EASTCHESTER ZBA - 3/12/19

THE CHAIRMAN: Good evening and welcome to the Town of Eastchester Zoning Board of Appeals meeting for March, March 12th, 2019. We begin our meeting with the Pledge of Allegiance. Please stand.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Before I call the roll, I'll go down the ground rules, which I always do before each meeting.

Firstly, we abide by Robert's Rules of Parliamentary order, if you care about such things.

Secondly, when I call the roll for new applications, let us know you're here and you're ready to proceed. We have three of those, we have one item of old business which is open, and we also have one item that's on for resolution.

Also, for items that are on first time, as printed on your application as part of the terms and conditions, those items are not decided the first time on. I mention that because the earliest decision on a March application would be April. Our calendar is printed about a year in advance, it's usually the second Tuesday of the month that we meet, but we do not meet in July and August. So if you are planning something that needs to get done before the summer, you want to get your application in before May.

So I'm going to call the roll. The first item is on for resolution, Item 18-36, Holy Mount Cemetery. We have a five member board, so that's proceeding to resolution.

On old business, Item number 2, this is 18-45, 20 Nelson Road; is the applicant ready to proceed?

MR. SALERNO: By counsel, ready.

THE CHAIRMAN: Thank you. New business, Item number 3, 18-52, 74 Hutchinson Boulevard; ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Thank you. Number 4, 18-53, 141 Anderson Avenue; ready to proceed?

APPLICANT: Ready to proceed.

THE CHAIRMAN: Wonderful. The last item, number 5, 18-55, 195 Beach Street.
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motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Okay. Item number 1, this is Application 18-36, Holy Mount Cemetery. I make a motion to adopt a negative declaration for Application 18-36, Holy Mount Cemetery; is there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: I also make a motion to adopt a resolution approving this application, which is 18-36, Holy Mount Cemetery; 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. Miller.

MR. MILLER: Yes.

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THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: No.

THE CHAIRMAN: I vote yes. The application has been approved 4 to 1. Old business, item number 2, 18-45, 20 Nelson Road.

While the applicant is setting up, I'll just remind that the public hearing on this application is still open.

MR. MAIORANO: Good evening, chair, board members, Adamo Maiorano from Community Designs and Engineering. In regards to our last meeting that we had in January for the two lot subdivision at 20 Nelson Road, the changes that we have made ultimately was to the proposed driveway at the existing residence of Lot A. We extended the driveway further into the rear yard along the side property. This will allow for parking further towards the rear and side yard, as well as create additional parking on the property. I know one of the major concerns of the neighboring residents.

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was, in fact, parking and street parking. I know it's not our direct control to govern street parking, but what we can do is design something that will have the least amount of impact on that condition. So what I did do is take a second look into what our proposed action will have on the street parking. If you want to look at the proposed preliminary subdivision, there are some additional dimensions that are within the hundred foot frontage. There's four parking spaces that can fit between existing curb cuts to curb cuts as it is today. Within our proposed design, we will actually be keeping the four parking spaces in the street. The way the new curb cuts are positioned, you could still allow for two cars to park in between from neighboring curb cut to curb cut.

Secondly, I think it was landscaping and the removal of trees was another concern. Within our proposed action, the only actual tree that will be removed is the tree that's adjacent to the bay window of the existing residence. It's currently affecting the

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driveway as it is today. That tree will be removed. Other than that, the tree along the front property will remain, and that's actually on the town property.

Other than that, that's really the changes that we looked into. Any questions?

THE CHAIRMAN: Okay. Thank you, Mr. Maiorano. Before I throw it over to the board for questions, would you mind highlighting how much driveway you've added going toward the rear or the southeasterly side of the property from your original application because what you've really done is supplement your application to include more rear parking; so could you show us?

MR. MAIORANO: Sure. Right now the driveway ended at about the one story here, and we extended it for basically an additional two cars to fit along the side rear of the property.

THE CHAIRMAN: Thank you. So at this point this matter is still open to the public on a public hearing, but I would like to see if the board has any questions, and then we can

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make our comments later. Mr. Cahalin, do you have any questions?

MR. CAHALIN: Yes, I do. This application, on those snowy days I picked it up and I started looking at it and I got into these plans, and I guess just as a question, if you were to demolish the existing home, could you create two homes of the same square footage that don’t need the variances that you’re requesting?

MR. MAIORANO: Yes.

MR. CAHALIN: So one of the biggest parts of the test, this is self-created to a degree, in my mind, because if you knock down that existing home, you could do this by right; correct?

MR. MAIORANO: Yes, just within economically feasible.

MR. CAHALIN: I appreciate what you did with the driveway, but it looks like it’s a kind of angle kind of thing. Is a car really going to fit there?

MR. MAIORANO: Yes it can fit there.

