EASTCHESTER ZBA - 10/10/19

THE CHAIRMAN: Good evening. Welcome to the Town of Eastchester Zoning Board of Appeals meeting for Thursday, October 10th, 2019. We begin our meetings with the Pledge of Allegiance, so please stand.

(WHEREUPON THE PLEDGE OF ALLEGIANCE WAS SAID.)

THE CHAIRMAN: While everyone is getting settled in, I'll go over some of the ground rules for our meetings.

Firstly, we conduct our meetings under Robert's Rules of Parliamentary Order, if you care about that.

Secondly, we have two types of matters on tonight. We have three matters on for resolution. Ordinarily, when a matter is on for resolution, it's decided that night, but because we have a four member Board, applicants have an option to have their resolution adjourned to the next meeting for decision because with a four member board you would need a three/four decision. A two/two would be the equivalent of a denial.

Also, we have five matters on for new...
EASTCHESTER ZBA - 10/10/19

THE CHAIRMAN: Thank you. Item Number 6, 19-39, 65 Maple Street; ready to proceed?

APPLICANT: Yes.


Number 8, 19-41, 25 Anderson Avenue. Okay. You've cornered the market on the last three items.

So again, Number 1, 19-24, 7 Summit Street has been adjourned on consent.

Number 2, this is Application 19-30, our Morgan Street application. I make a motion to adopt a resolution approving application 19-30, 59 Morgan Street; is there a second to my motion?

MR. CAHALIN: I'll second.

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

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. The

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

application has been approved four/zero.

Number 3, 19-31, 108 Brook Street. I make a motion to adopt a negative declaration for Application 19-31, 108 Brook Street; second to my motion?

MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: I also have a motion to adopt a resolution approving Application 19-31.

To the vote -- first, is there a second to my motion? Sorry.

MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. Now to the vote. Mr. Cahalin.

MR. CAHALIN: 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 four to zero.

On to new business. For those

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

applicants -- actually, we have reoccurring applicants, but for those watching at home, any new application, the documents have been submitted and they're all a matter of public record and they've been reviewed by the Board, so you don't have to come up and read the entire application. Your free to read any part of the five part test or all of it, but it's not going to either help or hurt your application. While you're setting up, I could go over the highlights of your application, and again, you're free to present it any way you like.

Procedurally, what we generally do is the Board will ask questions or comments of the applicant, they'll generally be a period in which the public will be heard, and then the Board will have another opportunity to ask questions or comments. The applicant can sum up as well.

Having said that, we're going to start with Number 4, which is the first item of new business, 19-33, this is the Clarence Road application. While you're setting up, it's an

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

area variance to construct a second story addition and a front portico.

MR. SCAVELLI: Good evening. My name is John Scavelli. I'm the engineer working with the Travaglini's on the proposed application.

Just in summary, the application is for a new second story addition over an existing single family dwelling. The existing house has an existing non-conforming front yard setback, where the existing house is set at 17.1 feet off the front property line. As part of the application, the owners would like to actually build over the existing footprint. They're not looking to encroach over the existing footprint of this house for this new second story addition.

Also as part of the application, they're looking to build a front portico off the front side of the home of the front entry with a 3 foot platform at the front steps.

In terms of the use of the addition upstairs, it's basically an expanded master bedroom and additional bathroom at the upstairs

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19

level. So there will be three bedrooms and two bathrooms at this new upstairs level.

In terms of the variances that are being asked for are for the encroachment onto the front yard setbacks.

THE CHAIRMAN: Thank you for your presentation. Now to the Board for questions or comments. Mr. Cahalin?

MR. CAHALIN: I have none.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing, thank you.

THE CHAIRMAN: I don't have anything further at this time either. I make a motion to open this application to the public to be heard on it.

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone from the public like to be heard on this application?

(No comments.)

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19

THE CHAIRMAN: It's entirely up to you.

MR. STANZIALE: If you have them --

THE CHAIRMAN: It's a very thorough Board, they've read it, but you're free to do so if you would like.

MR. STANZIALE: That's fine.

