A regular meeting of the Board of Appeals of the Village of Scarsdale was held in Third Floor Meeting Room in Village Hall on Wednesday, November 9, 2016, at 8:00 p.m.

Those members present were Jeffrey Watiker, Chair, Anil Ferris and Mary Kaye Koch. Also present were Counsel Richard Gardella, Building Inspector Frank Diodati, Village Planner Elizabeth Marrinan and Assistant to the Village Planner Cameron McLeod.

The Chair said please allow me 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 speaking in favor of or in opposition to the application.

After all of the evening's hearings, the Board will deliberate. Deliberations are open to the public. You are free to leave at the conclusion of your hearing or to stay for the deliberations. Some applicants choose to leave once their hearings have been concluded, while others choose to remain here. Should you decide to leave before the Board's deliberations you may obtain the Board's decision by calling Elizabeth Marrinan at Village Hall tomorrow at 722-1132. Also, tomorrow the decisions will be posted on the web at www.scarsdale.com under Planning. Whether you stay or go has no bearing on the Board's deliberations or decision.

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.

This evening we have only three members of the Board in attendance. An application requires three positive votes to pass, however if you wish, therefore, to postpone your hearing until the next meeting of the Board, you may do so.

The Chair noted that the application of 26 Hampton Road LLC, as contract vendee, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to
construct a swimming pool at 26 Hampton Road, identified on the Village tax map as Sec. 4, Blk. 4, Lot 517 would be held over at the request of the applicant.

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

LEGAL NOTICE
PUBLIC HEARING
BOARD OF APPEALS
VILLAGE OF SCARSDALE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Board of Appeals of the Village of Scarsdale in the Third Floor Meeting Room in Village Hall, 1001 Post Road, Scarsdale NY 10583, on Wednesday, November 9, 2016, at 8:00 p.m. at which time and place the Board of Appeals will consider the following:

1. The application of 26 Hampton Road LLC, as contract vendee, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 26 Hampton Road, identified on the Village tax map as Sec. 4, Blk. 4, Lot 517.

2. The application of Bonnie and Scott Loeser for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 11 Kent Road, identified on the Village tax map as Sec. 4, Blk. 3, Lot 872.

Copies of the above applications are on file in the Coordinating Office at Village Hall and may be viewed by interested parties at any time during usual business hours. 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 October 25, 2016.
Elizabeth Marrinan, AICP, Village Planner.

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CASE # 40 of 2016

2. The Chair declared the hearing open on the application of Bonnie and Scott Loeser, for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 11 Kent Road, identified on the Village tax map as Sec. 4, Blk. 3, Lot 872.

Scott Loeser, applicant, and Robert Sherwood, landscape architect, were present.
Mr. Sherwood described the application. The applicant seeks to install a comparatively small 18 x 36 foot swimming pool with a small surrounding terrace in the rear yard.

Mr. Sherwood said that the proposal is close to reaching maximum lot coverage, but it will be under by approximately 30 square feet. The Chair asked, as raised in the staff notes, whether Mr. Sherwood had included the proposed wall within the lot coverage calculation. Mr. Sherwood said that the wall was not included in the calculation, meaning that the proposed lot coverage is actually over the permitted total. Mr. Sherwood said that the applicant had considered removing the coping from the rear of the pool, which would sufficiently reduce the proposed lot coverage.

The Chair asked what the height of the proposed wall is, as there were conflicting measurements in the application, as identified in the staff notes. Mr. Sherwood said that the maximum height of the wall would be four foot. Mr. Diodati asked that the applicant also submit a detail of the wall.

Mr. Sherwood described the proposed location for the pool fence and screening. He said that there is an existing row of evergreens along the southern boundary line, which will be used for screening. The pool fence will run between these two rows of existing evergreen trees if possible, as shown on the plan, otherwise it will be set inside the plantings, closer to the house. The Chair asked whether setting the fence in further, with the trees on the far side, would cause maintenance issues. Mr. Sherwood said that the trees are currently hard to access, which the pool fence should not exacerbate. The trees had been planted by the neighbor.

Ms. Koch asked what type of trees will be used for screening. Mr. Sherwood said green giant arborvitae.

