

EASTCHESTER ZONING BOARD - 9/13/16

1 dates are listed. Next month's meeting is the
2 second Thursday, we generally meet the second
3 Tuesday.

4 Okay, now I will call matters and let
5 me know if you're ready to proceed.

6 On new items, 16-38, 51 Joyce Road.
7 You're here ready to proceed.

8 Number 2, 16-51, 6 York Place. Ready
9 to proceed.

10 Number 3, 16-52, 2 Lorraine Drive.
11 Okay, thank you.

12 We have three adjourned items, 16-28,
13 4 Santa Monica Drive; 16-36, 70 White Plains
14 Road; and the third item is 16-37, 100 Stewart
15 Avenue all adjourned.

16 Now, before we get into our calendar,
17 I make a motion to approve the minutes from the
18 June 14, 2016 meeting; is there a second to
19 that motion?

20 MR. DE MARCO: Second.

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

23 (All aye.)

24 THE CHAIRMAN: Okay. Procedurally, on
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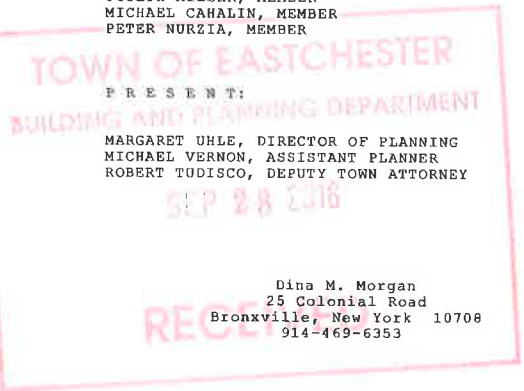
STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
SEPTEMBER 13, 2016

HELD AT: Eastchester Town Hall
40 Mill Road
Eastchester, New York 10709
7:00 p.m.

BEFORE:

- ALAN PILLA, CHAIRMAN
- MARK DE MARCO, MEMBER
- JOSEPH MILLER, MEMBER
- MICHAEL CAHALIN, MEMBER
- PETER NURZIA, MEMBER



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1 the first item before you come up, I just want
2 to make a note that when applicants come up, I
3 frequently will comment that you do not need to
4 read your application. Let me just expand on
5 that. Your applications and every exhibit and
6 item are part of a public record and they've
7 all been reviewed by the board, so you don't
8 have to read through it. If you want, you may,
9 but it will not either help or hurt your
10 application.

11 So having said that, number 16-38, 51
12 Joyce Road. This is an application for an area
13 variance. If you would like to come up and
14 make your presentation.

15 MR. BARBUTI: Good evening, Mr.
16 Chairman, members of the board, David Barbuti,
17 the architect representing the owners of 51
18 Joyce Road in Eastchester.

19 We're here tonight seeking two
20 variances to the town code. One is
21 insufficient side yard adjacent to the street,
22 14 feet is required, we're proposing 10.23, and
23 exceeding maximum gross floor area, allowable
24 is 2,461.42 square feet and we are seeking
25

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1 THE CHAIRMAN: Good evening and
2 welcome to the town of Eastchester Zoning Board
3 of Appeals meeting for September 13, 2016.
4 We're going to start with the Pledge of
5 Allegiance, if you could please stand.

6 (Whereupon, the Pledge of Allegiance
7 was said.)

8 THE CHAIRMAN: Before I call the roll,
9 I would like to go over some quick procedural
10 points.

11 Firstly, on the new business items
12 we'll see if you're present and you'll let me
13 know whether you're ready to proceed. We have
14 three adjourned items.

15 Also, for the viewing public that is
16 interested in an application, we meet nine
17 times a year. So we don't meet July, August,
18 and December. Additionally, on your
19 application package as part of the terms and
20 conditions -- I mention this every meeting --
21 new applications are not decided first time on.
22 They are deliberated upon. So if you're
23 seeking quick relief from this board, you want
24 to move as quickly as possible, our meeting
25

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 2 3,075 square feet.
 3 The existing subject property is an
 4 existing one family one and a half story
 5 dwelling. It is a three bedroom, two bath. It
 6 was recently renovated several years ago. They
 7 actually eliminated a garage on the first floor
 8 and created a family room. Part of this
 9 application is to reclaim that, bring the
 10 garage back, get rid of the family room. The
 11 two story addition to the south that actually
 12 encroaches into the side yard is actually for
 13 an additional garage to make it a two car
 14 garage for this house.

