

ZONING BOARD OF APPEALS APPLICATION

Project Name, If Applicable: MOLLICK RESIDENCE

Project Street Address: 6 SPRAGUE RD

Section: 53 Block: 2 Lot(s): 3 Zone: R-5

Applicant: DAVIDEL SHERMAN LANDSCAPE ARCHITECT

Address: 4 BROADWAY SUITE #10, VALHALLA, NY 10595

Phone #: 914-824-0999

Email: DAN.DAUSHERMAN@LANDSCAPE

Owner: JASON MOLICK

Address: 6 SPRAGUE RD, EASTCHESTER, NY

Phone #:

Email: JASON.MOLICK@GMAIL.COM

LANDSCAPE

Architect/Engineer: DAVIDEL SHERMAN

Address: 4 BROADWAY SUITE #9, VALHALLA, NY 10595

Phone #: 914-824-0999

Email: DAN.DAUSHERMAN@LANDSCAPE

GMAIL.COM

Attorney:

Address:

Phone #:

Email:

Application is for:

- ☒ An interpretation of the Zoning Law or a determination of the Building Inspector
- ☐ 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: INSTALL ARTIFICIAL TURF IN REAR YARD

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)	5,390	5,000		ND
Lot Frontage (ft)	55	50		"
Yard Setbacks (ft):			CHANGE	
Front Yard	30	30		"
Rear Yard	30	25		"
First Side Yard	8	8		"
Second Side Yard	12	9		"
Side Yard Adjoining Street	X	X		"
PRINCIPAL BUILDING INFORMATION				
Gross Floor Area (sf)	1330			
Building Height:	-	23	NO	"
Stories	2.5	2 1/2		"
Height to Principal Eave (ft)	-	23		"
Height to Highest Roof Ridge (ft)	-	33		"
ACCESSORY STRUCTURES				
Detached Garage				
Setbacks:	X	X		
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:	X	X		
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)	1330			
Principal Building Coverage (%)	24.6	36.5		
Accessory Building Coverage (sf)	X	X		
Accessory Building Coverage (%)				
IMPERVIOUS SURFACE COVERAGE				
Impervious Surface Coverage (sf)	45%			
Impervious Surface Coverage both (%)	2440 sf			

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: _____

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

NOTICE OF DENIAL

To: JASON MOLICK
6 SPRAGUE ROAD

SCARSDALE, NY, 10583

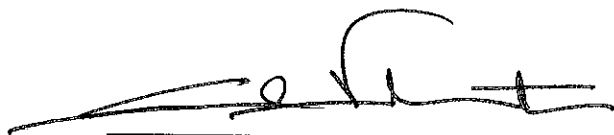
SBL: 53./2/3.
Application Date: 03/22/2024
NOD Date: 22 March 2024
Revision Dates:
Zone: R-5

For Property Located At: **6 SPRAGUE ROAD**

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

1. Section 9-M-1a states,

"All portions of lots subject to site plan review under Section 11 of this local law or special permit review under Section 12 of this local law which are not used for the location of building, structures, parking lots, loading spaces, sidewalks or similar purposes, shall be suitably landscaped and permanently maintained with planting of ground cover, grass, trees and shrubbery, in accordance with specifications approved as a part of the site plan or special permit."



Carlo Valente - Building Inspector

DANIEL SHERMAN

4 Broadway, Suite 9

Valhalla, NY 10595

dan.danshermanlandscape@gmail.com

LANDSCAPE ARCHITECT, PC

Phone: 914-824-0999

Fax: 914-824-0251

www.danshermanlandscape.com

April 29, 2024

Town of Eastchester

Planning Department

40 Mill Road

Eastchester, NY 10709

RE: Mollick Residence - 6 Sprague Rd - Zone R-5

The application to the zoning board is to request a variance to replace a portion of the rear yard with permeable artificial turf. The rear yard is surrounded by trees and fencing and is not visible from the street or from any neighboring homes.

Despite our clients' best efforts to grow grass in their rear yard, the yard in its current condition consists of compacted dirt and mud. The yard does not get ample sunlight due to neighboring trees over which our client has no control, thus creating an environment where the grass does not grow. Our clients also discovered last year, while installing a new porch as approved by the Planning Department, that landfill from a prior structure lies underneath the yard, contributing further to grass being unable to thrive on that portion of the property. With no grass and dirt / mud in the yard, the backyard becomes unusable. The compacted mud is also causing significant drainage and water runoff issues that have negatively impacted our clients (who have had multiple basement floods in recent years) and their neighbors.

Since purchasing the property in 2016, our client has tried multiple times, spent thousands of dollars, and consulted numerous different landscapers to install grass, including shade tolerant varieties, but has not had success due to the lack of sunlight and soil conditions. Any newly installed grass, including complete resodding, turns to compacted dirt and mud within a matter of weeks, rendering the yard unusable and prone to flooding.

