

Project: 190 Beech Street, Eastchester

NY Date: 05.26.22

Attn: Mr. Lukas Herbert

Town of Eastchester Building and Planning Department
40 Mill Road Eastchester, NY 10709



Dear Mr. Herbert,

Herewith is an application to the Town of Eastchester Zoning Board of Appeals proposing a second story addition, covered side entrance and converting the garage into storage. 190 Beech Street is an awkwardly shaped lot located in the R5 Zone which has a 30'-0" minimum front yard setback and situated on site is an existing single family dwelling with a 1 story projection towards the north side of the home. As viewed on the site plan (A100), the north east corner of the dwelling has a non conforming front yard setback of 21'-7" exceeding the 30'-0" minimum front yard setback. Although set back 3'-0" from the front wall of the first floor, the 2nd story addition above will also exceed the 30'-0" front yard setback. The setback to the 2nd story addition is 23'-7" which exceeds the minimum setback by 6'-5". We are seeking a 21.4% variance for the second floor addition over first floor footprint.

Part of the renovation project includes converting a portion of the garage into a mudroom with access from the north side of the dwelling. We have accommodated for two off-street parking spots within the existing driveway. This is how the property is currently being used due to the size of the existing garage which cannot accommodate the size of a modern family vehicle. The mudroom entrance consists of a masonry platform, steps and a shed roof covering supported by brackets. Pursuant to the zoning regulations, a covering over steps may exceed the front yard setback by 4'-0". We are seeking a variance to exceed this requirement by 18" or 37.5% of the 4'-0" maximum projection into the required front yard.

In summary, the two area variances that we are seeking are precipitated by the awkward nature of the lot. If the lot were regular or rectilinear in shape, we would not need area variances for the proposed improvements.

Test for Area Variances

1. There will not be an undesirable change to the character of the neighborhood and no burden placed on neighboring properties as a result of granting relief. The proposed alterations are consistent with many other renovations for homes of this type, including the adjacent property at 96 Rose Avenue.
2. The benefit to the owner cannot be achieved by some other method feasible to pursue other than an area variance because the existing lot takes on an awkward shape. Due to the awkward shape the first floor footprint exceeds the minimum front yard setback. this is the only location where the a second floor addition can be constructed over first floor footprint. Note, the proposed second floor is recessed from the front wall of the first floor which does not increase the existing dimensional non-conformity.
3. The requested area variance is not substantial. We are building upon existing footprint resulting minimal increase in bulk.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood because the proposed improvements are consistent with that of other adjacent properties and minimal earthwork is proposed.
5. The alleged difficulty may be considered self-created because the existing floor plan is configured in such a way that allows the proposed mudroom to be situated in the most cost effective and convenient location. The awkwardly shaped lot creates the difficulty because if the lot were rectilinear in shape the variance in which we seek would not be necessary.

We look forward to presenting the project to the board at the next meeting. If you need any further information please feel free to contact me at any time.

Regards,

Louis Campana AIA
Principal



ZONING BOARD OF APPEALS APPLICATION

Project Name, If Applicable: Berenson Residence

Project Street Address: 190 Beech Street, Eastchester, NY 10709

Section: 76 **Block:** 6 **Lot(s):** 22 **Zone:** R-5

Applicant: Matthew Berenson

Address: 190 Beech Street, Eastchester, NY 10709

Phone #: (917) 318-9968 **Email:** matthewberenson@gmail.com

Owner: Matthew Berenson

Address: 190 Beech Street, Eastchester, NY 10709

Phone #: (917) 318-9968 **Email:** matthewberenson@gmail.com

Architect/Engineer: Louis Campana AIA

Address: 8 Pasadena Road, Bronxville, NY 10708

Phone #: (914) 573-6804 **Email:** louis@louiscampanaarchitect.com

Attorney: _____

Address: _____

Phone #: _____ **Email:** _____

Application is for:

_____ An interpretation of the Zoning Law or a determination of the Building Inspector

x _____ Area variance(s)

_____ Use Variance

_____ Special Permit Use

Description of the proposed project and nature of the interpretation, variance(s) and/or special permit being sought: _____

Addition (2nd floor) alteration to an existing single family residence over existing non-conforming first floor footprint.