MR. CAHALIN: It can. Will it? It’s

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not going to be a Tahoe truck, though, is it?

MR. MAIORANO: Yes, exactly.

MR. CAHALIN: It’s going to be a little sports car.

MR. MAIORANO: A normal size sedan, midsize car.

MR. CAHALIN: Mr. Chairman, I just want to get that on record because, you know, this is -- looking at the minutes of last month as well, to follow-up on my statement, this is a hundred percent variance. A hundred percent. At what point do we stop with these hundred percent variances in my question. So I just want to get that on the record, that these could be done by right by knocking down this house. I understand what this guy is doing, I have just been troubled by it. So that’s my comments.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller.

MR. MILLER: I have no questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Can you just clarify on the parking on the street, did you say that it

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becoming -- what's the point of having town
specifications if you're going to allow massive
amounts of variances. It's no different than
if we acquaint to a speeding ticket, if the
limit is 55 miles an hour and we're allowed to
go 60, 62, okay, maybe get away with it, but
80, 90, 100, that's the same thing as asking
for a massive variance.

That's my ask. It's very simple. I
think that the town should stop the allowances
of extreme variance because pretty much what's
the point of having specifications. Thank you.

THE CHAIRMAN: Thank you. Would
anyone else like to be heard?

(No comments.)

THE CHAIRMAN: I'm going to leave it
open for a moment. Would counsel like to be
heard? Please.

MR. SALERNO: With respect to the
hundred percent variance -- by the way, Rocco
Salerno, attorney for the applicant.

With respect to the hundred percent
variance, as stated in the memo that I
submitted to the board, it's a hundred percent

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if we view it in a vacuum, but you have to
remember, we're not building anything on that
part of the property. We're talking about
instead of a 3 foot buffer -- that's what's
required, a 3 foot buffer -- there will be
macadam or cement to the property line. If you
go back halfway to the rear of the property,
there's already hedges there separating the two
properties. Again, when you speak about a
hundred percent variance, we're talking about
instead of grass or gravel or maybe some kind
of shrubbery, there will be adnatum or cement.

We are not proposing to build anything along
that property line. Thank you.

THE CHAIRMAN: Thank you, Mr. Salerno.

MR. TUDISCO: Mr. Chairman --

THE CHAIRMAN: Yes, counselor.

MR. TUDISCO: I just wanted to say
something -- especially for those who might be
watching at home -- with respect to one of the
2nd comments that was made in terms of I guess
is equating a variance application with a legal
prohibition, for instance. I want to clarify
for the record that when it comes to zoning

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THE CHAIRMAN: Mr. Cahalin?
MR. CAHALIN: I spoke my piece.
THE CHAIRMAN: Okay. I don't have anything further on this.
I do make a motion to adjourn this matter for resolution at the next meeting; is there a second to my motion?
MR. CAHALIN: I'll second it.
THE CHAIRMAN: Mr. Cahalin. All in favor.
(All aye.)
THE CHAIRMAN: Thank you.
MR. SALERNO: Thank you, Mr. Chairman, members of the board.
THE CHAIRMAN: Thank you, counselor.
Okay, under items of new business, number 3, this is application 18-52, 74 Hutchison Boulevard.
While you're setting up, this is an application for an area variance to construct a 125 square foot addition at the front of an existing single family home. I might as well add while you're setting up, that for new applications your application and all exhibits
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are part of a public record. You don't need to read your tests. It's a public record. You could summarize it. You could read if you would like. It won't either help or hurt your application. For someone as experienced as you, you may want to give us a highlight and we could take it from there.
MS. MYLENISKI: Good evening. I'm Stephanie Myleniski with SM Architecture Studio.
This project is at 74 Hutchison Boulevard on the corner of Alba Place. It's a small one story addition at the front of the house to extend the living room.
We're asking for two variances. One is in regard to the gross floor area. The existing house is already over the allowable gross floor area because of the volume on the left-hand side of the house. It's a two story volume. Because the ceiling height in that space is 15 feet 1 inch, it has to be counted two times for the gross floor area. This puts the square footage over already. We're asking for 123 square feet for the new addition.
The second variance is in regard to
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THE CHAIRMAN: My only commentary is that your application was succinct and it seemed to address the five part test very clearly. So I just make a motion to adjourn this matter to the next meeting for resolution; is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Thank you for your application.

Item number 4 under new business, 18-53, 141 Anderson Avenue. Also an area variance, and this is to construct a covered front porch.

RISHI: Mr. Chairman, members of the committee, my name is Rishi. I'm the owner of 141 Anderson. I have my wife, my daughter, and our architect, Mark, along with us.