We are proposing to install permeable artificial turf in this area in an effort to provide our clients with a usable, viable backyard. The installation of the permeable turf material over the specified gravel base will also function as a stormwater retention system reducing off-site storm water, providing a benefit both to our clients and their neighbors. As noted, the turf will only be visible to our clients, and cannot be seen from any surrounding private or public areas.

If you have any questions or comments, please contact us.

Respectfully,

Dan Sherman

Christopher S. Utschig P.E.

914 391-9550

65 Ralph Ave, White Plains NY 10606

chris@stevenscompanies.org

April 1, 2024

Eastchester Building Department
Inspector Carlo Valente
40 Mill Road
Eastchester, NY

RE: 6 Sprague Road

Dear Inspector Valente;

As you are aware we have submitted a Building Permit Application to replace the natural rear yard turf with a synthetic turf at the reference property. The Application was denied and we are now pursuing a variance to the code.

In support of the variance request we would like to point out the benefits our proposal would have regarding stormwater runoff from the property. The Turf product we are proposing utilizes a fully permeable binding fabric that allows 100% of rainfall to pass through. The underlayment of the turf consists of a 6" deep bed of clean stone. The stone has a void ratio of 40% meaning 40% of the 6" stone depth are voids (2.4") available to hold water. Relative to storm events the stone base will retain 2.4" of rainfall.

The following is a comparison of the rainfall depth for various storm events and the effective reduction of runoff due to the stored water in the stone bed:

Storm Event	Storm Runoff Depth(in)	Storage provided by stone bed	% Reduction
1 Year	2.8	2.4	85.7
5 Year	4.3	2.4	55.8
10 Year	5.1	2.4	47.0
25 Year	6.5	2.4	36.9

As is evidenced by the above analysis the installation of the turf and stone bed will result in a significant reduction in stormwater runoff and will greatly improve groundwater recharge on the property.

Sincerely,

Christopher S. Utschig PE

AFFIDAVIT OF OWNERSHIP

State of New York)
County of Westchester) SS:

I, Jason Mellick, being duly sworn, deposes and says:
(clearly print first and last name of property owner)

(check appropriate box)

- ☒ I am the owner of the property for which this application is being submitted.
☐ I am an officer of the corporation that owns the property for which this application is being submitted.

Further (check applicable box):

- ☐ I am submitting this application on my own behalf.
☒ I am authorizing the following individual to submit this application on my behalf:

Dan Sherman
(clearly print name of individual authorized to submit this application)

Further:

To the best of my knowledge, information and belief, all statements contained in this application are true, complete and correct, and all work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance will all applicable laws, ordinances and regulations.

[Signature]
(Signature of Owner)

Jason Mellick
(Print Name of Owner)

Sworn to before me this 21 day of February, 2024

[Signature]
(Signature of Notary Public)

MELISSA N VASAMI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01VA0018901
Qualified in Westchester County
Commission Expires December 19, 2027

**TOWN OF EASTCHESTER
PLANNING DEPARTMENT**

40 Mill Road
Eastchester, NY 10709

Phone: (914) 771-3319
(914) 771-3393

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, MAY 14TH, 2024, 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:

JASON MOLICK
(name of application/applicant)

for:

AN INTERPRETATION OF THE ZONING LAW
(area variance(s), use variance, interpretation, site plan, subdivision, architectural review and/or special permit approval)

related to: THE INSTALLATION OF ARTIFICIAL TURF IN THE REAR YARD
(describe the proposed project)

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

53-2-3

and located at the following address:

6 SPRAGUE RD
(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. Applications are available for review electronically by clicking the link at the top of the agenda and physically in the 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.

ZBA 24-14

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

Check One:

- ☐ Planning Board (PB)
☒ Zoning Board of Appeals (ZBA)
☐ Architectural Review Board (ARB)

Name and Location of Project: MOLICK RESIDENCE

6 SPRAGUE RD, EASTCHESTER, NY

Section 53, **Block** 2, **Lot(s)** 3

State of New York }
County of Westchester } ss:

I, DAUIEL SHERMAN, 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 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 Planning Department prior to being heard by the PB, ZBA, or ARB.

DAUIEL SHERMAN
(print name)

(signature)

Sworn to me this 24th day of May, 2024

(Westchester County Notary Public)



