



## ZONING BOARD OF APPEALS MINUTES

Meeting on Wednesday, January 21, 2026 at 7:00 pm

The meeting was called to order at 7:04 pm, by Chairman Tom Smith. Also present from the Board were members Joe Gunset, Hilary Kao, Lisa Smith, Counsel John Loveless, and Conservation Board Liaison Marilyn Shapiro.

Mr. Smith explained that applicants first present their case before the Board. During the hearing, Board members and members of the public may ask questions. Once the hearing concludes, the Board typically closes the session to discuss the application. After the hearing is closed, neither the public nor the applicants are usually permitted to make further comments. Mr. Smith stated that the Board usually votes at the meeting, but if there is an issue to be resolved, a decision could be held off until the following meeting.

Mr. Smith motioned to approve the December 15, 2025 minutes; Ms. Smith seconded. All in favor.

**Victoria Minior**, 193 Salem Rd., Pound Ridge, NY 10576, also known as Block 10263, Lot 5, Zone R-2A. The application for approval to install a 12' by 10' greenhouse located 2'6" from the side property line is disapproved on the following grounds: Section 113-37 of the Code of the Town of Pound Ridge requires a side yard setback of 50'. In order for this application to proceed, a 47'6" variance will be required. It should be noted that the proposed plans show an existing frame stable (housing not more than 4 horses for private use only) located 50' from the side property line. Section 113-36-13 requires a stable and dumpster must be located 100' from a street or lot line.

Present: William Besharat from Rayex Design, Owner Mr. Minior

Mr. Besharat began his presentation stating that "the goal is to retain a greenhouse, a very prefabricated unit that was installed for gardening purposes." He said, the current location was "really the only location that will function" because the sun is there. He noted that if the unit had been 100 square feet instead of 120, they would not need a variance and explained that when the owners purchased it, they were not aware of the size restriction. They realized after they purchased it that 10' x 10' is the maximum allowed without a permit.

Mr. Kao asked about other alternatives on the property and why they wouldn't be functional. Mr. Besharat said other areas were very shady. There's a lot of trees on the property. In another area

there are horses. Mr. Besharat explained that the current location was "where the gardening takes place, not by the stone wall" and that placing it elsewhere would require walking through the gravel driveway to get to it. Ms. Smith noted that the applicant is asking for an almost 100 percent variance.

Since the greenhouse was installed without proper permits, Mr. Smith addressed the applicant, "You are the property owner, so you have the ability to look before you purchase a property to obtain all the land records and zoning variances and know what structures were in place." He added "As it's also on you to know whether you're required to get a variance before you put a structure exactly on your property."

Mr. Besharat acknowledged the point but defended his clients, saying that not every homeowner is familiar with the laws and regulations. Recognizing the board's concerns, he requested "At this point, I really would like to confer with the owners to see if I ask for postponement, and let's see if we can come up with a solution or a compromise to work with the board on this."

Mr. Loveless raised an additional issue about the stable on the property, asking "is there any attempt to address the stable?" He explained that according to code, it should be 100 feet from the lot line and warned "if a violation is issued, then this board will not act." Mr. Besharat responded "I, myself, I feel confident that it's completely legal. But I cannot answer that question."

There were two letters of support submitted by neighbors.

The board agreed to leave the public hearing open and adjourn the application to allow the applicant to explore alternatives and address the stable issue.

**Fabjola Gogo & Nicole Gonzalez**, 207 Salem Road, Pound Ridge, NY 10576, also known as Block 10263, Lot 7, Zone R-2A. The application for approval to enclose an existing porch located 31.9' from the side property line is disapproved on the following grounds: Section 113-37 of the Code of the Town of Pound Ridge requires a 50' side yard setback. In order for this application to proceed, an 18.1' side yard variance will be required.

Present: Jaclyn Tyler, AIA, Nexus Creative

Ms. Tyler began her presentation by describing the proposed work: "Currently, the porch wraps around the front side, and we're looking to enclose the north side of it." She clarified that they were attempting to stay within the footprint, other than the small porch that's added at the main entrance.

A member asked "What's the structure then?" Ms. Tyler explained that the project involved "using the side facing the shared driveway in the other house that's going to remain." She said, "The idea is that the front porch will remain along the roadside and close in on the other side to create more privacy."

