

BOARD OF APPEALS

2022 MAY 31 P 8:11
VILLAGE OF SCARSDALE
OFFICE OF
CLERK/REGISTRAR

RUTHERFORD HALL
VILLAGE HALL
SCARSDALE, NY
March 9, 2022

A regular meeting of the Board of Appeals of the Village of Scarsdale was via Zoom video conference on Wednesday, March 9, 2022 at 7:00 p.m.

Those members present were Chair, Jeffrey Watiker, Barry Meiselman, Amy Cooper, Jeremy Gans, and Meredith Millen. Also present were Building Inspector, Frank Diodati, Village Planner, Greg Cutler, Assistant to the Village Planner, Rosy Doud, and Village Attorney, Dan Pozin.

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The Chair said welcome to the March 9, 2022 Zoning Board of Appeals meeting, which is being conducted by Zoom Video conference. Instructions for joining the meeting and accessing the application materials are available at www.scarsdale.com on the Calendar page under the Zoning Board of Appeals Meeting. Members of the public can view this meeting live and provide comments as directed.

As we begin this evening's meeting, I'd like to take a few moments of your time to explain the Board's procedures. We hear each application in the order in which it is noticed -- we hear first from the applicant and then from any persons wishing to speak. When I ask for public comment, please click "Raise Hand" or dial *9 to participate by phone.

After all of the evening's hearings, the Board will deliberate. Deliberations are open to the public. At the conclusion of deliberations on each application, the Board attempts to reach a consensus. For an application to be granted, at least three of the Board's five members must vote in favor of that application. The Board's decision is memorialized in a written resolution. The resolutions are filed at Village Hall and are available to the public.

Should you decide to leave the meeting before the vote, you may obtain the Board's decision by calling the Planning Department at Village Hall tomorrow at 722-1131. Also, tomorrow the decisions will be posted on the web at www.scarsdale.com in the Agenda Center under Zoning Board of Appeals.

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The reading of the following legal notice was waived pursuant to a continuing resolution adopted by unanimous vote of the Board:

**LEGAL NOTICE
VILLAGE OF SCARSDALE**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Board of Appeals of the Village of Scarsdale via **Zoom Video Conference** on **Wednesday, March 9, 2022** at 7:00 p.m. at which time the Board of Appeals will consider the following:

1. The application of Stephen DiMartino and Alison Gedalowitz for a Variance from chapter 310-47 (swimming pool setback) of the Village Code and a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to legalize the location of an existing swimming pool at 13 Circle Road, identified on the Village tax map as Sec. 1, Blk. 3, Lot 7.
2. The application of Melior ZD LLC for a for a Variance from chapter 310-47 (swimming pool setback) of the Village Code to legalize an existing hot-tub and a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 2 Carstensen Road, identified on the Village tax map as Sec. 3, Blk. 2, Lot 52.
3. The application of TDJ Contracting Corp. for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 20 Sherbrooke Road, identified on the Village tax map as Sec. 13, Blk. 1, Lot 14B.
4. The application of Neal and Lynne Dorf for Variances from chapters 310-43 (rear yard setback) and 310-22 (lot coverage) to construct an attached garage at 33 Vernon Road, identified on the Village tax map as Sec. 19, Blk 1. Lot 145.
5. The application of Scott and Rachel Graulich for a Variance from chapter 310-35 (front yard setback) of the Village Code to construct a new front portico on an existing platform at 11 Normandy Lane, identified on the Village tax map as Sec. 24. Blk. 1, Lot 308. **This item will be adjourned to the April 27, 2022 meeting.**
6. The application of Mariano Gomide de Faria for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 38 Sage Terrace Road, identified on the Village tax map as Sec. 5, Blk 1, Lot 58.
7. The application of Kenneth and Elizabeth Hoexter for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 34 Sheldrake Road, identified on the Village tax map as Sec. 17, Blk 1, Lot 36.
8. The application of Kenneth and Jodi Meyerson for a Variance from chapter 310-22 (lot coverage) of the Village Code at 5 Hanover Road, identified on the Village Tax map as Sec. 17, Blk. 1, Lot 248.
9. The application of Scott and Allison Group for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 50 Harvest Drive, identified on the Village tax map as Sec. 22, Blk 19, Lot 35.

10. The application of Alexandra and Anthony East for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 20 Cayuga Road, identified on the Village tax map as Sec. 17, Blk 1, Lot 354.

Members of the public wishing to present comments may do so online by accessing the meeting at <https://scarsdale.zoom.us/j/92090704423> or by calling 1-929-436-2866 and entering the meeting ID: 920 9070 4423.

Copies of the above applications may be viewed by interested parties at this Dropbox link: <https://tinyurl.com/2vwrcwe6>

Please email planning@scarsdale.com or call 914-722-1131 with any comments or questions.

To receive meeting agendas by e-mail, visit www.scarsdale.com and click on “Notify Me” to subscribe.

By Order of the Board of Appeals, Scarsdale, New York, dated February 25, 2022.

Gregory Cutler, AICP, Village Planner.

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CASE #11 of 2022

1. The Chair declared the hearing open on the application of Stephen DiMartino and Alison Gedalowitz for a Variance from chapter 310-47 (swimming pool setback) of the Village Code and a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to legalize the location of an existing swimming pool at 13 Circle Road, identified on the Village tax map as Sec. 1, Blk. 3, Lot 7.

Paula Tomisaki, Architect, and Mr. Eliot Senor, Engineer, were present.

Ms. Tomisaki said they received a special use permit last year for a jacuzzi. A mistake happened during construction, and once they received the final as-built survey, they realized the distance to the property line is 1 ft. 10 inches short. They are requesting a variance.

The Chair asked what would be involved in relocating the jacuzzi. Ms. Tomisaki said it would not be easy to move. It is a very big jacuzzi, and there is equipment underground.

Ms. Millen asked if the client was aware it was built in the wrong place. Ms. Tomisaki said they were not aware until they got the as-built survey to close the building permit.