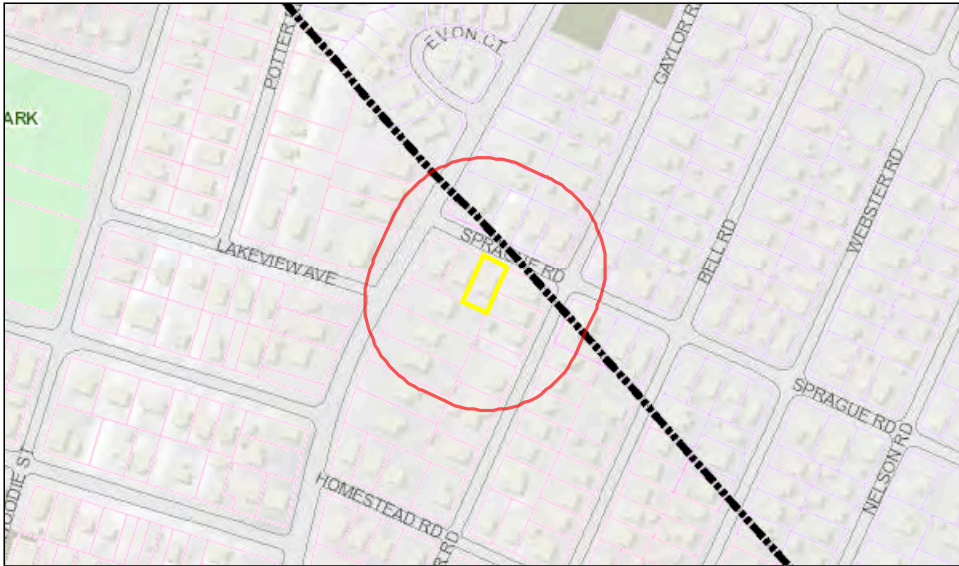
You Koo
State of New Jersey
Notary Public
Commission No. 50171768
My Commission Expires 9/14/2026

Tax Parcel Maps

Address: 6 SPRAGUE ROAD

Print Key: 53./2/3

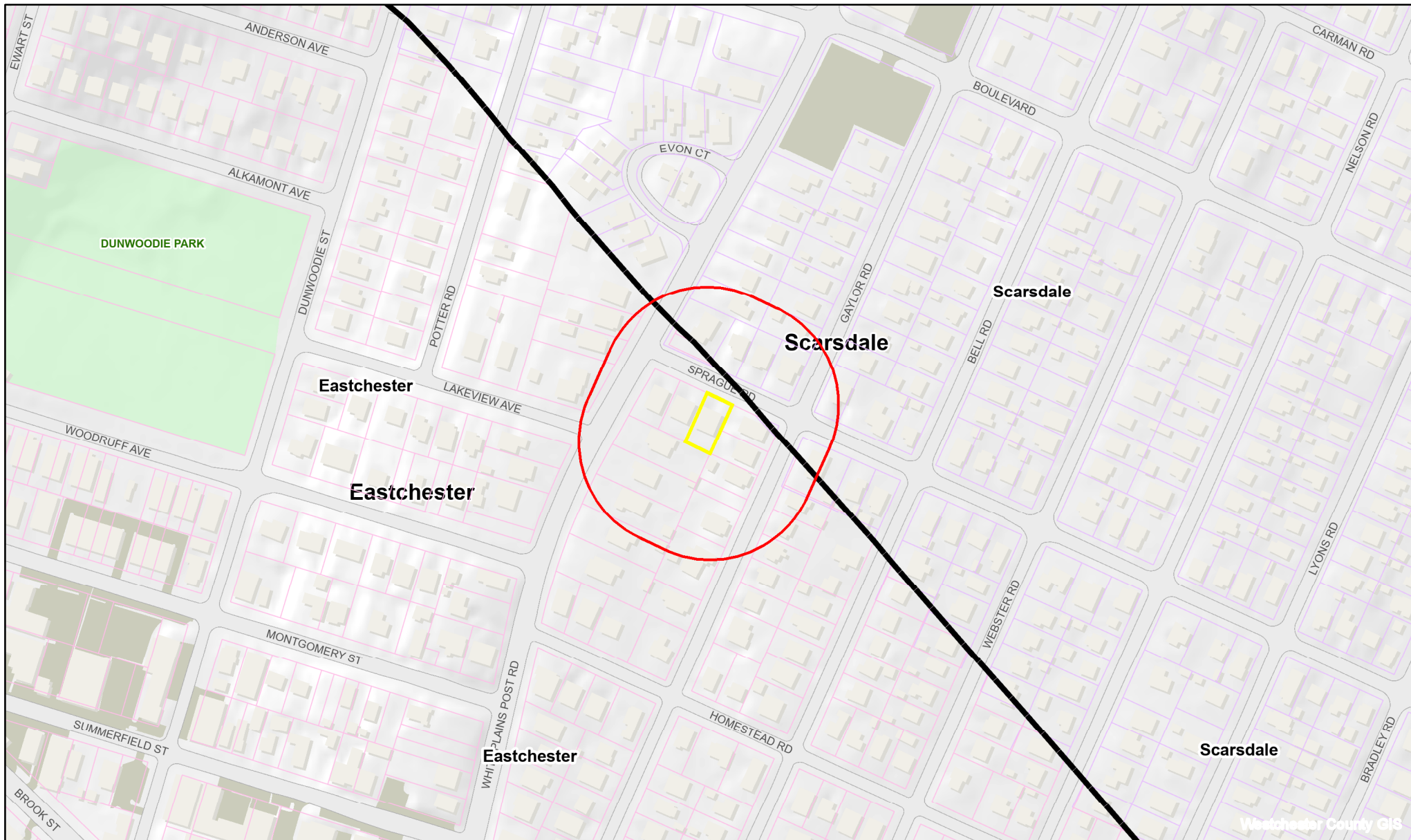
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Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should **NOT** be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.