Ms. Tyler emphasized that the house is an older home, has had many additions, and the goal was to "create a more cohesive design where it's more aligned with the time period that the front portion of the house was built in."

Beginning to address the five criteria, Ms. Tyler said that the project would not create a detriment to the character of the neighborhood, noting "I've circled on here a number of properties within the area that have similar circumstances as far as their positioning on-site." She explained that because "over half of the house is located within the 50-foot setback," it would be challenging to renovate without needing variances.

A significant portion of the discussion then involved the neighbors who shared the driveway. Ms. Thelma Van Tilburg introduced herself as "the neighbor to the left, to the north" and was accompanied by her brother Ron, her son Bryan VanTilburg, daughter-in-law Marcy VanTilburg at 211 Salem Road, and Lynn Harrington at 203 Salem Road. She clarified, "Not shared. I own the driveway. They have in their deed a right of way. That was granted before because it was landlocked."

Ms. VanTilburg expressed strong opposition, stating "We were all hoping that the house would be torn down and moved away because it's right on my driveway as you can see, and my door is right off the driveway." She detailed her concerns: "It will change my quality of life. It will change my privacy. It's going to change light pollution." She was particularly distressed about the window count: "There are 6 windows there now that I look at. There are going to be 21 windows and a door. I can't imagine 21 windows being lit." She also expressed concerns about construction impacts, noting "the driveway is very old, very fragile. We keep patching it. The owner himself told me today that they're taking off the whole second floor, and they have to bring in a boom."

Ms. Harrington added context about the property's condition, describing how it had been in foreclosure since 2016 and noting "every bit of garbage, every bit of everything that is all over the lawn in almost 2 years. There's debris all over, and it's been there for over 2 years."

Ron, Ms. VanTilburg's brother, raised technical concerns about the variance calculation, arguing "the 31 foot 9, which is the setback, there's a 7-foot bilco door on that side of the house. So, technically, it's 25 foot." Mr. Loveless clarified that "they're not asking to do work 25 feet from the property line. They're asking to do work at the 31 foot point."

Mr. Bryan VanTilburg claimed the owners had "gutted the house, demo'd the house, and left 10 to 15 30-yard dumpsters. Building Inspector Jim Perry saw insulation and sheetrock in those dumpsters, then came to the property to inspect." Ms. Tyler responded, "I'm not aware of that."

Mr. Kao raised concerns about the project's scale and felt it went above and beyond just trying to straighten out the line and make it look better with the character of the neighborhood.

Ms. VanTilburg requested more time for her attorney to be present, saying "I may need to have

my attorney present because I'm upset, and I'm not agreeing to the variance." The board clarified that they don't automatically grant adjournments for attorney requests and a member of the public may not demand a meeting end or a matter be continued simply because someone calls for their attorney to be present.

Mr. Kao made a motion to leave the public hearing open and adjourn later in the evening to permit Ms. Tyler to consult with her client and speak with neighbors. The motion was seconded by Ms. Smith. All in favor.

**Donna & Phillip Satow**, 9 Eastwoods Road, Pound Ridge, NY 10576, also known as Block 9821, Lot 1, Zone R-3A. The application for approval to install an automatic standby generator 24' from the front property line is disapproved on the following grounds: Section 113-37 of the Code of the Town of Pound Ridge requires a front yard setback of 60'. In order for this application to proceed, a 36' front yard variance will be required.

Present: Donna Gutkin, Landscape Architect, PC

Ms. Gutkin presented the application on behalf of Donna and Phillip Satow, explaining "quite simply an application just for a generator that the house has not had for several years, and there's all sorts of outages, and they are ready to proceed."

Ms. Gutkin explained that "They're asking for a variance because it's a narrow property on a corner, so the 60 foot is a hardship for them." She described the proposed location: "the house is set above Eastwoods Road. There's a retaining wall. There are some very mature trees, and there's also some very large established shrubs. The generator itself would be "about 2' by 4' by less than 3' tall. It's a small generator that would be, for the most part, invisible."

Ms. Gutkin noted that "we often try to gang service things together so we're not sort of spotting all over the property" and pointed out that "There's an electrical panel already there, which also makes it convenient to service the generator."

