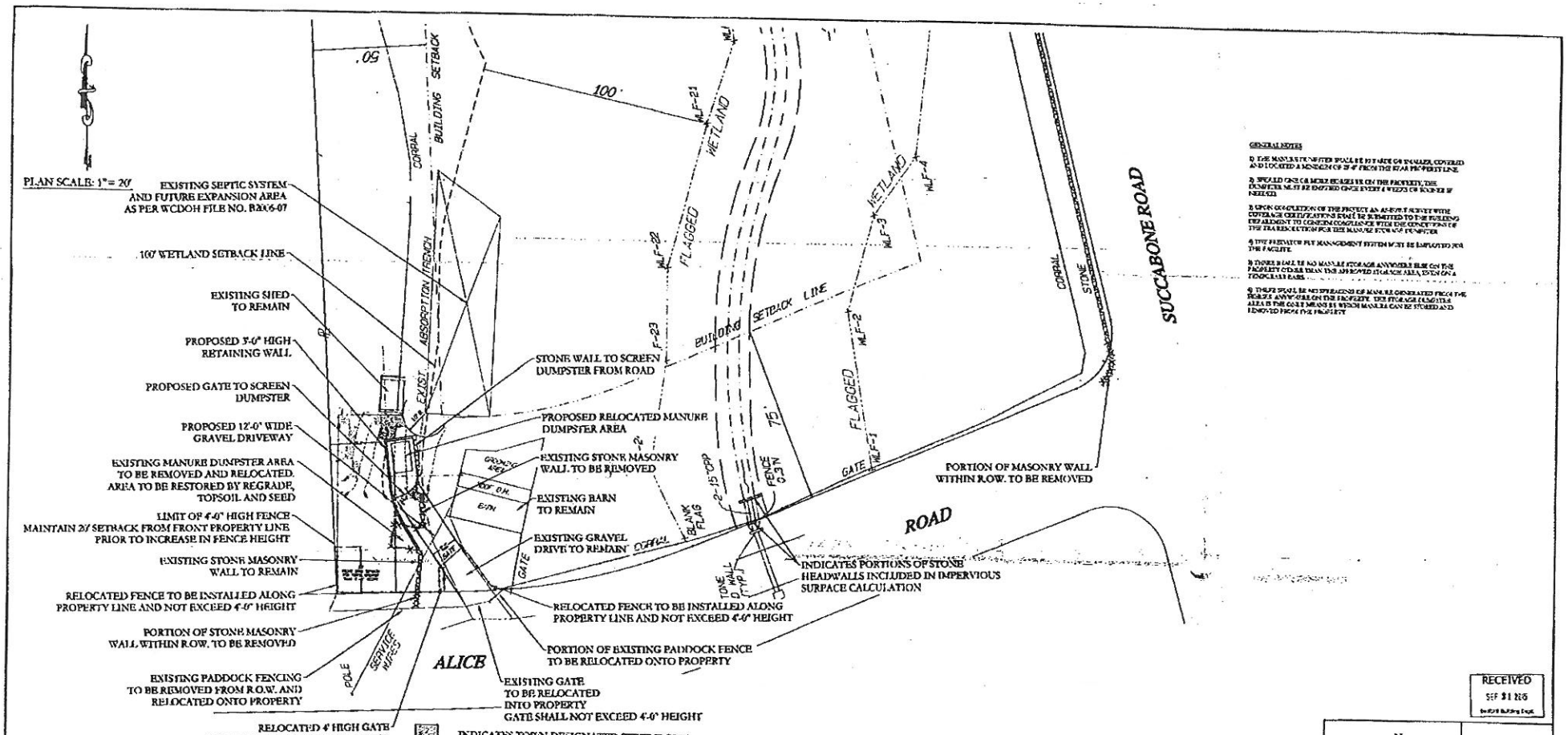
Should you have any questions or require additional information, please don't hesitate to contact me.

Very truly yours,

Peter J. Gregory P.E.
President

PJG/tm

RECEIVED
SEP 21 2015
BEDFORD BUILDING
DEPARTMENT



GENERAL NOTES

1) THE MANURE DUMPSTER SHALL BE MADE OF DURABLE, COVERED AND LOCATED A MINIMUM OF 20'-0" FROM THE REAR PROPERTY LINE.

2) SPILLED CONS OR MORE HEADS TO ON THE PROPERTY, THE DUMPSTER MUST BE EMPTIED ONCE EVERY 4 WEEKS OR SOONER IF NEEDED.

3) UPON COMPLETION OF THE PROJECT AN AS-BUILT SURVEY WITH COVERAGE CERTIFICATION SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT TO CONFIRM COMPLIANCE WITH THE CONDITIONS OF THE TRA REDUCTION FOR THE MANURE STORAGE DUMPSTER.

4) THE PRESENT PLT MANAGEMENT SYSTEM MUST BE EMPLOYED FOR THE FACILITY.

5) THERE IS TO BE NO MANURE STORAGE ANYWHERE ELSE ON THE PROPERTY OTHER THAN THE APPROVED STORAGE AREA, EVEN ON A TEMPORARY BASIS.

6) THERE SHALL BE NO SPREADING OF MANURE GENERATED FROM THE FACILITY ANYWHERE ON THE PROPERTY. THE STORAGE FACILITY AREA IS THE ONLY MEANS BY WHICH MANURE CAN BE STORED AND REMOVED FROM THE PROPERTY.

MANURE STORAGE DUMPSTER AREA COVERAGE CALCULATION

TOTAL AREA OF INTERIOR SITE WALLS REMOVED = 47 SF

TOTAL AREA OF INTERIOR SITE WALLS PROPOSED = 63 SF

THE CREATION OF THE MANURE STORAGE DUMPSTER AREA WILL RESULT IN A NET INCREASE OF DEVELOPMENT COVERAGE OF 41 SF

EXISTING TOTAL IMPERVIOUS AREA = 13,518 SF OR 7.76%*
PROPOSED TOTAL IMPERVIOUS AREA = 13,559 SF OR 7.78%

* AS PER SURVEY OF PROPERTY PREPARED BY HUSTANDY JOHNSON AND COMPANY LAND SURVEYORS P.C. DATED JUNE 3, 2014

1. OWNER/APPLICANT
STEFANO AND SUZANNE GALLI
341 SUCCABONE ROAD
BEDFORD CORNERS NEW YORK 10549

2. SURVEY INFORMATION FROM SURVEY PREPARED BY
H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS P.C.
42 SMITH AVENUE
MOUNT KISCO, NEW YORK 10549

3. TOWN OF BEDFORD TAX MAP INFORMATION
SECTION 11.01, BLOCK 3, LOT 1
TOTAL AREA OF PARCEL = 4.00 ACRES
TOWN OF BEDFORD ZONING DISTRICT R-4A

4. PROJECT SITE ADDRESS
341 SUCCABONE ROAD
(X) PROPOSED

"UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW"

TOWN OF BEDFORD
TABLE OF DIMENSIONAL REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT AREA PER UNIT (ACRES)	MINIMUM LOT AREA PER UNIT (ACRES)	MINIMUM EFFECTIVE SQUARE (FEET)	MAXIMUM YARD REQUIREMENTS FRONT (FEET)	LESSER SIDE / TOTAL BOTH SIDES (FEET)	REAR (FEET)	MAXIMUM HEIGHT STORIES	FEET	MAXIMUM COVERAGE BUILDING	IMPERVIOUS SURFACE
	R-4A	4 ACRES	4 ACRES	250	75	35/100	50	2 1/2	35	
										PROPOSED
341 SUCCABONE ROAD		4.00	4.00	250						10,037 SF 5.73 % / 13,659 SF 7.78 %
MAIN RESIDENCE					100.54	61.72 / 154.87	41.29*	-	-	

125-37 (C) ACCESSORY BUILDINGS GREATER THAN 100 SF IN GROUND FLOOR AREA OR GREATER THAN 10 FEET IN HEIGHT SHALL COMPLY WITH FRONT, REAR AND SIDE YARD SETBACKS SPECIFIED IN SECTION 125-50. (Front 75 - Side 50/100 - Rear 50)						0.5 % OF LOT AREA / FLOOR AREA SF
PERGOLA	215.22	102.84 / 537.73	51.10	-	-	871.2 / 253
GARAGE	139.24	17.72* / 178.88	70.88	-	-	871.2 / 798
BARN	284.32	23.79* / 113.79	31.50	-	-	871.2 / 814
POOL	320.48	134.43 / 613.22	34.8	-	-	871.2 / 877

125-37 (C) ACCESSORY BUILDINGS NOT GREATER THAN 100 SF IN FLOOR AREA AND NOT MORE THAN 12 FEET IN HEIGHT SHALL BE LOCATED NOT CLOSER THAN ONE-THIRD (1/3) OF THE SIDE YARD AND REAR YARD DIMENSIONS SPEC. IN 125-50 BUILDINGS MUST COMPLY WITH FRONT YARD SETBACKS SPECIFIED (Front 75 - Side 15 & 133.33 - Rear 50 SF)						
SHED	367.50	71.25 / 820.36	22.75	-	-	
CHICKEN COOP	230.80	22.71 / 534.29	60.98	-	-	

* INDICATES EXISTING NON-COMPLYING SETBACK

RECEIVED
SEP 21 2015
BUILDING DEPT.

FLAT SCALE: 1" = 20'

REVISIONS

NO	DATE	BY	DESCRIPTION
1	4/8/15	FJG	RELOCATED FENCE & HEIGHT
2	9/17/15	FJG	GATE
3			
4			
5			

PLOT PLAN

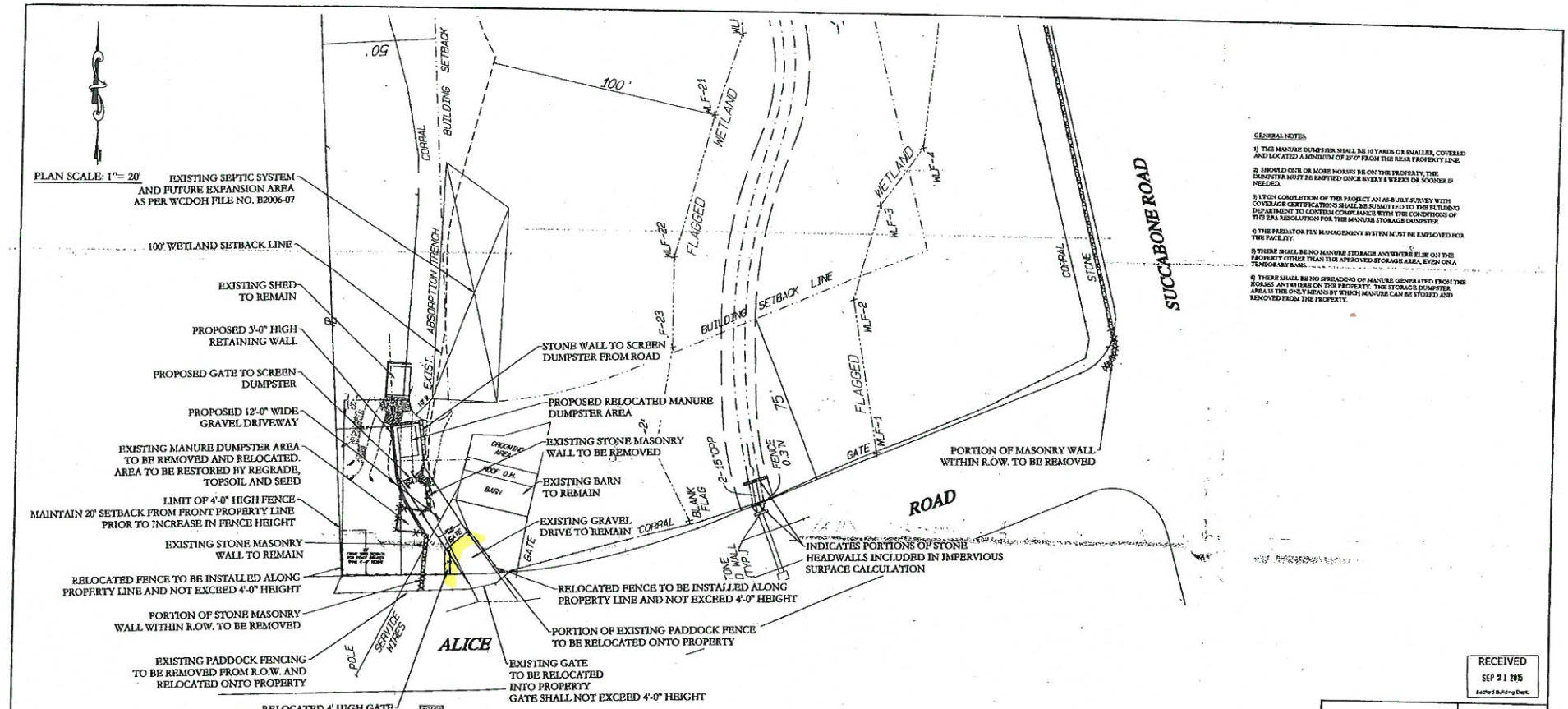
GALLI RESIDENCE MANURE DUMPSTER
341 SUCCABONE ROAD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

DRAWN BY: MAG | CHECKED BY: FJG

KEANE COPPELMAN GREGORY
ENGINEERS, P.C.
CIVIL & ENVIRONMENTAL CONSULTANTS
113 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549
T: (914) 241-2235 F: (914) 241-4777
WWW.KCGENGINEERS.COM