15 The proposed dwelling will have four
 16 bedrooms. First floor footprint: Living room,
 17 dining room, two car garage, a den and a
 18 bathroom down there as well.

19 The variances that we are seeking here
 20 tonight really could not have been avoided,
 21 although they are somewhat self-inflicted
 22 because we're encroaching into the setback.
 23 That's only to get some additional square
 24 footage on the house. It's built on a slab, we
 25 don't have any basement area, so everything is

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 2 really lending itself above grade. The
 3 existing structure was actually located prior
 4 to the purchase, so we're kind of locked into
 5 where we could do an addition or we can expand
 6 for the family.

7 The subject property is located in an
 8 R-5 zone, which is one family dwelling. It
 9 will not change from a one family. There is no
 10 adverse environmental or physical impacts on
 11 the area or the neighborhood. The proposed
 12 structure will remain in character with the
 13 neighborhood. Most of the houses have had
 14 additions, they're either one and a half story
 15 or two story structures, and it will stay in
 16 context with the neighborhood. As I said, the
 17 hardship may be self-created, but that's only
 18 because of the location of the existing
 19 structure on the lot and our confines to where
 20 we could do any additions.

21 If the board has any questions.

22 THE CHAIRMAN: Actually, you beat me
 23 to it. That's the next step. So we'll see if
 24 the board has any questions and we'll reserve
 25 commentary until later.

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 2 Mr. DeMarco, any questions of this
 3 applicant?

4 MR. DE MARCO: No.

5 THE CHAIRMAN: Mr. Nurzia?

6 MR. NURZIA: No questions.

7 THE CHAIRMAN: Mr. Miller?

8 MR. MILLER: No.

9 THE CHAIRMAN: Mr. Cahalin?

10 MR. CAHALIN: I got to ask a question.

11 I just have to take exception, I don't think
 12 it's keeping with the neighborhood. I don't
 13 think that you're -- this is not keeping with
 14 the neighborhood. I drove through that
 15 neighborhood, I drive through the neighborhood,
 16 you know, it's not going to be out of character
 17 per se, but that neighborhood wasn't designed
 18 that way. They were designed as what we have
 19 right now. So I understand why they're doing
 20 it, but I don't think that statement is very
 21 accurate.

22 The sight lines and stuff will remain.
 23 Yes, there are two stories and stuff like that,
 24 but the majority of the houses back there are
 25 not what you're doing, it's something else.

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 2 The driveway -- can you point out the new
 3 driveway?

4 MR. BARBUTI: There is an existing
5 curb cut. It's right here.

6 MR. CAHALIN: So where the cars are
7 parked right now, they're going to put the
8 garage back there?

9 MR. BARBUTI: There is also a curb cut
10 back here.

11 MR. CAHALIN: On the side; right?

12 MR. BARBUTI: Right. We're
13 eliminating that.

14 MR. CAHALIN: That's being
15 eliminating. Okay. The new curb cut is going
16 to be on the right side if you're facing the
17 property?

18 MR. BARBUTI: That's correct.

19 MR. CAHALIN: Okay, because have a
20 sewer on the other side.

21 MR. BARBUTI: Yes.

22 MR. CAHALIN: Good. That's all I
23 have.

24 THE CHAIRMAN: Thank you, Mr. Cahalin.
25 I don't have anything at this time, but I do

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2 have a motion to open up this application to a
3 public hearing. Is there a second to my
4 motion?

5 MR. CAHALIN: Second.

6 THE CHAIRMAN: Mr. Cahalin. All in
7 favor.

8 (All aye.)

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

11 (No comments.)

12 THE CHAIRMAN: Seeing no one, I guess
13 I'll make a motion to close the public hearing
14 on this --

15 MR. CAHALIN: So moved.

16 THE CHAIRMAN: Mr. Cahalin, second.
17 All in favor.

18 (All aye.)

19 THE CHAIRMAN: Okay. Then we'll go
20 back to the board for another round of
21 questions and comments. Mr. DeMarco, anything?

22 MR. DE MARCO: No.

23 THE CHAIRMAN: Mr. Nurzia?

24 MR. NURZIA: No.

25 THE CHAIRMAN: Mr. Miller?

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2 MR. MILLER: No.

3 THE CHAIRMAN: Mr. Cahalin?

4 MR. CAHALIN: No.

5 THE CHAIRMAN: I only have one
6 comment. To me, it looked fairly
7 straightforward and considering the topography
8 and location on the corner, I think it actually
9 kind of fits in. That's about all I have. So
10 I'm going to make a motion to adjourn this
11 matter for a resolution at the next meeting; is
12 there a second to my motion?

