EASTCHESTER ZBA - 11/12/19

THE CHAIRMAN: Good evening. Welcome to the Town of Eastchester Zoning Board of Appeals meeting for Tuesday, November 12, 2019. We begin our meetings with the Pledge of Allegiance, so please rise.

WHEREUPON THE PLEDGE OF ALLEGIANCE WAS SAID.

THE CHAIRMAN: Okay. While we’re coming to order, I usually take this time to go over the ground rules.

Firstly, we observe Robert’s Rules of Parliamentary Order. Also, any item -- which there are four of those -- that are on first time under new business, will not be decided tonight. New items, as posted on the terms and conditions portion of your application, indicate that these items are reviewed, we have an opportunity for the public to be heard on these matters, and then they’re deliberated upon. So anything heard tonight, first opportunity to be decided upon would be January, which leads me to my next point.

Our calendar for 2020 is now out. We generally meet the second Tuesday of every month. So next year we have nine meetings. We do not meet in the summer, that would be July and August, and we don’t meet in December. So the calendar is out if you are considering any new applications.

I will call the roll. Again, there are six items on for resolution, there’s one administrative motion, and four new. The resolutions I’m not going to call because we have full board, and they will be decided tonight.

On the new business items, number 7, this is 19-43, 1 Joyce Road; is the applicant present?

APPLICANT: Yes.

THE CHAIRMAN: Are you ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Number 8, 19-44, 144 Locust Avenue; is the applicant present?

APPLICANT: Yes.

THE CHAIRMAN: Ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Number 9, 19-45, 52

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Ridge Street; applicant present?

MR. IANNACITO: Yes.

THE CHAIRMAN: Mr. Iannacito, you’re ready to proceed?

MR. IANNACITO: Yes.

THE CHAIRMAN: The last item is number 10, 19-46, that’s 9 Shady Lane; is the applicant present?

APPLICANT: Yes.

THE CHAIRMAN: You’re ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Before we get into the administrative item and the resolutions, I have a motion approving the minutes from the September 10th, 2019 meeting; is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(A ll aye.)

THE CHAIRMAN: Minutes have been approved.

I have a motion that’s actually a
response to the Planning Board’s Notice of Intent to be the lead agency for the environmental review of Application 19-42, which is 5 Ray Place. It's a proposed 24 unit multifamily residential building. I make a motion to confirm that the ZBA has no objection to the Town of Eastchester Planning Board serving as lead agency for the SEQRA review of Application 19-42, 5 Ray Place; is there a second to my motion?

MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)
THE CHAIRMAN: Okay. On the resolutions. Item number 1, Application 19-24, 7 Summit Street. I make a motion to adopt a resolution approving Application 19-24, 7 Summit Street; is there a second to my motion?

MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. To the vote. Mr. Cahalin.

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Miller.

MR. CAHALIN, REPORTER

1 EASTCHESTER ZBA - 11/12/19
2 application has been approved five to zero.
3 Number 3, this is Application 19-38,
4 29 Central Drive. I make a motion to adopt a resolution approving Application 19-38; is there a second to my motion?
5 MR. MILLER: Second.
6 THE CHAIRMAN: Mr. Miller. To the vote. Mr. Cahalin.
7 MR. CAHALIN: Yes.
8 THE CHAIRMAN: Mr. Miller.
9 MR. MILLER: Yes.
10 THE CHAIRMAN: Mr. Nurzia.
11 MR. NURZIA: Yes.
12 THE CHAIRMAN: Mr. DeMarco.
13 MR. DE MARCO: Yes.
14 THE CHAIRMAN: I vote yes. That application have been approved five to zero.
15 Application number 4, 19-39, 65 Maple Street. I first make a motion to adopt a
16 Negative Declaration for Application 19-39; is there a second to my motion?
17 MR. DE MARCO: Second.
18 THE CHAIRMAN: Mr. DeMarco. All in favor.