The lot shape is awkward in nature and the existing front corner of the home exceeds the front yard setback.

The new side entrance will have a covering which exceeds the front yard set back by 5.5' as opposed to the allowable 4' encroachment.

ZONING BOARD OF APPEALS APPLICATION CHECKLIST

Submission Items	
All applications submitted to the ZBA must include:	
Cover Letter to the ZBA including, but not necessarily limited to:	x
1. The zoning district within which the subject site is located	x
2. A brief description of the application and the interpretation, variances and or special permit being sought	x
3. A statement of how the application meets the tests for area or use variances or meets the special permit requirements (A list of the tests for area and use variances is attached)	x
4. Resubmissions to the ZBA, after an initial hearing, must include a statement of any additional information that was requested by the ZBA at the hearing and must indicate the response to such requests.	
Completed ZBA Application and Application Checklist	x
Application Fee (see Fee Schedule, available in the Planning and Building Department or on the Town's website\	x
Completed Zoning Compliance Table (see attached zoning compliance tables)	x
Notice of Denial Letter	x
Short Environmental Assessment Form Part 1 (not required for single-family residences)	
Site Location Map - showing the project site and all properties within 200 feet of the site boundaries.	x
List of properties within 200 feet of the site boundaries - including: section, lot and block, property owner name and street address necessary to meet notice requirements.	x
Zoning Map - indicating the zoning district within which the site is located and all zoning district boundaries within 200 feet of the site boundaries. (May be shown on the Site Location Map)	x
<u>Color</u> photographs of the project site - labeled "Project Site" and where appropriate indicating views (e.g., front elevation, rear elevation, etc.); 2 photographs per page.	x
<u>Color</u> photographs of properties within the immediate vicinity of the project site to provide context for the application. Photographs must be keyed to a Map (labeled by street address and indicating the photo view (arrow showing the direction in which the photo is taken); 2 photographs per page.	x
Current Property Survey and Existing Conditions Survey, prepared and certified by a Land Surveyor licensed in the State of New York including (but not necessarily limited to): (1) boundary lines including metes and bounds; (2) existing easements; (3) existing structures; and (4) setbacks of all existing structures.	x
Copy of the completed legal notice (sent to the newspaper and property owners within 200 feet of the site boundaries) with:	x
Copy of the list of all properties within 200 feet of the site, printed from the Westchester County GIS, - including: section, block, and lot	x
Signed and notarized Affidavit of Mailing and Publication (prior to being heard by the ZBA)	x
Originals or Copies of postmarked PS Form(s) 3877 for Certified Mailing (prior to being heard by the ZBA)	x
PDF of Complete Submission (color pages where applicable; see last page of application for instructions)	x
Affidavit of Publication from the Newspaper; when received	x
All applications for variances or special permits related to additions, alterations or new construction, must also include:	
Plans, signed and sealed by an Architect or Professional Engineer licensed in the State of New York, including:	
1. Proposed site plan drawing(s), based on and citing the certified property survey, showing:	
• required, existing and proposed zoning setbacks	x
• existing and proposed structures	x
• dimensions	x
• elevation of the <u>existing</u> grade at the four or more principal building corners	x
• elevation of the <u>proposed</u> grade at the four or more principal building corners	x
2. Proposed floor plans	x
3. Proposed building elevations, including:	
• dimensions	x
• spot elevations at building corners and other relevant locations	x
• elevation of the principal eave, based on a surveyed bench mark	x
• elevation of the highest roof ridge line, based on a surveyed bench mark	x
All applications for variances related to proposed subdivisions must also include:	
Proposed subdivision map, signed and sealed by an Architect, Professional Engineer or Surveyor licensed in the State of New York, citing the certified survey upon which the map is based, including:	
▪ proposed lot dimensions	
▪ proposed lot areas	
▪ required and proposed zoning setbacks	
▪ effective square	
▪ all existing structures to be removed and/or to remain	

*Short Environmental Assessment Form is available on the Town's website at www.eastchester.org.

ZONING COMPLIANCE TABLE ONE- AND TWO-FAMILY RESIDENCES

(New Construction and Additions)

ZONE: R-5

Notes: Information must be based on definitions in the current Zoning Law of the Town of Eastchester. If not applicable, leave box blank. Check box in far right column if variance is required (even if already approved by the ZBA).