6 SPRAGUE ROAD. ID: 53./2/3 (Eastchester)



March 29, 2024

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:3,000

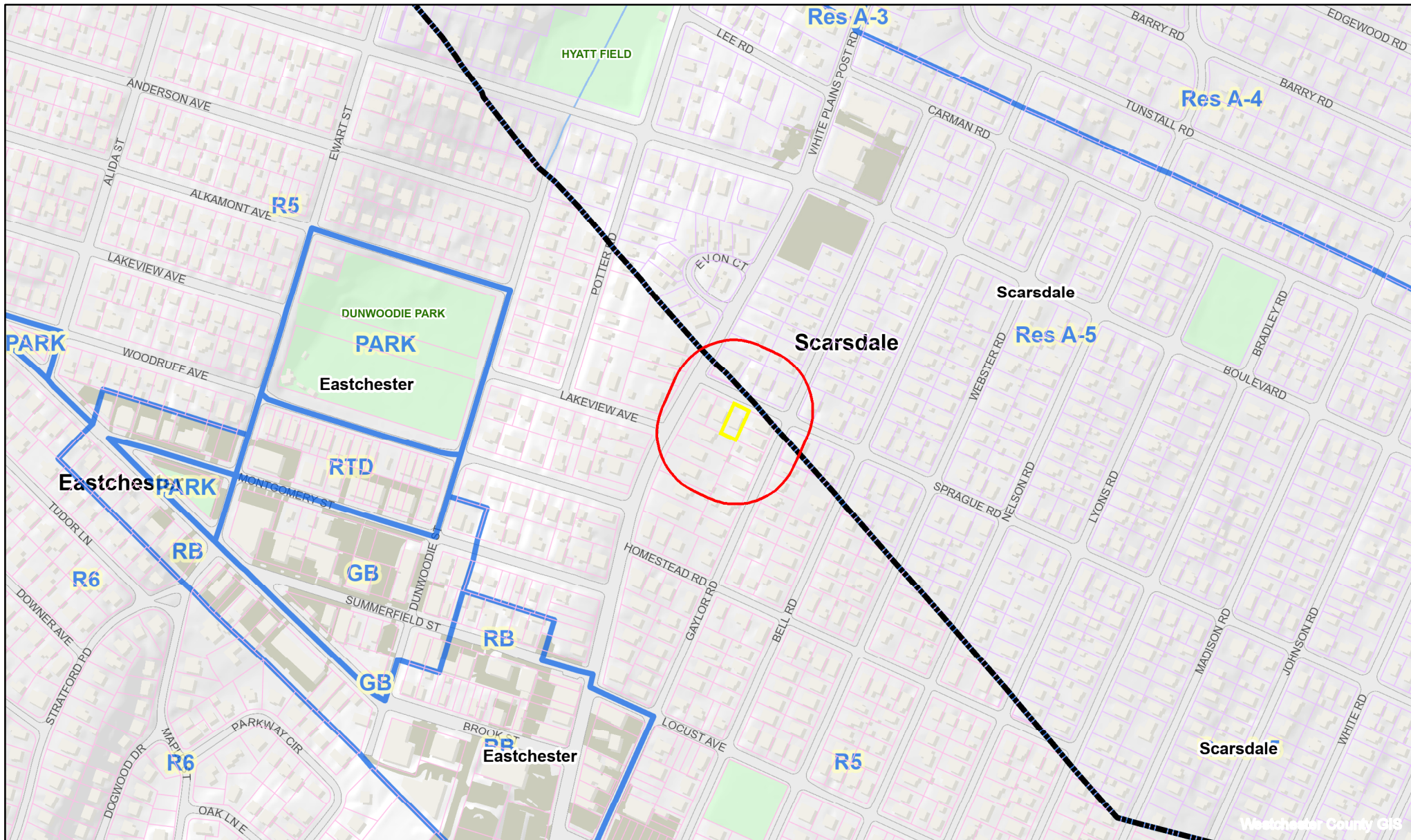


0 145 290 580
ft

Westchester County GIS

GIS Geographic Information System
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

6 SPRAGUE ROAD. ID: 53./2/3 (Eastchester)



April 29, 2024

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:5,000



0 240 480 960 ft

Westchester County GIS

GIS Geographic Information System
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
LNYS0095082
Order Status:
Submitted
Classification:
Public Notices
Package:
General Package
Base amount:
144.70
Service fee:
5.77
Cash/Check/ACH

Discount:
-0.00
Total payment:
150.47

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save! In no event are service fees refundable.

