EASTCHESTER ZBA - 1/14/2020

THE CHAIRMAN: Good evening. Welcome to the Town of Eastchester Zoning Board of Appeals meeting for Tuesday, January 14th, 2020. We begin our meetings with the Pledge of Allegiance, so please rise. Remove your hats. (Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: While everyone is getting settled in, I want to just briefly go over the ground rules for tonight. Firstly, we observe Robert’s Rules of Parliamentary Order.

Secondly, any item that is on first time tonight, will not be decided tonight. If you reviewed the terms and conditions of your application package, you’ll see that these matters are heard, they’re deliberated upon. I mention this because if anyone in the viewing public is contemplating an application, our 2020 calendar is out, we generally meet the second Tuesday of every month, and we meet once a month excepting for July, August, and December.

We have on our calendar tonight -- and
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MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Item number 1, 19-43, 1 Joyce Road. I make a motion to adopt a resolution approving this application; is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. Let's go to the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That application has been approved five to zero.

Number 2, 19-44, 144 Locust Avenue. I make a motion to adopt a resolution approving this application. Second to my motion?

MR. CAHALIN: Second.

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THE CHAIRMAN: Mr. Cahalin. To the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That's been approve five/zero.

Number 3, 19-45, 52 Ridge Street. I make a motion to adopt a resolution approving this application; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. To the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That's reviewed your applications, so you're under no obligation to sit here and read the entire five part test to an area variance or the three part test to a use variance. It won't either help or hurt your application. You're free to do so if you'd like. I generally do ask, particularly with more complicated applications, that you just briefly summarize why you're here.

Having said that, let's start with Item number 5, 19-51, this is 107 Anderson Avenue. Come up and state your name and address for the record. While you're setting up, I'll just mention to the viewing public that you're seeking an area variance for a proposed second story dormer.

MR. JACOBSON: Good evening. My name --

MS. UHLE: I'm sorry, you'll have to go to the microphone. You can carry it with you if you would like.

THE CHAIRMAN: Singing is optional, but you have to have the mic with you.

MR. JACOBSON: My name is Eric

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Jacobson, I'm the architect for the owner, who is here this evening, Mr. Rodolitz.

Our application this evening is a fairly simple one. We are asking for a front yard variance and a side yard variance. Currently the home sits 14 feet to the front in a zone where 30 feet is required, and we're asking to build a second story addition within 22 feet of the front yard. Then we're also asking to extend the existing non-conformity vertically on the side yard, which is currently at 9.8 feet and required is 14 feet, so we need a variance there.

I have on my floor plan there, you could see the highlighted blue area, it's about 7 or 8 square feet, that's the addition that we're building. We just want to take a closet, create a master bathroom where currently none exists off the master bedroom. In order to do that, we need to pop the roof up, create a dormer only about 5 feet wide, which would extend the existing non-conformity on the side yard -- this is a side adjoining the street, by the way, because this is a corner lot -- and

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then to the front we're only coming out 2 more feet from what currently exists. So we would be 22 feet back from the front property line where 30 feet is required.

I'm going to flip it over here and show you what it would look like in elevation. Proposed. Proposed. Highlighted blue area is the area that we're proposing to alter. So you can see that it's a fairly small area.

THE CHAIRMAN: Thank you for your presentation and for highlighting really what we're talking about in terms of the variation. At this juncture, we usually take questions from the Board, so let me start with Mr. Cahalin; any questions?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: Fairly straightforward to me as well. I make a motion to open the

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We're going 13 feet.

MR. NURZIA: Is there a reason why you're going further back?

MS. MYLENSKI: Just to make it a more usable screened porch.

MR. NURZIA: No other questions.

THE CHAIRMAN: Thank you, Mr. Nurzia.

Mr. Miller?

MR. MILLER: No questions.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: I have a question. When I was reading your submission, the first thing that hit me is the fence seems to be illegal. We're only allowing 6 foot fences and you're saying in your submission that you have a 7 foot fence, so do we need another variance?

MS. UHLE: A couple of things. One, it may not be illegal, it may have predated current zoning, they may have received a variance previously. Until you mentioned that to me today, I was not aware of that. They would not be allowed to ask for a variance for it at this point because it hasn't been submitted as part of the application. That's something we could follow-up with the homeowners with.