DATED 2/5/2015 | SHEET 1 OF 1

EXHIBIT B



INDICATES TOWN DESIGNATED STEEP SLOPES

INDICATES DISTURBANCE TO TOWN REGULATED STEEP SLOPES. TOTAL STEEP SLOPE AREA DISTURBED = 73 SF

MANURE STORAGE DUMPSTER AREA COVERAGE CALCULATION

TOTAL AREA OF INTERIOR SITE WALLS REMOVED = 47 SF

TOTAL AREA OF INTERIOR SITE WALLS PROPOSED = 88 SF

THE CREATION OF THE MANURE STORAGE DUMPSTER AREA WILL RESULT IN A NET INCREASE OF DEVELOPMENT COVERAGE OF 41 SF

EXISTING TOTAL IMPERVIOUS AREA = 13,518 SF OR 7.76%*
PROPOSED TOTAL IMPERVIOUS AREA=13,559 SF OR 7.78%

* AS PER SURVEY OF PROPERTY PREPARED BY H.STANLEY JOHNSON AND COMPANY LAND SURVEYORS P.C. DATED JUNE 3, 2014

1. OWNER/APPLICANT:
STEFANO AND MEANNE GALLI
341 SUCCABONE ROAD
BEDFORD CORNERS, NEW YORK 10549

2. SURVEY INFORMATION FROM SURVEY PREPARED BY:
H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS, P.C.
43 SMITH AVENUE
MOUNT KISCO, NEW YORK 10549

3. TOWN OF BEDFORD TAX MAP INFORMATION:
SECTION: 8.13, BLOCK: 2, LOT: 3
TOTAL AREA OF PARCEL = 4.60 ACRES
TOWN OF BEDFORD ZONING DISTRICT: R-4A

4. PROJECT SITE ADDRESS:
341 SUCCABONE ROAD
(T) BEDFORD

"UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW"

TOWN OF BEDFORD
TABLE OF DIMENSIONAL REQUIREMENTS

	ZONING DISTRICT	MINIMUM LOT AREA (ACRES)	MINIMUM LOT AREA PER UNIT (ACRES)	MINIMUM EFFECTIVE SQUARE (FEET)	MINIMUM YARD REQUIREMENTS FRONT (FEET)	LESSER SIDE/ TOTAL BOTH SIDES (FEET)	REAR (FEET)	MAXIMUM HEIGHT STORIES	FEET	MAXIMUM COVERAGE BUILDING	IMPERVIOUS SURFACE
	R-4A	4 ACRES	4 ACRES	250	75	50/100	50	2 1/2	35	3 % (5228 SF)	8 % (13942 SF)
											PROPOSED
341 SUCCABONE ROAD		4.60	4.00	250						5837 SF 3.23 %	13558 SF 7.78 %
MAIN RESIDENCE					196.54	88.72 / 454.87	41.20*	-	-		

125-27 (D) ACCESSORY BUILDINGS GREATER THAN 100 SF IN GROUND FLOOR AREA OR GREATER THAN 10 FEET IN HEIGHT SHALL COMPLY WITH FRONT, REAR AND SIDE YARD SETBACKS SPECIFIED IN SECTION 128-50. (Front 75 - Side 50/100 - Rear - 50)						0.5 % OF LOT AREA / FLOOR AREA SF
PERGOLA	215.52	192.05 / 537.70	61.18	-	-	871.2 / 253
GARAGE	189.04	17.70* / 578.85	70.89	-	-	871.2 / 788
BARN	264.32	25.70* / 612.09	61.90	-	-	871.2 / 614
POOL	220.48	194.43 / 510.20	64.0	-	-	871.2 / 677

125-27 (C) ACCESSORY BUILDINGS NOT GREATER THAN 100 SF IN FLOOR AREA AND NOT MORE THAN 10 FEET IN HEIGHT SHALL BE LOCATED NOT CLOSER THAN ONE-THIRD (1/3) OF THE SIDE YARD AND REAR YARD DIMENSIONS SPEC. IN 125-50 BUILDINGS MUST COMPLY WITH FRONT YARD SETBACKS SPECIFIED (Front 75 - Side 18.67/33.33 - Rear 18.67)					
SHED	307.56	76.20 / 620.39	22.70	-	-
CHICKEN COOP	229.50	22.74 / 534.25	50.83	-	-

* INDICATES EXISTING NON-COMPLYING SETBACK

GENERAL NOTES:

1) THE MANURE DUMPSTER SHALL BE 10 YARDS OR SMALLER, COVERED AND LOCATED A MINIMUM OF 25'-0" FROM THE REAR PROPERTY LINE.

2) SHOULD ONE OR MORE HORSES BE ON THE PROPERTY, THE DUMPSTER MUST BE EMPTIED ONCE EVERY 8 WEEKS OR SOONER IF NEEDED.

3) UPON COMPLETION OF THE PROJECT AN AS-BUILT SURVEY WITH COVERAGE CERTIFICATIONS SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT TO CONFIRM COMPLIANCE WITH THE CONDITIONS OF THE ZBA RESOLUTION FOR THE MANURE STORAGE DUMPSTER.

4) THE PREDATOR FLY MANAGEMENT SYSTEM MUST BE EMPLOYED FOR THE FACILITY.

5) THERE SHALL BE NO MANURE STORAGE ANYWHERE ELSE ON THE PROPERTY OTHER THAN THE APPROVED STORAGE AREA, EVEN ON A TEMPORARY BASIS.

6) THERE SHALL BE NO SPREADING OF MANURE GENERATED FROM THE HORSES ANYWHERE ON THE PROPERTY. THE STORAGE DUMPSTER AREA IS THE ONLY MEANS BY WHICH MANURE CAN BE STORED AND REMOVED FROM THE PROPERTY.

RECEIVED
SEP 21 2015
Bedford Building Dept.

N
PLAN SCALE 1" = 20'

PETER J. GREGORY, P.E. LIC. # 0126

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	8/6/15	PJG	RELOCATED FENCE & HEIGHT
2	9/18/15	PJG	GATE
3			
4			
5			

PLOT PLAN

GALLI RESIDENCE MANURE DUMPSTER
341 SUCCABONE ROAD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

DRAWN BY: MAG | CHECKED BY: PJG

KEANE COPPELMAN GREGORY
ENGINEERS, P.C.
CIVIL & ENVIRONMENTAL CONSULTANTS
113 SMITH AVENUE MOUNT KISCO, NEW YORK 10549
T: (914) 241-2235 F: (914) 241-4787
WWW.KCGENGINEERS.COM

DATE: 2/5/2015 | SHEET: 1 OF 1

EXHIBIT C

ZONING BOARD OF APPEALS

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

APPLICATION FOR A ~~VARIANCE~~ Appeal/Interpretation

1. Owner and Location of Property involved in Appeal:
   ~~Name of Owner~~: Stephano Galli and Suzanne Galli

   Address: 341 Succabone Rd., Bedford Corners, NY

   Telephone/Email: _____

2. Name of ~~Applicant, if other than Owner~~: Appellant: Michael Richman and Ruth Toporoff

   Address: 12 Alice Road, Bedford Corners, NY

   Telephone/Email: _____

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
   None

   Address: _____

   Telephone/Email: _____

4. Identification Property:

   Street Address: 341 Succabone Rd., Bedford Corners, NY

   Tax ID: 83.11-2-3 Zoning District: R4A

   Total Land Area: 4

   % of Building Coverage: 3.23% % of Impervious Surface 7.76%

   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: X No: ____

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

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

5. Request: Appeal/Interpretation
~~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:
See attached letter

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

N/A
Signature of Owner

N/A
Date

By: [signature]
Signature of ~~Applicant~~ Appellant

11/23/2015
Date

Rev 3/10/10

EXHIBIT D

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

RECEIVED

JUL 10 2014

LISBETH FUMAGALLI, TOWN CLERK
TOWN OF BEDFORD, NEW YORK

Amended Resolution #04-14 Six
Stefano and Suzanne Galli
Manure Storage Dumpster

WHEREAS, application has been made pursuant to Article III Section 125-25 (3) (b) of the Zoning Code of the Town of Bedford for a variance to permit the location of a manure storage (and compost) area to be located not less than 15 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line for premises located at 341 Succabone Road, Bedford Corners, New York, being known and designated on the Tax Map of the Town of Bedford as Section 83.11 Block 2 Lot 3, R-4 Acre Zone District, and shown on an application submitted on August 16, 2013; and

WHEREAS, public hearings were held on October 2, 2013, December 4, 2013, March 5, 2014, and April 3, 2014 at which time all those present wishing to speak were given an opportunity to be heard; and

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

WHEREAS, the Board acknowledged receipt of a letter from Steven Fraietta, Building Inspector, dated March 19, 2014, determining the dumpster containing manure should be considered a manure stockpile; and

WHEREAS, the Board acknowledged receipt of a letter from Steven Fraietta, Building Inspector, dated March 19, 2014, requesting the applicant submit a plan prepared by an engineer and surveyor showing the proposed manure storage dumpster in relation to setbacks and steep slopes; and

WHEREAS, March 24, 2014, the applicant submitted an amended request for a variance to permit a 10-yard covered manure storage dumpster 22.7 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line; and

WHEREAS, on April 2, 2014, the applicant submitted a sketch plan entitled "Sketch Plan, Galli Residence, 341 Succabone Road, Town of North Bedford, Westchester County, New York," dated 4/2/14, prepared by Peter Gregory, Licensed Professional Engineer, Keane Coppelman Gregory; and a colored rendering submitted on March 5, 2014 (undated and unsigned) entitled "Stefano and Suzanne Galli, 341 Succabone Road, Mt. Kisco, NY 10549, View of Proposed Changes from Succabone Road and View of Proposed Changes from Alice Road;" and

WHEREAS, the Board acknowledges receipt of correspondence and with addendums from Silverberg Zalantis, LLP, attorneys representing the neighbors, Ruth Toporoff and Michael Richman, residing at 12 Alice Road, Bedford Corners, in opposition to the application; and

WHEREAS, the Board acknowledges receipt of correspondence from neighboring property owners, Ronald Paisner, 322 Succabone Road; Daniel Sachs, 454 Succabone Road; Joyce Corrigan, 380 Succabone Road; Michael Paletta, 100 Baldwin Road, 70 Baldwin Road, and 401 (353) Succabone Road; Joy Copulos, 296 Succabone Road; Peter Menzies, 268 Succabone Road; Nancy Kotkin, 281 Succabone Road; and Eileen Coupland, 225 Succabone Road, in favor of the application.

NOW THEREFORE, on a motion by Ms. Black, seconded by Mrs. Spano, it is

RESOLVED, that the Applicants amended application for a variance to permit a 10-yard or smaller covered dumpster to be located at least 22.7 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line, be approved in accordance with a sketch plan prepared by Keane Coppelman Gregory, dated 4/2/14 showing the latest proposed location of the dumpster and a general outline of where the access way should be and the proposed stone walls. In particular the Board finds that the benefit to the applicants by granting the variance outweighs any alleged detriment to the neighborhood in that:

1. The benefit cannot be achieved by another means feasible to the applicants since the applicants are permitted to have horses on the property and a safe means of management of manure must be provided; the placement of the dumpster in the approved location is appropriate because it is the best and safest location in part because it (i) places the dumpster closer to the paddocks and encourages better disposal of the manure, and (ii) minimizes environmental impacts on steep slopes, wetlands, and the wetland buffer; and

2. There will be no undesirable change to the character of the neighborhood or nearby properties because applicants are allowed to have horses on their property as are neighboring property owners, and the approval will regulate (i) the location of the stored manure, (ii) disposal of the manure, and (iii) access to the dumpster being used for the manure storage. Additionally, granting the variance will enhance the neighborhood by decreasing the impacts that the past open storage, and spreading of manure on the site created; and

3. The variance could be viewed as substantial in some respects, but overall in the greater context and due to the environmental and physical constraints of this site and the applicants' willingness to relocate the dumpster from its original proposed location so as to bring it more into conformance with the Code, and increasing the distance from the neighbor's property line, outweighs the other factors; and

4. The variance will not have an adverse physical or environmental effect on the neighborhood despite the changes that will occur on the site by the addition of a dumpster, and creating a longer access way, since (i) the overall management of the manure on the site will be improved, (ii) the dumpster has been located to minimize disturbance to steep slopes and other environmentally sensitive areas located on the site, (iii) access to the dumpster from Alice Road is being improved by modifications to the Applicants' property, and (iv) neighboring properties also contain dumpsters for the disposal of horse manure; and

5. That even though the alleged difficulty is self-created because the applicants have horses on the property, as permitted as of right by the Zoning Code, however, as such, the manure must be handled in some fashion; and this is only one of the factors to be considered by the Board in making its decision and is not determinative.

And, subject to the following conditions:

1. The approval is for a 10-yard or smaller covered dumpster located at least 22.7 feet from the rear property line.

2. If there is one or more horses on the property the dumpster must be emptied at least once every 8 weeks or sooner if needed.

3. The applicants shall submit an as-built survey and coverage certifications to the Building Department to confirm compliance with the conditions of the variance.

4. The applicants must employ the Predator Fly Management System.

5. There shall be no manure storage anywhere else on the property, not even temporarily.

6. There will be no spreading of manure generated from horses on the property. The dumpster is the only means by which manure can be stored and removed from the property.

7. The approval is based on a sketch plan as prepared by Peter Gregory, Licensed Professional Engineer, Keane Coppelman Gregory, dated 4/2/14 showing the latest proposed location of the dumpster and a general outline of where the access way should be and the proposed stone walls.

8. A pre-construction survey must be submitted by the applicants' engineer prior to the commencement of the work which evaluates whether the dumpster can be shifted closer to the wetland and further out of the sloped area to a location in greater conformity to the zoning setback while preserving a safe access way. If it is the determined that the dumpster cannot be moved closer to the wetland setback line and further out of the sloped area, then applicants' engineer must outline in writing a compelling reason why it cannot be so relocated.

9. The plan must be submitted with a full zoning table outlining all of the calculations for setbacks and both building and impervious surface coverage for the proposal and the entire property.

10. The applicants' engineer must include a statement printed on the plan rendering an opinion and clarifying whether or not the culvert was included or not included in coverage calculations. If the culvert is not included in the plan, a full explanation must be provided as to why it was excluded and not considered coverage.

11. Once the plan has been submitted and the Building Inspector has confirmed that no further variances are required, the applicant can be permitted to move forward with the construction of the stone wall, the movement of the fences further into the property, and the addition of new gravel for the access way as designed in the location as shown on the final plan.