13 MR. MILLER: Second.

14 THE CHAIRMAN: Mr. Miller. All in
15 favor.

16 (All aye.)

17 THE CHAIRMAN: Thank you.

18 MR. BARBUTI: Thank you.

19 THE CHAIRMAN: Item number 2, 16-51, 6
20 York Place. This is an area variance to
21 construct a front porch.

22 MR. FINELLI: Good evening, Mr.
23 Chairman, members of the board, Mike Finelli,
24 I'm the architect for the project. The
25 homeowner was to be here this evening, but I

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2 guess they're running a little late.

3 This evening we're here basically
4 because of an oversight on my part. When
5 designing the initial house, we proposed a
6 porch -- the house is set back 34.52 feet from
7 the front property. The owner was pretty
8 adamant about wanting to put a front porch on
9 the house. The reasons being, she wanted to
10 interact more with her neighbors and open up
11 the house more in a traditional fashion to the
12 front yard as much as the side and rear yard.
13 So when we designed the project, which the
14 rendering here will show you what we did, and I
15 actually have an existing picture of 6 York in
16 the package I had given you, basically there's
17 a little portico that sits on the house now, so
18 our intention was to expand on that and remove
19 this blocky appendage that was added to it and
20 truly kind of tie it back to the house.

21 That being said, we drove the
22 neighborhood and there were a lot architectural
23 elements that we pulled from the neighborhood
24 in order to design the house. Some of them
25 being the gables that we added over the garage,

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2 the box bay that sits to the left of the porch
3 with a gable, and then two gable dormers which
4 sit over brand new windows to open up the
5 house, give it more a front face, more
6 character. In doing all this, I missed a
7 little caveat in the zoning that basically
8 says, yes, you're allowed to encroach into the
9 setback 6 additional feet with a porch provided
10 that it's not wider than 30 percent of the
11 house. With that said, the porch as we're
12 proposing it is just over 50 percent of the
13 entire width, it's about 51 percent of the
14 entire width of the proposed house. That being
15 said, we're here for that reason. We've gotten
16 approval at Planning, we've gotten approval at
17 Architectural Review Board, and we basically
18 sat through the whole summer waiting to get
19 here to try to get the porch through.

20 The homeowner had the option of
21 removing the porch completely and trying to do
22 a portico, and that would have pretty much
23 bypassed zoning, we could have gotten around
24 it, but the owner was adamant about having a
25 front porch. She really likes the look. The

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1 way designed it. There's box bays that sit
2 behind the porch, so there wasn't really any
3 way to create a porch that was more in keeping
4 with the scale per the code. That being said,
5 we were kind of -- our hands were tied to go to
6 the new appendages to allow for a full width
7 porch. Again, it's more what the owner wanted.

8 That being said, I did take the
9 liberty of going through the neighborhood.
10 Just give me a second, I want to flip the
11 diagrams.

12 THE CHAIRMAN: Sure.

13 MR. FINELLI: So what I did basically
14 was I took a two, maybe a three block radius
15 from the house and just kind of went through to
16 see if, in fact, having a front porch on the
17 house was keeping in character with the
18 neighborhood. Sure enough, there aren't many
19 homes, because a porch is, I would say, one of
20 the first things to get chopped off of any
21 brand new house because of additional cost, but
22 the homeowner here is willing to spend the
23 additional monies because she feels it ties to
24 the neighborhood better. That being said,

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1 done it another way? No, not to get this look
2 and to get what the owner wanted. So, no,
3 there was no other way to do it. Because the
4 house is sited where it is, anything we would
5 have built porch-wise, anything wider than 4
6 and a half feet would have encroached into that
7 6 foot buffer, and then we would have to fall
8 within that 30 percent width.

9 So we believe we -- we hope we show
10 enough precedent to at least be approved and
11 move through and try to keep the porch. We
12 think it's an important design element that we
13 rather not lose.

14 THE CHAIRMAN: Thank you for your
15 presentation.

16 MR. FINELLI: Thank you.

17 THE CHAIRMAN: We'll going to the
18 board if there are any questions; Mr. Cahalin?

19 MR. CAHALIN: Just a comment.

20 THE CHAIRMAN: Okay, you could make a
21 comment.

22 MR. CAHALIN: Mr. Finelli, from now on
23 I would suggest you put the pictures of your
24 project up front. That's what I'm interested

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1 we're right on the border of Bronxville, which
2 is one block away from us. If you cross that
3 line into Bronxville, every third house has a
4 front porch. So as far as keeping with the
5 neighborhood, it keeps more with the
6 neighborhood a block and a half away than it
7 does two blocks of Eastchester.