Payment Type:
amex
User ID:
L0066433

PREVIEW FOR AD NUMBER LNYS00950820

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, May 14th, 2024, at 7:00 p.m. at the Town of Eastchester Town Hall, 40 Mill Road, Eastchester, New York, in the Court Room / Auditorium on the application of: Jason Mollick

for:

An interpretation of the Zoning Law related to:

The installation of artificial turf in the rear yard affecting the premises identified as the following Section(s), Block(s) and Lot(s) on the Tax Map of the Town of Eastchester: 53-2-3 and located at the following address:

6 Sprague Rd.

Notes:

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

Publication Dates
L00000000

[<< Click here to print a printer friendly version >>](#)

ACCOUNT INFORMATION

Daniel Sherman
4 Broadway Suite #9
Valhalla, NY 10595
914-824-0999
dan.danshermanlandscape@gmail.com
Daniel Sherman Landscape Architect
Contract ID:

PAYMENT DETAILS

amex*****1049

TRANSACTION REPORT

Date
April 29, 2024 1:54:28 PM EDT
Amount:
150.47

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LNYS00950820

May 2, 2024
Westchester Journal News

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NOW OR FORMERLY LANDS OF JOSEPH RUSCIANO and GRACE RUSCIANO (his wife)
LIBER 6160, C.P. 161

NOW OR FORMERLY
MICHAEL ALBERT DUNCANSON
and
GINA RENEE DUNCANSON
11BFR 9454. C.P. 136

BLOCK 35 LOT 8 AS SHOWN ON "MAP OF SECOND ADDITION
FILED IN VOL. 10 OF MAPS AT PAGE 11

NOTE:
BUILDING LOCATION OFFSETS SHOWN
HEREON ARE TO CONC. FOUNDATION

EASTERLY SIDE OF WHITE PLAINS ROAD AS SHOWN ON "MAP OF WIDENING OF WHITE PLAINS ROAD FROM HOMESTEAD AVENUE TO SPRAUCE AVENUE" FILED MAY 5, 1953 AS AMP NO. 8003

N.Y.S. ROUTE NO. 22

SPRAGUE AVENUE

ALSO KNOWN AS SPRAGUE ROAD

- THE PREMISES SHOWN HEREON ARE LOT "A" AS ON "SUBDIVISION OF PROPERTY PREPARED FOR PETER SAVIGNANO" DATED 9/23/98, REV. 1/25/99 AND FILED IN THE COUNTY CLERK'S OFFICE-DIVISION, OF LAND RECORDS ON FEB. 10, 1999 AS MAP NO. 26297 .
- ENCROACHMENTS BELOW GRADE AND/OR SUBSURFACE FEATURES, IF ANY, NOT LOCATED OR SHOWN HEREON.
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAWS.
- ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL SHALL BE CONSIDERED TO BE TRUE VALID COPIES.
- CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY CONDUCTED ON THE DATE SHOWN AND THAT SAID SURVEY WAS PERFORMED IN ACCORDANCE WITH THE EXISTING " CODE OF PRACTICE FOR LAND SURVEYS " ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. THIS CERTIFICATION SHALL RUN ONLY TO THE PARTY FOR WHOM THIS SURVEY WAS PREPARED AND ON THEIR BEHALF TO THE TITLE COMPANY AND LENDING INSTITUTION LISTED HEREON. THIS CERTIFICATION SHALL NOT BE TRANSFERABLE.