Mr. Cutler said one measurement on the survey submitted was showing 28.2 ft. and one was 27.4 ft. Ms. Tomisaki said the distance to the water's edge is 28.2 ft. 27.4 is the distance to the edge of the spa.

The Chair asked if the applicant is sure the dimensions they have indicated are from the closest point to the lot line. Mr. Senor said generally they give the closest point.

Mr. Meiselman asked what percent the variance is. Ms. Tomisaki said close to 6%.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #12 of 2022

2. The Chair declared the hearing open on the application of Melior ZD LLC for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 2 Carstensen Road, identified on the Village tax map as Sec. 3, Blk. 2, Lot 52.

Daniel Sherman, Landscape Architect, was present.

Mr. Sherman said they were originally applying for a special use permit for a new pool and did not realize a hot tub had been built without a permit. They need a variance because the hot tub does not meet the required setback. The pool meets the setback requirements. Mr. Sherman said they are using picket aluminum and an existing vinyl fence. There is a hot tub enclosure and pool enclosure. They are adding screening.

The Chair asked why there is a hot tub that is not permitted. Mr. Sherman said the owners bought the house in October and asked the hot-tub company if it needed to be permitted, and they told her it did not. The spa is 18.81 ft. to the property line.

The Chair asked if the deck was part of the installation of the hot tub. Mr. Sherman said yes.

The Chair asked if the screening on the easement is required by some kind of agreement. Mr. Sherman said he does not know of an agreement, and he has seen the title.

The Chair asked if the applicant would be amenable to the Board considering the pool and the spa separately. Mr. Sherman said yes.

Mr. Sherman asked if the 6 ft. fence in the rear is permitted since it is on a private road. Mr. Cutler said staff would have to research.

Ms. Cooper asked what the percentage for the variance request is. Mr. Cutler said it is 37%. Ms. Cooper asked if they have considered building a new spa with the pool as a solution. Mr. Sherman said they did not consider doing that yet.

Mr. Gans asked if the applicant would have to come back if the Board approved the pool but not the spa, and the applicant later decided to add a spa to the pool. The Chair said they would not have to get a new special use permit unless adding the spa changed the shape of the pool.

Mr. Cutler said it looks like the fence is not permissible, so if they wanted to include the fence, it would require an extra variance request.

Mr. Gans asked if there was a permit issued for the deck. Mr. Sherman said there should have been, but there was not. Mr. Gans asked if approving everything would legalize the deck. Mr. Diodati said it would be approved through a separate process. Mr. Gans asked if the deck would need a variance. Mr. Diodati said no because it is at grade, so it would be treated as a patio.

Mr. Gans said the staff notes mentioned a stone wall that needs to be removed. He asked where this is. Mr. Diodati said there is a wall that was constructed on Village property, but this is not part of the application.

Mr. Cutler asked if the rear fence is on the applicant's property. Mr. Sherman said that it is according to the latest survey.

Ms. Millen asked if the current owner installed the spa. Mr. Sherman said yes. Ms. Millen asked when it was installed. Mr. Sherman said November.

Ms. Cooper asked if the Village has required the applicant to shut down the spa. Mr. Diodati said they issued a violation notice. Ms. Cooper asked if they would be able to move forward building a pool if they had the open violation. Mr. Diodati said they would have to fix it before getting a permit.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #13 of 2022

3. The Chair declared the hearing open on the application of TDJ Contracting Corp. for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 20 Sherbrooke Road, identified on the Village tax map as Sec. 13, Blk. 1, Lot 14B.

Walter Nestler, Landscape Architect, was present.

Mr. Nestler said they are proposing an in-ground swimming pool. He showed the planting plan. He said there is substantial existing screening. They are proposing a 20 x 40 ft. pool with a low retaining wall along the back. They are proposing black chain-link fencing on 3 sides and aluminum picket fencing on the other. They are also proposing additional screening.

The Chair asked if the screening on the plan will totally screen the pool from the time it is planted. Mr. Nestler said they will comply with the screening requirement and add additional materials as needed.

The Chair asked if the line of planting on the right side is on the neighbor's property or the client's property. Mr. Nestler said he shows both, but they are only relying on the trees on the clients' property.

Ms. Cooper asked if there are gaps in the Norway spruces. Mr. Nestler said a few have died, but they will be replaced. The ones that are alive do not have any gaps.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #14 of 2022

4. The Chair declared the hearing open on the application of Neal and Lynne Dorf for Variances from chapters 310-43 (rear yard setback) and 310-22 (lot coverage) to construct an attached garage at 33 Vernon Road, identified on the Village tax map as Sec. 19, Blk 1. Lot 145.

Eliot Senor, Engineer, was present.

Mr. Senor said there is an existing single car garage under the back of the house, and it is difficult to maneuver into the garage. The property slopes from front to back. They are proposing a 3-car garage. The garage is up against an existing 1 story building. They want to

build a short wall to bury the side of the garage about 4 ft. below grade. They are meeting side yard setbacks but not the rear-yard setback. They cut the garage down to the minimum space they could use for a 3-car garage. It is 30 ft., and they usually make it 33-35 ft. They are also seeking a coverage variance. The existing lot is over coverage by a couple hundred feet. They are requesting up to 500 ft, or a 10% variance. They are going to be removing a walkway under the house to off-set the coverage. The reason for the garage is that Mr. Dorf has 3 cars. He had a very expensive car stolen out of the driveway. They are requesting a 26% setback variance. The variances will not have a large effect because the area back there is very wooded. It would be an improvement because there are currently cars in the parking lot.

Mr. Dorf, applicant, was present. Mr. Dorf said they have been in the house for 47 years, and their car was stolen out of their driveway. For security reasons, he would like to have a 3-car garage.

The Chair said a 3-car garage is a big ask. It is not customary in this neighborhood for people to have 3-car garages, so variances of these sizes is substantial. The Chair said he does not know how they would limit the thoughts about when a variance would be appropriate based on how many cars they have. This particular lot has houses directly behind that are relatively close to the lot line. He asked whether there are drawings that show what this is going to look like. Mr. Senor said he does not have the architectural plans. Mr. Dorf said he has the drawing that was done.

