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TRANSCRIPT OF  
EASTCHESTER ZONING BOARD OF APPEALS  
APRIL 9, 2019

HELD AT: Eastchester Town Hall  
40 Mill Road  
Eastchester, New York 10709  
7:00 p.m.

B E F O R E:

ALAN PILLA, CHAIRMAN  
MICHAEL CAHALIN, MEMBER  
MARK DE MARCO, MEMBER  
PETER NURZIA, MEMBER

P R E S E N T:

MARGARET UHLE, DIRECTOR OF PLANNING  
JAY KING, BUILDING INSPECTOR

TOWN OF EASTCHESTER Dina M. Morgan  
Building and Planning Department 25 Colonial Road  
Bronxville, New York 10708  
914-469-6353

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EASTCHESTER ZBA - 4/9/19

which I do before every meeting.

Firstly, the meeting will be conducted under Robert's Rules of Parliamentary order.

Secondly, because we have a four member board, matters that are on for resolution -- and there are three now, one has been adjourned -- but matters that are on for resolution, the applicant has a choice whether they would like their matter to be resolved tonight because it would require a four/nothing or three to one vote; a two/two would be the equivalent of a denial.

There are two new business matters on tonight. I'll ask the applicants, firstly, to let me know they're ready to proceed, and also to let the applicants know that those matters are not going to be decided tonight. For anyone at home who's considering an application, as printed on the terms and conditions portion of the application packet, matters that are on first time are not decided upon. They're reviewed and deliberated. So the earliest a matter on tonight would be decided would be May. That's significant

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THE CHAIRMAN: Good evening, and welcome to the Town of Eastchester Zoning Board of Appeals meeting for April 9th, 2019.

We start our -- what did I do?

MS. UHLE: We're looking for a flag.

THE CHAIRMAN: I was wondering why you were shaking your head.

MR. DE MARCO: You can't have the Pledge without a flag.

THE CHAIRMAN: We always start our meetings with the Pledge of Allegiance. There was a flag behind me last time we were here. We'll have to pretend and point in the area where we're going. Everyone rise and do the Pledge of Allegiance any way. Is there a protocol on the Pledge of Allegiance?

MALE SPEAKER: There's a flag on the seal.

THE CHAIRMAN: Fair enough. Thank you.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: While everyone is getting settled, I'll go over the ground rules,

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because anyone contemplating, let's say, a project for the summer, would have to have their application in May because anything in May would be decided earliest by June. Our calendar is printed and it's online and available. We meet nine times a year, generally the second Tuesday of every month, excepting for July, August, and December.

So let me get to the items on for resolution. The first is 18-45, 20 Nelson Road, that has been adjourned at the direction of the applicant.

Number 2, 18-52, 74 Hutchison Boulevard.

MS. UHLE: The architect indicated to me earlier today they would like to proceed.

THE CHAIRMAN: So that will proceed to resolution based upon the architect's representation.

Number 3, 18-55, this is Anderson Avenue; is the applicant here?

APPLICANT: Yes.

THE CHAIRMAN: Ready to proceed to resolution?