Addressing the five criteria, she stated that given "the narrow dimensions of the property, the corner location, the preexisting nonconforming location of the house" and an existing septic tank, the proposed location "seems to be the best location and the least intrusive for many reasons."

Mr. Kao, who had visited the site, observed that the location they were placing the generator in seemed to make sense since it would almost be invisible. At that, Ms. Gutkin suggested screening with plantings rather than fencing.

Ms. Gutkin assured the board that "the homeowner is aware that if there are gaps, they are very willing and would desire to plant additional shrubs" and noted that at only "32" tall, the generator would be largely screened by existing vegetation once the leaves returned.

Mr. Smith went through the five points systematically, concluding "I don't think it's going to

create an undesirable change" and "I don't know that there was really another location on the property that made sense." He particularly noted "this is probably the one instance where I would say that it's not self-created because we live in Pound Ridge, and we know what it's like not to have a generator; we do lose power a lot."

The board discussed specific conditions including the planted buffer, which should consist of vegetation that's on the Conservation Board's list of recommended vegetation and that the screening addresses views from both Eastwoods and Fancher to the extent necessary.

Ms. Gutkin responded positively, but noted some practical considerations. "There are a lot of very large trees that probably weren't visible because there's no leaves on them right now and shrubs. So, our thought was to not usurp that and put in smaller plant. It's also quite a dark area because of the mature trees there. So, the palette of plants is limited as to what would actually grow there."

There were no letters from neighbors.

Ms. Smith made a motion to close the public hearing and propose a motion to grant this adding in some conditions with the screening. The motion was seconded by Mr. Gunset. All in favor.

**Deliberation:**

The board approved the application with the condition that any gaps in the existing vegetation be filled with appropriate plantings from the conservation board's recommended list, respecting the existing root base. Mr. Kao made a motion to approve the application as stipulated above. Mr. Smith seconded. All in favor. Application approved.

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The board returned to the Gogo & Gonzalez application. Ms. Tyler reported that after consulting with the owners, "the plan would be that we will remove the dormers along the north side." She showed on the elevations how "this portion here of the roof will not extend up. It will continue with the original ridge that is located along the street edge."

Ms. Tyler also addressed privacy concerns, noting that the owner "agreed to screening, although she said, "There's was no landscape plan included in our application, but we're happy to put that in if need be as a condition.

Ms. Smith asked for clarification on what was being gained, to which Ms. Tyler responded, "Essentially a larger living room and a larger primary bedroom. And a double-loaded corridor so that you have bedrooms on either side on the upper floor. The discussion turned to specific square footage, with Ms. Tyler noting they were closing in 68 square feet at the corner on the first floor and 537 square feet on the second floor.

Bryan & Marcy VanTilburg submitted a letter of opposition at the meeting.

Ms. Smith made a motion to close the public hearing. Mr. Smith seconded. All in favor.

Board members expressed varying views. Mr. Smith stated "my feeling is that the mass of the house has grown too much in the nonconformed area" and noted "there are a lot of ways to expand this house where a variance wouldn't be required." He went through the five factors, concluding "I don't think we've complied with all of the five points."

Mr. Kao countered that "somebody who's bought it and is willing to fix it and make it better in some ways, makes the neighborhood better by improving it" but acknowledged concerns about "the windows and the light" which he felt could be addressed by requiring them to put in substantial plantings.

Ms. Smith suggested, "I would be more inclined to look at a plan that was less bulky" and proposed they reduce the bulk facing the neighbors on that side of the house. She felt that combined with "a landscape plan for that side of the house" it might make the project more acceptable.

Mr. Kao offered the most supportive view, saying "I think the fact that there's adjustments to manage plantings and do plantings, which we would require, and I think that would be appreciated by neighbors, is beneficial. I think the removal of the dormers on the north side is productive." He suggested additional conditions like requiring certain windows to be frosted so that the light that's incoming out is diffused and not bright.

Mr. Smith made a motion to deny the application as it stands, and invited the applicant to come back with new plans. Ms. Smith seconded the motion. The vote was tied 2-2. Due to the tie vote, the application was not granted. Application denied.

Joe Gunset - aye

Hilary Kao - nay

Lisa Smith - nay

Tom Smith - aye

**Adjournment:** A motion was made by Mr. Smith and seconded by Mr. Kao. All voted in favor. Meeting adjourned.