Ms. Marrinan asked whether the existing stockade fence will be maintained. Mr. Sherwood said yes. Additional chain link fencing will be installed along the stockade fence to ensure it meets the pool code, but the stockade fence will be retained. The Chair asked that the resolution show that the stockade fence does not constitute the pool enclosure fence, and that the pool enclosure fence be retained.

Ms. Marrinan asked what type of fencing will be used, as it was not shown on the plan. Mr. Sherwood said the applicant originally intended to use ornamental iron aluminum fencing, but now intends to use chain link fencing along the rear property line. Mr. Diodati asked that the style of fencing be shown on the plan, to assist the building department with their final inspection.

Mr. Diodati asked whether the floating gate shown to the north of the pool on the plan was an error. Mr. Sherwood said yes, that was an error. Mr. Diodati asked whether the applicant intended to install a gate on the southeastern section of the pool enclosure fence. The applicant said yes, they will put a gate there.
The Chair asked if there was anyone who wished to be heard with respect to this application, either in favor or in opposition. No persons desiring to be heard, the Chair declared the hearing closed.

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CASE #31 OF 2016

2. 26 Hampton Road LLC
    26 Hampton Road
    Sec. 4, Blk. 4, Lot 517.
    Special Use Permit to construct a swimming pool

The Board considered the application of 26 Hampton Road LLC, Case #31 of 2016, and, upon motion duly made and seconded, held the application over to a future meeting at the applicant’s request.

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CASE #40 OF 2016

3. Bonnie and Scott Loeser
11 Kent Road
Sec. 4, Blk. 23 Lot 872.
Special Use Permit to construct a swimming pool

The Board considered the application of Bonnie and Scott Loeser, Case #40 of 2016 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) (10) 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 19,958 sq. ft. and is improved with a house was built in 1951 with renovations and alterations made since; and

WHEREAS: The property backs up to the Bronx River Parkway Reservation which has been designated as a Critical Environmental Area by Westchester County; 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 proposed construction of the swimming pool and associated patio, landscaping and fencing; and

WHEREAS: The location of the proposed pool appears to meet the setback requirements; and

WHEREAS: The lot coverage form indicates the proposed project including the construction of the pool, pool equipment and retaining walls bring the total lot coverage close to the maximum permitted; 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 Bonnie and Scott Loeser for a Special Use Permit, pursuant to Chapter 310-88 of the Village Code, to construct a swimming pool at 11 Kent Road as shown on the Plans SP-1.0 and DP-1.0 dated 10/11/2016, be approved based on the following findings and conditions:

1. The Plans and lot coverage form should be revised prior to submission for a Building Permit as follows:

   a. The rear coping/deck area shall be removed; and
   b. The pool equipment setback shall be shown; and
   c. The fence along the rear property line shall be shown as chain link; and
   d. The fence gate shown in the rear yard on the northern side shall be removed; and
   e. A gate shall be added on the southern side yard fence; and
   f. A wall detail shall be provided and the retaining wall height shall not exceed 4 ft.; and
   g. The lot coverage form shall be revised to include the retaining wall and the removal of the rear coping; and

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

3. 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. The fencing detail shall be provided with the application for a building permit.

4. 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.

5. A 24-hour filter circulating system shall be installed and maintained above ground, and said filter (and heater, if any) shall be enclosed with a fence 5 feet in height with a self-closing and self-latching gate and landscaped screening.
6. Lighting of the pool and adjacent premises shall be limited to underwater lighting.

7. Drainage and sanitary facilities, conforming to the requirements of the Scarsdale Village Code, shall be installed and maintained. Measures must be taken to insure 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.

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

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

10. A Stormwater Management and Erosion Control permit is required and shall include methods and plans for tree conservation and preservation. The soil erosion control and tree protection measures shall be in place prior to the issuance of a Building Permit. A tree removal permit may be required.

11. 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.

12. The swimming pool shall be completed within 18 months and shall not be used prior to the issuance of a Certificate of Occupancy.

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

14. Failure to obtain a Certificate of Occupancy for the swimming pool within a period of 18 months from the date of this resolution shall cause the Special Use Permit to become null and void.

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Upon duly made and seconded, the minutes of the October 5, 2016, meeting were approved as amended.

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The Chair announced that the next meeting of the Board of Appeals would be held on Wednesday, December 7, 2016, at 8 p.m.

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The meeting was adjourned at 8:20 p.m.

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Cameron McLeod
Secretary to the Board