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2 APPLICANT: Yes.  
3 THE CHAIRMAN: Thank you. Number 4,  
4 195 Beech Street.  
5 APPLICANT: Ready to proceed.  
6 THE CHAIRMAN: Ready to proceed.  
7 Okay.  
8 Items of new business, Number 5,  
9 19-40, this is California road; is the  
10 applicant here?  
11 APPLICANT: Yes.  
12 THE CHAIRMAN: Ready to proceed?  
13 APPLICANT: Yes.  
14 THE CHAIRMAN: Okay. Number 6, 19-11,  
15 118 Siwanoy Boulevard; Mr. Iannacito, are you  
16 ready to proceed?  
17 MR. IANNACITO: Yes.  
18 THE CHAIRMAN: There is adjourned item  
19 that 18-44, Joyce Road, that's been adjourned  
20 to the May 14th meeting.  
21 Okay. So on for resolutions -- again,  
22 we've adjourned 18-45, 20 Nelson Road.  
23 Number 2, this is Application 18-52,  
24 74 Hutchison Boulevard. I make a motion to  
25 adopt a resolution approving this application;  
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2 is there a second to my motion?  
3 MR. CAHALIN: Second.  
4 THE CHAIRMAN: Mr. Cahalin. Now to  
5 the vote: Mr. Cahalin.  
6 MR. CAHALIN: Yes.  
7 THE CHAIRMAN: Mr. Nurzia.  
8 MR. NURZIA: Yes.  
9 THE CHAIRMAN: Mr. DeMarco.  
10 MR. DE MARCO: Yes.  
11 THE CHAIRMAN: I vote yes. The  
12 application has been approved four to zero.  
13 Number 3, 18-53, 141 Anderson Avenue.  
14 I make a motion to adopt a resolution approving  
15 Application 18-53, 141 Anderson Avenue; is  
16 there a second to my motion?  
17 MR. DE MARCO: Second.  
18 THE CHAIRMAN: Mr. DeMarco. To the  
19 vote: Mr. Cahalin.  
20 MR. CAHALIN: Yes.  
21 THE CHAIRMAN: Mr. Nurzia.  
22 MR. NURZIA: Yes.  
23 THE CHAIRMAN: Mr. DeMarco.  
24 MR. DE MARCO: Yes.  
25 THE CHAIRMAN: I vote yes. The  
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2 application has been approved four/nothing.  
3 Goodnight.  
4 This is Application 18-55, 195 Beech  
5 Street. I make a motion to adopt a resolution  
6 approving Application 18-55, 195 Beech Street;  
7 is there a second to my motion?  
8 MR. CAHALIN: I'll second.  
9 THE CHAIRMAN: Mr. Cahalin. To the  
10 vote: Mr. Cahalin.  
11 MR. CAHALIN: Yes.  
12 THE CHAIRMAN: Mr. Nurzia.  
13 MR. NURZIA: Yes.  
14 THE CHAIRMAN: Mr. DeMarco.  
15 MR. DE MARCO: Yes.  
16 THE CHAIRMAN: I vote yes. That's  
17 been approved four/nothing.  
18 New business. Item number 5, 19-01,  
19 454 California Road. If the applicant would  
20 like to come forward and proceed.  
21 While you're getting settled, this is  
22 an area variance. Just to let the viewing  
23 public be made away, there is a nuance to this  
24 application, that the application had actually  
25 been approved back in 2017.  
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1 EASTCHESTER ZBA - 4/9/19  
2 If the applicant would like to  
3 proceed. Just to let new applicants know,  
4 which I do before every meeting, you do not  
5 need to read your entire application. Your  
6 entire application, including all exhibits have  
7 been made a public record. You could, if you  
8 would like, read it. It won't help your  
9 application, it won't hurt your application.  
10 Having said that, you may proceed.  
11 APPLICANT: Basically, we're trying to  
12 get the application renewed again because it  
13 had been approved, and then through my fault  
14 and nobody else's fault, it expired before we  
15 started the work. What happened in the  
16 meantime, I did get the trees in the back that  
17 had to be put up, those were done, and now we  
18 can go forward with the application.  
19 THE CHAIRMAN: So at this point we  
20 usually reserve time for the board to ask any  
21 questions, and then they'll be a motion to see  
22 if the public will be heard on this.  
23 So any questions, Mr. Cahalin.  
24 MR. CAHALIN: None.  
25 THE CHAIRMAN: Mr. Nurzia?  
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 2 MR. NURZIA: No.  
 3 THE CHAIRMAN: Mr. DeMarco?  
 4 MR. DE MARCO: No questions.  
 5 THE CHAIRMAN: I have no questions. I  
 6 make a motion to open this to a public hearing;  
 7 is there a second?  
 8 MR. CAHALIN: Second.  
 9 THE CHAIRMAN: Mr. Cahalin. All in  
 10 favor.  
 11 (All aye.)  
 12 THE CHAIRMAN: Would anybody like to  
 13 be heard?  
 14 (No comments.)  
 15 THE CHAIRMAN: See no one, I make a  
 16 motion to close the public hearing on this  