MR. CAHALIN: So it may have to come back?

MS. UHLE: Potentially.

MR. CAHALIN: The other question is, is there any way -- the thing that disturbs me is the impervious surface calculation, I mean, you're really pumping this thing up by trying to cover the whole back yard with this patio. I understand you're adding the drainage, but I just have a problem with in general with impervious surface calculations in this town. We seem to be covering all the green space. That's just my comment.

THE CHAIRMAN: Anything else, Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Okay. I have nothing at this time. I'll make a motion to open this matter to the public for a public hearing; is there a second?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. All in agreement?

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favors.
(All aye.)

THE CHAIRMAN: Would anyone from the public like to be heard on this application?
Please come forward, speak from the podium, and give us your name and address for the record.

MR. TELESCO: Hello. My name is Peter Telesto, my address is 892 Post Road. In the photos that were up just before, the yellow house on the other side of the white fence is my house. The only question I have -- I have no issues with any one of my neighbors wanting to do what they want with their property, but they're property, as you can see, is considerably higher than mine. There's already, I think, about a 4 foot wall that's their back yard level and mine is lower. Now we're going to put a larger patio, which way is it going to be pitched? I can't have all that water come into my 4 foot lower property that's going to now cause me flooding issues. I understand about the dry wells, but dry wells fill up. I want to just kind of make sure that the patio pitches away from my property rather than towards my property because I don't know how much soil is going to be left to collect the rain water. In addition to that, we're covering what's now an uncovered porch. That roof water is coming down and going where?

That's my concern. I don't want it to become a flood zone.

THE CHAIRMAN: Okay. Usually the public makes comments and that is the end of it. Mr. Telesto, I do have a question: Is there currently a water runoff problem this property to you?

MR. TELESCO: When I bought my house in the year 2000, there was. I had to have a dry well put in and drainage put in to try to alleviate it. I don't want to compound it by now having runoff come in.

THE CHAIRMAN: Okay. Thank you for your comments.

MR. TELESCO: Thank you.

THE CHAIRMAN: Would anyone else like to be heard on this application?

(No comments.)

THE CHAIRMAN: Seeing no one else, I favor.

(All aye.)

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make a motion to close the public hearing on this; is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: If the applicant would like to come forward and respond, and also the Board will then have any other further questions and/or comments.

MS. MYLENESKI: We'll put a drain at the edge of the patio so that the runoff will into the new dry wells. In the new impervious surface calculation, it also includes the roof area as well as the patio area. So we're addressing all of that increase runoff from both in adding those dry wells, so there shouldn't be any runoff going to neighboring properties.

THE CHAIRMAN: Is the premises currently in that area serviced by a dry well?

MS. MYLENESKI: I don't think so. I'm not sure.

THE CHAIRMAN: Okay. Questions from DINA M. MORGAN, REPORTER

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the Board or comments; Mr. Cahalin?

MR. CAHALIN: None.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None. Margaret, the Planning Board would deal with that issue on the drainage?

MS. UHLE: This application would not be referred to the Planning Board, but in the Building Department we have people review the storm water management plan, so our plan reviewer reviews that.

THE CHAIRMAN: Thank you, Mr. Miller.

Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I don't have anything.

I make a motion to adjourn this matter for resolution at the next meeting; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)
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THE CHAIRMAN: Thank you.

MS. MYLENSKI: Thank you.

THE CHAIRMAN: Item number 7, this is
19-52, 7 Knollwood Road.

While you're getting ready, this is an
area variance for a proposed in-ground swimming
pool and patio at the rear of the existing
residence. Name and address for the record and
proceed.

MR. IANNACITO: Good evening. My name
is John Iannacito, I'm an architect, and I'm
representing Mr. Warren, the owner of the
subject property.

We are proposing a new in-ground
swimming pool at the rear yard, which is
highlighted here. An in-ground swimming pool
was constructed on this site in 1967, and then
it was backfilled in 1993 by a previous owner.
We are proposing to construct a new in-ground
pool in approximately the same location as the
previously approved swimming pool.