THE CHAIRMAN: We're going to open the Board with usually questions and sometimes comments at the juncture. Mr. Cahalin?

MR. CAHALIN: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Actually, I do have a question. Margaret, the question may be more for you. First of all, I haven't come across an application where the pool would be on the side, so I don't know if there's been any precedent prior.

MS. UHLE: I'm sure there have been past applications where pools have been proposed within the side yard or a portion of the side yard, and I believe that you have

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

granted variances for that in the past.

MR. NURZIA: Just wanted to check along those lines.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I don't have anything at this time.

I make a motion to open this matter to the public to be heard on this application; 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 on this application?

(No comments.)

THE CHAIRMAN: Seeing nobody, I make a motion to close this matter to the public; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

THE CHAIRMAN: Mr. Cahalin, comments or questions?

MR. CAHALIN: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I don't have anything either. I make a motion to adjourn this matter for resolution at our next meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

MR. STANZIALE: Thank you very much.

THE CHAIRMAN: Next item is Number 6, 19-39, 65 Maple Street.

While the applicant is setting up, this is an area variance to permit a building lot with frontage -- I will not read the whole thing. We'll let the applicant explain it. We'll make Mr. Maiorano earn his keep today.

Name and address for the record, even

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

though I already identified you.

MR. MAIORANO: Good evening, Board members. My name is Adamo Maiorano from Community Designs and Engineering. On behalf of the applicant, Cindy Panessa, we are proposing to create a legal non-conforming lot at 65 Maple Street.

THE CHAIRMAN: Can we take this outside, please. Thank you. I'm sorry, Mr. Maiorano.

MR. MAIORANO: It's alright. So the proposed lot is situated in an R-6 zoning district, so that requires the lot frontage to be a minimum of 60 feet. As it exists today, the existing lot frontage is 58.7, so we're deficient by 1.3 feet. Along with the same sort of principle, there is also an effective square that's 60 by 60 feet, and again, we are deficient by 1.3 feet of that 60 by 60 square that's required to fit within the front setback of this proposed building lot.

Further, there is also a little analysis of lot frontage along Maple Street. If you look, the majority kind of falls in

DINA M. MORGAN, REPORTER
between. Some lots to the left are 50 feet and
along the right are just 60 feet.

Lastly, the property at 69 Maple
Street does conform in every which way to the
zoning requirements without that lot being part
of it. So the side yard setbacks, lot
coverage, and gross floor area of that lot is
all conforming without having the property
adjacent to it as one whole.

That's pretty much it.

THE CHAIRMAN: Thank you, Mr.
Maiorano. Mr. Cahalin, any questions or
comments?

MR. CAHALIN: Yes. The lot itself
doesn't appear as deep as other lots in the
neighborhood; is that correct?

MR. MAIORANO: Yes. It is deeper
than -- I mean, it's 150 feet.

MR. CAHALIN: If you look at the lot
to the right of it, that house sits way off the
street, which is -- that lot doesn't even go
back that far.

MR. MAIORANO: It doesn't, but
typically with, say, a 60 by 100 lot, this has

DINA M. MORGAN, REPORTER

50 more feet to play with that, you know, front
yard.

MR. CAHALIN: I understand you have an
effective square problem if you were to put a
house on that, don't you?

MR. MAIORANO: Just because of the
width, not the length of the lot.

MR. CAHALIN: I understand, but unless
you're going to build a railroad style house
that doesn't belong in the neighborhood.

MR. MAIORANO: I mean, there's lots
that are 50 feet, so now this is essentially
58.3 feet, so the depth of the lot won't be
sort of --

MR. CAHALIN: It's in a place where
it's right by the school, there's a lot of
traffic. I worry about density. I worry about
that in the town. This basically is a flag lot
or could turn into a flag lot. I have concerns
about that as well. That's my take on it.

MR. MAIORANO: I think the main thing
going forward with actually planning of the
lot, having a turning around in the front --
you know, it's an empty lot, so you could plan

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19

question for you.

MS. UHLE: Sure.

MR. NURZIA: The owner of the vacant lot I believe is the owner of the adjoining lot?

