EASTCHESTER ZONING BOARD - 9/13/16

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

(Whereupon, the Pledge of Allegiance was said.)

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

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

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

Mr. Barbuti: Good evening, Mr. Chairman, members of the board, David Barbuti, the architect representing the owners of 51 Joyce Road in Eastchester.

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

Mr. De Marco: Second.

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

(All aye.)

THE CHAIRMAN: Okay. Procedurally, on
EASTCHESTER ZONING BOARD - 9/13/16

3,075 square feet.
The existing subject property is an existing one family and a half story dwelling. It is a three bedroom, two bath. It was recently renovated several years ago. They actually eliminated a garage on the first floor and created a family room. Part of this application is to reclaim that, bring the garage back, get rid of the family room. The two story addition to the south that actually encroaches into the side yard is actually for an additional garage to make it a two car garage for this house.
The proposed dwelling will have four bedrooms. First floor footprint: Living room, dining room, two car garage, a den and a bathroom down there as well.
The variances that we are seeking here tonight really could not have been avoided, although they are somewhat self-inflicted because we're encroaching into the setback. That's only to get some additional square footage on the house. It's built on a slab, we don't have any basement area, so everything is

DINA M. MORGAN, REPORTER

EASTCHESTER ZONING BOARD - 9/13/16

really lending itself above grade. The existing structure was actually located prior to the purchase, so we're kind of locked into where we could do an addition or we can expand for the family.
The subject property is located in an R-5 zone, which is one family dwelling. It will not change from a one family. There is no adverse environmental or physical impacts on the area or the neighborhood. The proposed structure will remain in character with the neighborhood. Most of the houses have had additions, they're either one and a half story or two story structures, and it will stay in context with the neighborhood. As I said, the hardship may be self-created, but that's only because of the location of the existing structure on the lot and our confines to where we could do any additions.
If the board has any questions.

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

DINA M. MORGAN, REPORTER
1 EASTCHESTER ZONING BOARD - 9/13/16
have a motion to open up this application to a
public hearing. Is there a second to my
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?

DINA M. MORGAN, REPORTER

10

1 EASTCHESTER ZONING BOARD - 9/13/16
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

DINA M. MORGAN, REPORTER

11

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

DINA M. MORGAN, REPORTER

12

1 EASTCHESTER ZONING BOARD - 9/13/16
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

DINA M. MORGAN, REPORTER
EASTCHESTER ZONING BOARD - 9/13/16

way designed it. There’s box bays that sit
behind the porch, so there wasn’t really any
way to create a porch that was more in keeping
with the scale per the code. That being said,
we were kind of -- our hands were tied to go to
the new appendages to allow for a full width
porch. Again, it’s more what the owner wanted.
That being said, I did take the
liberty of going through the neighborhood.
Just give me a second, I want to flip the
diagrams.

THE CHAIRMAN: Sure.

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

DINA M. MORGAN, REPORTER

EASTCHESTER ZONING BOARD - 9/13/16

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

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

DINA M. MORGAN, REPORTER
EASTCHESTER ZONING BOARD - 9/13/16

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.

DINA M. MORGAN, REPORTER

EASTCHESTER ZONING BOARD - 9/13/16

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. I know your client is probably not paying you well, so you better be brief.

MS. DUIGNAN: This is the existing and

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EASTCHESTER ZONING BOARD - 9/13/16

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.
EASTCHESTER ZONING BOARD - 9/13/16

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Okay, because it's my obligation, I'm going to ask: Mr. Cahalin, anything?

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: Easy and straightforward. So I'll make a motion to put this matter over for resolution at the next board meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

MS. DUGNAN: Thank you.

THE CHAIRMAN: Thank you.

MALE SPEAKER: Have a good night.

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STATE OF NEW YORK

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) 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 27th day of September, 2016.

DINA M. MORGAN,
Court Reporter

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EASTCHESTER ZONING BOARD - 9/13/16

THE CHAIRMAN: You too. I make a motion to close the meeting.

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Good evening.

(MEETING ADJOURNED.)