The previous swimming pool was
non-conforming with respect to both the side
yard and the rear yard. We did modify the

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location a bit so that we're only requesting
one variance for the pool tonight, and that
would be for the rear yard, where the proposed
is 6 feet and the required is 10 feet, a
deficiency of 4 feet or 40 percent. The pool
will be set back from the house 12 feet, which
is the code requirement, and it cannot be
pushed any closer to the house. One, because
then the setback to the house would be
non-conforming, but also because there's a
raised patio here with a brick retaining wall
about 10 feet away from the house which
prevents us from moving it any closer to the
house.

We're also requesting area variances
for the location of the pool equipment. The
pool equipment will be located in the rear
yard, and it's highlighted here. The pool
equipment will require two area variances. The
first is the setback to the rear yard, the
proposed is 3 feet and the required is 6 feet,
a deficiency of 3 feet or 50 percent. The side
setback will also be 3 feet and the required is
6 feet, a deficiency of 50 percent.

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We are proposed to construct a 6 foot
fence along the rear property line and the side
property line, which will provide screening to
the neighboring properties for both the pool
and the pool equipment.

Thank you for your time. I'm happy to
answer any questions.

THE CHAIRMAN: Mr. Iannacito, thank
you for your presentation. Let's start with
the Board. Mr. Cahalin?

MR. CAHALIN: Yes, I have a couple of
things. My first problem is the equipment.
They have a shed right there; right?

MR. IANNACITO: Correct.

MR. CAHALIN: So why can't the filter,
or what have you, be relocated inside that shed
because, you know -- I know these properties, I
live in that neighbor, you're coming on a
slope, you got a retaining wall sitting down,
that thing is going to go on and off all day
and those poor people in the back and on the
side are going to hear this thing all summer
long. It's going to run and run and run. At
least if you push it up and enclose it, they

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retaining wall. The previous pool was also 6 feet away from that property line.

MR. CAHALIN: I don't really care about the previous pool, I care about this application. That's what I'm concerned about.

I don't think pools belong in those kinds of structures. The weight that you're putting in and the soil and everything else. Not to mention that, to me, asking for a variance for the pool equipment is one thing, but just because you're tucking it away in their yard doesn't mean the neighbors aren't going to have a problem with it. I get from an aesthetic what you're trying to do, but I think you're really imposing on the neighbors on this one. Usually there's bushes, there's something.

Having a fence and knowing that area the way I do, you're going to hear it.

MR. IANNACITO: There's also landscaping. We still have 3 feet between the --

MR. CAHALIN: It's not much.

MR. IANNACITO: So we will put landscape in and there is landscaping on the

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opposite side also.

MR. CAHALIN: Those are my comments.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: No comments.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing, thanks.

THE CHAIRMAN: I have nothing at the moment, but I'll make a motion to open this matter to the public for a public hearing; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone from the public like to be heard? Ladies first. Name and address for the record and proceed.

MS. RICHARDSON: Hi. We're Michelle and Ken Richardson and we're at 13 Knollwood Road. Apologies to my neighbors for not having met yet.

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I'm very concerned about water runoff into my yard. I live directly behind him and I also live below him. There's about a 10 foot difference between my yard and my neighbor's yard, and there is currently water runoff when it rains hard. We have rocks, we have bushes, they have ivy, we have some bushes along their fence that holds the soil in place right now, but I could foresee if you add to the impervious coverage, that there will be even more runoff. You have old patio that was mentioned, that's part of the house, they can't move it. The new patio, the pool deck, any new walkways even with permeable pavers is still considered impervious coverage; correct? The pool itself is also impervious surface. My question is: Does this exceed Eastchester's impervious coverage limitations? That was not mentioned. That's just the water runoff when it rains, where it's going to go. It's going to run downhill into my yard. The second thing is water leaks from the pool itself and any associated plumbing. You can get structural cracks in cement pools.

