EASTCHESTER ZBA - 3/10/2020

THE CHAIRMAN: Good evening, and welcome to the town of Eastchester Zoning Board of Appeals meeting for Tuesday, March 10th, 2020. We begin our meeting with the Pledge of Allegiance. Please stand and remove your hat.

(WHEREUPON THE PLEDGE OF ALLEGIANCE WAS SAID.)

THE CHAIRMAN: While you're getting settled, I'll go over the ground rules, which is what I usually do at this point in the meeting.

Firstly, we obey and follow Robert's Rules of Parliamentary Order.

Secondly, we have five matters on the calendar tonight. The first two are on for resolution, they will be decided. The last three are new business items. So when I call the roll, you let me know that you're present and ready to proceed. For those items that are on that new business, each applicant is not compelled to have to read the entire application. The application is marked submitted, and all of those documents are now part of a public record. The board members...
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I make a motion to adopt a resolution approving Application 19-35, 191 Oakland Avenue; is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. To the vote. Mr. Cahalin.

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That application has been approved three to two.

On to new business, this is Item 3, 66 Lee Avenue. Come up and state your name and address for the record and proceed. While you're setting up, this is an application for an area variance to legalize an existing deck and to permit a side yard variance of 2.4 feet whereas a minimum 6 is required.

MR. SCHLOMANN: Good evening. Sid Schlomann, architect on behalf of the owners of DINA M. MORGAN, REPORTER

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66 Lee Avenue.

This application is to legalize an existing deck that's in the side yard, which requires a 6 foot setback and it is 2.4 feet, so a 3.6 foot setback. The deck has been there for approximately 42 years. The owners are the children of the people that lived there many years ago, and they're trying to legalize and move on and sell the house. The deck is well screened from the side yard with an abundance -- as you can see in the photographs -- abundance of evergreen trees. I don't believe there were ever any complaints with the deck from the neighbors or the town itself, and we feel that it will not cause any negative impact on the neighborhood, on the house, on the street. It does need some repairs and some code upgrades. The size of the deck, which is 8 foot 8 by 29 feet long, would remain the same. That's the application.

THE CHAIRMAN: Thank you. To the board. Mr. Cahalin, any questions or comments?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

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(All aye.)

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

(No comments.)

THE CHAIRMAN: Seeing no one, I'll make a motion to close the public hearing on this matter; is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Back to the board. Mr. Cahalin?

MR. CAHALIN: Nothing.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

MR. TUDISCO: Turn the microphone on.

MR. SCHLOMANN: It's on now. Did you hear anything I said?

THE CHAIRMAN: I do make a motion to
1 adjourn this matter for resolution at the next meeting; is there a second?
2 MR. DE MARCO: Second.
3 THE CHAIRMAN: Mr. DeMarco. All in favor.
4 (All aye.)
5 MR. SCHLOMANN: Thank you.
6 THE CHAIRMAN: Thank you. Item 4, 14

Lorraine Drive. While you're setting up, state your name and address for the record, and also you may want to just briefly explain what the application is for and the special circumstances of this, considering that this was already heard.

MR. ALEKSA: Good evening. My name is Ante Aleksa. I'm the owner of the property on 14 Lorraine Drive. This application is for an extension, both a first story and second story.

THE CHAIRMAN: Sorry to interrupt you. Would you mind speaking from there. It's for the people at home.

MR. ALEKSA: Good evening. My name is Ante Aleksa. I'm the owner of the property on 14 Lorraine Drive. This application is for an extension, both a first story and second story.

THE CHAIRMAN: Okay. I'll just note for the record, that the ZBA granted these exact variances in February of 2018.

MR. ALEKSA: Correct.

THE CHAIRMAN: Thank you. I'll ask the board if they have any questions or comments; Mr. Cahalin?

MR. CAHALIN: No.

MR. MILLER: Mr. Miller?

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Would anyone from the public like to be heard?

(No comments.)

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

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Comments from the board or questions because I have to ask; Mr. Cahalin?

MR. CAHALIN: None.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I have nothing. 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.

MR. ALEKSA: Thank you.

THE CHAIRMAN: Last item on the calendar tonight under new business, this is Number 5, 20-07, 173 Brook Street. This is an area variance to legalize an existing garage, shed, and to permit impervious surface. You could give us a brief synopsis and name and address for the record.