CERTIFIED TO: CHICAGO TITLE INSURANCE COMPANY
(for TITLE NO. : 9910-00365)
MARY VEZZA

*SURVEY OF PROPERTY
SITUATE IN THE
TOWN of EASTCHESTER
WESTCHESTER COUNTY
NEW YORK*

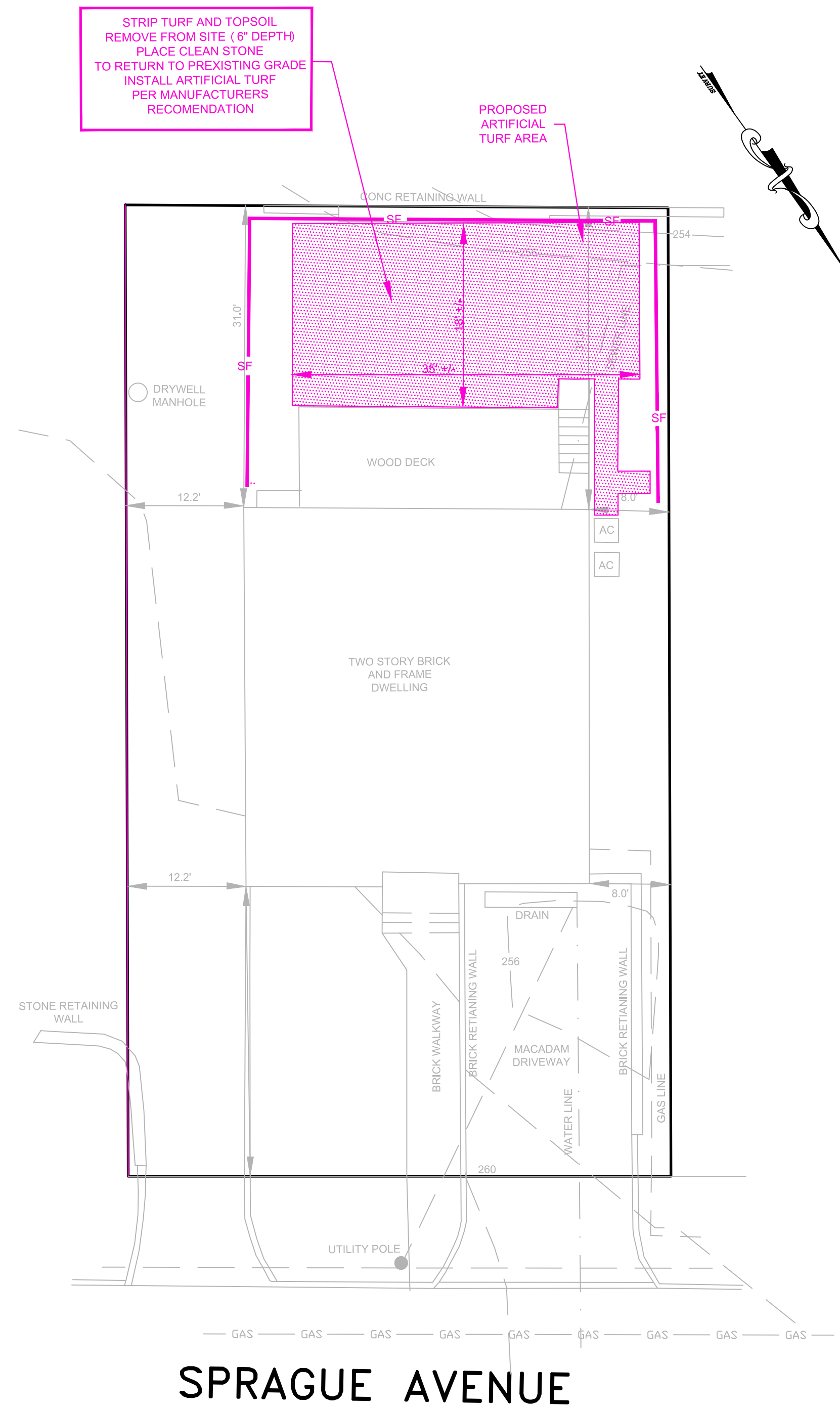
SCALE : 1" = 15'

FINAL AS-BUILT SURVEY APRIL 24, 1999

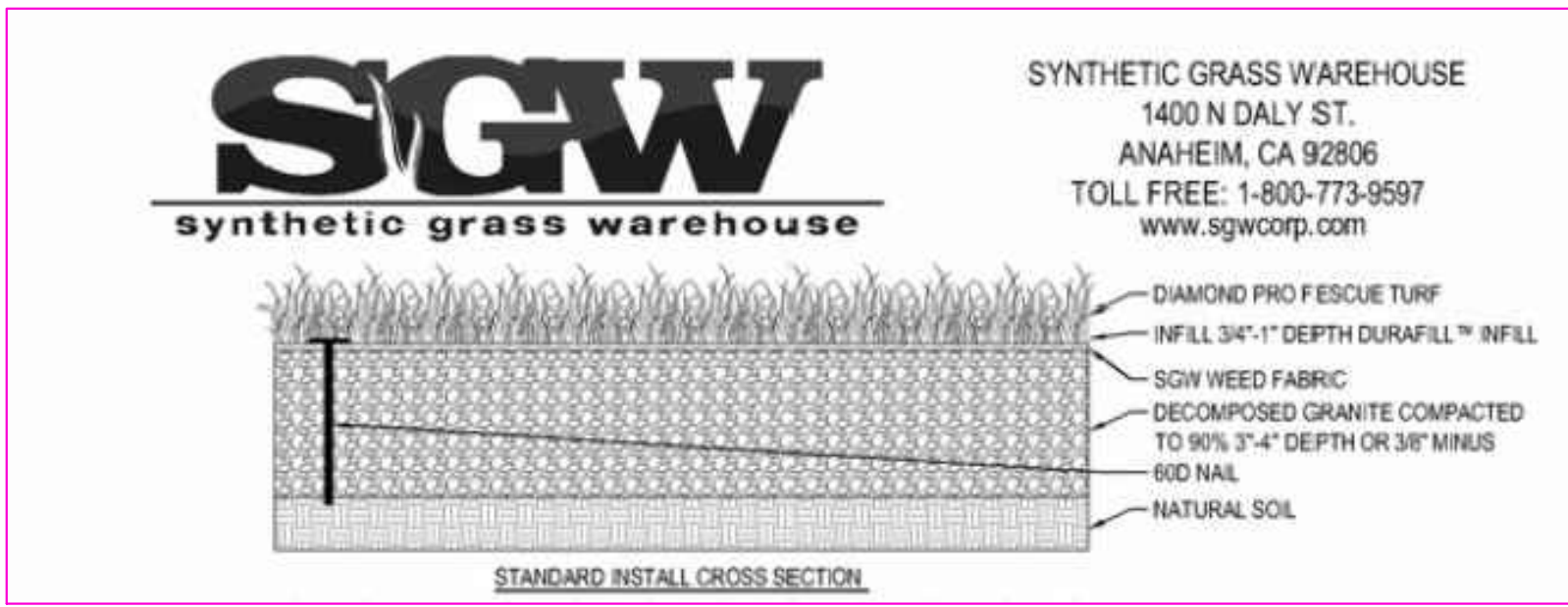
ROLAND K. LINK
16 SPRING BROOK DRIVE
MAHOPAC, N.Y. 10541
(914) 628-5857
(914) 621-0013 (fax)