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 starts to slope down. I have another question: Are they going to remediate that slope in some way? A fence was mentioned. There's a 6 foot stockade fence there right now, which in places is bulging because soil runoff from 7 Knollwood is pushing up against that fence. So if you put more impermeable block in there, you're going to have more water runoff regardless, I think, of what type of dry well you put in, and that has not been answered. So if they fill that in, what are they going to do, are they going to put a retaining wall? I don't what retaining wall the architect is referring to. My yard, I have about a 3 foot retaining wall and then it goes up to their yard. I don't believe there's a retaining wall in their yard at all. On my side of the stockade fence are just some bushes I planted, and there is some stone there which came out of the ground which I kind of stacked up. I would not call it a retaining wall. It's just stacked stone that I put there to help mitigate water runoff. So those are my concerns. Once again, I'm opposed to granting this variance. Thank you.
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THE CHAIRMAN: Thank you for your time, Mr. Connolly. Before we proceed with anyone else from the public, I would like to ask the head of our building and planning, Mrs. Uhle, to highlight one of Mr. Connolly's points about the consideration of a pool as impervious surface or not on impervious. You may want to explain that.

MS. UHLE: Yes. A couple of things. One, this does not exceed the town's impervious surface requirements, so a variance is not required for that. The Town of Eastchester does not consider the water surface of the pool as an impervious surface, so that's not factored into the calculations. Otherwise, all the paved surfaces are figured into the calculations.

THE CHAIRMAN: Thank you, Mrs. Uhle. Would anyone else like to be heard on this application?

(Speaker from the audience.)

MS. UHLE: The water surface of the pool is not considered impervious. Some

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THE CHAIRMAN: Thank you, Mrs. Uhle. Would anyone else like to be heard on this public? Please come up. I don't want to get a colloquy going back and forth. Please come up to the podium. Thank you.

MR. CONNOLLY: The other question I had is, if this pool is going to be drained in the wintertime, how is it going to be drained? Because Knollwood Road, the front yard, slopes towards the back yard. Like I stated earlier,

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MR. IANNACITO: When we're doing the work, if there's no wall, we'll propose a new retaining wall along the property line and then place the fence on top of the retaining wall.

THE CHAIRMAN: Anything else, Mr. Iannacito?

MR. IANNACITO: As far as draining the pool, typically the pools are not drained in the wintertime. They're just covered and the water stays in the pool. The pool will not be a gunite pool. It's going to be a liner pool with metal panels. Typically the metal panels are constructed with a concrete rim beam around the base, which prevents the panels from kicking out. If the liner happens to tear, they'll have to repair that. Obviously, we're not going to allow the water to -- if there is a disaster where the thing tears and all the water drains out, you know, I'm not sure if that's ever happened.

THE CHAIRMAN: Anything further, Mr. Iannacito?

MR. IANNACITO: No, I think that's it right now.

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THE CHAIRMAN: Okay. So the Board will have some comments or questions further of the applicant, but I just want to mention one thing. In the five part test, one of the elements of meeting a variance is if there were any other methods whereby you could accomplish what you're looking to accomplish. Mr. Cahalin was highlighting something earlier about the equipment. I haven't heard anything that makes it seem like the pool equipment has to be there. It seems like you want it to be there. My concern is that we all want things, but there are certain guidelines that we have to obey when looking at the five part test, and this is why we hear these applications and why we hear the public and why we review them.

When you look at this from 30,000 feet, it looks like the patio is -- why put the pool where it is when you can cut into the patio. Now looking at the application it makes sense to me about where you're looking to put it, but I've generated much more in my way of concerns about where you're putting the mechanicals when there seems to be no reason to put it there.

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MR. TUDISCO: My suggestion would be to do that because a modified plan, it may be something that in all fairness if there are people here from the public who want to weigh in on this, that they should weigh in on the plan. Also, if, for instance, just as an example, the modified plan included boxing the equipment for the pool into that existing shed, that existing shed appears on the plan to be closer to the property line, there would be a different calculation for the percentage of the variance and setback that's there. So I think that it should be left open to the public.

THE CHAIRMAN: Thank you, counselor. Perhaps we'll do that with just one further question, and that is: Are planning a modification of moving that to a position as of right or something that may still be asking for a variance?

MR. IANNACITO: I'm going to discuss that with the homeowners and see. We may move it to a spot where we wouldn't require any variance.

THE CHAIRMAN: That's my question.
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see what is submitted, and then we'll deal with it at the next meeting.