Ms. Cooper asked if the drawings are elevations. She said she had the same reactions as the Chair. She asked if there would be a need for a variance for 2-car garage. Mr. Senor said the lot is currently over coverage by about 100 ft, so they would still need a coverage variance, but they would probably not need a rear-yard variance.

The Chair asked what is happening to the current garage space. Mr. Senor said it would become storage and would have a pedestrian door.

Mr. Gans said he wants to reiterate the importance of the drawings because it will help the Board determine if it meets the factor test. He said it looks like the angles would make it difficult to get a car in. Mr. Senor said they have looked at it.

Mr. Gans said he did not see many 3-car garages in the area.

Mr. Senor showed the elevations.

The Chair asked what would happen with the elevation with the garage being buried. Mr. Senor said they would raise the back yard and add about 2 ft. of additional fill.

Ms. Cooper asked why there is a railing on the roof. Mr. Dorf said it is for decorative purposes.

Ms. Cooper asked if a SWEC will be needed. Mr. Senor said there will certainly be stormwater done.

Ms. Cooper asked if they are turning the driveway to gravel. Mr. Senor said no. Ms. Cooper asked if they have considered making any other surfaces pervious. Mr. Senor said they could take out the walkway to the side door and side patio. That would remove about 61 sq. ft.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #15 of 2022

5. The application of Scott and Rachel Graulich for a Variance from chapter 310-35 (front yard setback) of the Village Code to construct a new front portico on an existing platform at 11 Normandy Lane, identified on the Village tax map as Sec. 24. Blk. 1, Lot 308 will be held over to the April 13, 2022 meeting.

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CASE #16 of 2022

6. The Chair declared the hearing open on the application of Mariano Gomide de Faria for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 38 Sage Terrace Road, identified on the Village tax map as Sec. 5, Blk 1, Lot 58.

Tara Vincenta, Landscape Architect, was present.

Ms. Vincenta said the clients want to construct a swimming pool, fire pit, and outdoor kitchen. They are removing the existing driveway and replacing it with permeable pavers to meet lot coverage requirements. They have also retained Hudson Engineers to do drainage. The pool meets all required setbacks. The equipment pad is within the setback. Pictures of the existing site conditions show that the property is completely screened by evergreens taller than 5 ft. The screening is also shown on the survey, and the photos illustrate that there are no gaps. There is an existing fence. The application meets lot coverage and stormwater requirements.

Mr. Gans said he noticed some thinning of the trees on the south and east sides. Ms. Vincenta said her client would be happy to fill in the gaps, and they are willing to add that to the plan.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #17 of 2022

7. The Chair declared the hearing open on the application of Kenneth and Elizabeth Hoexter for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 34 Sheldrake Road, identified on the Village tax map as Sec. 17, Blk 1, Lot 36.

Miguel Sostre, Architect, was present.

Mr. Sostre said they are proposing a code compliant pool. They will be adding screening around the entire property and will not be relying on existing screening that is thinning.

Mr. Cutler said they are waiting on a revised lot coverage sheet. There is plenty of excess coverage available, but they need the area of the watercourse to be reduced in accordance with the zoning requirements. He does not anticipate doing so will create the need for a variance.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #18 of 2022

8. The Chair declared the hearing open on the application of Kenneth and Jodi Meyerson for a Variance from chapter 310-22 (lot coverage) of the Village Code at 5 Hanover Road, identified on the Village Tax map as Sec. 17, Blk. 1, Lot 248.

Daniel Sherman, Landscape Architect, was present.

Mr. Sherman said they are requesting a lot coverage variance. When they started the process, they were already over permitted lot coverage without the pool. They planned on making the driveway and part of the tennis court permeable. They took away part of the driveway and are planning on taking away more of it. They looked into doing the work on the tennis court, and it is projected to cost \$75,000. The pool is done. They have reduced the lot coverage.

The Chair asked if all of the driveway will be made permeable. Mr. Sherman said there is just a small band that will remain impervious.

The Chair asked if the flagstone patio by the tennis court is pervious. Mr. Sherman said it is not but it can be made permeable.

The Chair asked if part of the issue is that the applicants want to use the tennis court as a basketball court. Mr. Sherman said partially. He had proposed to remove the 3 ft. around the court, but it is prohibitively expensive.

The Chair asked if the tennis court is pre-existing. Mr. Sherman said he believes so.

Mr. Meiselman said this was a relatively recent approval. It is hard to fathom that the proposed solution was not priced appropriately at the time. He asked when the pool was approved and if the applicants realized at some point that this was going to be a very expensive proposition. Mr. Sherman said they got the approval in December 2020 and thought it seemed like a simple thing to do. He was not aware it would cost so much.

Ms. Cooper asked if they looked at sport court. Mr. Sherman said yes.

Ms. Cooper asked if they have considered removing the tennis court. Mr. Sherman said he does not think so as the applicants use it a lot.

Ms. Cooper said that approving this application could set a precedent of allowing people to say they are going to swap something out, putting in the pool, and then coming back to the Board claiming hardship.

Ms. Millen said this is a difficult application. There was a proposal that the Board considered in good faith. She asked why the work wasn't done at the time the pool was being built.

Mr. Sherman said the court was a specialty item and needed a different team.

Ms. Millen asked if the applicant would be willing to swap out the flagstone deck. Mr. Sherman said he would have to ask his client.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #19 of 2022

9. The Chair declared the hearing open on the application of Scott and Allison Group for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 50 Harvest Drive, identified on the Village tax map as Sec. 22, Blk 19, Lot 35.

Peter Gregory, Engineer, was present.

Mr. Gregory said the application before the Board is for the construction of a pool in the back yard and an expansion of the existing bluestone terrace. Pool equipment will be located in the equipment area. The plan also proposes supplemental screening. There are existing evergreens along the rear property line, but they will supplement it as some of the existing screening is not on his client's property.

The Chair asked what the fence material is. Mr. Gregory said it is black chain-link vinyl along the sides and picket aluminum along the house.