	Existing	Required/ Permitted	Proposed	Variance Required
LOT INFORMATION				
Lot Area (sf)	6,512	5,000	NO CHANGE	NO
Lot Frontage (ft)	77	50	NO CHANGE	NO
Yard Setbacks (ft):				
Front Yard	21.58	30	NO CHANGE	YES
Rear Yard	25.33	25	NO CHANGE	NO
First Side Yard	9.75	8	NO CHANGE	NO
Second Side Yard	12.33	9	NO CHANGE	NO
Side Yard Adjoining Street	N/A	N/A	NO CHANGE	NO
PRINCIPAL BUILDING INFORMATION				
Gross Floor Area (sf)	1,681.11	2,451.20	1,897.52	NO
Building Height:				
Stories	2	2 1/2	NO CHANGE	NO
Height to Principal Eave (ft)	19.29	23	NO CHANGE	NO
Height to Highest Roof Ridge (ft)	31.20	33	NO CHANGE	NO
ACCESSORY STRUCTURES				
Detached Garage				
Setbacks:				
To Principal Building				
To Side Lot Line				
To Rear Lot Line				
Building Height:				
Height to Principal Eave (ft)				
Height to Highest Ridge (ft)				
Other Accessory Structure (indicate type of structure – shed, pool, etc.)				
Type of Structure				
Setbacks:				
To Principal Building				
To Side Lot Line				
To Rear Lot Line				
Building Height:				
Height to Principal Eave (ft)				
Height to Highest Ridge (ft)				
BUILDING COVERAGE				
Principal Building Coverage (sf)	1,174.85	2,051.28	1,199.64	NO
Principal Building Coverage (%)	18.04	31.50	18.42	NO
Accessory Building Coverage (sf)				
Accessory Building Coverage (%)				
IMPERVIOUS SURFACE COVERAGE				
Impervious Surface Coverage (sf)	2,240.80	3,128	1,934.09	NO
Impervious Surface Coverage both (%)	34.41	48.03	29.70	NO

Note: See Section 13 of the Zoning Law for requirements related to driveways (e.g., pavement width, curb cuts, setbacks grades; requirements for circular driveways, etc.). See Section 8 of the Zoning Law for requirements related to fences and walls.

Are any variances required (or were any variances approved by the ZBA) that are not listed on the table above?

☒ Yes ☐ No

If yes, describe all additional variances: Pursuant to section 7-D-1c, the maximum distance that a front porch can extend into the front yard is 4'. We are proposing a side entrance with a covering that extends 5.5' into the front yard set back and therefore seeking a 37.5% variance. (18")

Town of Eastchester
40 Mill Road, Eastchester, NY 10709 (914)771-3317

NOTICE OF DENIAL

To: MATTHEW BERENSON,
190 BEECH ST

EASTCHESTER, NY, 10709

SBL: 76./6/22

Application Date: 01/18/2024

NOD Date: 19 January 2024

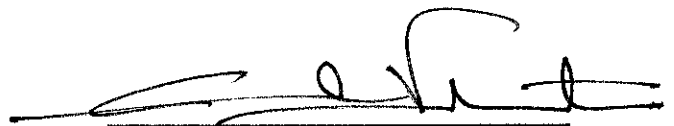
Revision Dates:

Zone: R-5

For Property Located At: **190 BEECH ST**

Please be advised your application for a building permit has been denied. For additional notes, see below.

1. In Section 4-C-5, the required front yard setback is 30'. Your submission lists the setback at 21.58', a deficiency of 8.42', or 28.07%.
2. In Section 7-D-1c, the maximum distance that a front porch can extend into the front yard is 4'. Your submission lists the stairs at 5.5', an excess of 1.5', or 37.5%



Carlo Valente - Building Inspector

**TOWN OF EASTCHESTER
BUILDING & PLANNING DEPARTMENT**

40 Mill Road
Eastchester, NY 10709

Phone: (914) 771-3317
Fax: (914) 771-3322

www.eastchester.org

**NOTICE OF PUBLIC HEARING
TOWN OF EASTCHESTER ZONING BOARD OF APPEALS**

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Eastchester will hold a public hearing on:

Tuesday, February 13th, **20** 24, at 7:00, **p.m.**
(day of week) (month and date) (year) (time)

at the Town of Eastchester Town Hall, 40 Mill Road, Eastchester, New York, in the Court Room/Auditorium on the application of:

Matthew Berenson,
(name of application/applicant)

for:

Area Variance
(area variance(s), use variance, interpretation, site plan, subdivision, architectural review and/or special permit approval)

related to: Alteration and 2nd floor addition to an existing single family residence.
(describe the proposed project)

Applicant is seeking a front yard area variance to build upon existing first floor footprint and covering over side entrance.

affecting the premises identified as the following Section(s), Block(s) and Lot(s) on the Tax Map of the Town of Eastchester:

Section:76 Block:6 Lot: 22

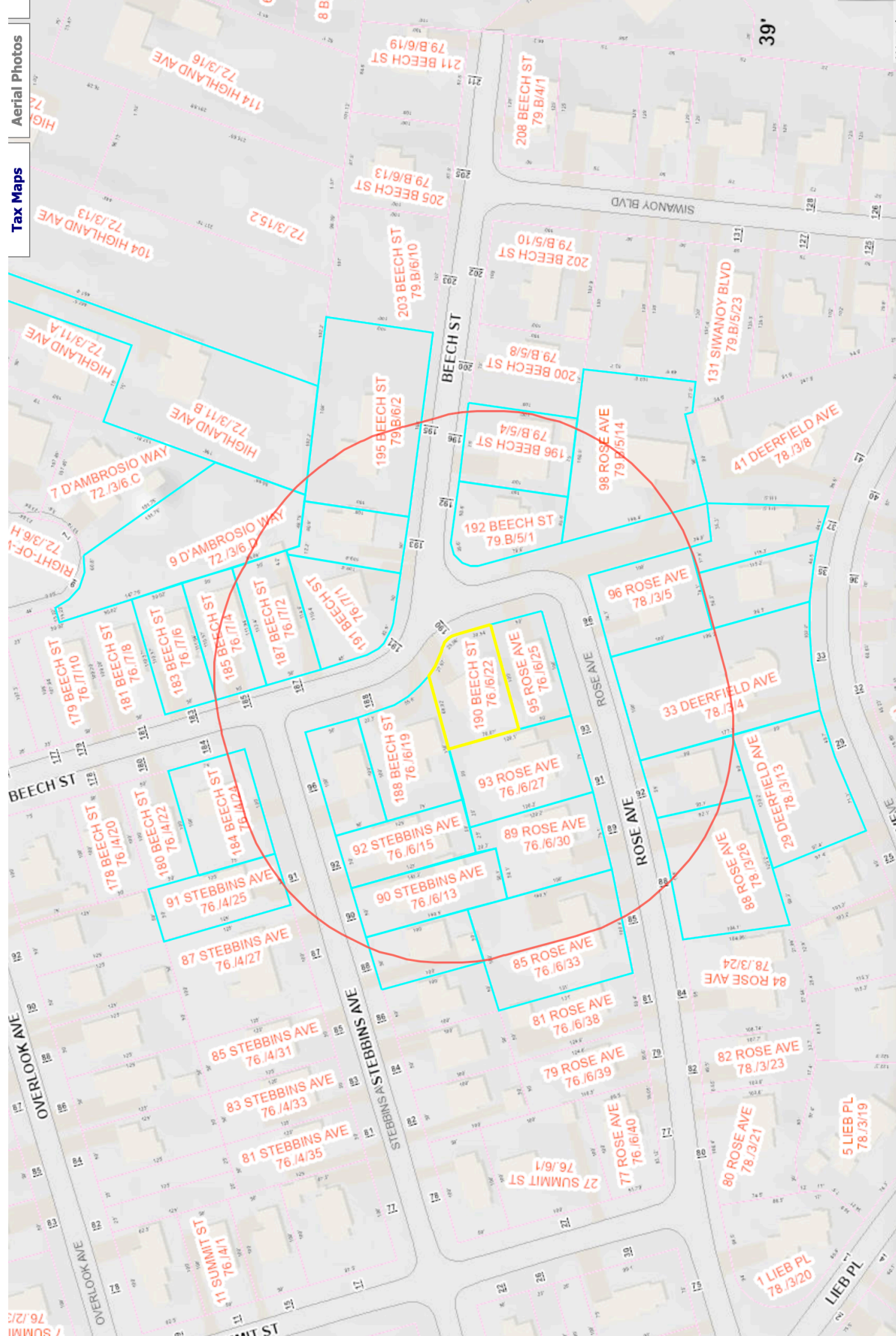
and located at the following address:

190 Beech Street, Eastchester, NY 10709
(street address)

Notes:

1. Visit the town's website (www.eastchester.org) to access the most current agenda prior to each meeting. If you have any questions regarding the Public Hearing or any of the agenda items, you can contact the Building & Planning Department at (914) 771-3319 or lherbert@eastchester.org. Applications are available for review electronically by clicking the link at the top of the agenda and physically in the Building & Planning Department.

2. The purpose of this Notice is to notify you of the Public Hearing for the referenced project in case you would like to attend and/or participate in the meeting and/or comment on the application. However, you are not required to attend the meeting or to respond to this notice.



**AFFIDAVIT OF MAILING AND PUBLICATION
OF THE LEGAL NOTICE FOR A PUBLIC HEARING**

Check One:

_____ Planning Board (PB)
 x Zoning Board of Appeals (ZBA)
_____ Architectural Review Board (ARB)

Name and Location of Project: _____ Berenson Residence

190 Beech Street, Eastchester, NY 10709

Section 76 , **Block** 6 , **Lot(s)** 22

State of New York }
County of Westchester } ss:

I, Louis Campana , being duly sworn, depose and say as follows:

1. I am the agent, owner or legal representative of the referenced property.
2. I have prepared a list of property owners located within 200 feet of the boundaries of the referenced property (including those in adjacent municipalities if applicable), by street address and section, block and lot in accordance with the instructions provided in the PB, ZBA, and ARB Application Packages.
3. I understand that individual condominium owners must be included on the list of property owners and it is my responsibility to verify if any condominiums are located within the 200-foot radius.
4. I have sent a copy of the legal notice to each and every property owner within 200 feet of the boundaries of the referenced property post-dated no less than 10 days prior to a PB or ZBA meeting and no less than 5 days prior to an ARB meeting. The notices were sent PS Form 3877 by Certified Mail and I have obtained all postmarked PS Form(s) 3877 as proof of mailing (and as indicated in the PB, ZBA, and ARB Application Packages, did not request property owner signatures or return receipts).
5. I have attached the originals or copies of all postmarked PS Form(s) 3877 to this Affidavit.
6. I have arranged the publication of the Notice of Public Hearing in a newspaper of general circulation in the Town of Eastchester no less than 10 days prior to a PB or ZBA meeting and no less than 5 days prior to an ARB meeting.
7. As soon as it is provided to me, I will provide the Building & Planning Department with the affidavit of publication from the publisher of the newspaper.
8. I understand that this signed and notarized Affidavit must be submitted, along with the originals or copies of all postmarked PS Form(s) 3877, to the Building & Planning Department prior to being heard by the PB, ZBA, or ARB.

 Louis Campana
(print name)

(signature)

Sworn to me this _____ day of _____, 20____

(Westchester County Notary Public)

THE Eastchester REVIEW

Affidavit of Publication

STATE OF NEW YORK }

COUNTY OF WESTCHESTER }

I, Nancy Kaplan, duly swear that I am the Assistant to the Publisher of The Eastchester Review, a weekly community based newspaper in White Plains, New York, and further swear that the attached legal notice ran in said newspaper on the following dates:

February 2, 2024

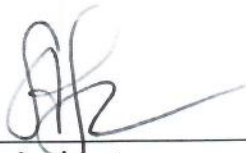
The text of the notice as published in said newspaper is as set forth in annexed exhibit. This newspaper has been designated by the clerk of Westchester County for this purpose.

Nancy Kaplan

Nancy Kaplan

Assistant to the Publisher of the Eastchester Review

Sworn to before me on this 6th day of February, 2024.



Notary's signature:

STEVEN KAPLAN
Notary Public, State of New York
No. 02KA4824403
Qualified in Westchester County
Commission Expires Sept. 30, 2026