12. The neighbor located 12 Alice Road will receive written notification that the submission of the building permit application has been made to the Building Department and the neighbor, at their own cost and expense, may receive copies. Likewise, the neighbor will receive written notice of the determination of compliance at the end of the construction.

13. The access gate shall be pulled back 20 feet into the applicants' 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.

14. Kevin Winn, Commissioner of Public Works, shall evaluate the fences located in the right of way along Alice Road to confirm the safety factors on Alice Road including that sight line requirements are being met. If the Commissioner determines it is warranted, the fences shall be moved back 5 feet into the applicants' property to be in compliance with the Town Code.

Vote taken on the foregoing motion was as follows:

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

Peter Michaelis, Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 7-10, *2014.*

Alexandra J. Costello, Secretary
Zoning Board of Appeals

EXHIBIT E

TOWN OF BEDFORD

www.bedfordny.gov

AGENDA

BEDFORD ZONING BOARD OF APPEALS

425 Cherry Street, 2nd Floor Conference Room

Bedford Hills, New York 10507

WEDNESDAY, July 2, 2014 – 2nd REVISION

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

6:30 P.M.
MINUTES: April 2, 2014 approved as corrected

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

NEW APPLICATIONS:

#07-14 one

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

adjourn

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

adjourn

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

Toporoff disputed this information and noted that the septic trench and the pad on the barn are prohibited acts. The entire Galli property consists of animal storage and paddocks and these are prohibited acts. Mr. Michaelis asked Ms. Toporoff to stay on point with the Appeal. Mr. Sachs stated the Building Inspector will make the determination as to whether a use is pre-existing, non-conforming.

Ms. Tagliafierro asked that Ms. Toporoff not be permitted to approach the Building Inspector in an aggressive manner and time limits and limitations to comments be imposed. Ms. Toporoff responded that she will not be limited in her comments.

There being no additional public comment or correspondence. Mrs. Spano made a motion to close the public hearing. Ms. Schaefer seconded the motion and a vote in favor was unanimous.

Mr. Petschek stated he believes the Building Inspector was the appropriate person to make the determination on this matter. Mrs. Spano concurred.

Mr. Michaelis commented to Ms. Toporoff that she raised a lot of valuable points in general concepts. He noted that the Galli's were before the Board of Appeals for placement of a manure dumpster and in that process Ms. Toporoff and her attorney suggested to the Board of Appeals that a driveway be added to go across the wetlands and place the dumpster in a wetland area. The Board of Appeals asked the Building Inspector to go out and look at that as a proposal. The Building Inspector went out and consulted with the Town's Environmental Consultant and he submitted a response to the Board that it would not be allowed because you cannot put a dumpster in a wetland area but also because of heavy trucks driving across a wetland possibly destroying the wetlands area and this was put forth in the letter the Building Inspector wrote. Mr. Michaelis stated there was nothing wrong with that determination and nothing wrong with the letter that he wrote. He has enforcement powers and he has the right to make that determination. He did not make it alone; he made it with the Town's Wetland Consultant.

Ms. Toporoff disputed that her Appeal does not include the side bar the Building Inspector made with the Wetlands Consultant and it was a determination in response to a specific request by the Board of Appeals. She continued that the determination that it cannot go to the Wetland Commission or should have been made by the Wetland Commission and the Zoning Board should exclude those areas. Mr. Michaelis responded that her statement is not correct.

Mr. Petschek made a motion to uphold the Building Inspector's determination that a manure dumpster is prohibited in a controlled area (i.e. the wetlands or wetlands buffer area.)

Mrs. Spano seconded the motion.

A vote taken on the foregoing motion to uphold the Building Inspector's determination was as follows: Mr. Petschek, yes; Ms. Schaefer, no; Mrs. Spano, yes; Mr. Michaelis, yes.

Due to the lateness of the hour and the length of the meeting agenda, Mr. Michaelis asked the Board to adjourn the next two Appeals to another meeting. Mr. Sachs stated the next two matters are Appeals of the Building Inspector's determination and do not require any affirmative action by the Galli's. The manure dumpster variance and the resolution to be filed Monday has conditions that the Galli's have to perform and should perform before the Galli's leave the property.

Mrs. Spano suggested a separate meeting. Mrs. Toporoff objected. Mr. Petschek indicated that the applications should be heard this evening but that Ms. Toporoff must eliminate extraneous information and stay on point.

EXHIBIT F

Start 7:05

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 10, 2014

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

7:30 P.M.

MINUTES: May 7, 2014, July 2, 2014, July 9, 2014 approved as corrected (July tab

FOR ADOPTION OF WRITTEN DECISION Adopted Resolution #07-14 one

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

CARRYOVER APPLICATIONS: No vote: Decision October

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

No vote: Decision October

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

Mr. Michael stated that the Appellants (Richman/Toporoff) and the Owners (Galli) submitted responses to the Board in writing and he referred to the submissions dated July 16, 2014 submitted by Katherine Zalantis, attorney for the appellants; and July 23, 2014 submitted by Nancy Tagliafierro, attorney for Stefano and Suzanne Galli. Subsequent to receipt of the July 23, 2014 submission, the public hearing was closed.

Mr. Michaelis referred to the July 23, 2014 letter submitted by Nancy Tagliafierro referencing "Area Variances vs. Multiple Use and Area Variances" and asked the Board to not consider Exhibit A or the last several sentences on page 2.

Mr. Sachs stated that Exhibit A and the specific sentences are not relevant and whatever decision the Board makes on that Appeal should not take into consideration this information. Mr. Petschek explained to Ms. Toporoff, the Appellant, that the information had been submitted, but the Board will not consider it as part of their decision. The information remains part of the public record.

Mr. Michaelis asked for a motion to re-open the public hearing for the purpose of asking for comments from those in attendance other than the Appellant and the Owner. Ms. Black made a motion to open the public hearing. Mrs. Spano seconded the motion. A vote in favor was unanimous and the public hearing was opened.

There being no additional public comment or correspondence, Mr. Petschek made a motion to close the public hearing. Ms. Schaefer seconded the motion and a vote in favor was unanimous. The public hearing was closed.

Mr. Michaelis began the discussion regarding the Appellants' claims that the Galli's should have been required to obtain multiple use and area variances. He stated that the application had been viewed by the Board as an area variance. Ms. Black said the town code permits horses and there must be a way to dispose of the manure. Mr. Michaelis stated the application was for a dimensional number from the lot line. Mrs. Spano agreed. Mr. Sachs said this is a legal issue that could be raised in an Article 78 proceeding brought by the Appellants challenging the determination of the Zoning Board to grant the area variance. He said subsequent to the July 2nd meeting, the Appellants did in fact file commence an Article 78 proceeding and it will be argued before the court.

Ms. Black said at the last meeting that this was discussed. The Board went to great lengths debating the area vs. use variance and after discussion determined it was an area variance and the minutes of that minutes should document that. She suggested we go back to those minutes to help the Board craft a resolution.

By consensus, the Board agreed that an area variance was the correct decision and a resolution will be prepared for the October 1, 2014 meeting using the analysis outlined in the previous Zoning Board meeting.

Mr. Michaelis turned to the second application regarding the Appeal of the Building Inspector's determination that all permits and approvals are in place for the structures on the Galli property. He asked Mr. Fraietta, Building Inspector, to explain why he made his determination. Mr. Fraietta stated his review, found that all the proper building permits were taken out or legalizations did occur and that everything is in order with the exception of the items associated with the last Zoning Board approval for the relocation of the fence and the actual manure storage area. No plans have been submitted yet. Once submitted they will be sent to Toporoff/Richman. He noted there was no time limit on the ZBA approval.

Mr. Sachs said he believes the Galli's have to submit what the Zoning Board requested within a reasonable period of time and that since it is now September, the end of a reasonable period of time has arrived and the Galli's attorney should be sent a letter. He stated 60 days is reasonable.

Mr. Michaelis said the Board asked the Galli's to move the manure storage closer to the buffer without being in the buffer. Mr. Fraietta said there are other things to be done and he said a proposed drawing must be submitted so that it can be reviewed and make sure it is what the Board required. Mr. Sachs stated that Mr. Fraietta should send the letter to the Galli attorney within the next day or two. Mr. Fraietta said he would send a draft to Mr. Sachs prior to sending it.

Mr. Michaelis said he was confused about the plumbing in the barn. Mr. Fraietta said that hose bibs are permitted and so are slop sinks. There are no toilet facilities in the barn.

By consensus the Board agreed that the conditions must be met from manure storage variance and that a Resolution will be prepared for the October 1, 2014 meeting. The decision and resolution will be prepared based on previous minutes and approvals that were heard before the Board.

At this point, Mr. Sachs left the meeting.

Mr. Michaelis announced that the Nathan application has been adjourned.

NEW APPLICATIONS:

1. Richard and Barbara Saravay, 9 Mustato Road, Katonah, NY 10536. Section 49.16 Block 1 Lot 44, R-1/2 Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the addition of a wood frame structure over existing and expanded masonry entry steps and landing resulting in a front yard setback of 30.58 feet where 35 feet is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet. Article V Section 125-50 and Article III Section 125-11.

Appearing before the Board was Richard Saravay, the applicant.

Mr. Saravay explained that they wish to construct a front porch covering to keep rain, snow and ice off the steps and landing to alleviate a dangerous and long-standing condition. The lot is area and side lots are non-conforming. The structure will be a pitched roof with no sides and is in keeping with the roofs of neighboring properties.

Peter Nardone, 14 Mustato Road, spoke in favor of the application stating it was a good idea for safety and access and will enhance the house making it conform to other homes.

Mr. Michaelis confirmed that the roof will be over the landing only. Mr. Saravay confirmed it will not be a porch you can sit on, but just a landing.

There being no additional public comment or correspondence. Mr. Petschek made a motion to close the public hearing. Ms. Schaefer seconded the motion and a vote in favor was unanimous. The public hearing was closed.

Ms. Black made a motion to approve the applicants request for a variance of Article V Section 125-50 and Article III Section 125-11 of the Town of Bedford Zoning Ordinance to permit the addition of a wood frame structure over existing and expanded masonry entry steps and landing resulting in a front yard setback of 30.58 feet where 35 feet is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet. In

EXHIBIT G

EXHIBIT C

ZONING BOARD OF APPEALS

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

APPLICATION FOR A ~~VARIANCE~~ Appeal/Interpretation

1. Owner and Location of Property involved in Appeal:
   ~~Name of Owner~~: Stephano Galli and Suzanne Galli

   Address: 341 Succabone Rd., Bedford Corners, NY

   Telephone/Email: _____

2. Name of ~~Applicant, if other than Owner~~ Appellant: Michael Richman and Ruth Toporoff

   Address: 12 Alice Road, Bedford Corners, NY

   Telephone/Email: _____

3. Name of Professional (New York State Licensed Architect, Engineer, Land Surveyor, Landscape Architect):
   None

   Address: _____

   Telephone/Email: _____

4. Identification Property:

   Street Address: 341 Succabone Rd., Bedford Corners, NY

   Tax ID: 83.11-2-3 Zoning District: R4A

   Total Land Area: 4

   % of Building Coverage: 3.23% % of Impervious Surface 7.76%

   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: X No: ____

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

ZONING BOARD OF APPEALS
APPLICATION FOR A VARIANCE

5. Request: Appeal/Interpretation
~~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:
See attached letter

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

N/A
Signature of Owner

N/A
Date

By: _____
Signature of ~~Applicant~~ Appellant

11/28/2015
Date

Rev 3/10/10

EXHIBIT D

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

RECEIVED

JUL 10 2014

LISBETH FUMAGALLI, TOWN CLERK
TOWN OF BEDFORD, NEW YORK

Amended Resolution #04-14 Six
Stefano and Suzanne Galli
Manure Storage Dumpster

WHEREAS, application has been made pursuant to Article III Section 125-25 (3) (b) of the Zoning Code of the Town of Bedford for a variance to permit the location of a manure storage (and compost) area to be located not less than 15 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line for premises located at 341 Succabone Road, Bedford Corners, New York, being known and designated on the Tax Map of the Town of Bedford as Section 83.11 Block 2 Lot 3, R-4 Acre Zone District, and shown on an application submitted on August 16, 2013; and

WHEREAS, public hearings were held on October 2, 2013, December 4, 2013, March 5, 2014, and April 3, 2014 at which time all those present wishing to speak were given an opportunity to be heard; and

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

WHEREAS, the Board acknowledged receipt of a letter from Steven Fraietta, Building Inspector, dated March 19, 2014, determining the dumpster containing manure should be considered a manure stockpile; and

WHEREAS, the Board acknowledged receipt of a letter from Steven Fraietta, Building Inspector, dated March 19, 2014, requesting the applicant submit a plan prepared by an engineer and surveyor showing the proposed manure storage dumpster in relation to setbacks and steep slopes; and

WHEREAS, March 24, 2014, the applicant submitted an amended request for a variance to permit a 10-yard covered manure storage dumpster 22.7 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line; and

WHEREAS, on April 2, 2014, the applicant submitted a sketch plan entitled "Sketch Plan, Galli Residence, 341 Succabone Road, Town of North Bedford, Westchester County, New York," dated 4/2/14, prepared by Peter Gregory, Licensed Professional Engineer, Keane Coppelman Gregory; and a colored rendering submitted on March 5, 2014 (undated and unsigned) entitled "Stefano and Suzanne Galli, 341 Succabone Road, Mt. Kisco, NY 10549, View of Proposed Changes from Succabone Road and View of Proposed Changes from Alice Road;" and

WHEREAS, the Board acknowledges receipt of correspondence and with addendums from Silverberg Zalantis, LLP, attorneys representing the neighbors, Ruth Toporoff and Michael Richman, residing at 12 Alice Road, Bedford Corners, in opposition to the application; and

WHEREAS, the Board acknowledges receipt of correspondence from neighboring property owners, Ronald Paisner, 322 Succabone Road; Daniel Sachs, 454 Succabone Road; Joyce Corrigan, 380 Succabone Road; Michael Paletta, 100 Baldwin Road, 70 Baldwin Road, and 401 (353) Succabone Road; Joy Copulos, 296 Succabone Road; Peter Menzies, 268 Succabone Road; Nancy Kotkin, 281 Succabone Road; and Eileen Coupland, 225 Succabone Road, in favor of the application.