Ms. Cooper asked approximately how many existing trees are being relied on. Mr. Gregory showed the existing evergreens on the site plan.

Ms. Cooper asked if the pines are sufficient. Mr. Gregory said he believes they are.

Mr. Gregory said the owner has approached the neighbors, and the two neighbors on each side have written to support the project.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #20 of 2022

10. The Chair declared the hearing open on the application of Scott and Allison Group for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 50 Harvest Drive, identified on the Village tax map as Sec. 22, Blk 19, Lot 35.

Eliot Senor, Engineer, was present.

Mr. Senor said they are proposing a swimming pool in the rear yard. The property is in a flood zone. They calculated the existing flood area and how much fill they would be putting into it to raise it above the flood line. They would be filling about 100 yards of flood area. To offset that, they are proposing excavating some of the area in the back of the property that is above the flood level. They are providing an addition 38% of flood volume. They will remove 138 yards of material, which add volume to store flood water. The pool meets all setback requirements, and they have dense screening. They did a calculation and a percolation test for the drainage. They submitted a letter from a soil scientist determining that there were no wetlands on the property. They indicated all the heights for the screening.

The Chair asked Mr. Senor to explain how the proposal would improve the flooding situation. Mr. Senor said they are adding about 100 cubic yards of fill, so they are going to re-create flood storage further back and remove 138 cubic yards of material. This will provide about 38 yards of additional flood storage.

The Chair asked how the pool enclosure fence is being handled. Mr. Senor said the fence will be the standard black vinyl chain-link. It will run from the back of the garage around the entire property and to the back of the house.

The Chair asked where the pool equipment is. Mr. Senor indicated the location of the pool equipment on the plan.

Ms. Cooper said the Board does not usually see pools where fill is removed in one area and added in another. She asked how this would impact the rear neighbor who would

now have lower land abutting their property. Mr. Senor said will not. They are not touching anything within 30 ft of the property line.

Ms. Cooper said she was under the impression that the code has strict fill requirements. Mr. Senor said they are not bringing material on site. In order to excavate the pool, they are taking fill from one side of the lot and putting it on the other side of the lot.

Ms. Cooper said the wetlands report submitted seemed to contradict what the homeowner in the rear submitted. She is concerned about how late the wetlands report was submitted. Mr. Senor said it was late. They were trying to get in touch with their usual wetland specialist, but it turned out he was on vacation. As far as the neighbor and the report, the neighbor said there are hydric soils. Hydric soils do not by themselves constitute wetlands.

Ms. Cooper asked if they are putting in new trees for screening. Mr. Senor said they are adding 40 or so plants, but if more plants are required, they will add more plants. Ms. Cooper said there does not seem to be enough screening.

Ms. Cooper said it is not typical for homeowners to put pools in flood plains. Mr. Senor said they did another pool last year in a flood plain.

Ms. Cooper asked if they have a SWEC. Mr. Senor said they will have one. Mr. Cutler said they are in a sensitive drainage area.

Ms. Cooper asked where the water will run. Mr. Senor said the back yard.

Mr. Senor asked what the condition of the house was when the area flooded. Mr. Senor said a small portion of the basement flooded about an inch.

Eileen Zambetti, 103 Catherine Road, was present. She said she is behind this proposed pool. All of Cayuga floods every time there is a storm. Their neighbors put in a pool at 22 Cayuga last year. They removed all of the trees on her property and ended up having to rectify it. The application before the Board is for the home behind her. She does not want them to add fill because it might change her water table. Putting the pool in is going to disrupt more of Cayuga than people realize.

Mr. Gans said for a special use permit that does not require a variance, the Board is checking that the plan complies with screening, fencing, setbacks, and coverage. It is not that he is not interested in flooding issues, but it is not within the Board's purview to deal with them.

Ms. Millen said thank you for speaking. The Board has seen a number of cases where they have had the same types of conversations, and when the pools do meet the requirements, there is not much Board can do. One thing that has come up is that on properties where there is no existing SWEC, adding one for a pool could potentially improve the conditions on the lot.

Mr. Meiselman said even if there were a variance condition, he does not think the Board has much purview over stormwater management.

Mr. Senor said they are also adding additional storage in the flood area.

The Chair said it is not the first time they have had a pool go into the flood zone. The Village has requirements for sensitive drainage areas regarding stormwater management, but there is nothing specifically preventing people from putting a pool in a flood zone. The Board tries to focus on areas in which they have statutory authority, and the stormwater management plan is not something for which the Board members have expertise. There are people in the Village and experts who do.

Marc Carter, 101 Catherine Road, was present. He said he lives caddy cornered to the property. He said if the Board of Appeals does not listen to these issues, who should he talk to. Mr. Cutler said the aspects of this application that are related to the flood plain require a flood plain development permit, which is issued through the Engineering Department. They have not reviewed it in depth, but they will be the ones who are reviewing it and making sure it is compliant. Mr. Carter asked if that is a public meeting. Mr. Cutler said no, but staff would be happy to answer his questions. Mr. Carter said he has a real problem with this. He does not think residents have any recourse. Cayuga is ground zero for the Sheldrake drainage issues. The soil study done is totally inadequate. It only covered one corner of the property. He would like a soil survey of the entire property. There are also issues with the coverage calculation. There is an 18 sq. ft. difference between the total footprint of the buildings and the maximum permitted. He tried to validate the lot coverage but could not because the plan did not have that level of detail.

Ms. Cooper asked if he would have wanted to hire an independent wetlands expert to verify it. Mr. Carter said what was provided was sub-standard.

Mr. Meiselman said the best advice he can give is to start with the Village Engineer.

Mr. Meiselman asked if there are other houses on Cayuga that have pools. Mr. Senor said yes. Mr. Meiselman asked if there have been any improvements to the flooding situation.

Alan Best, 18 Cayuga Road, was present. He said they moved in a little over a year ago and learned this a high-risk area for flooding. He cannot speak to the impact of the swimming pool at 20 Cayuga, but it is clear that adding impervious surfaces will exacerbate the issues. He hired a stormwater engineer for his home who told him the water table on his property is barely 2 ft. below the surface, and CULTECs will not do anything in this area because they will just sit full. He is also concerned about raising the grade.