 17 matter.  
 18 MR. CAHALIN: Second that.  
 19 THE CHAIRMAN: Mr. Cahalin, second.  
 20 All in favor.  
 21 (All aye.)  
 22 THE CHAIRMAN: Mr. Ottomanelli, I'm  
 23 bound to ask the board if they have any  
 24 comments or questions further, but I'll just  
 25 start with the fact that you had met your  
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 2 burden on the five part test back in the day.  
 3 To my reading, there are no variations in this  
 4 application, other than the fact that you've  
 5 complied with the conditions; is that correct?  
 6 APPLICANT: Right. Right.  
 7 THE CHAIRMAN: Again, I have nothing  
 8 further. Mr. Cahalin?  
 9 MR. CAHALIN: No.  
 10 THE CHAIRMAN: Mr. Nurzia?  
 11 MR. NURZIA: No.  
 12 THE CHAIRMAN: Mr. DeMarco?  
 13 MR. DE MARCO: Nothing.  
 14 THE CHAIRMAN: I make a motion for a  
 15 resolution at the next meeting on this  
 16 application; is there a second to my motion?  
 17 MR. CAHALIN: I'll second that.  
 18 THE CHAIRMAN: Mr. Cahalin. All in  
 19 favor.  
 20 (All aye.)  
 21 APPLICANT: Thank you.  
 22 THE CHAIRMAN: Have a good night.  
 23 Okay. Item 6 on our agenda, this is  
 24 19-41, 118 Siwanoy Boulevard. While you're  
 25 setting up, this is an area variance to  
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 2 construct a two story addition. Name and  
 3 address -- we all know who you are but state  
 4 your name and address any way for the record  
 5 and proceed.  
 6 MR. IANNACITO: Good evening. My name  
 7 is John Iannacito, I'm an architect, and I'm  
 8 representing Mr. and Mrs. Yaghoubi this  
 9 evening, the owners of the subject property,  
 10 and he is with me this evening. We are  
 11 proposing additions and alterations to the  
 12 existing single family residence located at 118  
 13 Siwanoy Boulevard.  
 14 The scope of work will include the  
 15 removal of a one story garage and the  
 16 construction of a two story addition at the  
 17 side yard, which is highlighted here on the  
 18 site plan. We are requesting an area variance  
 19 for a side yard setback. The proposed side  
 20 yard setback is 4 feet, the required is 8 feet,  
 21 a deficiency of 4 feet or 50 percent. The  
 22 proposed garage will be constructed in the same  
 23 location as the existing garage. It will also  
 24 replace an existing outdoor parking space at  
 25 the side yard. The requested variance is  
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 2 required to provide adequate space for a two  
 3 car garage, the width for two vehicles. The  
 4 addition will comply with all other zoning  
 5 requirements.  
 6 The proposed addition is similar to  
 7 other homes in the neighborhood and will not  
 8 have any adverse effect on the rest of the  
 9 neighborhood.  
 10 I'll quickly go through the floor  
 11 plans.  
 12 THE CHAIRMAN: Please.  
 13 MR. IANNACITO: Here we have the first  
 14 floor plan; two car garage and a laundry room  
 15 and exercise room at the rear. Second story  
 16 will have a new master suite, bathroom, two  
 17 closets, and a bedroom.  
 18 Here's the front elevation. Two story  
 19 addition, garage in the lower level and bedroom  
 20 at the upper level. Two story addition at the  
 21 side, two story addition as seen from the rear  
 22 is here, and the right side.  
 23 Thank you for your time, and I'm happy  
 24 to answer any questions you have.  
 25 THE CHAIRMAN: Thank you, Mr.  
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 2 Iannacito. I'll go to the Board with any  
 3 questions; Mr. Cahalin?  
 4 MR. CAHALIN: None.  
 5 THE CHAIRMAN: Mr. Nurzia?  
 6 MR. NURZIA: No questions or comments.  
 7 THE CHAIRMAN: Mr. DeMarco?  
 8 MR. DE MARCO: No questions.  
 9 THE CHAIRMAN: I don't either. I have  
 10 a motion to open this matter to the public for  
 11 a public hearing; do I have a second to my  
 12 motion?  
 13 MR. CAHALIN: Second.  
 14 THE CHAIRMAN: Mr. Cahalin. All in  
 15 favor.  
 16 (All aye.)  
 17 THE CHAIRMAN: Would anyone like to be  
 18 heard on this application?  
 19 (No comments.)  
 20 THE CHAIRMAN: Seeing no one, I make a  
 21 motion to close the public hearing on this  
 22 matter; is there a second?  
 23 MR. CAHALIN: I'll second that.  
 24 THE CHAIRMAN: Mr. Cahalin. All in  
 25 favor.