NEW YORK STATE LICENSED
LAND SURVEYOR NO. 044228

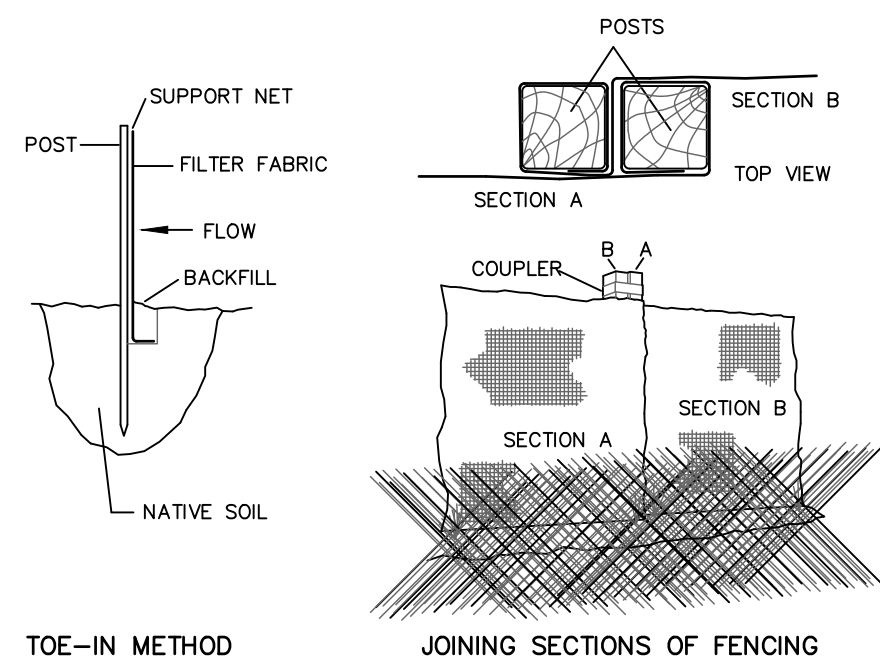




BACKYARD IMAGE
NOT TO SCALE



TURF DETAIL
NOT TO SCALE



INSTALLATION NOTES

- EXCAVATE A 4 INCH X 4 INCH TRENCH ALONG THE PROPOSED FENCE ALIGNMENT.
- UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM) WALL OF THE TRENCH (NET SIDE AWAY FROM DIRECTION OF FLOW).
- DRIVE THE POST INTO THE GROUND UNTIL THE NETTING IS APPROXIMATELY 2 INCHES FROM THE TRENCH BOTTOM.
- LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BACKFILL THE TRENCH AND TAMP THE SOIL.
- JOIN SECTIONS AS SHOWN ABOVE.
- CONTRIBUTING AREA SLOPE LENGTH SHALL BE LIMITED TO LENGTHS ON N.Y.S. GUIDELINES.

SILT FENCE
NOT TO SCALE

LEGEND

	CATCH BASIN		LOT SEWER SERVICE		EXISTING TREE, SIZE, TYPE		HYDRANT		PROPERTY LINE
	DRAINAGE INLET		SEWER CLEAN-OUT		FIRE ALARM SPLICE BOX		W.V. WATER VALVE		EXISTING CONTOUR - IND
	SEWER MANHOLE		LOT STORM SERVICE		TRAFFIC SIGN		G.V. GAS VALVE		EXISTING CONTOUR - INT
	DRAINAGE MANHOLE		LOT WATER SERVICE		ROOF LEADER		UTILITY BOX		PROPOSED CONTOURS
	ELECTRIC MANHOLE		ELECTRIC CROSSING		STREET SIGN		UTILITY BOX		SILT FENCE AND CONSTR FENCE
	MANHOLE		LIGHTPOLE		EXISTING SPOT ELEVATION		TEST PIT		EXISTING TREE TO BE RE
	MONUMENT SET		UTILITY POLE				PERCOLATION TEST		
	TRANSFORMER		TRANSFORMER						