Ms. Cooper asked Mr. Best if he has reason to doubt the quality of the wetlands report submitted today. Mr. Best said he does not know the technical definition of wetlands.

Alexandra East, 20 Cayuga Road, was present. She said the Board asked about how the construction of a pool at 22 Cayuga impacted the neighbors. Their yard has been drier since the pool was constructed.

Robert Reiffel, 15 Cayuga Road, was present. He said he has been the chairman of the neighborhood flooding committee. They want an original copy of the blueprint and survey to

consider whether this proposal meets the lot coverage. Mr. Senor is basing his assumption that this is not a wetland on one survey of one corner. This is not adequate.

The Chair said that checking the coverage would not trigger another level of review, and it is not customary for the Board to check lot coverage calculations.

Mr. Senor said about half of the applications that were on tonight were based on his firm's survey work. The first application where they were going for a survey for the spa was one that his firm did. He has done the surveys for some of the people on this call. As far as the wetlands report is concerned, he thinks everybody is confusing wet lands with wetlands. It does not matter that they took one sample of the soil because that is not the whole definition of a wetland as defined by the Village and the state. Their coverage is based on the reduced calculation. Five of the adjacent properties on their side of Cayuga have pools.

The Chair asked Mr. Senor if he is going to use CULTECs on his property and asked what kind of comfort he has that the CULTECs will work. Mr. Senor said there are different types of CULTECs. There is a requirement that there is a separation from the bottom of the system and the water table.

The Chair asked if there was anyone else who wished to be heard with respect to this application. No persons desiring to be heard, the Chair ended the discussion on the application.

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CASE #11 OF 2022

1. Alison Gedalowitz and Stephen DiMartino
13 Circle Road
Sec. 1 Blk. 3, Lot 7
Special Use Permit to construct a swimming pool and setback variance

The Board considered the application of Alison Gedalowitz and Stephen DiMartino, Case #11 of 2022, for a Special Use Permit and a setback variance from Chapter 310-47, to legalize the location of an existing swimming pool (hot tub) at 13 Circle Road, and, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

RESOLVED: That after careful examination of the site and evaluation of the information submitted with the application, the Board determined that such application, the granting of individual setback variances, is a Type II actions pursuant to 6 NYCRR 617.5(c) (16) and no further environmental review is required pursuant to said regulations; and

WHEREAS: The property, located in the A-2a (15,000 sq. ft.) zoning district, is shown in the Assessor's records as .4 acres and 17,550 sq. ft. on the lot coverage form; and

WHEREAS: The property is improved with a home built in 1936 with an addition in 2021; and

WHEREAS: Chapter 310-47 regulates swimming pool setbacks in Residence A zoning districts; and

WHEREAS: The existing hot tub is 28.2 feet from the side yard lot line, where 30 feet is required, representing 1.8 feet or a 6% variance; and

WHEREAS: The Board members have visited the site and are familiar with the materials in the application; now therefore be it

RESOLVED: That the application of Alison Gedalowitz and Stephen DiMartino, Case #11 of 2022, for a setback variance from Chapter 310-47, to legalize the location of an existing swimming pool (hot tub) at 13 Circle Road, be approved based on the following findings:

1. The requested variances will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The 1.8 foot difference in the location does not change the character of the neighborhood.

2. The benefit sought by the applicant cannot be achieved by another feasible method. The cost of moving it is prohibitive.
3. The requested variance is not substantial.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The initial approval would not have adversely impacted the neighborhood and the 1.8 foot differential does not change that.
5. The requested variance is self-created, but the hot tub was not intentionally placed in the noncompliant location.

RESOLVED: That the application of Alison Gedalowitz and Stephen DiMartino, Case #11 of 2022, for a Special Permit, to legalize the changed location of an existing swimming pool (hot tub) at 13 Circle Road, be approved based on the following findings:

1. The proposed swimming pool is consistent with the public health, safety, morals and general welfare of the community.
2. There shall be installed and maintained on the lot upon which the pool is located, and completely enclosing the pool, a fence or wall not less than 5 feet in height, with all gates and doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates and doors securely closed at all times when not in actual use. The fence shall be constructed as represented to the Board at the meeting and on the approved plans.
3. Evergreen screening shall be planted as represented on the plans but in any event, at a minimum of 5 feet in height, and spaced so as to completely screen the pool from the view of all persons occupying adjoining properties and from the street, subject to the approval of the Building Inspector, shall assure that these features be installed and maintained on the applicant's property as long as said pool is in existence.
4. A 24-hour filter circulating system shall be installed and maintained as represented on the plans.
5. Lighting of the pool and adjacent premises shall be limited to underwater lighting.
6. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to ensure that water containing chemicals, such as acids or detergents

resulting from lowering the water level of the pool or from pool cleaning, will be pumped directly into the sanitary sewer system, and not drained onto any land or into any stream or storm drain.

7. The use of the swimming pool shall be limited to the occupants of the principal building and their guests.

8. No excavation or removal of additional soil or rock shall be permitted except to construct the pool and any related stormwater management facilities.

9. A Stormwater Management and Erosion Control Permit is required. The soil erosion control measures shall be in place prior to the issuance of a Building Permit.

10. The applicant shall submit an "as built" survey and certified lot coverage form to the Building Inspector prior to the issuance of a Certificate of Occupancy, showing the final location of the pool, associated improvements, fencing and the as-built lot coverage.

11. The swimming pool shall be completed within 24 months and shall not be used prior to the issuance of a Certificate of Occupancy.

12. The Certificate of Occupancy shall not be issued until the applicant complies with all conditions set down by the Board.

13. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 24 months from the date of this resolution shall cause the Special Use Permit to become null and void.

Motion: Mr. Meiselman

Second: Ms. Millen

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #12 OF 2022

- 2. Melior ZD LLC
 2 Carstensen Road
 Sec. 3 Blk. 2, Lot 52
 Special Use Permit to construct a swimming pool and setback variance request for an existing hot tub.