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1 EASTCHESTER ZBA - 4/9/19  
 2 (All aye.)  
 3 THE CHAIRMAN: As I said on the  
 4 earlier application, I have an obligation so I  
 5 will ask: Mr. Cahalin, do you have any  
 6 questions or comments?  
 7 MR. CAHALIN: Mr. Iannacito confirmed  
 8 that he bumped this wall out for the two car  
 9 garage. That's what I saw it on the plans. I  
 10 glad you mentioned that.  
 11 THE CHAIRMAN: Mr. Nurzia, anything?  
 12 MR. NURZIA: No.  
 13 THE CHAIRMAN: Mr. DeMarco?  
 14 MR. DE MARCO: No.  
 15 THE CHAIRMAN: I have just one  
 16 comment, that is you seem to have addressed the  
 17 five part test, and it's fairly straightforward  
 18 application.  
 19 I make a motion to adjourn this matter  
 20 for a resolution at the next meeting; is there  
 21 a second?  
 22 MR. CAHALIN: I'll second.  
 23 THE CHAIRMAN: Mr. Cahalin. All in  
 24 favor.  
 25 (All aye.)

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 2 THE CHAIRMAN: Thank you for your  
 3 presentation.  
 4 MR. IANNACITO: Thank you.  
 5 THE CHAIRMAN: I make a motion to  
 6 adjourn the April meeting; is there a second to  
 7 my motion?  
 8 MR. CAHALIN: Second.  
 9 THE CHAIRMAN: Mr. Cahalin. All in  
 10 favor.  
 11 (All aye.)  
 12 THE CHAIRMAN: Thank you.  
 13  
 14 (MEETING ADJOURNED.)  
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DINA M. MORGAN, REPORTER

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 2  
 3 CERTIFICATION  
 4  
 5 STATE OF NEW YORK )  
 ) Ss.  
 6 COUNTY OF WESTCHESTER)  
 7  
 8 I, DINA M. MORGAN, Court Reporter and  
 9 Notary Public within and for the County of  
 10 Westchester, State of New York, do hereby  
 11 certify:  
 12 That the above transcript was taken from  
 13 a videotape of the actual hearing. I was not  
 14 present for such hearing. The videotape was  
 15 taken and transcribed by me to the best of my  
 16 ability.  
 17 And, I further certify that I am not  
 18 related to any of the parties to this action by  
 19 blood or marriage, and that I am in no way  
 20 interested in the outcome of this matter.  
 21 IN WITNESS WHEREOF, I have hereunto set  
 22 my hand this 13th day of May, 2019.

*Dina M. Morgan*  
 DINA M. MORGAN  
 Court Reporter  
 DINA M. MORGAN, REPORTER

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CORRECTION SHEET

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CORRECTION

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