EASTCHESTER ZBA - 4/12/16

THE CHAIRMAN: Good evening and welcome to the town of Eastchester Zoning Board of Appeals meeting for April 12th, 2016. We'll start our meeting with the Pledge of Allegiance. Please rise. (Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Okay. I'm going to call the roll, and I would like to know if you're present and ready to proceed. Obviously if you're not here, you won't be able to answer me.

Before we go through the roll call, I just want to just briefly remind the present public and listening public that if you're contemplating an application before this board, we meet nine times a year. We do not meet July, August, and December. So if you're considering an application that you want to have decided prior to the summer, you would have to get in by the May meeting, because as a condition printed on your application these applications are not decided first time on they're heard. They're dissolved and then they

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While you're setting up, Mr. Iannacito, I'll just remind the viewing public that this is an application for a rehearing of Application 15-74, 36 Park Avenue. Counselor, I would just ask, if you can, to briefly synopsize the five part test. We have your submission, we have read it, because it's a rehearing I would like you to synopsize it, please. Thank you.

(Discussion from the audience.)

THE CHAIRMAN: Excuse me, counselor. You aren't enthralled and excited by the proceedings? You're welcome to stay as long as you would like.

MR. DE PIETRO: Good evening, chairman, members of the board. My name is Anthony DePietro, and I represent the applicant, Alfredo Maiorano. Also here with me tonight is the project architect, John Iannacito. We are here tonight requesting two existing portico at the front entrance of the property.

First, I would like to thank the board for its time and continued consideration of this application. I know it's on rehearing and it has been before the board for quite some time. We strongly believe, as outlined in our submission, that we have met the applicable test, and that the factors do weigh in favor of granting both area variances.

I do not believe that the portico creates an undesirable change in the character of the neighborhood or acts as a detriment to the nearby properties.

Second, the benefit sought by the applicant cannot be achieved by some other method. I think any extension to the property would require a variance because it is non-conforming.

Third, the requested variances are not substantial and would not have an adverse impact on the physical or environmental conditions in the neighborhood or district.

And fourth, the portico is just a negligible addition to the existing structure. It is positioned over an existing raised...
ROBERT'S RuleS there's a motion that's
seconded, and then the public will have an
opportunity to be heard and then the board will
have some comments thereafter.
Let's start, firstly, with questions
from the board. Mr. Cahalin, do you have any
questions of this applicant?

MR. CAHALIN: None.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No, I don't.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I don't either. So I
make a motion to open this to a public hearing;
is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: By Mr. DeMarco. All in
favor.

(All aye.)

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

(No comments.)

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THE CHAIRMAN: Seeing no one, is there
a motion to close the public hearing?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. Is
there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: By Mr. DeMarco. All in
favor.

(All aye.)

THE CHAIRMAN: Okay. The applicant
doesn't have to rebut anything that was said
because nothing was said. So any commentary
from the board, we'll start with Mr. DeMarco;
do you have any comments?

MR. DE MARCO: No. Nice job.

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 have nothing.

It's self-explanatory in your submission.

MR. DE PIETRO: Thank you for your

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MR. MAIORANO: Good evening, Chairman,
board members. My name is Adamo Maiorano from
Community Designs on behalf of the applicant,
Michael Dipaola. We are seeking an area to
legalize an existing shed in the rear yard.
The shed was constructed by the
homeowner at least over 20 years ago, and it is
in line with an existing non-conforming garage.
The side setback of the shed is 3.3 feet and
what is required is 5 feet. So that is one of
the variances we are seeking, as well as the
size of the shed. It is a 12 by 12 shed, what
is required is a maximum of 10 by 12. Our
third is -- it's a fairly large site, but the
existing site is as far as impervious surface

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MR. MILLER: Yes, that would be nice.
THE CHAIRMAN: Would you like to come forward please? Thank you.
MS. DIPAOLA: Good evening. My name is Olga Dipaola, 15 Maple Street. What was the question?
MR. MILLER: This tank, which is right under the window in picture 1, is that a propane tank?
MR. DE PIETRO: It is a propane tank. That tank was -- we found it there when we bought the house, which is 30 years ago, something like that, and -- how many years ago -- 40 years ago. That tank nobody wanted, so we don't know where to put it. We call a couple of places and nobody wanted that tank. So it's there since we bought the house, because when we change -- they used to use propane, that big tank because there was no gas in the house. Then we put the gas in the house. We remove that tank and they put it there and we call a couple of places, I believe Suburb, something like that, nobody wants to pick up that tank. So we don't know what to do.

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MR. MILLER: I did. I'm just looking at one of the photographs here you submitted, and I see a structure next to it looks like the window or right below the window, which appears to be -- at least it appears to me -- to be some type of tank, possibly propane?
MR. MAIORANO: I believe so. I'm not sure what that is for. Maybe the owner --

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propane tank.

MS. DIPAOLA: It's a tank like you use a barbecue, you know, like they use to use. It's a big tank because probably they use to use for -- I don't know -- they didn't even have gas at that time in the house. They use to have an electric stove when we bought it. I have no idea what that tank was used for. I have no idea. That tank was there.

MS. UHLE: There are some people that have propane tanks for gas stoves and they put in gas--

MS. DIPAOLA: We put the gas. We put the gas line in. That was there that tank. So I don't know.

MR. MILLER: What I'm wondering -- you seemed to it answer it -- was that active at some point where there are lines running into the structure?

MS. DIPAOLA: When we bought it, no. When we bought the house, no. So that's all I could tell you.

MR. MILLER: That's good.

MR. MAIORANO: I believe it's in...

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THE CHAIRMAN: Thank you. I don't have any questions at this time. So I do have a motion to open this for a public hearing; is there a second to open this matter?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Is there anyone, a scout, anyone who would like to be heard on this application?

(No comments.)

THE CHAIRMAN: Seeing no one interested in speaking on this application, or no one here for that matter, I make a motion to close the public hearing.

MR. MILLER: Second.

THE CHAIRMAN: Second by Mr. Miller.

All in favor.

(All aye.)

THE CHAIRMAN: Okay. Commentary from...

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2 favor.

(All aye.)

MR. MAIORANO: Thank you for your time.

THE CHAIRMAN: Thank you. We have concluded our business for tonight, so I make a motion to adjourn the meeting; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: By Mr. DeMarco under the wire. All in favor.

(All aye.)

(MEETING ADJOURNED.)

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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 2nd day of May, 2016.

DINA M. MORGAN
Court Reporter
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