NOW THEREFORE, on a motion by Ms. Black, seconded by Mrs. Spano, it is

RESOLVED, that the Applicants amended application for a variance to permit a 10-yard or smaller covered dumpster to be located at least 22.7 feet from the rear property line where the Town Code requires manure storage areas to be located at least 50 feet from each property line, be approved in accordance with a sketch plan prepared by Keane Coppelman Gregory, dated 4/2/14 showing the latest proposed location of the dumpster and a general outline of where the access way should be and the proposed stone walls. In particular the Board finds that the benefit to the applicants by granting the variance outweighs any alleged detriment to the neighborhood in that:

1. The benefit cannot be achieved by another means feasible to the applicants since the applicants are permitted to have horses on the property and a safe means of management of manure must be provided; the placement of the dumpster in the approved location is appropriate because it is the best and safest location in part because it (i) places the dumpster closer to the paddocks and encourages better disposal of the manure, and (ii) minimizes environmental impacts on steep slopes, wetlands, and the wetland buffer; and

2. There will be no undesirable change to the character of the neighborhood or nearby properties because applicants are allowed to have horses on their property as are neighboring property owners, and the approval will regulate (i) the location of the stored manure, (ii) disposal of the manure, and (iii) access to the dumpster being used for the manure storage. Additionally, granting the variance will enhance the neighborhood by decreasing the impacts that the past open storage, and spreading of manure on the site created; and

3. The variance could be viewed as substantial in some respects, but overall in the greater context and due to the environmental and physical constraints of this site and the applicants' willingness to relocate the dumpster from its original proposed location so as to bring it more into conformance with the Code, and increasing the distance from the neighbor's property line, outweighs the other factors; and

4. The variance will not have an adverse physical or environmental effect on the neighborhood despite the changes that will occur on the site by the addition of a dumpster, and creating a longer access way, since (i) the overall management of the manure on the site will be improved, (ii) the dumpster has been located to minimize disturbance to steep slopes and other environmentally sensitive areas located on the site, (iii) access to the dumpster from Alice Road is being improved by modifications to the Applicants' property, and (iv) neighboring properties also contain dumpsters for the disposal of horse manure; and

5. That even though the alleged difficulty is self-created because the applicants have horses on the property, as permitted as of right by the Zoning Code, however, as such, the manure must be handled in some fashion; and this is only one of the factors to be considered by the Board in making its decision and is not determinative.

And, subject to the following conditions:

1. The approval is for a 10-yard or smaller covered dumpster located at least 22.7 feet from the rear property line.

2. If there is one or more horses on the property the dumpster must be emptied at least once every 8 weeks or sooner if needed.

3. The applicants shall submit an as-built survey and coverage certifications to the Building Department to confirm compliance with the conditions of the variance.

4. The applicants must employ the Predator Fly Management System.

5. There shall be no manure storage anywhere else on the property, not even temporarily.

6. There will be no spreading of manure generated from horses on the property. The dumpster is the only means by which manure can be stored and removed from the property.

7. The approval is based on a sketch plan as prepared by Peter Gregory, Licensed Professional Engineer, Keane Coppelman Gregory, dated 4/2/14 showing the latest proposed location of the dumpster and a general outline of where the access way should be and the proposed stone walls.

8. A pre-construction survey must be submitted by the applicants' engineer prior to the commencement of the work which evaluates whether the dumpster can be shifted closer to the wetland and further out of the sloped area to a location in greater conformity to the zoning setback while preserving a safe access way. If it is the determined that the dumpster cannot be moved closer to the wetland setback line and further out of the sloped area, then applicants' engineer must outline in writing a compelling reason why it cannot be so relocated.

9. The plan must be submitted with a full zoning table outlining all of the calculations for setbacks and both building and impervious surface coverage for the proposal and the entire property.

10. The applicants' engineer must include a statement printed on the plan rendering an opinion and clarifying whether or not the culvert was included or not included in coverage calculations. If the culvert is not included in the plan, a full explanation must be provided as to why it was excluded and not considered coverage.

11. Once the plan has been submitted and the Building Inspector has confirmed that no further variances are required, the applicant can be permitted to move forward with the construction of the stone wall, the movement of the fences further into the property, and the addition of new gravel for the access way as designed in the location as shown on the final plan.

12. The neighbor located 12 Alice Road will receive written notification that the submission of the building permit application has been made to the Building Department and the neighbor, at their own cost and expense, may receive copies. Likewise, the neighbor will receive written notice of the determination of compliance at the end of the construction.

13. The access gate shall be pulled back 20 feet into the applicants' 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.

14. Kevin Winn, Commissioner of Public Works, shall evaluate the fences located in the right of way along Alice Road to confirm the safety factors on Alice Road including that sight line requirements are being met. If the Commissioner determines it is warranted, the fences shall be moved back 5 feet into the applicants' property to be in compliance with the Town Code.

Vote taken on the foregoing motion was as follows:

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

Peter Michaelis, Chair

The foregoing is certified to be a true copy of a Resolution of the Zoning Board of Appeals of the Town of Bedford that was filed in the Office of the Clerk of the Town of Bedford on 7-10, *2014.*

Alexandra J. Costello, Secretary
Zoning Board of Appeals

EXHIBIT E

TOWN OF BEDFORD

www.bedfordny.gov

AGENDA

BEDFORD ZONING BOARD OF APPEALS

425 Cherry Street, 2nd Floor Conference Room

Bedford Hills, New York 10507

WEDNESDAY, July 2, 2014 – 2nd REVISION

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

6:30 P.M.
MINUTES: April 2, 2014 approved as corrected

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

NEW APPLICATIONS:

#07-14 one

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

adjourn

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

adjourn

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

Toporoff disputed this information and noted that the septic trench and the pad on the barn are prohibited acts. The entire Galli property consists of animal storage and paddocks and these are prohibited acts. Mr. Michaelis asked Ms. Toporoff to stay on point with the Appeal. Mr. Sachs stated the Building Inspector will make the determination as to whether a use is pre-existing, non-conforming.

Ms. Tagliafierro asked that Ms. Toporoff not be permitted to approach the Building Inspector in an aggressive manner and time limits and limitations to comments be imposed. Ms. Toporoff responded that she will not be limited in her comments.

There being no additional public comment or correspondence. Mrs. Spano made a motion to close the public hearing. Ms. Schaefer seconded the motion and a vote in favor was unanimous.

Mr. Petschek stated he believes the Building Inspector was the appropriate person to make the determination on this matter. Mrs. Spano concurred.

Mr. Michaelis commented to Ms. Toporoff that she raised a lot of valuable points in general concepts. He noted that the Galli's were before the Board of Appeals for placement of a manure dumpster and in that process Ms. Toporoff and her attorney suggested to the Board of Appeals that a driveway be added to go across the wetlands and place the dumpster in a wetland area. The Board of Appeals asked the Building Inspector to go out and look at that as a proposal. The Building Inspector went out and consulted with the Town's Environmental Consultant and he submitted a response to the Board that it would not be allowed because you cannot put a dumpster in a wetland area but also because of heavy trucks driving across a wetland possibly destroying the wetlands area and this was put forth in the letter the Building Inspector wrote. Mr. Michaelis stated there was nothing wrong with that determination and nothing wrong with the letter that he wrote. He has enforcement powers and he has the right to make that determination. He did not make it alone; he made it with the Town's Wetland Consultant.

Ms. Toporoff disputed that her Appeal does not include the side bar the Building Inspector made with the Wetlands Consultant and it was a determination in response to a specific request by the Board of Appeals. She continued that the determination that it cannot go to the Wetland Commission or should have been made by the Wetland Commission and the Zoning Board should exclude those areas. Mr. Michaelis responded that her statement is not correct.

Mr. Petschek made a motion to uphold the Building Inspector's determination that a manure dumpster is prohibited in a controlled area (i.e. the wetlands or wetlands buffer area.)

Mrs. Spano seconded the motion.

A vote taken on the foregoing motion to uphold the Building Inspector's determination was as follows: Mr. Petschek, yes; Ms. Schaefer, no; Mrs. Spano, yes; Mr. Michaelis, yes.

Due to the lateness of the hour and the length of the meeting agenda, Mr. Michaelis asked the Board to adjourn the next two Appeals to another meeting. Mr. Sachs stated the next two matters are Appeals of the Building Inspector's determination and do not require any affirmative action by the Galli's. The manure dumpster variance and the resolution to be filed Monday has conditions that the Galli's have to perform and should perform before the Galli's leave the property.

Mrs. Spano suggested a separate meeting. Mrs. Toporoff objected. Mr. Petschek indicated that the applications should be heard this evening but that Ms. Toporoff must eliminate extraneous information and stay on point.

EXHIBIT F

Start 7:05

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 10, 2014

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

7:30 P.M.

MINUTES: May 7, 2014, July 2, 2014, July 9, 2014 approved as corrected (July tab

FOR ADOPTION OF WRITTEN DECISION Adopted Resolution #07-14 one

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

CARRYOVER APPLICATIONS: No vote: Decision October

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

No vote: Decision October

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

Mr. Michael stated that the Appellants (Richman/Toporoff) and the Owners (Galli) submitted responses to the Board in writing and he referred to the submissions dated July 16, 2014 submitted by Katherine Zalantis, attorney for the appellants; and July 23, 2014 submitted by Nancy Tagliafierro, attorney for Stefano and Suzanne Galli. Subsequent to receipt of the July 23, 2014 submission, the public hearing was closed.

Mr. Michaelis referred to the July 23, 2014 letter submitted by Nancy Tagliafierro referencing "Area Variances vs. Multiple Use and Area Variances" and asked the Board to not consider Exhibit A or the last several sentences on page 2.

Mr. Sachs stated that Exhibit A and the specific sentences are not relevant and whatever decision the Board makes on that Appeal should not take into consideration this information. Mr. Petschek explained to Ms. Toporoff, the Appellant, that the information had been submitted, but the Board will not consider it as part of their decision. The information remains part of the public record.

Mr. Michaelis asked for a motion to re-open the public hearing for the purpose of asking for comments from those in attendance other than the Appellant and the Owner. Ms. Black made a motion to open the public hearing. Mrs. Spano seconded the motion. A vote in favor was unanimous and the public hearing was opened.

There being no additional public comment or correspondence, Mr. Petschek made a motion to close the public hearing. Ms. Schaefer seconded the motion and a vote in favor was unanimous. The public hearing was closed.

Mr. Michaelis began the discussion regarding the Appellants' claims that the Galli's should have been required to obtain multiple use and area variances. He stated that the application had been viewed by the Board as an area variance. Ms. Black said the town code permits horses and there must be a way to dispose of the manure. Mr. Michaelis stated the application was for a dimensional number from the lot line. Mrs. Spano agreed. Mr. Sachs said this is a legal issue that could be raised in an Article 78 proceeding brought by the Appellants challenging the determination of the Zoning Board to grant the area variance. He said subsequent to the July 2nd meeting, the Appellants did in fact file commence an Article 78 proceeding and it will be argued before the court.

Ms. Black said at the last meeting that this was discussed. The Board went to great lengths debating the area vs. use variance and after discussion determined it was an area variance and the minutes of that minutes should document that. She suggested we go back to those minutes to help the Board craft a resolution.

By consensus, the Board agreed that an area variance was the correct decision and a resolution will be prepared for the October 1, 2014 meeting using the analysis outlined in the previous Zoning Board meeting.

Mr. Michaelis turned to the second application regarding the Appeal of the Building Inspector's determination that all permits and approvals are in place for the structures on the Galli property. He asked Mr. Fraietta, Building Inspector, to explain why he made his determination. Mr. Fraietta stated his review, found that all the proper building permits were taken out or legalizations did occur and that everything is in order with the exception of the items associated with the last Zoning Board approval for the relocation of the fence and the actual manure storage area. No plans have been submitted yet. Once submitted they will be sent to Toporoff/Richman. He noted there was no time limit on the ZBA approval.

Mr. Sachs said he believes the Galli's have to submit what the Zoning Board requested within a reasonable period of time and that since it is now September, the end of a reasonable period of time has arrived and the Galli's attorney should be sent a letter. He stated 60 days is reasonable.

Mr. Michaelis said the Board asked the Galli's to move the manure storage closer to the buffer without being in the buffer. Mr. Fraietta said there are other things to be done and he said a proposed drawing must be submitted so that it can be reviewed and make sure it is what the Board required. Mr. Sachs stated that Mr. Fraietta should send the letter to the Galli attorney within the next day or two. Mr. Fraietta said he would send a draft to Mr. Sachs prior to sending it.

Mr. Michaelis said he was confused about the plumbing in the barn. Mr. Fraietta said that hose bibs are permitted and so are slop sinks. There are no toilet facilities in the barn.

By consensus the Board agreed that the conditions must be met from manure storage variance and that a Resolution will be prepared for the October 1, 2014 meeting. The decision and resolution will be prepared based on previous minutes and approvals that were heard before the Board.

At this point, Mr. Sachs left the meeting.

Mr. Michaelis announced that the Nathan application has been adjourned.

NEW APPLICATIONS:

1. Richard and Barbara Saravay, 9 Mustato Road, Katonah, NY 10536. Section 49.16 Block 1 Lot 44, R-1/2 Zoning District. The applicants request a variance of the Town of Bedford Zoning Ordinance to permit the addition of a wood frame structure over existing and expanded masonry entry steps and landing resulting in a front yard setback of 30.58 feet where 35 feet is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet. Article V Section 125-50 and Article III Section 125-11.

Appearing before the Board was Richard Saravay, the applicant.

Mr. Saravay explained that they wish to construct a front porch covering to keep rain, snow and ice off the steps and landing to alleviate a dangerous and long-standing condition. The lot is area and side lots are non-conforming. The structure will be a pitched roof with no sides and is in keeping with the roofs of neighboring properties.