8 That being said, I have highlighted
9 other -- our project is the one dead smack in
10 the center, which is 6 York, and if they zoom
11 in on it you'll actually be able to see the --
12 I keyed in the drawings just to show you what's
13 what. The point I'm trying to make here is, A,
14 there are porches in the neighborhood; B, they
15 are greater than the 30 percent that's required
16 by code. And I think that's really what we're
17 looking for a variance for is that width. We
18 have the depth, so the depth meets code. The
19 problem is, again, the width. So we are
20 showing that there are other house and there is
21 already a precedence set with homes in the
22 general vicinity that are above or beyond that
23 50 percent -- that 30 percent, I'm sorry,
24 section of the code. As I said, could we have

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1 in most. It to took me I don't know how many
2 pages to find your project. So just a
3 suggestion, put them up front for us. Other
4 zoning boards would appreciate it, I think,
5 too.

6 MR. FINELLI: A lot of pictures --

7 MR. CAHALIN: That fine, but I'm
8 trying to find yours before I go out and visit
9 the site so I know what I'm looking for. It
10 would help if it was up front.

11 THE CHAIRMAN: Anything else, Mr.
12 Cahalin?

13 MR. CAHALIN: No. I mean, I think
14 it's a nice lot. It will fit in somewhat. I
15 mean, the variance is large, but it's setback
16 very far away from the road and, you know, the
17 design, I can't disagree, it's a really pretty
18 design.

19 MR. FINELLI: Thank you.

20 THE CHAIRMAN: Thank you. Mr. Miller?

21 MR. MILLER: No questions.

22 THE CHAIRMAN: Mr. Nurzia?

23 MR. NURZIA: No questions.

24 THE CHAIRMAN: Mr. DeMarco?

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MR. DE MARCO: No questions.

THE CHAIRMAN: I don't have any questions, but I do have a motion to open this matter to a public hearing; is there a second?

MR. CAHALIN: I'll move that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone like, of the remaining two, like to be heard on this?

No. Okay. So I'm going to make 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, back to the board. Mr. DeMarco, anything new?

MR. DE MARCO: No.

THE CHAIRMAN: Okay. Mr. Nurzia?

MR. NURZIA: No, sir.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Still no.

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project. Our application is for the area variance in the rear of our home. There is currently a legal porch, but it was enclosed without being put through zoning or the board review. So the existing screened porch we're requesting that we enclose it. We want to replace the screens with double hung windows and sliding glass doors all the way around.

The variance for the porch which encroaches in the rear setback it's encroaching by

36 percent, it's 9 feet into the required 25 foot setback leaving 16 feet in the rear yard.

It's also -- when approaching the renovation for it, it's a corner lot so it's extremely

visible to the public, so that's why we were trying to go toward the double hung windows and

a more formal look to go with the colonial house instead of the screened porch that was

there.

THE CHAIRMAN: Okay. Thank you for your presentation. I know your client is

probably not paying you well, so you better be brief.

MS. DUIGNAN: This is the existing and DINA M. MORGAN, REPORTER

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THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Said my piece.

THE CHAIRMAN: Again, although the percentage seems like a large percentage, in line with Mr. Cahalin's commentary it seems to fit well with the design and the area. I have nothing but a motion to adjourn this matter for a resolution at the next meeting; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Thank you for your presentation.

MR. FINELLI: Thank you very much. Have a good evening.

THE CHAIRMAN: Last item, 16-52, 2 Lorraine. This is an area variance to enclose an existing rear yard porch.

MALE SPEAKER: Good evening, everyone.

THE CHAIRMAN: Good evening.

MS. DUIGNAN: My name is Ashley Duignan. I'm the owner and architect for the

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this is what it will be. Just taking out the screens and putting in all the way around double-hungs and sliding doors.

THE CHAIRMAN: Thank you. Okay, questions from the board; Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: And I have nothing. I make a motion to open this matter to the public for a public hearing; is there a second?

MR. DE MARCO: Second.

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

(All aye.)

(No comments.)

THE CHAIRMAN: Nobody left to comment on this application, I make a motion to close the public hearing; is there a second?

MR. MILLER: Second.

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