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2 (All aye.)
3 THE CHAIRMAN: I make a motion to adopt a resolution approving Application 19-39; is there a second to that motion?
4 MR. MILLER: Second.
5 THE CHAIRMAN: Mr. Miller. Mr. Cahalin.
6 MR. CAHALIN: Yes.
7 THE CHAIRMAN: Mr. Miller.
8 MR. MILLER: Yes.
9 THE CHAIRMAN: Mr. Nurzia.
10 MR. NURZIA: Yes.
11 THE CHAIRMAN: Mr. DeMarco.
12 MR. DE MARCO: Yes.
13 THE CHAIRMAN: I vote yes. That’s been approved five/nothing.
14 Application number 5, 19-40, 128 Fairway Drive. I make a motion to adopt a resolution approving Application 19-40; second to my motion?
15 MR. CAHALIN: Second.
16 THE CHAIRMAN: Mr. Cahalin. To the vote. Mr. Cahalin.
17 MR. CAHALIN: Yes.

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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.

Five/nothing on that one as well. Approved.

The last item is number 6, Application 19-41, 25 Anderson Avenue. I make a motion to adopt a resolution approving Application 19-41; is there a second?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. 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 approved five to zero.

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THE CHAIRMAN: I have nothing, other than I've reviewed your application, you've answered the five part test to my satisfaction.

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Thank you. While we have a side bar ongoing, I'm going to move on to item number 8, which is 19-44, 144 Locust Avenue. If the applicant would like to come up to the podium and proceed.

While you're doing that, this is an existing variance to permit an addition to an existing front vestibule, and also a right side of the residence side yard vestibule. Please proceed.

ARCHITECT: I'm the architect on the job for 144 Locust. Basically the existing house is non-conforming setbacks on the front and side yard adjoining the street. We are DINA M. MORGAN, REPORTER

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proposing to alter the existing front yard .8 feet to the east and 1.8 feet to the west, and then on the street side we are proposing another 10.4 feet and the existing setback requirement is 14 feet. Then the area variance requirement is 2300 square feet, we proposing 2500, so an extra 200 square feet.

THE CHAIRMAN: Okay. Mr. Cahalin, any questions of the applicant?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: None.

THE CHAIRMAN: I have nothing at this time. I 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: Thank you. Number 9, 19-45, 52 Ridge Street.

Mr. Iannacito, while you're setting up, this is an area variance to construct a front porch expanding to the full width of the residence.

Actually, if you don't mind, in the future, everyone should state their name and address for the record when you're speaking on behalf of an application even though we know you fairly well.

MR. IANNACITO: Thank you. Good evening. My name is John Iannacito, I'm an architect, and I'm representing Mr. and Mrs.

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Spatoliare, the owners of the subject property. We are proposing additions and alterations to the existing single family residence located at 52 Ridge Street.

The proposed scope of work will include the construction of a covered porch at the front of the existing residence, highlighted here; a second story addition over the existing footprint at the rear of the property, highlighted here; reconfiguration and re-framing of the existing roof over the existing footprint; and then site work including expansion of the existing driveway here, reconfiguration of the front walkway, and reconfiguration of the rear patio.

The proposed covered porch will require an area variance for the front yard setback, and we are requesting a variance for the front yard. The proposed front yard setback will be 23.4, and the required is 30 feet, a deficiency 6.6 feet or 22 percent. The rest of the proposed work will all be in compliance with the zoning requirements.

Here's the front elevation showing the

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garage door, so there must be a garage.

MR. IANNACITO: The garage is being eliminated. The basement is going to be a finished base. We're going to have two parking spaces at the front of the property.


MR. IANNACITO: That's the expansion of the driveway.

MR. CAHALIN: I went to the property. The yard is messy right now.

MR. IANNACITO: It is, yes. There's a lot of overgrown bushes there and trees. Those will be trimmed down. Then the lawn will extend to a certain area and then you will have some blacktop. The driveway actually is wider at the front and then it gets narrower as you go down. That width that's at the top of the driveway will extend all the way through to provide parking space for two cars and all one level. It actually brings down the scale of the height of the building here, and then the roof will also bring the scale down a little bit more.

MR. CAHALIN: So the height is --

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though you're expanding it up, the peak of where it is right now isn't changing?

MR. IANNACITO: The peak will change, yes.

MR. CAHALIN: It will change; right?

MR. IANNACITO: Yes. It's going to get higher. If you look at the elevation, there's a dotted line here which shows the existing height, so it is going to be taller.

MR. CAHALIN: But it's within the --

MR. IANNACITO: It's within the 33 foot height limit, yes.

MR. CAHALIN: That's it.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller, any questions?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I have nothing at this time.

I make a motion to open this matter to the public for a public hearing on this.

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MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

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

(No comments.)