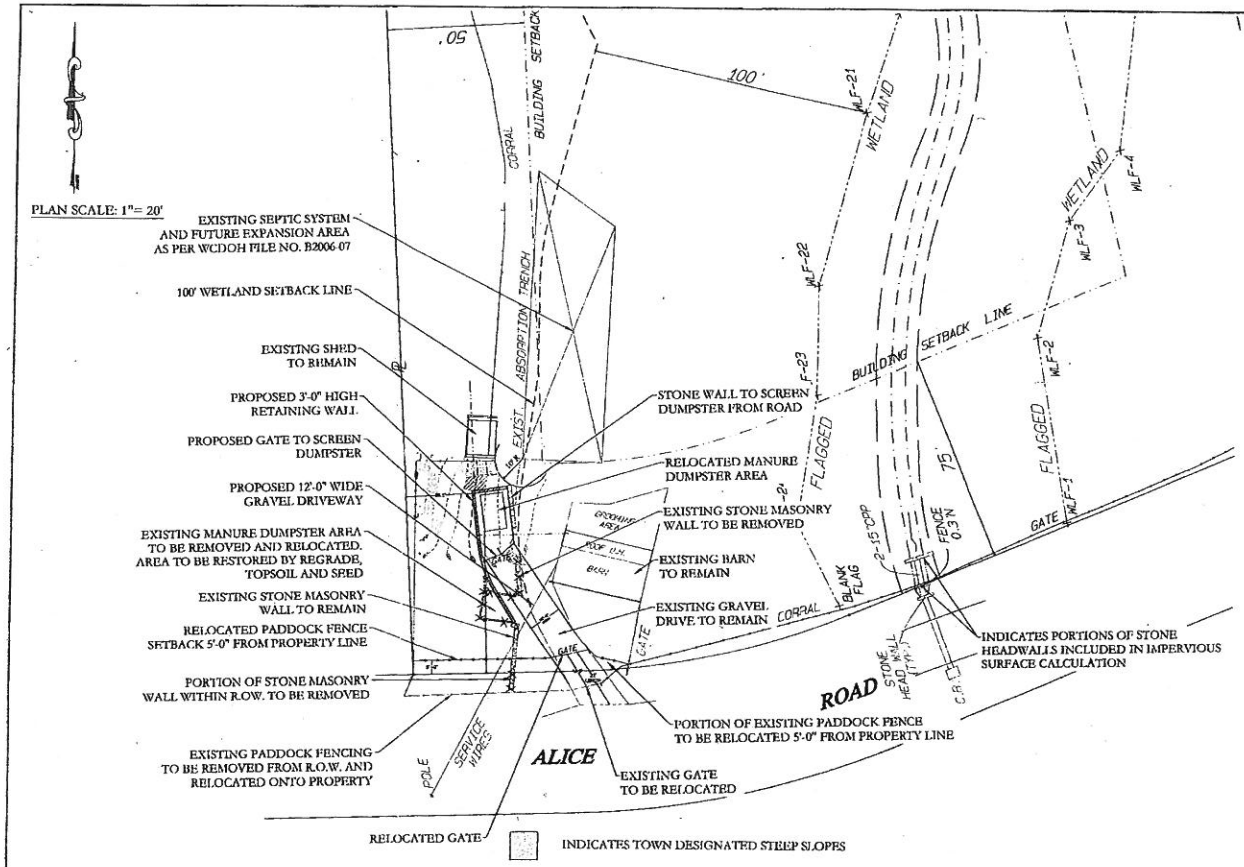
Peter Nardone, 14 Mustato Road, spoke in favor of the application stating it was a good idea for safety and access and will enhance the house making it conform to other homes.

Mr. Michaelis confirmed that the roof will be over the landing only. Mr. Saravay confirmed it will not be a porch you can sit on, but just a landing.

There being no additional public comment or correspondence. Mr. Petschek made a motion to close the public hearing. Ms. Schaefer seconded the motion and a vote in favor was unanimous. The public hearing was closed.

Ms. Black made a motion to approve the applicants request for a variance of Article V Section 125-50 and Article III Section 125-11 of the Town of Bedford Zoning Ordinance to permit the addition of a wood frame structure over existing and expanded masonry entry steps and landing resulting in a front yard setback of 30.58 feet where 35 feet is required in the Residential 1/2 acre zoning district; and a side yard setback of 19.76 feet where 25 feet is required in the Residential 1/2 acre zoning district where the side yard setback to the residence is pre-existing, non-conforming at 19.09 feet. The lot area is pre-existing, non-conforming consisting of 9,546 square feet where the minimum lot area in a Residential 1/2 acre zoning district is 20,000 square feet. In

EXHIBIT G



GENERAL NOTES:

1) THE MANURE DUMPSTER SHALL BE 10 YARDS OR SMALLER, COVERED AND LOCATED A MINIMUM OF 25'-0" FROM THE REAR PROPERTY LINE

2) SHOULD ONE OR MORE HORSES BE ON THE PROPERTY, THE DUMPSTER MUST BE EMPTIED ONCE EVERY 8 WEEKS OR SOONER IF NEEDED.

3) UPON COMPLETION OF THE PROJECT AN AS-BUILT SURVEY WITH COVERAGE CERTIFICATIONS SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT TO CONFIRM COMPLIANCE WITH THE CONDITIONS OF THE ZBA RESOLUTION FOR THE MANURE STORAGE DUMPSTER

4) THE PLEASANTVILLE MANAGEMENT PLAN MUST BE IMPLEMENTED FOR THE FACILITY.

5) THERE SHALL BE NO MANURE STORAGE ANYWHERE ELSE ON THE PROPERTY OTHER THAN THE APPROVED STORAGE AREA, EVEN ON A TEMPORARY BASIS

6) THERE SHALL BE NO SPREADING OF MANURE GENERATED FROM THE HORSES ANYWHERE ON THE PROPERTY. THE STORAGE DUMPSTER AREA IS THE ONLY MEANS BY WHICH MANURE CAN BE STORED AND REMOVED FROM THE PROPERTY.

RECEIVED
MAR 19 2015
Bedford Town Clerk

MANURE STORAGE DUMPSTER AREA COVERAGE CALCULATION

TOTAL AREA OF INTERIOR SITE WALLS REMOVED = 47 SF

TOTAL AREA OF INTERIOR SITE WALLS PROPOSED = 88 SF

THE CREATION OF THE MANURE STORAGE DUMPSTER AREA WILL RESULT IN A NET INCREASE OF DEVELOPMENT COVERAGE OF 41 SF

EXISTING TOTAL IMPERVIOUS AREA = 13,518 SF OR 7.76%*
PROPOSED TOTAL IMPERVIOUS AREA = 13,559 SF OR 7.78%

* AS PER SURVEY OF PROPERTY PREPARED BY H.STANLEY JOHNSON AND COMPANY LAND SURVEYORS P.C. DATED JUNE 3, 2014

1. OWNER/APPLICANT:
STEFANO AND SUZANNE GALLI
341 SUCCABONE ROAD
BEDFORD CORNERS, NEW YORK 10549

2. SURVEY INFORMATION FROM SURVEY PREPARED BY:
H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS, P.C.
45 SMITH AVENUE
MOUNT KISCO, NEW YORK 10549

3. TOWN OF BEDFORD TAX MAP INFORMATION:
SECTION: 89.11, BLOCK: 2, LOT: 3
TOTAL AREA OF PARCEL = 4.00 ACRES
TOWN OF BEDFORD ZONING DISTRICT: R-4A

4. PROJECT SITE ADDRESS:
341 SUCCABONE ROAD
(T) BEDFORD

"UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW"

TOWN OF BEDFORD
TABLE OF DIMENSIONAL REQUIREMENTS

	ZONING DISTRICT	MINIMUM LOT AREA (ACRES)	MINIMUM LOT AREA PER UNIT (ACRES)	MINIMUM EFFECTIVE SQUARE (FEET)	MINIMUM YARD REQUIREMENTS FRONT (FEET)	LESSER SIDE/ TOTAL BOTH SIDES (FEET)	REAR (FEET)	MAXIMUM HEIGHT STORIES	FEET	MAXIMUM COVERAGE BUILDING	IMPERVIOUS SURFACE
	R-4A	4 ACRES	4 ACRES	250	75	50/100	50	2 1/2	35	3 % (5128 SF)	6 % (13942 SF)
											PROPOSED
341 SUCCABONE ROAD		4.00	4.00	250						6637 SF 3.23 %	13559 SF 7.78 %
MAIN RESIDENCE					198.54	88.72 / 454.87	41.20'	*	*		

125-27 (D) ACCESSORY BUILDINGS GREATER THAN 100 SF IN GROUND FLOOR AREA OR GREATER THAN 10 FEET IN HEIGHT SHALL COMPLY WITH FRONT, REAR AND SIDE YARD SETBACKS SPECIFIED IN SECTION 125-50. (Front 75 - Side 50/100 - Rear - 50)						0.5 % OF LOT AREA / FLOOR AREA SF
PERGOLA	215.62	182.95 / 837.70	51.10	-	-	811 2 / 253
GARAGE	189.04	17.70 / 576.66	70.89	-	-	811 2 / 788
BARN	264.32	23.70' / 612.09	51.90	-	-	811 2 / 614
POOL	220.46	194.43 / 510.20	54.0	-	-	811 2 / 677

125-27 (C) ACCESSORY BUILDINGS NOT GREATER THAN 100 SF IN FLOOR AREA AND NOT MORE THAN 10 FEET IN HEIGHT SHALL BE LOCATED NOT CLOSER THAN ONE-THIRD (1/3) OF THE SIDE YARD AND REAR YARD DIMENSIONS &PEC. IN 125-50 BUILDINGS MUST COMPLY WITH FRONT YARD SETBACKS SPECIFIED (Front 75 - Side 16.67/33.33 - Rear 16.67)					
SHED	307.55	78.20 / 520.39	22.70	-	-
CHICKEN COOP	239.00	22.74 / 554.25	90.85	-	-

* INDICATES EXISTING NON-COMPLYING SETBACK

N

PLAN SCALE: 1"= 20'

REVISIONS

NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

PLOT PLAN

GALLI RESIDENCE MANURE DUMPSTER
341 SUCCABONE ROAD
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

DRAWN BY: MAG | CHECKED BY: FJG

KEANE COPPELMAN GREGORY
ENGINEERS, P.C.
CIVIL & ENVIRONMENTAL CONSULTANTS
113 SMITH AVENUE MOUNT KISCO, NEW YORK 10549
T: (914) 241-2235 F: (914) 241-0787
WWW.KCGENGINEERS.COM

DATE: 2/5/2015 | SHEET: 1 OF 1

EXHIBIT H

SILVERBERG
ZALANTIS LLP

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

May 27, 2015

VIA EMAIL and U.S. MAIL

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

Joel H. Sachs, Esq
Keane and Beane, P.C.
445 Hamilton Avenue
White Plains, NY 10601

Re: Town of Bedford Zoning Board of Appeals
Amended Resolution #04-14 Six

Dear Mr. Fraietta and Mr. Sachs:

We represent Michael Richman and Ruth Toporoff in connection with the above-referenced resolution ("ZBA Resolution"). Despite the ZBA's specific condition (condition #12) that my clients be notified of any submissions, it took more than two months for the Town to advise of Keane Coppelman Gregory's submission on the Gallis' behalf dated March 16, 2015 (and marked received on March 19, 2015). There is no reason for this delay, especially given the numerous FOIL requests we have made. We immediately request any documents regarding any response by the Town to the Gallis' submission.

The Gallis' submission again highlights the inherent problem with the ZBA granting a variance in July 2014 based upon a plan it never actually reviewed and a plan the Gallis did not submit until more than 9 months after the variance grant. Nonetheless, the plan submitted by the Gallis fails to conform to the conditions imposed by the ZBA and the Gallis' plan and submission should be rejected as deficient and in violation of the ZBA's conditions.

First, the ZBA mandated in Condition 13 that the access gate be "pulled back 20 feet into the applicant's property" unless in the "opinion of Kevin Winn, the Commissioner of Public Works, 20 feet cannot be achieved" and in that event, the access gate should be moved back "a minimum of 10 feet . . . ." The Gallis' submission contains no statement or indication that Mr. Winn rendered a determination that 20 feet cannot be achieved. And before Mr. Winn can determine the feasibility of a setback of less than 20 feet, he would need to be presented with proposed turning radii like in any other construction project. In any event, even had Mr. Winn made such a determination, the ZBA still mandated a minimum 10-foot setback, which is not complied with in the proposed plan.

The proposed plan makes clear that the access gate is only "13.5 feet from its existing location." As indicated on the latest Johnson survey prepared for the Gallis (last revised June 3, 2014) and the Keane Coppleman proposed plan, as well as the November 2013 survey presented to the ZBA, the existing gate encroaches on the Town road and is not on the Gallis' property. Therefore, just because the proposed gate is set back 13.5 feet from the existing gates does not mean that it is set back at least 10 feet from the property line, and, in fact, it is not. For instance, the proposed plan, which is drawn to scale, indicates that the Gallis' property line is halfway between the existing gate (on Town property) and the proposed gate (on the Gallis' property). As the total distance between the two gates is depicted as 13.5 feet, this indicates that the new gate will be **only approximately 6-7 feet from the property line**. This violates the ZBA's condition that the gate be 20 feet into the applicant's property absent some determination from Mr. Winn to allow less than 20 feet. And again, even if some determination existed, it still violates the strict minimum setback of 10 feet mandated by the ZBA.

Second, it is completely disingenuous for the Gallis' consultant to represent that with the proposed gate set back only 6-7 feet from the property line that there is approximately "22' of driveway available for a truck to have room to pull in." As indicated on the Keane Copplemen proposed plan, the 22 feet is being measured includes approximately 15 feet of Alice Road. This is clearly not the ZBA's intent in requiring the gate be set back 20 feet "into the Gallis' property." The ZBA specifically required the gate be setback "so that trucks coming and going have room to pull in and partially proceeding onto the property thereby limiting the obstruction of Alice Road." Alice Road is not the Gallis' "driveway" and a gate set back only 6-7 feet from the property line will open onto Alice Road. What is being proposed does not allow for a truck to be located on the Gallis' property while waiting to enter the gate and creates a very dangerous condition and violates the ZBA's intent in imposing Condition 13. Even given the ZBA's clear acknowledgement that the Gallis' use of Alice Road as their own personal driveway is problematic and dangerous, my clients are again being expected to bear the burden of having an incredibly dangerous area directly across from their only entry to their home.