The Board considered the application of Melior ZD LLC, Case #12 of 2022, for a Special Use Permit and a setback variance from Chapter 310-47, to legalize the location of an existing swimming pool (hot tub) at 2 Carstensen Road and to install a new swimming pool, and, upon motion duly made and seconded, unanimously held the matter over to the April 13, 2022 meeting pending the following:

- 1. Provide the applicant the opportunity to consider placing a hot tub at a compliant location instead of pursuing the requested set back variance and screening waiver that were related to the hot tub location.
- 2. Provide the applicant the opportunity to provide a fully-compliant screening plan.
- 3. The fence along the rear property line must be made compliant or an additional variance must be requested.

Motion: Ms. Cooper

Second: Mr. Gans

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #13 OF 2022

3. TDJ Contracting Corp.
20 Sherbrooke Road
Sec. 13 Blk. 1, Lot 14B
Special Use Permit to construct a swimming pool

The Board considered the application of TDJ Contracting Corp., Case #13 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 20 Sherbrooke Road, and, upon motion duly made and seconded, unanimously adopted the following resolution:

- WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it
- RESOLVED: That after careful examination of the site and evaluation of the information submitted with the application, the Board determined that such application, the construction of minor accessory structures (such as driveways, fences or pools) is a Type II action pursuant to 6 NYCRR 617.5(c) (12) and no further environmental review is required pursuant to said regulations; and
- WHEREAS: The property, located in the A-1 (1 acre) zoning district, is shown in the Assessor's records as 1.04 acres and 41,792 sq. ft. on the lot coverage form.; and
- WHEREAS: A home is presently under construction on the site; and
- WHEREAS: Chapter 310-88(A) of the Village Code authorizes the Board of Appeals to consider Special Use Permits for the construction of swimming pools; and
- WHEREAS: The plans show the current location of the swimming pool and associated equipment, landscaping and fencing; and
- WHEREAS: The pool and pool equipment appear to meet the required setbacks and the project appears to meet the lot coverage; and
- WHEREAS: The Board members have visited the site and are familiar with the materials in the application; now therefore be it
- RESOLVED: That the application of TDJ Contracting Corp., Case #13 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 20 Sherbrooke Road, as shown on the Site Plan and Landscape Plan dated revised March 3, 2022, be approved based on the following findings and conditions:

1. The proposed swimming pool is consistent with the public health, safety, morals and general welfare of the community.
2. There shall be installed and maintained on the lot upon which the pool is located, and completely enclosing the pool, a fence or wall not less than 5 feet in height, with all gates and doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates and doors securely closed at all times when not in actual use. The fence shall be constructed as represented to the Board at the meeting and on the approved plans.
3. Evergreen screening shall be planted as represented on the plans but in any event, at a minimum of 5 feet in height, and spaced so as to completely screen the pool from the view of all persons occupying adjoining properties and from the street, subject to the approval of the Building Inspector, shall assure that these features be installed and maintained on the applicant's property as long as said pool is in existence.
4. A 24-hour filter circulating system shall be installed and maintained as represented on the plans.
5. Lighting of the pool and adjacent premises shall be limited to underwater lighting.
6. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to ensure that water containing chemicals, such as acids or detergents resulting from lowering the water level of the pool or from pool cleaning, will be pumped directly into the sanitary sewer system, and not drained onto any land or into any stream or storm drain.
7. The use of the swimming pool shall be limited to the occupants of the principal building and their guests.
8. No excavation or removal of additional soil or rock shall be permitted except to construct the pool and any related stormwater management facilities.
9. A Stormwater Management and Erosion Control Permit is required. The soil erosion control measures shall be in place prior to the issuance of a Building Permit.
10. The applicant shall submit an "as built" survey and certified lot coverage form to the Building Inspector prior to the issuance of a Certificate of Occupancy, showing the final location of the pool, associated improvements, fencing and the as-built lot coverage.
11. The swimming pool shall be completed within 24 months and shall not be

used prior to the issuance of a Certificate of Occupancy.

12. The Certificate of Occupancy shall not be issued until the applicant complies with all conditions set down by the Board.

13. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 24 months from the date of this resolution shall cause the Special Use Permit to become null and void.

Motion: Ms. Millen

Second: Mr. Meiselman

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #14 OF 2022

- 4. Neal and Lynne Dorf
 33 Vernon Road
 Sec. 3 Blk. 2, Lot 52
 Lot coverage and variance request to construct a garage addition

The Board considered the application of Neal and Lynne Dorf, Case #14 of 2022, for a setback variance from Chapter 310-43 and a lot coverage variance from Chapter 310-22, to construct a three car garage at 33 Vernon Road, and, upon motion duly made and seconded, unanimously held the matter over to the April 13, 2022 meeting pending the following:

- 1. The provide the applicant the opportunity to reduce or eliminate the setback variance request and reduce or eliminate the lot coverage variance request.
- 2. The applicant must submit elevations that demonstrate the scale of the proposed garage.

Motion: Ms. Cooper

Second: Ms. Millen

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #15 OF 2022

- 5. Scott and Rachel Graulich
 11 Normandy Lane
 Sec. 24 Blk. 1, Lot 308
 Front setback variance request to construct a portico

The Board considered the application of Scott and Rachel Graulich, Case #15 of 2022, for a setback variance from Chapter 310-25, to construct a portico at 11 Normandy Lane, and, upon motion duly made and seconded, unanimously held the matter over to the April 13, 2022, so the applicant may re-notice the application with the correct information.