MR. TUDISCO: The only concern that I have, Mr. Chairman, is that if based upon a revision it's determined that there should be a public hearing, it would have to be noticed --

MS. UHLE: He's keeping it open.

MR. TUDISCO: You're going to keep it open?

THE CHAIRMAN: Yes.

MR. IANNACITO: We'll come back with a revised plan, we'll re-present it, and then you guys could vote on it the following month.

MS. UHLE: The public hearing remains open.

THE CHAIRMAN: I would like the record to reflect that the public meeting is staying open on this. I withdraw my prior resolution.

Thank you, Mr. Iannacito.

MR. IANNACITO: Thank you.

THE CHAIRMAN: So we have one last item, which is number 9, 19-42, 249 Main Street.

MR. CAHALIN: What happened to DINAM M. MORGAN, REPORTER

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Lorraine Drive?

THE CHAIRMAN: I'm sorry, Lorraine. I apologize. I'm getting way ahead of myself.

Number 8, Lorraine Drive. This is an area variance to permit a second driveway that I almost overlooked. Name and address for the record. Thank you for catching that.

MS. DUBUIGAN: My name is Ashley Dubuigan, 2 Lorraine Drive. I'm the architect and also the resident. We're applying for a variance for a second curb cut and driveway of course with 13F-4 of the zoning.

Currently, we have a single width driveway along our side lot line on Lorraine Drive, and we're seeking to convert an existing pathway on our front line on Mill Road to have a curb cut and a driveway. If the variance was granted for the curb cut, we would use concrete pavers, a dry well to finish the landscaping of that area for parking.

You could see right now, we wouldn't be taking away any parking from the area. We already have parking regulations that prohibit any parking along any of our lot lines.

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2. Superintendent about it. He's a little concerned about it. A permit would be required from the Highway Department. A permit would also be required from Westchester County DPW. The Highway Superintendent was a little concerned for safety issues having people back into Mill Road or back in from Mill Road, but he did not say, you know, there's no way I would grant a permit for it. I think he was going to defer to the Zoning Board's determination.

3. **MR. NURZIA:** One other question, I guess. I believe you said the office is your personal office or maybe both of your offices.

4. **MALE SPEAKER:** My office.

5. **MR. NURZIA:** Okay. I guess my question is, if your office practice expanded to the point where you needed to move somewhere else and that space wasn't big enough, what happens in that situation? If the variance were to be granted and you don't need that spot anymore and you were renting it out -- maybe this is a question for the counsel to the Board -- is that something that should be under consideration by the Board members?

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2. MR. TUDISCO: Well, at this point in time, it's very difficult because in theory you should be looking at the application for the four corners of the page and it's current impact on the community. There are various factors that could come into play if they sold the property, if they had a tenant in the property that was using it for a different purpose. It's really difficult because you can't speculate and you have no way of knowing. The only thing, sometimes when we talk about parking issues and there are certain agreements that an applicant will make with a neighboring landowner, if that neighboring landowner's property gets sold, it's outside of the control of the applicant and certainly the town and the Board. So I would try to focus your concerns and your questions and your deliberations on the application itself, what is being requested of the Board, how you believe that impacts the community now.

3. **MS. UHLE:** Peter, I didn't understand your question.

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point.

MR. CAHALIN: But it's being used as a
driveway.

MS. UHLE: Well, I think it had been
for a short period of time with the applicants
not realizing that that wasn't permitted. It
wasn't until we received the
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application that --

MR. CAHALIN: There was no curb cut.

MS. UHLE: -- We made them aware of
that. So I think that, you know, as the
applicant said, they have some constraints
within their existing driveway, which is why
they're here for the other one. I think they
are aware that they're not permitted to park
there. Again, I don't think they ever made an
effort to hide that. I don't think they were
aware of it.

MR. CAHALIN: They can't, it's right
out in the open.

THE CHAIRMAN: I speak Mr. Cahalin's
language, I was born and raised in the Bronx,
we had a different idea of where we park.

Do you have anything further about the

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actual curb cut merits or parking, Mr. Cahalin,

MR. CAHALIN: No.