Third, even though: (i) the ZBA specifically mandated that the Building Inspector confirm that "no further variances are required"; and (ii) the ZBA's variance grant was limited solely to a manure storage area, the proposed plan contains numerous non-conforming structures and proposed development that require variances and permits, including but not limited to, a rear paddock area in an elevated/steep slope area and fences that do not comply with the zoning code's requirements. The ZBA's limited variance grant did not grant variance for fences that violate the zoning code and other non-conforming development.

Fourth, the ZBA never approved a "driveway" in the wetlands or a driveway on Alice Road, but rather, at best, the ZBA approved an access area for dumpster removal on the Gallis' property. Yet, there is no note on the proposed plan that this area is an access area only. And any reference to a "driveway" should be omitted from the proposed plan. The Gallis' application for a manure dumpster variance did not include a request to create a non-conforming second "driveway" off of Alice Road, especially with a proposed gate only 6-7 feet from the property line. The Gallis cannot obtain an approval never actually requested through submission of a plan never actually approved by the ZBA.

Fifth, the ZBA mandated in condition 8 that "a pre-condition survey **be submitted** by the applicant's engineer prior to the commencement of the work which evaluates whether the dumpster can be shifted closer to the wetland and further out of the sloped area." The Gallis' submission provides only that a "pre-condition survey will be conducted" and not that such a survey will be **submitted** as mandated by the ZBA. Also, such a survey should be submitted prior to the issuance of any building permit.

Sixth, there is no way to confirm whether the impervious surface calculation is correct. Essentially, the Keane Coppleman plan uses the June 2014 survey as a baseline then after applying a credit for the "interior site wall removed" (of 47 square feet) determined that there will be 88 feet of interior site wall proposed resulting in a net gain of 41 square feet (88 square feet less 47 square feet). The inherent problem with this methodology is that the 47 square feet of interior site wall is not reflected on the June 2014 survey. Accordingly, if the June 2014 survey is the baseline, by Keane Coppleman's own calculations, there is an addition of 88 square feet of interior site wall and not just 41 square feet. This impacts the total coverage calculation. The Keane Coppleman plan indicates that a portion of the stone wall is included in the calculations but there is no separate indication of what this number is and it is therefore, impossible to determine whether this was properly included. Also, we note that the plan's zoning compliance chart should clearly indicate that the setback area is 75 feet from Alice Road (as this is considered a front yard and not a side yard).

Finally, the submission misrepresents "that the paddock fencing in the vicinity of the gate and dumpster access way are shown to be moved back 5 feet into the applicant's property. . . ." even though the paddock fences along the rear property line are still depicted in the Keane Coppleman plan to be on the property line.

The proposed submission and proposed plan is clearly deficient as it fails to conform to the ZBA's mandated conditions. The time for the Gallis to challenge the ZBA's conditions have long since expired. The Gallis cannot simply disregard the conditions. The Building Department must reject the Gallis' submission as it fails to comply with the ZBA's conditions.

Very truly yours,

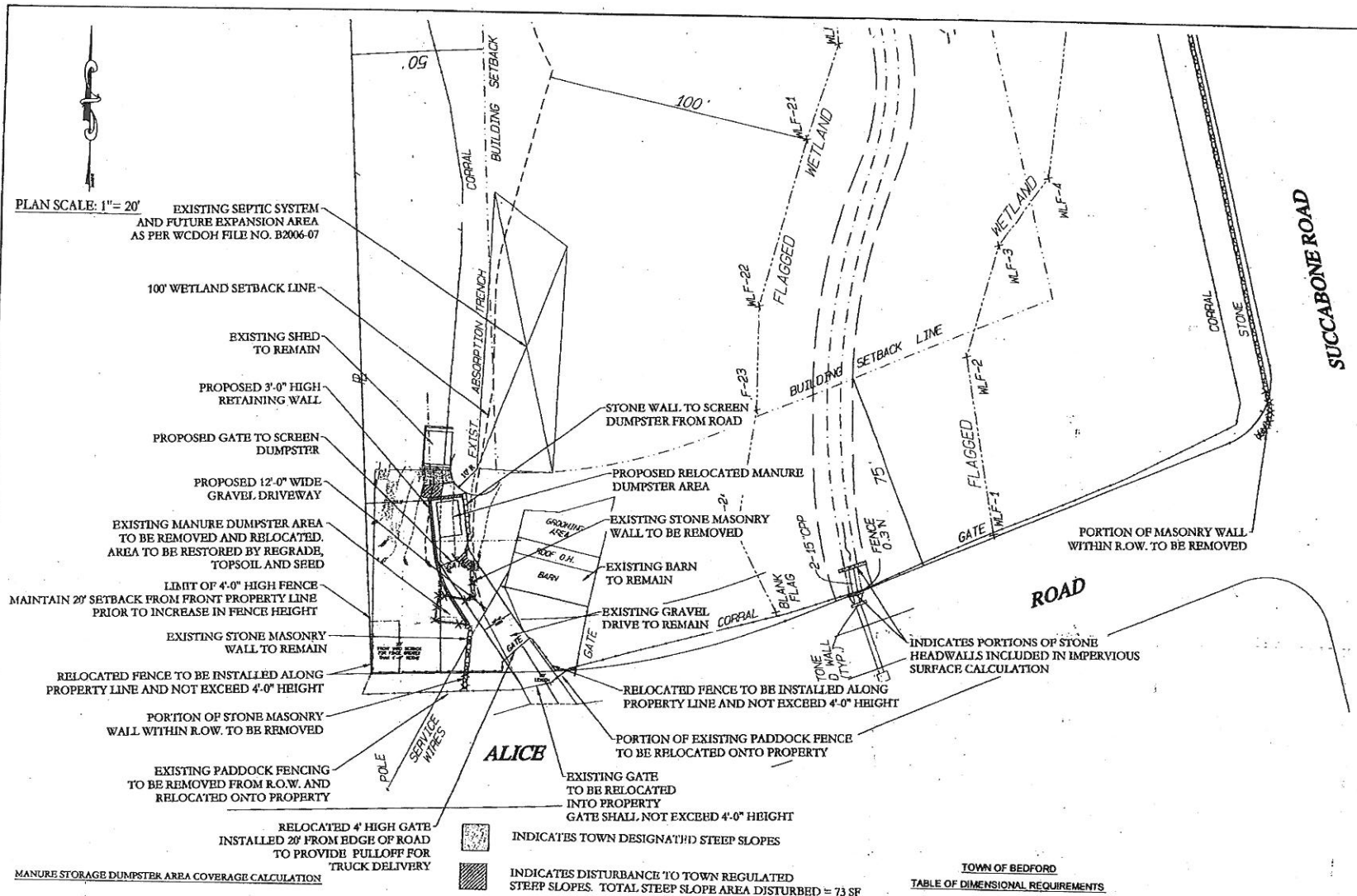
SILVERBERG ZALANTIS LLP

Katherine Zalantis

KZ:

cc: Kevin Winn (via email)

EXHIBIT I



GENERAL NOTES:

1) THE MANURE DUMPSTER SHALL BE 10 YA
AND LOCATED A MINIMUM OF 25'-0" FROM T

2) SHOULD ONE OR MORE HORSES BE ON TI
DUMPSTER MUST BE EMPTIED ONCE EVERY
NEEDED.

3) UPON COMPLETION OF THE PROJECT AN
COVERAGE CERTIFICATIONS SHALL BE SUBM
DEPARTMENT TO CONFIRM COMPLIANCE WI
THE ZBA RESOLUTION FOR THE MANURE ST

4) THE PREDATOR FLY MANAGEMENT SYSTE
THE FACILITY.

5) THERE SHALL BE NO MANURE STORAGE A
PROPERTY OTHER THAN THE APPROVED STO
TEMPORARY BASIS.

6) THERE SHALL BE NO SPREADING OF MANU
HORSES ANYWHERE ON THE PROPERTY. THE
AREA IS THE ONLY MEANS BY WHICH MANUR
REMOVED FROM THE PROPERTY.

MANURE STORAGE DUMPSTER AREA COVERAGE CALCULATION

TOTAL AREA OF INTERIOR SITE WALLS REMOVED = 47 SF

TOTAL AREA OF INTERIOR SITE WALLS PROPOSED = 88 SF

THE CREATION OF THE MANURE STORAGE DUMPSTER AREA WILL RESULT IN A NET INCREASE IN DEVELOPMENT COVERAGE OF 41 SF

EXISTING TOTAL IMPERVIOUS AREA = 13,518 SF OR 7.76%*
PROPOSED TOTAL IMPERVIOUS AREA=13,559 SF OR 7.78%

* AS PER SURVEY OF PROPERTY PREPARED BY H.STANLEY JOHNSON AND COMPANY LAND SURVEYORS P.C DATED JUNE 3, 2014

1. OWNER/APPLICANT:
STEFANO AND SUZANNE GALLI
341 SUCCABONE ROAD
BEDFORD CORNERS, NEW YORK 10549

2. SURVEY INFORMATION FROM SURVEY PREPARED BY:
H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS, P.C.
42 SMITH AVENUE
MOUNT KISCO, NEW YORK 10549

3. TOWN OF BEDFORD TAX MAP INFORMATION:
SECTION: 8111, BLOCK: 2, LOT: 3
TOTAL AREA OF PARCEL = 4.00 ACRES
TOWN OF BEDFORD ZONING DISTRICT: R-4A

4. PROJECT SITE ADDRESS:
341 SUCCABONE ROAD
(T) BEDFORD

"UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209 (2) OF THE NEW YORK STATE EDUCATION LAW"

TOWN OF BEDFORD

TABLE OF DIMENSIONAL REQUIREMENTS

	ZONING DISTRICT	MINIMUM LOT AREA (ACRES)	MINIMUM LOT AREA PER UNIT (ACRES)	MINIMUM EFFECTIVE SQUARE (FEET)	MINIMUM YARD REQUIREMENTS FRONT (FEET)	LESSER SIDE/ TOTAL BOTH SIDES (FEET)	REAR (FEET)	MAXIMUM HEIGHT STORIES	FEET	MAXIMUM COVERAGE BUILDING	IMPERVIOUS SURFACE
	R-4A	4 ACRES	4 ACRES	250	75	50/100	50	2 1/2	35	3 % (5228 SF)	8 % (13942 SF)
											PROPOSED
341 SUCCABONE ROAD		4.00	4.00	250						5537 SF 3.23 %	13559 SF 7.78 %
MAIN RESIDENCE					198.54	86.72 / 454.87	41.20*	-	-		

125-27 (D) ACCESSORY BUILDINGS GREATER THAN 100 SF IN GROUND FLOOR AREA OR GREATER THAN 10 FEET IN HEIGHT SHALL COMPLY WITH FRONT, REAR AND SIDE YARD SETBACKS SPECIFIED IN SECTION 125-50. (Front 75 - Side 50/100 - Rear - 50)						0.5 % OF LOT AREA / FLOOR AREA SF
PERGOLA	215.82	182.05 / 537.70	51.16	-	-	871.2 / 253
GARAGE	189.04	17.70* / 578.85	70.89	-	-	871.2 / 768
BARN	264.32	23.70* / 512.09	51.90	-	-	871.2 / 614
POOL	220.46	194.43 / 610.20	54.0	-	-	871.2 / 877

125-27 (C) ACCESSORY BUILDINGS NOT GREATER THAN 100 SF IN FLOOR AREA AND NOT MORE THAN 10 FEET IN HEIGHT SHALL BE LOCATED NOT CLOSER THAN ONE-THIRD (1/3) OF THE SIDE YARD AND REAR YARD DIMENSIONS SPEC. IN 125-50 BUILDINGS MUST COMPLY WITH FRONT YARD SETBACKS SPECIFIED (Front 75 - Side 16.67/33.33 - Rear 16.67)					
SHED	307.55	78.20 / 620.39	22.70	-	-
CHICKEN COOP	239.60	22.74 / 534.25	50.85	-	-

* INDICATES EXISTING NON-COMPLYING SETBACK

RECEIVED
AUG 10 2015
Bedford Building Dept.

NO.	DATE	BY
1	8/6/15	PJG
2		
3		
4		
5		

PLAN SC

GALLI

WEST

DRAWN BY: MAG

KEAN
COPPI
GREG
ENGINEER
CIVIL & E
113 SMITH AV
T: (9

DATE: 2/5/2015

EXHIBIT J

KEANE
COPPELMAN
GREGORY
ENGINEERS, P.C.
CIVIL & ENVIRONMENTAL CONSULTANTS

113 SMITH AVENUE
MOUNT KISCO, NY 10549
T:(914) 241-2235
F:(914) 241-6787

April 4, 2014

Mr. & Mrs. Stefano & Suzanne Galli
341 Succabone Road
Bedford, New York 10506

Dear Mr. & Mrs. Galli:

The sketch prepared by this office indicates slopes 25% or greater which are designated steep by the Town of Bedford. The disturbance to this area as a result of the construction of the retaining wall and dumpster placement is 60 square feet. This is less than the maximum allowable disturbance area of 100 square feet.

In the event the dumpster was situated in the area previously discussed, maintaining 64.40 feet to Alice Road and 22.70 feet from the rear property line, the steep slope disturbance would be 122 square feet and exceed the maximum allowable disturbance area of 100 square feet. A Steep Slope permit would need to be obtained from the Town of Bedford in order to construct in this location.

Should you have any questions or require additional information please feel free to contact me.

RECEIVED
APR 3 2014
BEDFORD ZONING
BOARD OF APPEALS

Very truly yours,

Peter Gregory

Peter J. Gregory, P.E.