Motion: Ms. Cooper

Second: Ms. Millen

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #16 OF 2022

6. Mariano and Sabrina Defaria
38 Sage Terrace
Sec. 5 Blk. 11, Lot 58
Special Use Permit to construct a swimming pool

The Board considered the application of Mariano and Sabrina Defaria, Case #16 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 38 Sage Terrace, and, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

RESOLVED: That after careful examination of the site and evaluation of the information submitted with the application, the Board determined that such application, the construction of minor accessory structures (such as driveways, fences or pools) is a Type II action pursuant to 6 NYCRR 617.5(c) (12) and no further environmental review is required pursuant to said regulations; and

WHEREAS: The property, located in the A-3 (10,000 sq. ft.) zoning district, is shown in the Assessor's records as .56 acres and 25,297 sq. ft. on the lot coverage form; and

WHEREAS: The property is improved with a home built in 2016; and

WHEREAS: Chapter 310-88(A) of the Village Code authorizes the Board of Appeals to consider Special Use Permits for the construction of swimming pools; and

WHEREAS: The plans show the current location of the swimming pool and associated equipment, landscaping and fencing; and

WHEREAS: The pool and pool equipment appear to meet the required setbacks and the project appears to meet the lot coverage; and

WHEREAS: The Board members have visited the site and are familiar with the materials in the application; now therefore be it

RESOLVED: That the application of Mariano and Sabrina Defaria, Case #16 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 38 Sage Terrace, as shown on Site Development Plan dated revised February 25, 2022, be approved based on the following findings and conditions:

1. The proposed swimming pool is consistent with the public health, safety, morals and general welfare of the community.

2. There shall be installed and maintained on the lot upon which the pool is located, and completely enclosing the pool, a fence or wall not less than 5 feet in height, with all gates and doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates and doors securely closed at all times when not in actual use. The fence shall be constructed as represented to the Board at the meeting and on the approved plans.
3. Evergreen screening shall be planted as represented on the plans but in any event, at a minimum of 5 feet in height, and spaced so as to completely screen the pool from the view of all persons occupying adjoining properties and from the street, subject to the approval of the Building Inspector, shall assure that these features be installed and maintained on the applicant's property as long as said pool is in existence.
4. A 24-hour filter circulating system shall be installed and maintained as represented on the plans.
5. Lighting of the pool and adjacent premises shall be limited to underwater lighting.
6. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to ensure that water containing chemicals, such as acids or detergents resulting from lowering the water level of the pool or from pool cleaning, will be pumped directly into the sanitary sewer system, and not drained onto any land or into any stream or storm drain.
7. The use of the swimming pool shall be limited to the occupants of the principal building and their guests.
8. No excavation or removal of additional soil or rock shall be permitted except to construct the pool and any related stormwater management facilities.
9. A Stormwater Management and Erosion Control Permit is required. The soil erosion control measures shall be in place prior to the issuance of a Building Permit.
10. The applicant shall submit an "as built" survey and certified lot coverage form to the Building Inspector prior to the issuance of a Certificate of Occupancy, showing the final location of the pool, associated improvements, fencing and the as-built lot coverage.
11. The swimming pool shall be completed within 24 months and shall not be used prior to the issuance of a Certificate of Occupancy.

12. The Certificate of Occupancy shall not be issued until the applicant complies with all conditions set down by the Board.

13. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 24 months from the date of this resolution shall cause the Special Use Permit to become null and void.

Motion: Mr. Meiselman

Second: Ms. Cooper

	Aye	Nay	Abstain	Absent
Mr. Watiser	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #17 OF 2022

7. Kenneth and Elizabeth Hoexter
34 Sheldrake Road
Sec. 17 Blk. 1, Lot 36
Special Use Permit to construct a swimming pool

The Board considered the application of Kenneth and Elizabeth Hoexter, Case #17 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 34 Sheldrake Road, and, upon motion duly made and seconded, unanimously adopted the following resolution:

- WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it
- RESOLVED: That after careful examination of the site and evaluation of the information submitted with the application, the Board determined that such application, the construction of minor accessory structures (such as driveways, fences or pools) is a Type II action pursuant to 6 NYCRR 617.5(c) (12) and no further environmental review is required pursuant to said regulations; and
- WHEREAS: The property, located in the A-1 (1 acre) zoning district, is shown in the Assessor's records as 1.2 acres and 52,547 sq. ft. on the lot coverage form; and
- WHEREAS: The property is improved with a home built in 2013; and
- WHEREAS: Chapter 310-88(A) of the Village Code authorizes the Board of Appeals to consider Special Use Permits for the construction of swimming pools; and
- WHEREAS: The plans show the current location of the swimming pool and associated equipment, landscaping and fencing; and
- WHEREAS: The pool and pool equipment appear to meet the required setbacks and the project appears to meet the lot coverage; and
- WHEREAS: The Board members have visited the site and are familiar with the materials in the application; now therefore be it
- RESOLVED: That the application of Kenneth and Elizabeth Hoexter, Case #17 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 34 Sheldrake Road, as shown on the Site Plan dated February 14, 2022, be approved based on the following findings and conditions:
1. The proposed swimming pool is consistent with the public health, safety, morals and general welfare of the community.

2. There shall be installed and maintained on the lot upon which the pool is located, and completely enclosing the pool, a fence or wall not less than 5 feet in height, with all gates and doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates and doors securely closed at all times when not in actual use. The fence shall be constructed as represented to the Board at the meeting and on the approved plans.
3. Evergreen screening shall be planted as represented on the plans but in any event, at a minimum of 5 feet in height, and spaced so as to completely screen the pool from the view of all persons occupying adjoining properties and from the street, subject to the approval of the Building Inspector, shall assure that these features be installed and maintained on the applicant's property as long as said pool is in existence.
4. A 24-hour filter circulating system shall be installed and maintained as represented on the plans.
5. Lighting of the pool and adjacent premises shall be limited to underwater lighting.
6. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to ensure that water containing chemicals, such as acids or detergents resulting from lowering the water level of the pool or from pool cleaning, will be pumped directly into the sanitary sewer system, and not drained onto any land or into any stream or storm drain.
7. The use of the swimming pool shall be limited to the occupants of the principal building and their guests.
8. No excavation or removal of additional soil or rock shall be permitted except to construct the pool and any related stormwater management facilities.
9. A Stormwater Management and Erosion Control Permit is required. The soil erosion control measures shall be in place prior to the issuance of a Building Permit.
10. The applicant shall submit an "as built" survey and certified lot coverage form to the Building Inspector prior to the issuance of a Certificate of Occupancy, showing the final location of the pool, associated improvements, fencing and the as-built lot coverage.
11. The swimming pool shall be completed within 24 months and shall not be used prior to the issuance of a Certificate of Occupancy.