Quickly, before I request for the variance, I wanted to give a short summary of why we are doing it. We bought the house in 2015 and there were two things that my wife and I asked that she needed in the house. Good thing she just asked for two. One of them was she wanted a porch with a swing in it, and that's the reason we are here. When we went through the process, a good learning curve for somebody who is -- you know, this is the first house for us. We're requesting for two variances. We request relief for the front yard setback of 23.9 feet, which is a deficiency of around 6.1 feet or 21.3 percent. Also, because of the way we want the porch to be wide enough, we require a variance for the front facade of the house. The proposed front porch width is going to be around 21 feet 8 inches, and the percentage of the facade is 60 percent which would exceed the limit permitted for the code of 30 percent. So we're requesting variances on both accounts.

THE CHAIRMAN: Okay. Thank you. The board at this point would ask questions of you.

RISHI: I have Mark for all the technical questions.

THE CHAIRMAN: Okay. We'll start to the right. Mr. DeMarco, do you have any questions?

MR. CAHALIN: Just want to get on the record that this is another -- actually, if this is right, a 100.1 percent -- is that right -- variance?

MS. UHLE: Yes.

MR. CAHALIN: Just putting it on the record.

THE CHAIRMAN: Okay. The entire application is on the record, but okay. I don't have any questions at this time, but let me make a motion to open this matter to the public if anyone would like to be heard on this; is there a second to that motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

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MR. CAHALIN: No.

THE CHAIRMAN: My only comment is that your application is fairly straightforward. It seems like you've addressed the five part test pretty clearly, and that the character of the neighborhood is more than just every house having the same exact dimensions and setbacks, etcetera.

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

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

RISHI: Thank you.

CHILD VOICE: Thank you.

THE CHAIRMAN: You're welcome.

Item number 5. Sorry you're being upstaged by that young lady.

MR. CLARKE: A tough act to follow.

THE CHAIRMAN: That's a tough act to follow. 18-55, 195 Beech Street.

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While you're setting up, this is an area variance to legalize an outdoor fireplace and barbecue. Fire away.

MR. CLARKE: Members of the board, my name is Andrew Clarke. I'm from 195 Beech Street, Eastchester.

We bring today a request for an area variance on two elements in our backyard. One of the elements is a fireplace, the other one is a barbecue. It is set at the back of an existing stone patio that we put in place when we moved in. We renovated a 1926 tutor, and the two elements in the backyard are a New England stone veneered barbecue and fire element, fireplace element.

Our property has got 25 feet between the house and the rear fence, and then it's another 75 feet from the rear fence to our neighbor's back of their house. The two elements, when we were constructing the patio, were placed at the far end of the patio so that they were away from the house, and also so that there would be able to be foot traffic between that area. There's a large amount of vegetation behind both of the elements. Upon inspection of the back area, it is found that both of these elements were within 5 feet of the setback of the rear property line.

So today we bring our request for a variance on these two elements to you. We do realize that there is a 5 foot setback. We realize there's a deficiency of 48 percent on the outdoor fireplace, and we realize there is a deficiency of 58 percent on the barbecue. Those amounts equate to roughly just over 2 feet for both elements in terms of their deficiencies. But we believe strongly that these two elements enhance the overall appeal of the house in the back area. We've received no complaints from neighbors regarding these two elements. We kept the height of both elements purposefully low so that they would have a low impact, and we also believe that they enhance the overall feeling of the back area there. There is a large amount of space both to the left and right of both elements, and you could see that in the booklets that we provided, as well as we have ensured that there

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MR. CAHALIN: None.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: None.

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.

MR. CAHALIN: Second.

THE CHAIRMAN: Is there a second? Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Seeing only one other
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person in the audience and seeing that you're
probably --

(Female speaker from audience.)
THE CHAIRMAN: We have no one that's
interested in speaking from the public, so I
have a motion to close this matter to a public
hearing; is there a second?

MR. MILLER: Second.
THE CHAIRMAN: Mr. Miller. All in
favor.

(All aye.)
THE CHAIRMAN: Okay. Let's go through
the board because I have to. Mr. DeMarco?
MR. DE MARCO: What kind of dog do you
have? No further questions.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: No questions.
THE CHAIRMAN: Mr. Miller?
MR. MILLER: No questions.
THE CHAIRMAN: Mr. Cahalin?
MR. CAHALIN: None.
THE CHAIRMAN: The only comment I have
is that you've made a very succinct application
addressing the five part test. Thankfully none

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of the architects are here to see what you did
because they would be jealous and angry with
you showing them up.

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

MR. MILLER: Second.
THE CHAIRMAN: Second by Mr. Miller.
All in favor.

(All aye.)
THE CHAIRMAN: Thank you.

MR. CLARKE: Thank you, board.
THE CHAIRMAN: I have one more motion
to make, and that's to adjourn the meeting
until our meeting in April; is there a second
to my motion?

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

(All aye.)

(MEETING ADJOURNED.)

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