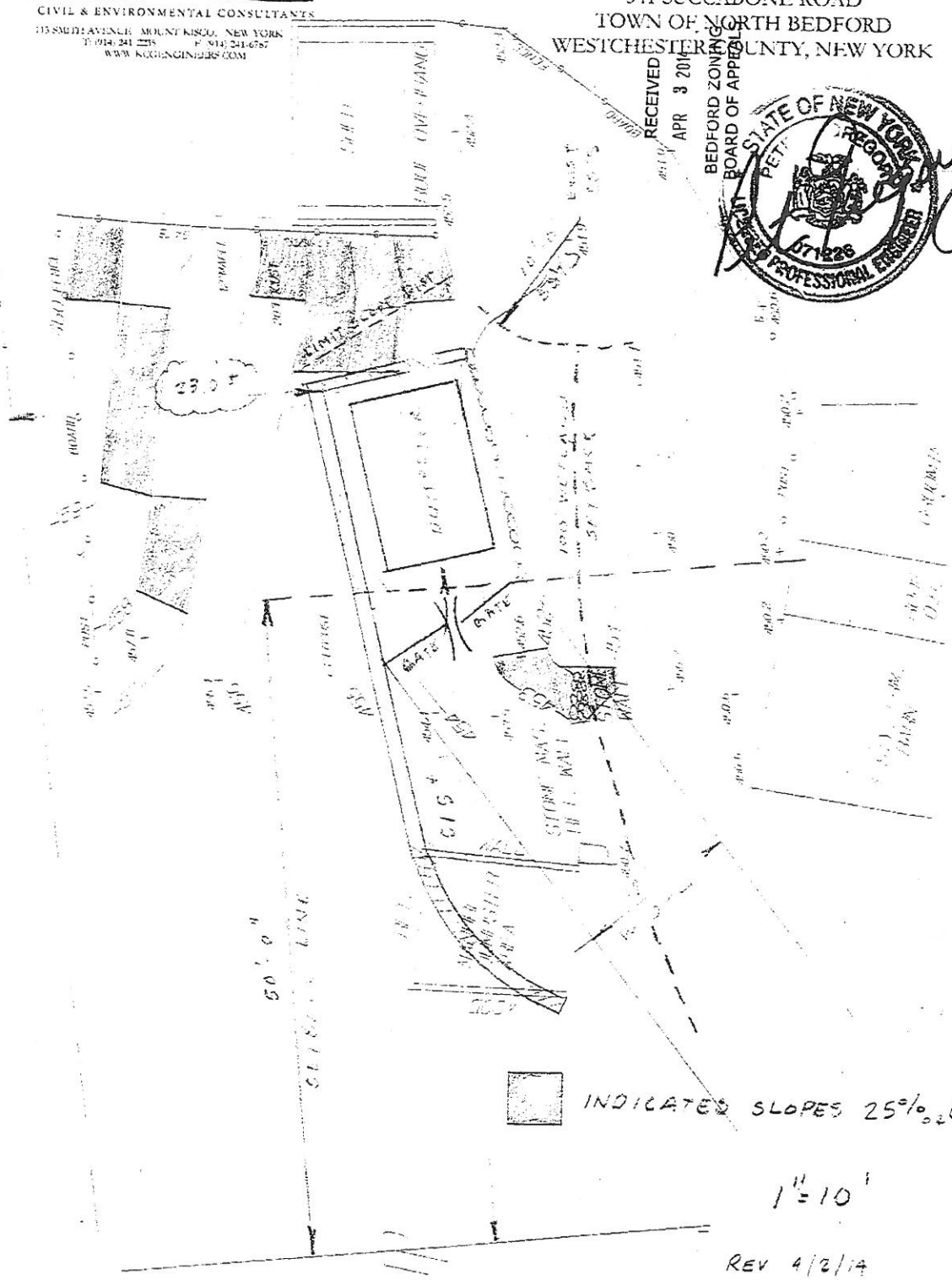
GREGORY
ENGINEERS, P.C.
CIVIL & ENVIRONMENTAL CONSULTANTS
115 SMITH AVENUE MOUNT KISCO, NEW YORK
T: (914) 241-2235 F: (914) 241-6767
WWW.KGGENGINEERS.COM

SKETCH PLAN

GALLI RESIDENCE
341 SUCCABONE ROAD
TOWN OF NORTH BEDFORD
WESTCHESTER COUNTY, NEW YORK

RECEIVED
APR 3 2014
BEDFORD ZONING
BOARD OF APPEALS

STATE OF NEW YORK
PETER J. GREGORY
071226
LICENSED PROFESSIONAL ENGINEER



1" = 10'

REV 4/2/14

EXHIBIT K

*DISCUSSION AT MTG - SAYING AL
~~ROAD~~ RENOVATIONS REQUIRE
PERMITS &
DRAINA
CALC. FO
DRIVEWA

Wetlands Control Commission, April 7, 2014 meeting

40:38

Ruth Toporoff:	So this project is moving a driveway into the regulated area and that requires a permit?
Chairman of WCC:	Yes.
RT:	In the wetlands? And the drainage that gets incurred from moving that driveway into the regulated buffer area is a calculated number in the runoff?
Beth Evans:	The driveway…the proposed driveway is created such that the drainage will actually go out into the street and into the catch basin which is at the headwaters if you will of this drainage pipe.
RT:	So it is calculated to go…
Beth Evans:	Yes
RT:	… where it is that you want it to go.
Unknown:	Yes.
Unknown:	Both the proposed and existing driveways will drain exactly to the same place. The two road catch basins.
RT:	Ok. Thank you.

1:15:30

RT:	So to pave a driveway in the wetlands you need a permit?
Chairman:	Correct.
RT:	From the wetlands?
Chairman:	Correct.
RT:	You have to apply and figure drainage and get a permit from the wetlands
Chairman:	I didn't hear the beginning.
RT:	You need to apply
Chairman:	Yes.
RT:	Pay fees, get a permit and calculate any drainage concerns (inaudible)
Chairman:	There may be more to it than that. Basically yes.
RT:	Thank you

GALLIS IGNORED
RULES AGAIN
ON MAIN DRIVEWAY
-ASPHALTED W/O
PERMIT

This is Reference that Gallis
Maint Driveway in wetlands was
Asphalted without a needed wetland
Permit. As ALL Driveways in wetlands
[illegible] permit from Wetlands Commisc

EXHIBIT L

GALLIS EXISTING
"EAST OF BARN"
DOUBLE gates for
Access - Removed
by galli

GALLI
REMOVED
GATES
EAST OF
BARN
EXISTS
"ACCESS

EXHIBIT M

GALLIS
EXISTING
LARGE, DOUBLE
ACCESS GATES
REMOVED BY
GALLI

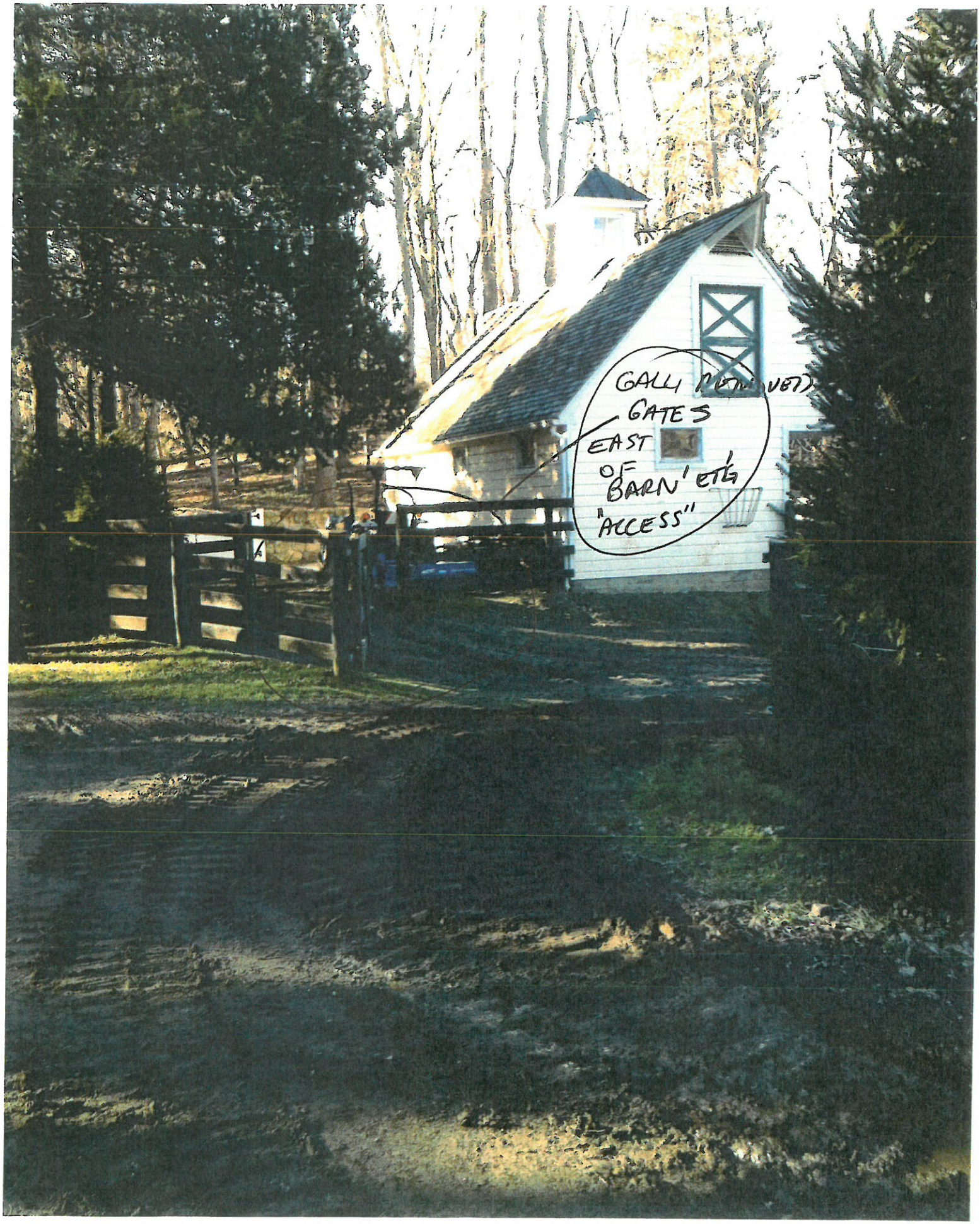

GALLI REMOVED
GATES
EAST
OF
BARN ETC
"ACCESS"

EXHIBIT N

1 approximately at least about 75 or 100 feet, maybe
2 more, 150 feet, the fence and the property line almost
3 virtually coincide as well. Do you see that?
4 A. I believe it is like a two and a half
5 foot separation, three, two and a half, 3-foot.
6 Q. Okay. Where would it be two and a half
7 or 3-foot separation? At the very bottom?
8 A. From where it says, I guess, above the
9 gate, where it says "gate", there is a dot and it
10 separates, and then it keeps on going down until you
11 get to the numbers, and then it opens up from 3 to
12 5 feet.
13 Q. That is at the very bottom, 3 to 5 feet,
14 right?
15 A. No, at the very bottom there is 5 feet,
16 and then it goes 4 feet, 3 feet, 2 feet, two and
17 a half feet.
18 Q. Right. Let's look at where the gate
19 with the line runs -- where it says "flag", right?
20 A. Correct.
21 Q. See that, and there is a gate?
22 A. Right.
23 Q. So that would be approximately about
24 2 inches from the bottom of your property line, right?
25 A. I believe there is a 2-foot separation

there, approximately 2, two and a half feet from the gate to the property line.

Q. Okay. That is about -- when I say 2 feet, I mean that is 2 inches on the picture, 2 inches on the picture from the bottom of your property line, running along Succabone Road. Correct?

A. Correct.

Q. So that means, according to you, there is about a 2-foot separation between your property line and the fence approximately 100 feet away from Succabone Road, right?

A. From the gate, it is 2 or 2 and a half feet at the gate, yes, and then it goes down and it goes from 2 feet to 5 feet, yes.

Q. Well, one inch equals 50 feet, so if we say that it goes to about 2 feet and remains at about 2 feet, if you look at the numbers where it says -- I can read it, "S6720US", do you see that?

A. It goes for two and a half feet for 30 or 40 feet.

Q. Okay. So it is about -- still the separation between the fence and the property line is about two and a half feet, while it is still only 50 feet from Succabone Road. Is that fair to say?