MR. IANNACITO: Good evening.

MR. DE MARCO: First time here, Mr. Iannacito?
MR. IANNACITO: First time, yes.
MR. DE MARCO: Welcome.
MR. IANNACITO: Thanks. Good evening.

My name is John Iannacito, I'm an architect,
and I'm representing Nancy Ten Eyck, the owner
of the subject property.

We are requesting area variances to
legalize a one story shed addition at the rear
yard, which is highlighted here on the survey,
and a proposed driveway expansion at the front
doorway, which is highlighted here, this little
silver right here.

Ms. Ten Eyck purchased this property
in 1990. Prior to the closing, a search of the
file was completed, and a letter was issued by
the Building Department stating that the
residence, the garage and sheds were approved
under an approved building permit in 1912.

During a recent search of the property file,
because we're trying to repair an existing
retaining wall along the property line, it
was discovered that there were no documents
showing the addition of the shed. So,
therefore, we need to legalize it.

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We're also proposing the expansion of
the existing driveway by 5 square feet.
Currently, the existing driveway reduces in
width right at this point here from 10.5 feet
to 8 feet because the existing retaining wall
juts into the driveway. So we're proposing to
remove that small piece of retaining in order
to keep a consistent 10.5 foot width of the
driveway and allow it to function a little
better.

We are requesting three area variances
this evening.

The first is for the side setback to
the shed. The existing setback is .3 feet and
the required is 10 feet, a deficiency of 9.7
feet.

The second area variance is for the
rear yard setback to the shed. The existing
setback at the rear is .4 feet and the required
is 10 feet, a deficiency of 9.6 feet.

The third area variance is for the
total impervious surface. The shed
legalization and the driveway expansion will
create an increase in the coverage by 102.

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	square feet to a total of 4,060 square feet,
and the maximum permitted is 3500 square feet.
So the total coverage of what's existing today
plus the 102 will exceed the allowable by
560 square feet or 16 percent. The existing
shed and the coverage has existed for the past
30 years. New dry wells will be installed on
the site to capture the runoff from the
legalization of the shed, the 102 square feet.

Approving the variances will not have
any adverse impact on the character of the
neighborhood since it's been here for 30 years.
The existing non-conforming setbacks of the
shed are similar to the existing garage that
was constructed in 1912. The existing garage
was constructed right on the property line.

It's also similar to the adjacent properties at
the rear of the property, which are all
commercial properties, and most of those
setbacks are non-conforming. On the coverage,
the coverage on this particular site is less
than most of the properties around the area
because most of the properties are in an RB
zone. This is actually an RB zone also, but

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MR. IANNACITO: Yes. So included in the package that I submitted, there is a letter that the owner in 1990 got from the Building Department, which I guess someone checked the file and put a letter together stating that the house, the garage, and sheds, we're just not sure if it was this particular shed or a different shed because there is no documentation of where the shed was, but the document does state that all three of those structures were there in 1990 when they purchased the property. So they believe they were put behind the property. When we went back, we did find the letter, but we didn't find any documentation of the shed. We found a survey that showed the house and the garage as is today, but there was no shed attached to that garage. At some point, that shed was added between 1912 and 1990, we just don't when.

MS. UHLE: Actually, it was added after 1954, after the date of that survey.

MR. IANNACITO: After the survey, correct. So between 1954 and 1990 the shed was added.

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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, thank you.

THE CHAIRMAN: I don't have anything further. I make a motion to adjourn this matter for resolution at the next meeting. I there a second to my motion?

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Thank you, Mr. Iannacito, for your presentation.

MR. IANNACITO: Thank you.

THE CHAIRMAN: I have one more motion tonight, and that is to adjourn the meeting to our next meeting for April; is there a second to my motion?

MR. NURZIA: Second.

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Ms. Uhle: And there no documentation of a building permit.

MR. IANNACITO: So with the letter from 1990, we're just not sure if it was this particular shed or another shed.

THE CHAIRMAN: Okay. At this time, 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: Mr. DeMarco. All in favor.

(All aye.)

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

(No comments.)

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

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Back to the board. Mr.
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 8th day of April, 2020.

DINA M. MORGAN
Court Reporter

DINA M. MORGAN, REPORTER