MS. UHLE: That's correct.

MR. NURZIA: If this vacant lot is non-conforming, has it not merged into --

MS. UHLE: No. The vacant lot is non-conforming, it's not merged. The existing improved lot is non-conforming with regard to two issues: The setback from the property line or the gross floor area, and in this case the structure is set back from the property line and the gross floor area is appropriate for the existing lot. They're only merged if the improved lot doesn't meet setback or gross area requirements.

MR. NURZIA: You answered my question via Margaret.

THE CHAIRMAN: Thank you, Mrs. Uhle.

Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: I don't have anything.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

at this time. I make a motion to open this matter for the public to be heard on it; is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone from the public like to be heard on this application? Feel free. I would need you to come to the podium, give me your name and address, and speak freely.

MS. PANESSA: Hi. I'm Cindy Panessa. Ansell was my name before I got married. My parents bought that lot years ago thinking my sister and I --

THE CHAIRMAN: Are you the applicant?

MS. PANESSA: I'm the applicant.

THE CHAIRMAN: Okay.

MS. PANESSA: They bought that years ago thinking that my sister or I would build a house there. I don't know, I'm just hoping you pass it. I own the house next door too, 69 Maple Street, and 65. We could work conforming.

DINA M. MORGAN, REPORTER
built upon.

MS. UHLE: Except that -- just to be clear -- the lot isn't 2 percent smaller. The frontage is --

THE CHAIRMAN: 2.2 percent.

MS. UHLE: The frontage is shorter.

The lot area is 8,800 square feet where 6,000 square feet is required, and the depth is 150 feet where typically 100 feet is required.

So the lot is actually larger than what is required in that neighborhood, but the frontage is I think 2.7 feet or 2.3 feet -- 1 point something. Sorry, I should look at my own notes.

THE CHAIRMAN: It's 1.3.

MS. UHLE: The house would be required to be set back 30 feet from the property line.

If the variances were granted, any new house would go before the ARB and the Planning Board, and they would look at the setbacks of existing houses within that neighborhood and probably try to align them in a reasonable way, but the zoning requires that it be set back 30 feet from the property line, not from the road.

DINA M. MORGAN, REPORTER

Then there's a little bit of a road right of way, so from the curb it would be even further.

MS. RICHY: Thank you. I should have been more clear. Thank you, Mrs. Uhle. We're really talking about frontage here. Would anyone else like to be heard?

Please.

MR. RICHY: Hi. James Richy, 61 Maple. I'm curious, it goes back 150 feet, you say, the lot; what's behind it?

MS. UHLE: Maybe, Adamo, can you show it on your map there?

MR. MAIORANO: This adjacent lot is behind it. Behind it is part of the adjacent lot.

THE CHAIRMAN: Mr. Maiorano, can you, for the public, make us all a party to that conversation?

MR. MAIORANO: 69 Maple is here and the property extends to the entire back. The lot that we're proposing is to create a legal non-conforming lot, which is here. It's 150 feet in depth but the width is 58.72 feet.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19

1. the rest. You may want to wait for the crowd
to disperse. This is like the first inning of
the Atlanta St. Louis game, it's over. All the
everest excitement is finished. Everyone is going.

Okay, Mr. Maiorano, you may proceed.

MR. MAIORANO: Again, my name is Adamo
Maiorano from Community Designs and
Engineering. On behalf of the applicant and
owner, Michael DiNoia, at 128 Fairway Drive, we
are proposing an in-ground pool situated in the
rear yard.