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: To the Board. Mr. DeMarco, anything?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Again, I’ve reviewed

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2 your submission thoroughly and you seemed to answer the five part test.
3 I’m going to make a motion to adjourn this for resolution at the next meeting; is there a second?
4 MR. CAHALIN: Second.
5 THE CHAIRMAN: Mr. Cahalin. All in favor.
6 (All aye.)
7 THE CHAIRMAN: Thank you, Mr. Iannacito.
8 MR. IANNACITO: Great. Thank you.
9 THE CHAIRMAN: Last item on our calendar tonight is number 10, 19-46, this is 9 Shady Lane.
10 While the applicant is coming forward to set up, this is an area variance to legalize an existing 6 foot high fence in the front and side yard of a single family residence, where a maximum height of 4 feet is permitted.
11 Name and address for the record and please proceed.
12 MS. GRILLO: Good evening, everyone. Thank you so much for coming out in this

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2 terrible weather. My name is Maria Grillo, and I’m one of two homeowners of the property, the other one being my husband, Michael Grillo.
3 We’re seeking an area variance for our 6 foot tall ivory vinyl fence that’s in our backyard. It’s replacing a preexisting fence that really needed to be replaced.
4 THE CHAIRMAN: Thank you for your presentation. Let’s go to the Board. Mr. Cahalin, any questions?
5 MR. CAHALIN: No.
6 THE CHAIRMAN: Mr. Miller?
7 MR. MILLER: No.
8 THE CHAIRMAN: Mr. Nurzia?
9 MR. NURZIA: No.
10 THE CHAIRMAN: Mr. DeMarco?
11 MR. DE MARCO: None.
12 THE CHAIRMAN: Your application is straightforward. I don’t have any questions at this time.
13 I make a motion to open this matter to the public for a public hearing; is there a second?
14 MR. CAHALIN: Second.

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2 THE CHAIRMAN: Mr. Cahalin. All in favor.
3 (All aye.)
4 THE CHAIRMAN: Would anyone like to be heard on this application?
5 Please come forward to the podium, state your name and address for the record, and speak freely, please.
6 MS. GRILLO: Thank you.
7 THE CHAIRMAN: Thank you.
8 MS. CONTE: Hi. My name is Sheri Conte, I’m at 15 Shady Lane, two houses down.
9 I would propose that you accept this variance. We feel that the -- myself and our neighbors feel that the fence is done tastefully, it does not cause an issue for the neighborhood, and we feel it should be approved.
10 THE CHAIRMAN: Thank you. Thank you for your time. Would anyone else like to be heard on this application sure?
11 Sure. Please come forward, give me your name and address for the record, and proceed.

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MR. ANDRUSS: Yes. Good evening. My name is Tom Andruess. I live at 6 Shady Lane, which is kind of caddy corner to 9. I just wanted to say, this fence has been where it is for a long time. I don't know why an area variance came up now. I have no idea where this came from, the request for one, because there's no problem with the fence. It's been there for longer than any of you have been there, believe me, and there's no problem with it at all. I don't think legalizing this existing fence would have any adverse impact on the area at all. So I would recommend that be done, that the variance be granted.

However, I do think about if you -- I think it goes back to the zoning code where you're not allowed to have a 6 foot high fence along a road, a front of the property. This isn't really a front of the property, it's really the side. I would not agree with having a 6 foot high fence along the front of the property and the side at a corner, which is where this is. This would be a tremendous traffic problem, and it would be a dangerous

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MS. GRILLO: First of all, I would like to thank all of our neighbors for coming out in the bad weather and supporting us. Please know that it's very, very much appreciated.

If you have any questions, I'm more than willing.

THE CHAIRMAN: Sure. Mr. Cahalin?

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.

THE CHAIRMAN: I have nothing, other than the fact that I reviewed your presentation and it's pretty clear, straightforward, and meets the five part test for an area variance. I'm going to make a motion to adjourn this matter for resolution at the next meeting; is there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

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(All aye.)

THE CHAIRMAN: Thank you. MS. GRILLO: Thank you.

THE CHAIRMAN: Now I make a motion to adjourn our meeting. I wish everyone good holidays, Thanksgiving -- well, I have to have my motion approved first. Is anyone going to approve my motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Have good holidays.

See you in January.

DINA M. MORGAN, REPORTER
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 5th day of December, 2019.

DINA M. MORGAN
Court Reporter

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