THE CHAIRMAN: I don't have anything
at this time. What I'll do is I'll open this
up to the public for a public hearing. Is
there anyone interested in being heard on this
application?

(The comments.)

THE CHAIRMAN: Seeing no one, I make a
motion at that close the public hearing on this
matter; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(A all aye.)

THE CHAIRMAN: Let's get back to the
Board. Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

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presentation, please.

MR. SMITH: Good evening, Mr.

Chairman, members of the Board. For the
record, my name is David Smith, principal with
Planning and Development Advisors. We're a
land use planning and real estate entitlement
consulting firm. I'm here tonight on behalf of
Eastchester Manor Developers, LLC represented
by Angelo Agovino, who is a principal with the
firm. Joining me are the design team, Antonio
Freda with Freda Design Architects, Michael
Stein from Hudson Engineering, and Carlito Holt
from PDE, Provident Design Engineering, who is
our traffic engineer.

I'll give you a little bit of
background as to the proposed project located
at 249 Main Street known locally as Section 69,
Block 5, Lots 6 and 6B. It's located in an RB
retail business zoning district. As you
mentioned, multifamily housing is a permitted
use. The density that's proposed is permitted
under zoning.

The proposed project is a four story
building with 15 market rate rental units.

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They're nine one bedroom units, six two bedroom
units. The project is supported by 26 parking
spaces, which is consistent with the zoning
requirements. 12 of those parking spaces are
located indoors or underneath the first level
of the building, and then there are 14 surface
parking spaces located on the perimeter. The
project is located in a mixed use setting
within convenient walking distance of many good
and services, particularly the town center.

If you would like, Mr. Chairman, I
could walk through the site plan.

THE CHAIRMAN: Okay.

MR. SMITH: That's okay?

THE CHAIRMAN: Sure.

MR. SMITH: So the project site,
here's Main Street. The firehouse is located
directly adjacent to the property. Here's Main
Street. There's an entrance drive located on
the northerly side of the site, and that's, in
fact, where one of the proposed variances is
required in order to transition this driveway
apron slope right here. So there's a one way
drive coming in, going around, and then out to

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the back. So there are, as you had mentioned
as part of the introduction, certain variance
with respect to the lack of landscaping along
the perimeter. That's due, in part, to the
configuration of the site, and also to
accommodate the parking and the drive aisles.

Here's the first level of the building
where you have an entrance off of the front
from Main Street, there's a lobby for
residents, and then there are a series of
covered parking spaces located on both sides,
and then there's an outdoor space here, here,
and along the back of the property.

So this is the lower level or the
basement, which includes amenities for the
residents, including a gymnasium, there are
storage areas and mechanical rooms necessary to
service the building. Then as part of this as
well there is an underground storm water
management system. Again, we've accommodated
the proposed project with respect to storm
water management.

So here is a typical floor plan with
the units. The layout, one and two bedrooms

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and mix of both. Roof top. Then a series of
elevations which were included with the
submission package.

Mr. Chairman, so we've included in our
submission package the test for area variances.
I don't know if we necessarily need to go
through each of them. At this point, I think
we provided with an overview of the proposed
project, and turn it back to you for
consideration, questions.

THE CHAIRMAN: Thank you for the
conciseness of your presentation. I'll just
ask you, if you don't mind, to just very
briefly explain those five variances, what
we're talking about as it relates to the
variance for the landscape buffer area,
etcetera, so that the public knows exactly why
you're here.

MR. SMITH: Very good, yes. So along
the perimeter of the property, there's a
requirement for a landscape buffer. It needs
to be at least 3 feet in width. Given the
extent of the development program, there's
approximately 130 linear feet out of the 400

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linear feet it comprised. The perimeter, that 3 did not include this landscaping. Again, part 4 of that is to accommodate parking, part of that 5 is to accommodate a vehicle allowing it to back 6 out from a parking space.

The second variance requested is part 8 of the Notice of Denial. In the Eastchester 9 code there's a requirement when you have 10 parking for multifamily, to accommodate snow 11 storage. Again, because there's a limited 12 availability for landscaping to accommodate 13 that, there really isn't an area for snow 14 storage. So the applicant, who would be 15 managing the property, would have snow removed 16 from the property in the event that we had an 17 event that required it.