The applicant basically wishes to
create a certain size and shape pool to be used
for its intended purpose, essentially swimming.
In doing so, the rear yard of this property,
because of the triangular shaped lot, it
definitely limits us to where we can position
and move this pool. So what we did try to
create the best possible solution as far as to
the left side of this property is a secondary
front at Burnham Road, this where we're -- it's
situated in an R-5 zoning district, and we need
to be a minimum of 10 feet from the side yard
and 10 feet from the rear yard. What we are

DINA M. MORGAN, REPORTER

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EASTCHESTER ZBA - 10/10/19

1. portion of that neighbor's sort of side yard
3. where we're asking for that rear yard variance.
4. Other than that, that's basically it.
5. THE CHAIRMAN: Thank you for your
presentation. Before I go to the Board for
questions, there is one thing I had failed to
ask either our attorney or Mrs. Uhle; the right
of way, is that a paper street?
10. MS. UHLE: No. The right of way
11. there?
12. THE CHAIRMAN: Yes.
13. MS. UHLE: That just happens to be a
14. very large right of way adjacent to Burnham
15. Road there. A lot of places it's 4 to 5 feet,
16. this is over 25 feet wide. It's actually a
determination by the Highway Superintendent
whether he allows encroachment within the right
of way. It's very unusual to allow it, but I
think there's been kind of a historical
precedent here, so he has indicated he does not
have a problem with the fence there.

THE CHAIRMAN: Thank you, Mrs. Uhle,
you clarified that well.

Mr. Cahalin, any questions or

DINA M. MORGAN, REPORTER

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EASTCHESTER ZBA - 10/10/19

1. comments?
3. MR. CAHALIN: No, it's just --
4. THE CHAIRMAN: I'm sorry, I cut you
5. off, I apologize.

6. MR. CAHALIN: You did.
7. THE CHAIRMAN: I'm sorry.
8. MR. CAHALIN: It's just funny how, you
9. know, you talk about 2 is 1.3, but this is
10. 50 percent and it's only 5, so percentages lie.
11. THE CHAIRMAN: Was that Mark Twain,
12. there are damned lies and there are statistics?
13. MR. CAHALIN: No, just my own thought.
14. THE CHAIRMAN: Okay. Do you have any
15. questions or comments of this applicant?
16. MR. CAHALIN: That was my comment.
17. THE CHAIRMAN: Okay. Mr. Nurzia?
18. MR. NURZIA: As Mark Twain said, no
19. questions.
20. THE CHAIRMAN: Mr. DeMarco?
22. THE CHAIRMAN: I have nothing. I make
23. a motion to open this matter for the public
24. hearing to be heard on this; is there a second?
25. MR. CAHALIN: Yes.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19
THE CHAIRMAN: Mr. Cahalin. All in favor.
(All aye.)
THE CHAIRMAN: Would anyone from the public like to be heard on this application? Please.
MR. IORIS: Yes. My name is John Ioris, and I'm here on behalf of the property at 247 Park Drive, which is immediately adjacent to this property. The home is owned by my sister, and where she is not in any way opposed to a pool being there, there was concern with how close it was to the property line in her back yard. It seems like it's right on top of it, and we would be just concerned that it would be properly screened and separated from the property.
THE CHAIRMAN: Mrs. Uhle, I generally don't address matters of screening and things like that because that would be -- we're really hearing the side yard, but do we want to discuss that as well?
MS. UHLE: Yes, you can certainly look at that. I just want to clarify one thing.
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19
in there along with the fence. Your property is back here. The edge of the pool will be 5 and a half feet away.
MR. IORIS: If you put these trees in that 5 and a half feet, are they not going to be right on top of the pool?
MR. MAIORANO: They're going to be close.
MR. IORIS: It's a very tight space. Properly screened, it's okay. I'm not concerned about that. Obviously, you have your own safety regulations for pools, and those will be adhered to I'm certain. It's very tight on the back property line. As long as it's properly screened, it's okay.
MR. TUDISCO: I was just going to ask for those who are watching at home if you could show what you pointed out.
MR. MAIORANO: We're proposing a 6 foot high fence, PVC, and in front of that 6 to 7 foot evergreen shrubs in that 5 and a half foot buffer.
THE CHAIRMAN: Thank you, Mr. Maiorano. Also, I would like to add that.
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19
here. So it also is requiring a variance from the rear property line, and that's the property line that he's concerned about, so you could certainly address screening.
THE CHAIRMAN: So is your commentary that anything that's proposed there the screening is not adequate or are you looking for --
MR. IORIS: I don't know what's proposed as far as screening goes. I know there's fence that's going to be constructed. Properly screened it could probably work.
MS. UHLE: On the plan it says they're proposing 6 to 7 foot high evergreens. Adamo, could you address that a little bit?
THE CHAIRMAN: If you don't mind, stay there because then you could comment as well and Mr. Maiorano could explain it.
MR. MAIORANO: They're installing a 6 foot high fence at the property line and in front of it he's going to install 6 to 7 foot evergreen shrubs along here. The setback from the pool is 5 and a half feet, so it still allows us a planting buffer to get those plants.
DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19