General Notes

- Contract any disc
- The con prior to c
- All work Building Federal
- Undergr contract rely on tl
- Grading propose
- Existing otherwise Existing
- Design f
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- Surplus

Erosion Co

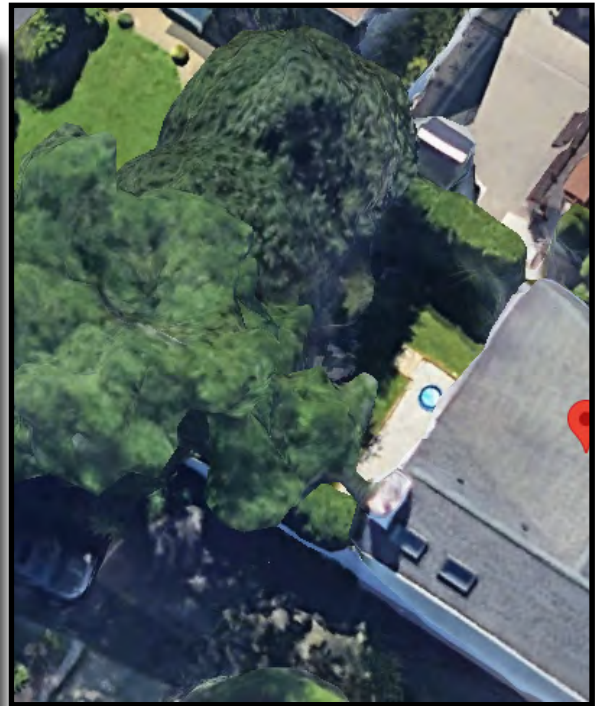
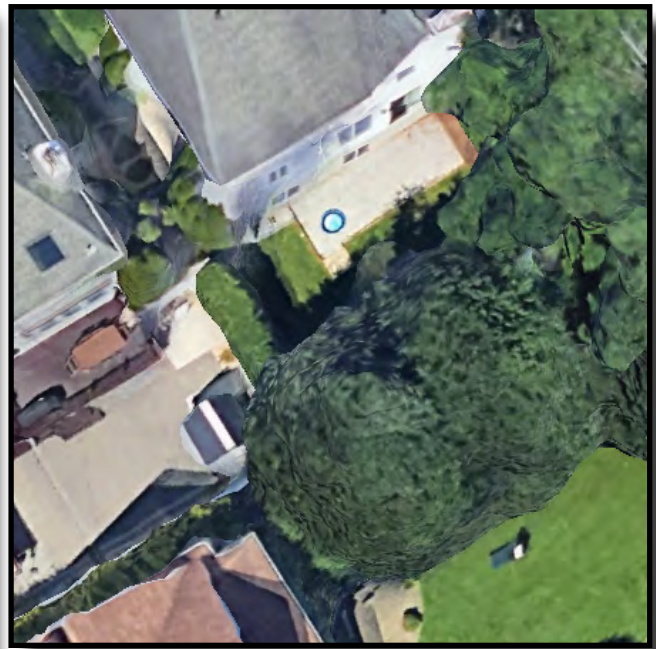
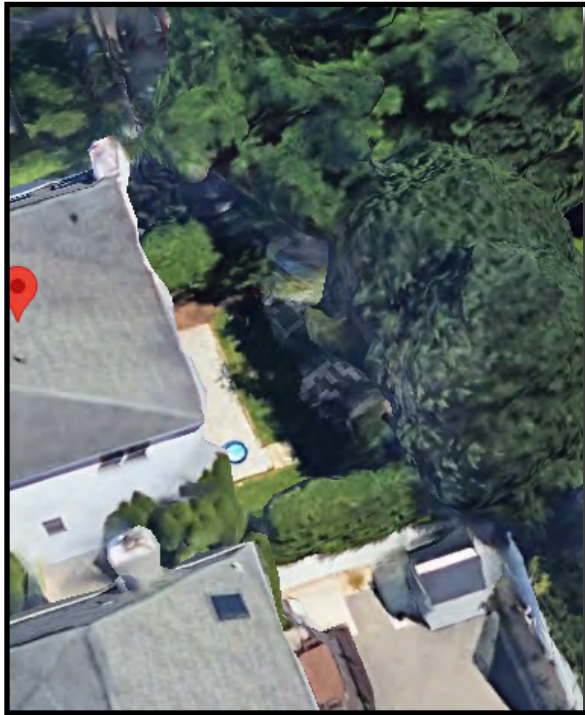
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Town of E

- Erosior dirt and
- Expose
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Map Refe

- Survey prepared



REAR YARD AERIAL PHOTOS FROM GOOGLE MAPS

Application for synthetic turf
in rear yard

February 23, 2024

MOLLICK RESDENCE
6 SPRAGUE ROAD
SCARSDALE
Town of Eastchester

