The third variance requested is for 19 impervious surface coverage. The site is 20 approximately a little over 15,000 square feet, 21 and it allows for, under the zoning code, 22 surface coverage of 10,617 square feet. The 23 plan currently proposes a total impervious 24 surface of 13,563 square feet. I think part of 25 the concern is when you have that amount of

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percent requirement under the code. There are 3 certain technical issues with respect to that 4 driveway slope, and we've included a submission 5 that illustrates the area in question. Part of 6 the issue is that that portion of the driveway 7 apron is tied into the neighboring property, 8 which is the Fire Department driveway access. 9 In essence, it's an existing condition, and we 10 would like to maintain that in order to 11 effectively allow for access both to this 12 property and for access to the neighboring 13 property. Again, Mr. Holt can provide some 14 technical explanations with respect to vehicle 15 circulation in case you need it.

So that's a summary of the five 16 requested variances.

THE CHAIRMAN: Thank you. That's 18 precisely what I was looking for. Thank you.

At this time, what I would like to do, 20 particularly with a technical application like 21 this, is see if the Board has any questions.

Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Mr. Nurzia?

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impervious surfaces, can you accommodate that 3 with storm water management. We've included a 4 storm water management report with the 5 application. Mr. Stein is here, he could speak 6 to that in more detail if you have some 7 specific questions.

The fourth variance is with respect to 9 the width of the drive aisle or back-up aisle, 10 and on the westerly portion of the site there 11 is a drive aisle or back-up aisle that's 12 approximately 22.6 feet and there's a 13 requirement in the code for 24 feet. In the 14 submission package that we've included, we've 15 provided turning diagrams to illustrate how a 16 car could effectively negotiate and park within 17 those spaces. Mr. Carlito Holt, who is here 18 from Providence Design, could also speak to 19 that as well.

Lastly, we were informed last week 20 that there was a small area, that I pointed out 21 at the initial presentation, of this driveway 22 apron from Main Street getting into the site 23 that requires a variance because the slope is 24 approximately 11.8 percent when there is a 5 25

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1 way I read it, is this a cantilevered building?
2 You have parking, it's open, it's underneath
3 the first floor, basically, of the residence?
4
5 MR. SMITH: That's correct.
6 MR. CAHALIN: What's the height of
7 that level for the cars; is it 10.6, 11?
8 MR. SMITH: 9 foot 6.
9 MR. CAHALIN: 9 foot 6. Okay. What
10 is the overall height of the building?
11 MR. SMITH: Mr. Freda is the design
12 architect. It's 42 --
13 MR. AGOVINO: It's 45 feet and then we
14 have our roof access, so 48.
15 MR. CAHALIN: So this building, I
16 assume because of New York State code will be
17 required to have a sprinkler system; correct?
18 It will also have a standpipe.
19 MR. SMITH: If the code requires a
20 sprinkler system, then we'll have to have a
21 sprinkler system.
22 MR. CAHALIN: I said I assume the code
23 requires a sprinkler system. I'm concerned
24 about the height. I know at some point you get
25 away from a standpipe, and I don't know if

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1 you're within that -- I just worry about safety
2 on this new stuff.
3
4 MR. SMITH: One of the issues that was
5 raised by the Fire Department early on when we
6 had kind of a technical meeting was access to
7 the building. So one of the requirements that
8 they have is that the utility lines in front of
9 the underground be relocated underground so
10 that they have access to the building with
11 their equipment, their ladder equipment.
12 MR. CAHALIN: So you'll have a remote
13 annunciator in the lobby for them and all that
14 other good stuff?
15 MR. SMITH: Yes.
16 MR. CAHALIN: Thank you.
17 THE CHAIRMAN: Anything further, Mr.
18 Cahalin?
19 MR. CAHALIN: No.
20 THE CHAIRMAN: I don't have anything
21 further at this time. I make an application to
22 open this matter to the public for a public
23 hearing; is there a second to my motion?
24 MR. MILLER: Second.
25 THE CHAIRMAN: Mr. Miller. All in

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STATE OF NEW YORK )
  ) Ss.
COUNTY OF WESTCHESTER)

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