

Pleasantville Zoning Board of Appeals Meeting  
January 29, 2015

The Pleasantville Zoning Board of Appeals meeting was called to order at 8:25 pm, on Thursday, January 29, 2015 by Austin Campriello, Chairman. Present were: Austin Campriello, Chairman; Steve Block, Daniel Franklin, Steven Krauss and Erika Krieger, Members; Robert Hughes, Building Inspector; and Mary Sernatinger, Secretary.

- (1) **Case No. 2014-18 – Mr. Tom Liberati, 44 Saratoga Avenue.** Proposal to construct a new 2-1/2-story single-family residence on the property located on the corner of Saratoga Avenue and Columbus Avenue within the Village of Pleasantville in violation of Section 185-36.B.(1), Schedule I, “Bulk Requirements,” regarding a deficient front-yard setback, rear-yard setback and lot depth. Present: Tom Liberati and Steve Dimovski, Architect.

Mr. Campriello noted that a non-binding vote to deny was taken at the previous meeting with only three members present. The members who were absent from that meeting – Ms. Krieger and Mr. Franklin – said they had familiarized themselves with the record and were prepared to participate in this matter.

Mr. Dimovski reviewed the proposal. This is a 5,000 square-foot legal property located on the corner of Saratoga Avenue and Columbus Avenue. Zoning requirements for parking and lot coverage are met. It is difficult to meet some of the bulk requirements, because it is a corner lot.

Mr. Franklin understood that there are two lots. The lot that has nothing on it is not in question. The plan is to tear down the existing house on the other lot and construct a new house.

Mr. Dimovski said there are four nonconformities associated with the existing house and there would only be three nonconformities with the proposed new house, because it will be placed further back. None of the setbacks that are there now would be exceeded. The setback on Columbus would be conforming. Views at the corner would be opened up, making it safer for driving. Mr. Dimovski said the existing house is in rough shape, and the new house would fit nicely into the neighborhood.

Joe Gullotta, 49 Columbus Avenue, said the area is already overpopulated with people and cars, and he was opposed to there being two houses on the property. He said the area has historically had two-family homes, and he thought it would be better to have one two-family home than two one-family homes. He noted that the house would be set back only eight feet from his property line. He thinks the variances are extensive.

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Alice Gullotta, 49 Columbus Avenue, was concerned about loss of privacy if the house were only eight feet from their back yard. She expected a 4-bedroom house would attract a family with children who would be playing in the 8-foot area abutting their property. There would be tables and chairs where people would be congregating right next to their fence, from which their conversations would be heard. Mrs. Gullotta said this would affect their privacy and their quality of life as well as their property value. She would like any construction to be within the confines of current zoning.

Mr. Dimovski clarified that the 8-foot setback is on the empty lot along the side yard next to the Gullottas' property – not along their rear yard. All of the zoning requirements for that lot are met.

Mr. Gullotta (son) said if the first house is permitted, it clears the way for the second one.

Ms. Krieger explained that even if nothing is done with the first lot, the applicant could build on the second lot because it does not need any variances. Mr. Campriello said these are two building lots. The existing house would be removed and a more attractive house would be built that would be more Code compliant.

Mrs. Gullotta said the neighborhood is overbuilt and she thought the two lots should be considered as one piece of property.

Mr. Gullotta (son) said a house on the second lot would be too close.

Mrs. Gullotta said her preference would be for one two-family house instead of two one-family houses, because there would be more space around the house.

Mr. Campriello clarified that these are two separate building lots, and it would not be appropriate or legal for the Zoning Board to tell the applicant what to do with his two lots.

Mrs. Gullotta asked if the purpose of a variance was to allow the building of a bigger house. Mr. Campriello responded that they are looking to build a bigger house that is pushed back further on the lot. The other lot is not in front of the Zoning Board at this time. When they are ready to build on the second lot, they claim that they are going to build within what the zoning permits. Mr. Campriello said that what Mrs. Gullotta wants the Zoning Board to do is deny something on the lot.

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that does not about the Gullottas' property in the hopes that it will prevent them from doing what the Gullottas don't want on the second lot. If they don't get variances to build on the first lot, then they could just leave the existing small house where it is and just build on the other lot.

Ms. Krieger noted that the side setbacks are 8 feet minimum with a 20-foot aggregate total, so the house on the second lot could be placed 12 feet from the Gullottas' property line instead of 8 feet, and then it could be set back 8 feet on the other side yard.

Mr. Liberati said he could consider that. He believes what they propose will improve the neighborhood. They bought two lots with the intention of building two homes. They will improve what's there and decrease the nonconformity. They will also improve visibility and increase safety. He noted that the Gullottas had the luxury for a long time of having a vacant lot next to them. Mr. Liberati said that if the Gullottas are interested in buying that lot, he is willing to discuss it with them.

Mrs. Gullotta said she understands and she appreciates their willingness to consider moving the house further away from their property so they could have more privacy in their back yard.

On a motion by Mr. Krauss, seconded by Ms. Krieger and unanimously carried, the Public Hearing was closed.