A. Something like that, yes.

EXHIBIT O

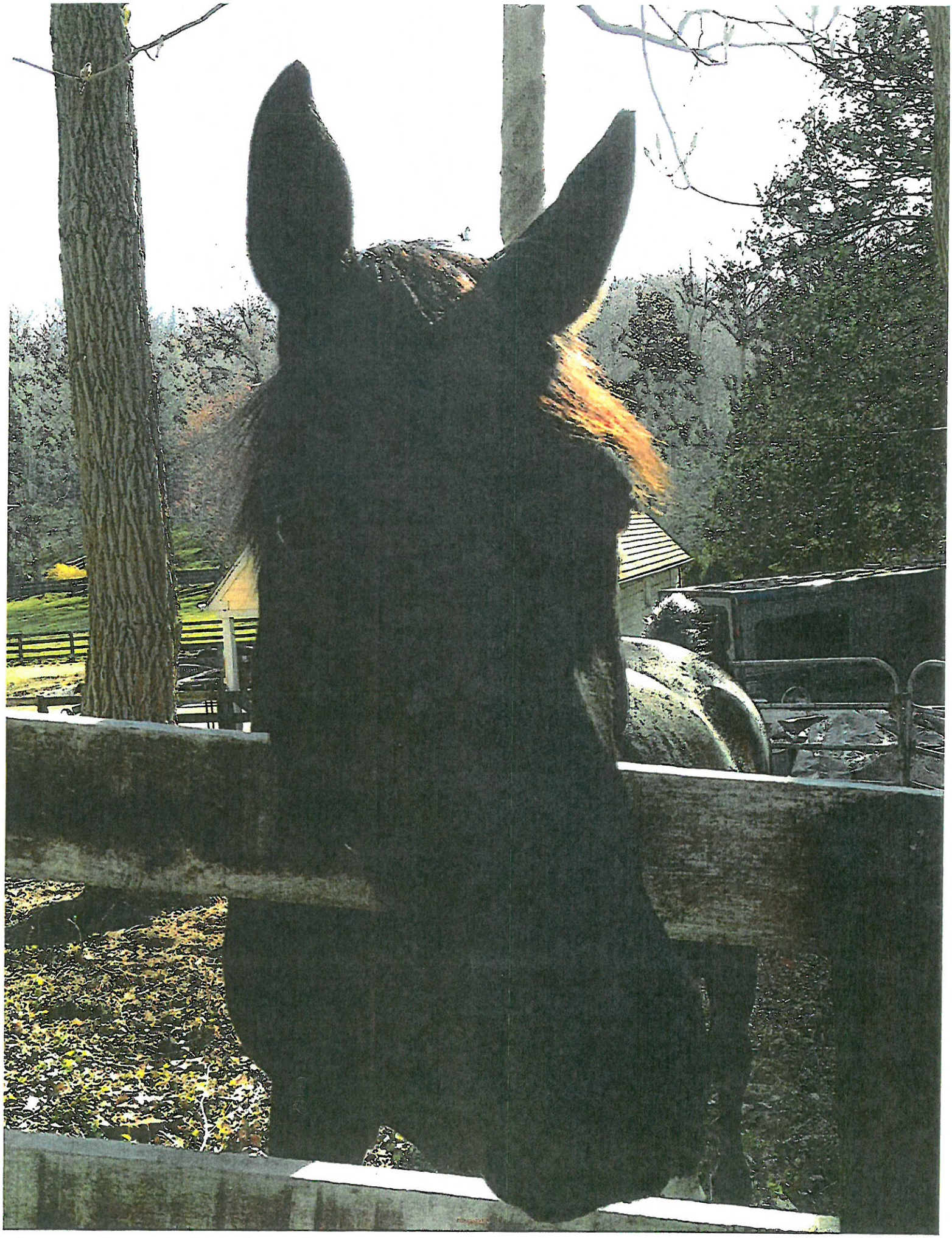


EXHIBIT P

Suzanne Galli Deposition Under Oath

70

16 A. Yes.

17 Q. Those trees were planted by you, right?

18 A. Yes.

19 Q. Correct?

20 A. Not by me, by people that worked for me.

21 Q. Some of those trees -- when I say by

22 you -- obviously. Part of those trees were on town

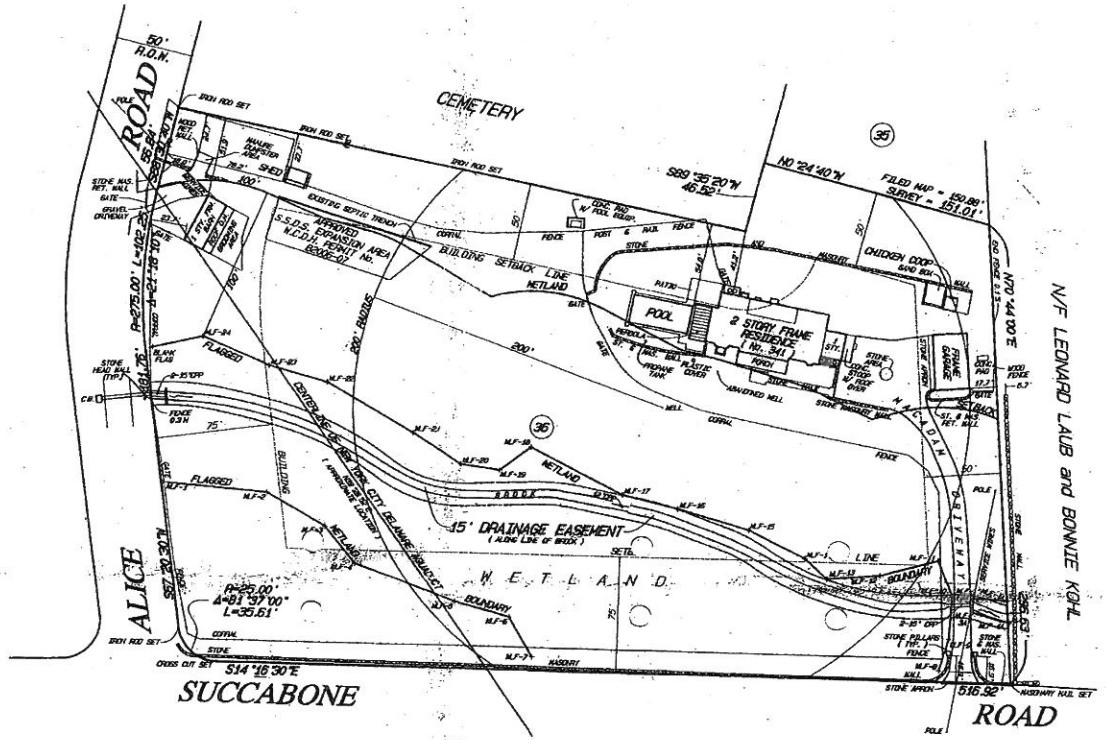
23 property, right?

24 A. There is 50 trees. 30 of them are

25 entirely on my property, within many feet. There are

1 some that are on the lot line. I believe I have
2 a permit to plant eight to ten on town property and
3 those are around a drainage basin.
4 Q. Do you have a survey that shows that any
5 of those trees you planted are actually on your
6 property?
7 A. No trees are indicated on a survey.
8 Q. Do you have a photograph that shows
9 those trees were -- withdrawn. Do you have any
10 photographs showing that line of trees that would
11 confirm they were actually on your property?
12 A. We have a photograph that proves it.
13 I think you would need a survey and measurements to
14 prove it, not a photograph.
15 Q. I am going to call on you to produce
16 a survey or give a release or provide a release to my
17 client, that she can conduct a survey on your
18 property, to determine where those trees lie?
19 A. I am not going to give her a release to
20 go on my property.
21 MS. MER: I will take that under advisement.
22 Please put that in writing, but make sure that it is
23 not your client herself doing this measuring but
24 actually someone that is professional.
25 MR. ORDEN: Obviously, it would have to be

EXHIBIT Q



RECEIVED
JUN 4 2014
BEDFORD ZONING
BOARD OF APPEALS

RECEIVED
JUN 4 2014
Bedford Building Dept.

Town Zoning designation: R4A

Area = 174,271 Sq. Ft. or 4.000 Acres.

Tax Identification: Section 83.11 Block 2 Lot 3.

Deed reference: Liber 12057 Page 268.

In accordance with the existing Code of Practice for Land Surveys as adopted by The New York State Association of Professional Land Surveyors, Inc.

Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

All certifications are valid for this map and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.

The location of underground improvements or encroachments hereon, if any exist, are not certified or shown.

Flagged Wetland Boundary shown hereon delineated September 9, 2003 by Mary Jaehnig - Certified Soil Scientist, 17 Fairview Avenue, Ridgefield, CT 06877.

OWNE.
STEFANO GALLI AND SUSANNE GALLI
341 SUCCABONE ROAD
BEDFORD CORNERS N.Y. 10549

SURVEY BROUGHT TO DATE & MAP REVISED: JUNE 3, 2014.
TO SHOW SHED & BARN CLOSET REMOVED.
SURVEY BROUGHT TO DATE AND MAP REVISED: NOVEMBER 6, 2013
ELEVATIONS TAKEN IN MANURE AREA: NOVEMBER 1, 2013

BY: Robert S. Johnson

NEW YORK STATE LICENSED LAND SURVEYOR NO. 50037
ROBERT S. JOHNSON, P.L.S.

R4A ZONE

BUILDING COVERAGE: 3% ALLOWABLE (5,228 S.F.)	
	EXISTING
MAIN RESIDENCE & N & E PORCHES	3,140 S.F.
PERGOLA	253 S.F.
GARAGE	788 S.F.
BARN	614 S.F.
POOL	677 S.F.
*SHED	98 S.F.
CHICKEN COOP	67 S.F.
TOTAL BUILDING COVERAGE:	5,637 S.F.
PERCENTAGE OF COVERAGE:	3.23%

* APPROVED BY BUILDING DEPARTMENT

IMPERVIOUS AREAS: 8% ALLOWABLE (13,942 S.F.)	
	EXISTING
**STONE MASONRY WALLS	1,576 S.F.
MACADAM DRIVEWAY	4,670 S.F.
POOL PATIO	620 S.F.
CONC PAD WITH POOL EQUIPMENT	76 S.F.
FRONT WALK	310 S.F.
GROOMING AREA	492 S.F.
CONC PAD FOR GENERATOR	21 S.F.
CONC PADS FOR AC UNITS	68 S.F.
WOOD RETAINING WALLS	32 S.F.
TOTAL BUILDING COVERAGE	5,637 S.F.
TOTAL IMPERVIOUS SURFACE:	13,518 S.F.
PERCENTAGE OF IMPERVIOUS SURFACE:	7.76%

** INTERIOR WALLS MEASURED WITH A WIDTH OF 16" OR LESS
STREET WALL MEASURED WITH AN AVERAGE WIDTH OF 20"

SURVEY OF PROPERTY
SITUATE AT

341 SUCCABONE ROAD

Being Lot 36 as shown on a certain map entitled "Section A Rock Gate Farm, Etc." Said map filed in the Westchester County Clerk's Office, Division of Land Records August 11, 1955 as Map No. 10093.

SITUATE IN THE
TOWN OF BEDFORD
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 50'

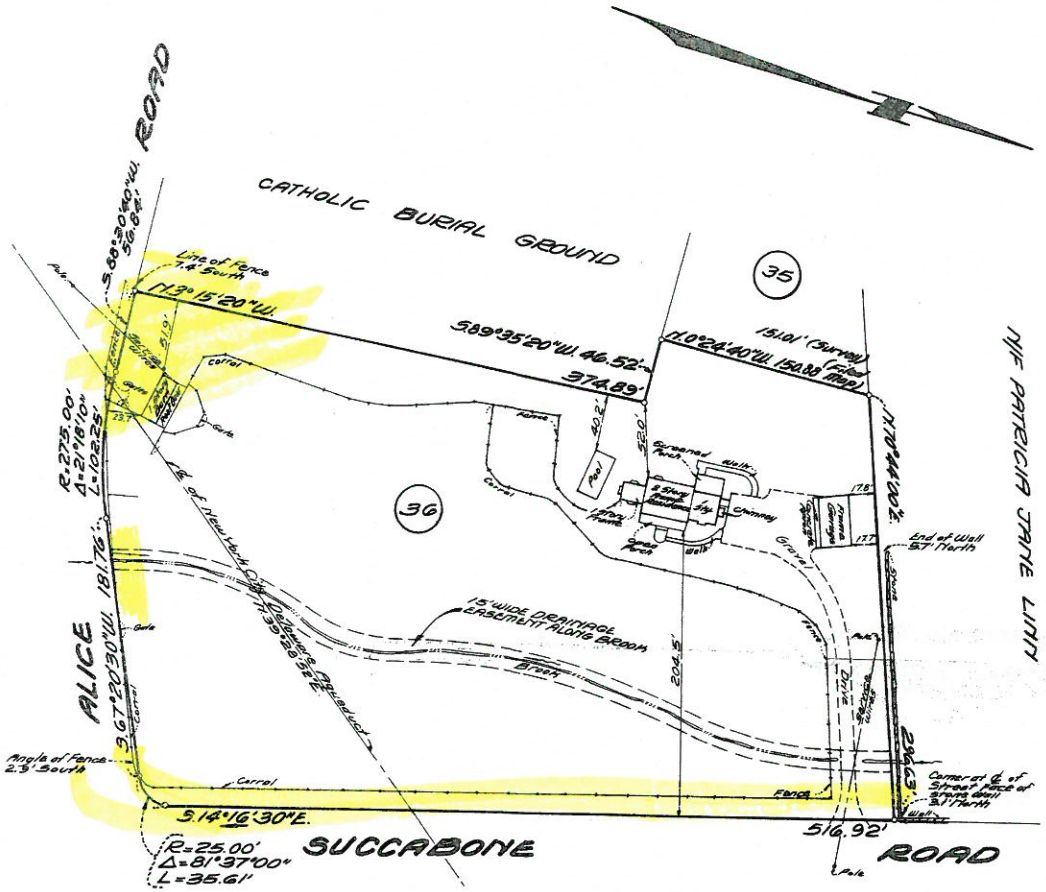
H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS, P.C.
42 SMITH AVENUE P.O. BOX 93
MT. KISCO, N.Y. 10549
TEL. 914-241-3872
FAX. 914-241-0438

PREPARED BY: JRJ CHECKED BY: RSJ

F92-026.13

EXHIBIT R

5542 TITLE NO.



AREA = 4.000 ACRES

SURVEY OF PROPERTY
PREPARED FOR
JOHN C. REYNOLDS

Being Lot 36 as shown on a certain map entitled "Section A Rock Gate Farm, Etc." Situate in the TOWN OF BEDFORD WESTCHESTER COUNTY, NEW YORK

Said map filed in the Westchester County Clerk's Office, Division of Land Records August 11, 1955 as Map No. 10093

Scale: 1" = 60' Possession only where indicated

Surveyed: April 29, 1992 and map prepared: May 4, 1992

by _____
New York State Licensed Surveyor No. 38804

Guaranteed to:

In accordance with the existing Code of Practice for Land Surveys as adopted by The New York State Association of Professional Land Surveyors, Inc.
Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's Seal is a violation of Section 7209 Subdivision 2 of the New York State Education Law.
All certifications are valid for this map and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.
The location of underground improvements or encroachments hereon, if any exist, are not certified.

H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS, P.C.
PO. BOX 93
42 SMITH AVE.
MT. KISCO, N.Y.
10549
914-241-3872

JOB NO. F92-026

Ref: FLC 1012(F) D-6, Disk 50 Tab 3

Ppd. by: j.b. Chd. by: RSX