12. The Certificate of Occupancy shall not be issued until the applicant complies with all conditions set down by the Board.

13. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 24 months from the date of this resolution shall cause the Special Use Permit to become null and void.

Motion: Ms. Cooper

Second: Mr. Gans

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #18 OF 2022

- 8. Kenneth and Jodi Meyerson
 5 Hanover Road
 Sec. 17 Blk. 1, Lot 248
 Lot coverage variance for an existing pool

The Board considered the application of Kenneth and Jodi Meyerson, Case #18 of 2022, for a lot coverage variance from Chapter 310-22, to legalize a recently constructed swimming pool at 5 Hanover Road, and, upon motion duly made and seconded, held the matter over to the April 13, 2022 meeting pending the following:

- 1. The applicant must reduce or eliminate the lot coverage variance request.

Motion: Ms. Millen

Second: Mr. Gans

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper		X		
Mr. Gans	X			
Mr. Meiselman		X		
Ms. Millen	X			

* * * * *

CASE #19 OF 2022

9. Allison and Scott Group
50 Harvest Drive
Sec. 22 Blk. 19, Lot 35
Special Use Permit to construct a swimming pool

The Board considered the application of Allison and Scott Group, Case #19 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 50 Harvest Road, and, upon motion duly made and seconded, unanimously adopted the following resolution:

WHEREAS: The Board has considered the subject application pursuant to the State Environmental Quality Review Act and Chapter 152 of the Village Code; now therefore be it

RESOLVED: That after careful examination of the site and evaluation of the information submitted with the application, the Board determined that such application, the construction of minor accessory structures (such as driveways, fences or pools) is a Type II action pursuant to 6 NYCRR 617.5(c) (12) and no further environmental review is required pursuant to said regulations; and

WHEREAS: The property, located in the A-2 (20,000 sq. ft.) zoning district, is shown in the Assessor's records as .51 acres and 22,286 sq. ft. on the lot coverage form; and

WHEREAS: The property is improved with a home built in 2013; and

WHEREAS: Chapter 310-88(A) of the Village Code authorizes the Board of Appeals to consider Special Use Permits for the construction of swimming pools; and

WHEREAS: The plans show the current location of the swimming pool and associated equipment, landscaping and fencing; and

WHEREAS: The pool and pool equipment appear to meet the required setbacks and the project appears to meet the lot coverage; and

WHEREAS: The Board members have visited the site and are familiar with the materials in the application; now therefore be it

RESOLVED: That the application of Allison and Scott Group, Case #19 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 50 Harvest Road, as shown on the Site Plan dated February 14, 2022, be approved based on the following findings and conditions:

1. The proposed swimming pool is consistent with the public health, safety, morals and general welfare of the community.

2. There shall be installed and maintained on the lot upon which the pool is located, and completely enclosing the pool, a fence or wall not less than 5 feet in height, with all gates and doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates and doors securely closed at all times when not in actual use. The fence shall be constructed as represented to the Board at the meeting and on the approved plans.
3. Evergreen screening shall be planted as represented on the plans but in any event, at a minimum of 5 feet in height, and spaced so as to completely screen the pool from the view of all persons occupying adjoining properties and from the street, subject to the approval of the Building Inspector, shall assure that these features be installed and maintained on the applicant's property as long as said pool is in existence.
4. A 24-hour filter circulating system shall be installed and maintained as represented on the plans.
5. Lighting of the pool and adjacent premises shall be limited to underwater lighting.
6. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to ensure that water containing chemicals, such as acids or detergents resulting from lowering the water level of the pool or from pool cleaning, will be pumped directly into the sanitary sewer system, and not drained onto any land or into any stream or storm drain.
7. The use of the swimming pool shall be limited to the occupants of the principal building and their guests.
8. No excavation or removal of additional soil or rock shall be permitted except to construct the pool and any related stormwater management facilities.
9. A Stormwater Management and Erosion Control Permit is required. The soil erosion control measures shall be in place prior to the issuance of a Building Permit.
10. The applicant shall submit an "as built" survey and certified lot coverage form to the Building Inspector prior to the issuance of a Certificate of Occupancy, showing the final location of the pool, associated improvements, fencing and the as-built lot coverage.
11. The swimming pool shall be completed within 24 months and shall not be used prior to the issuance of a Certificate of Occupancy.

12. The Certificate of Occupancy shall not be issued until the applicant complies with all conditions set down by the Board.

13. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 24 months from the date of this resolution shall cause the Special Use Permit to become null and void.

Motion: Mr. Gans

Second: Mr. Meiselman

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans	X			
Mr. Meiselman	X			
Ms. Millen	X			

* * * * *

CASE #20 OF 2022

- 10. Alexandra and Anthony East
 20 Cayuga Road
 Sec. 17 Blk. 1, Lot 345
 Special Use Permit to construct a swimming pool

The Board considered the application of Alexandra and Anthony East, Case #20 of 2022, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 20 Cayuga Road, and, upon motion duly made and seconded, held the matter over to the April 13, 2022 meeting for the following reasons:

- 1. The applicant must submit a more detailed landscaping plan.
- 2. To provide the public the opportunity to review materials that were submitted the day of the March meeting.

Motion: Ms. Cooper

Second: Mr. Meiselman

	Aye	Nay	Abstain	Absent
Mr. Watiker	X			
Ms. Cooper	X			
Mr. Gans		X		
Mr. Meiselman	X			
Ms. Millen	X			

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On motion of Mr. Gans, seconded by Ms. Millen, and carried unanimously, the Board approved the minutes of the February meeting.

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The Chair announced that the next meeting of the Board of Appeals would be held on Wednesday, April 13, 2022, at 7 p.m.

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The meeting was adjourned at 11:50 p.m.

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Rosy Doud
Assistant to the Village Planner