Based upon a review of the application of Mr. Tom Liberati to construct a new 2-1/2-story single-family residence on the property located on the corner of Saratoga Avenue and Columbus Avenue, the Zoning Board of Appeals determined that it is the only Involved Agency and that the Proposed Action is classified as a Type II Action under Part 617.5 of the State Environmental Quality Review Act regulations. Therefore, this application requires no further processing under SEQR.

VOTING took place as follows:

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| Ms. Krieger | - | Approve, based on the balancing test. Pushing the house back has a benefit to the neighborhood, opening up the front. It also reduces one area of nonconformity. We have had this problem with corner lots where the long side must be considered the front. If this were an interior lot, it would be different. The balance weighs in favor of the applicant. |
| Mr. Krauss  | - | Approve, for reasons stated at the previous meeting.  |

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- Mr. Campriello - Approve, for reasons stated at the previous meeting.  
Mr. Franklin - Approve, based on the balancing test and for reasons stated by Ms. Krieger.  
Mr. Block - Approve. He thinks it is unfortunate that a 50 x 100 lot is a building lot in this zone, because it is next to impossible to build on a 50 x 100 without variances, especially if it is a corner lot.

- (2) Case No. 2015-01 – Mr. Stephen Lopez, 254 Bedford Road. Proposed two (2)-lot subdivision at the corner of Bedford Road and Ashland Avenue. To subdivide one lot with an existing two-family house into two lots as proposed would not comply with Section 185-36.B.(1), Schedule I, “Bulk Requirements,” regarding excessive development. Present: Stephen Lopez.

For the record, Mr. Franklin stated that his is a long-standing friend and neighbor of Mr. Lopez, but he did not believe that what Mr. Lopez is proposing would have any effect on his property value; so unless Mr. Lopez objected, he planned to participate in this matter. Mr. Lopez said he did not have a problem with Mr. Franklin participating.

Mr. Lopez said the two lots resulting from the proposed subdivision meet area requirements. He had figured out that if he designs the new house on the corner with a detached (instead of attached) garage, it would meet the other zoning requirements. Detached garages are common in the neighborhood. He could also shift the house back further on the lot.

The only variance needed is for building development coverage, mainly because the zoning code considers gravel surfaces to be coverage. Mr. Lopez said he plans to remove the walks in the front and back, but to bring it completely into compliance, he would have to pull the driveway in considerably, which would result in loss of parking for the carriage house. He would also have to remove a gazebo and shed. He said he could do that, but he would prefer not to.

To clarify, Mr. Campriello asked Mr. Lopez if he had gone to the Planning Commission for subdivision approval but the Planning Commission referred him to the Zoning Board because they wanted him to get a variance on the current lot to bring it into compliance before they would consider approving a subdivision. Mr. Lopez said the variance is for building development coverage, not structures.

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Mr. Franklin asked why Mr. Lopez divided the lots where he did instead of moving the dividing line further east. Mr. Lopez said he wants the house to be 36' x 36', which will work nicely. He said the square footprint is similar to other houses on Bedford Road and lends itself to being a real center-hall colonial. He does not want the house pushing up against his lot; he wants to keep some separation between his house and the new house.

Ms. Krieger commented that the new house appeared to be three stories, but Mr. Lopez said it is actually 2-1/2 stories because there is less than 50 percent of the floor area on the top, so it doesn't qualify as a third floor. However, it will require sprinklers.

Mr. Hughes confirmed that it is 2-1/2 stories. It has a cellar, not a basement.

On a motion by Ms. Krieger, seconded by Mr. Franklin and unanimously carried, the Public Hearing was closed.

WHEREAS, on January 29, 2015, on a motion by Mr. Krauss, seconded by Mr. Block, and carried, the Zoning Board of Appeals as Lead Agency under SEQR, determined that the application of Mr. Stephen Lopez for a two-lot subdivision at the corner of Bedford Road and Ashland Avenue is an Unlisted Action because it is not classified as either a Type I Action or a Type II Action under Parts 617.4 or 617.5, respectively, of the State Environmental Quality Review (SEQR) Act regulations. The Zoning Board of Appeals determined that the Proposed Action will not have a significant effect on the environment and adopted a Negative Declaration under the State Environmental Quality Review Act (SEQR), which is incorporated herein by reference.

VOTING took place as follows:

Mr. Block	-	Approve, based on the balancing test.
Mr. Franklin	-	Approve, because the coverage is mainly not the kind that is typically thought of as excess coverage. The balance weighs in favor of the applicant.
Mr. Campriello	-	Approve, for the same reason.
Mr. Krauss	-	Approve. The coverage is not impervious, and it is good not to reduce parking.
Ms. Krieger	-	Approve.

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(3) Minutes

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The minutes of the December 18, 2014 meeting were accepted with corrections from Mr. Campriello.

Respectfully submitted,

Mary Sernatinger  
Secretary

*These minutes were accepted as submitted and are ready to be FILED.*

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