1 time.
2 Would anyone else like to be heard on
3 this application?
4 (No comments.)
5 THE CHAIRMAN: Seeing no one else, if
6 the applicant’s representative, Mr. Maiorano,
7 would like to come back up and comment, and we
8 could talk about, perhaps, either treating this
9 as we could condition or you could amend the
10 application. It’s entirely up to our
counselor. What do you think?
11 MR. TUDISCO: I think that it could be
12 a condition to whatever resolution the Board
13 votes on.
14 THE CHAIRMAN: Fair enough.
15 MS. UHLE: They’re is nothing to amend
16 because they already proposed it, so we’re just
17 saying now it’s a condition.
18 THE CHAIRMAN: Fair enough. Mr.
19 Maiorano, do you have anything to add?
20 MR. MAIORANO: No. The applicant has
21 every desire to keep that condition of approval
22 to make sure that those are planted and they’re
23 kept well and in good condition and replace

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

1 anything that needs to be replaced if they
2 happen to die.
3 THE CHAIRMAN: Great. The Board will
4 have an opportunity to ask any other questions
5 or comments, but just to clarify what we’ve
6 frequently done with applications when
7 condition them on screening or other additions,
8 that they have to maintained and replaced. So
9 I just mention that to you.
10 Mr. Cahalin, do you have any comments
11 or questions?
12 MR. CAHALIN: No.
13 THE CHAIRMAN: Mr. Nurzia?
14 MR. NURZIA: No.
15 THE CHAIRMAN: Mr. DeMarco?
16 MR. DE MARCO: No.
17 THE CHAIRMAN: I have nothing further.
18 I make a motion to adjourn this matter for
19 resolution at the next meeting; is there a
20 second?
21 MR. DE MARCO: Second.
22 THE CHAIRMAN: Mr. DeMarco. All in
23 favor.
24 (All aye.)

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 10/10/19

back of the house and soften it up with a roof
as well on that side yard where the addition is
going along the height of the ceiling of the
first floor.

Other than that, that's essentially
it.

THE CHAIRMAN: Thank you for your
presentation. Questions and comments. Let me
go to Mr. DeMarco first this time. Mr.
DeMarco?

MR. DE MARCO: No questions or
comments.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: None.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: I don't have anything
either. I make a motion to open this matter to
the public for the public hearing; is there a
second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(All aye.)

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/10/19

THE CHAIRMAN: Would anyone from the
public like to -- come up.

MR. SHERRAN: Norman Sherran, 29
Anderson Avenue. I live directly to the east.
I have no objection to this. In fact, I'm in
favor of it, just so you know. I'm in favor of
this. I don't object to it.

THE CHAIRMAN: Thank you.

MR. DE MARCO: That's all we need.

THE CHAIRMAN: Succinct and to the
point. Would anyone else like to be heard on
this application?

MR. PAWLINGS: Good evening. My name
is Rob Pawlings, I reside at 21 Anderson Ave,
west lot down the hill. The house is owned by
my mother, Marsha Pawlings. I have no
objection to the construction.

THE CHAIRMAN: Okay. Thank you.

Would anyone else like to be heard?

(No comments.)

THE CHAIRMAN: No more endorsements.

Okay. I make a motion to close the public
hearing on this matter; is there a second?

MR. CAHALIN: Second.

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CERTIFICATION

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

I, DINA M. MORGAN, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:

That the above transcript was taken from a videotape of the actual hearing. I was not present for such hearing. The videotape was taken and transcribed by me to the best of my ability.

And, I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November, 2019.

DINA M. MORGAN
Court Reporter
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