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August, and December, so if you're considering an application, that's one thing you have to keep in mind.

So I'm going to call the roll. There are three items tonight that are on for resolution. We have a full board, so those will be decided tonight. There is an item of old business, so I'll make sure that the applicant is here and ready to proceed, there is an item of new business, and there's one adjourned item, which is 18-44, 51 Joyce Road, that's been adjourned to the February 12th, 2019 meeting.

So item number 4 on the agenda, which is 18-36, Holy Mount Cemetery, is the applicant here and ready to proceed?

MR. SILVERBERG: Yes, we are.

THE CHAIRMAN: Thank you, counsel. There's one item of new business, number 5, 18-45, 20 Nelson Road. Applicant ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Thank you. Okay.

Before we get to our resolutions, I'm going to make a motion to approve the minutes from the November 13, 2018 meeting; is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(Aye.)

THE CHAIRMAN: Okay. Item number 1, it's Application 18-43, that's 74 Park Drive. I make a motion to adopt a resolution approving Application 18-43, 74 Park Drive; is there a second to my motion?

MR. TUDISCO: Mr. Chairman, it's Parkview Drive.

THE CHAIRMAN: Is it Parkview Drive?

MR. CAHALIN: It is.

THE CHAIRMAN: They moved that house since the last meeting; is that what happened? Okay. That's okay. I'm deviating from the script now. I'm ad-libbing everybody. Thank you, counsel. So I'll withdraw my motion and make a new motion for a different property, which is 74 Parkview Drive; is there a second to that?
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motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRPERSON: To the vote: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRPERSON: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That application has been approved five to zero. Application 18-37, 239 Main Street. I have a motion to adopt a negative declaration to this application, 18-37; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

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THE CHAIRMAN: I similarly have a motion to adopt a resolution approving Application 18-32, which is 210 Hillside Place; is there a second to that motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. To the vote: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That application has been approved five to zero.

Item number 4, this is 18-36, Holy Mount Cemetery.

While the applicant is setting up, this is both an application for a use and area variance. To remind not only the applicant but for the public either here or watching at home, that the public hearing was opened and the applicant was going to make some modifications.

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asked last time if we could provide additional financials because, as was pointed out by your member, the financials really didn't take into account -- they did it on a straight line. They didn't take into account changes in the CTI and so forth. We tried to do that. Again, all of those are, of course, estimates. They're our best estimates. I think they give a better picture of what we're talking about and how we project the income and expenses of the property. We have someone hear this evening, if you have specific questions about it, who can try to answer those questions. Likewise, we were asked about landscaping. We submitted a detailed landscaping plan. Again, we could have someone in detail, if you would like.

The traffic and parking, Father Sorgie submitted a letter explaining how that works. He is here, and he's going to address that and a couple of other issues once I finish.

One neighbor was concerned about the building height because it did show an increase in the peak over what is currently there, and

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we've modified that and reduced the building height so that it now matches the height of the current building at that location. We've submitted drainage information, and I understand, and your planner could address this, that your engineers, while they had a few items that they wanted us to fill in, there's nothing major there and those are all things that can be addressed as part of the site plan review. As you noted, there will be a detailed review by the Planning Board.

There was a letter submitted by a neighbor yesterday, and I don't want to go into detail responding to it because I think it's really addressed in my initial letter, and again, Father Sorgie will address this, but there was a question about this being a religious use and, therefore, the deference that's applied to religious uses shouldn't count in this case, and we'll address that as well.

Unless there's a specific question from me, I would like to turn it over to Father Sorgie, and then if there are questions about

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last graves were sold, so it is what we call a
closed cemetery. There has been no more graves
to sell, and even those last few probably were
returned to one of my predecessors, which means
there's very little income, if any at all. How
do I now care for this cemetery and give it new
life and vitality. This is not the first
columbarium that I have successfully built. I
did build one in Putnam County at the Church of
Saint James and Our Lady of the Lake Mount
Carmel in Putnam County, and it was a
tremendous boost to the families of the parish,
to the community of Lake Carmel, and has been,
in all likelihood, a reason that both churches
continue to exist and grow, which is wonderful.
It also gave added graves, which is what this
will do. 5,000 graves sold, not buried there,
and it is complete. So a columbarium is a
contemporary way that many people are choosing
to inter their loved ones by interring human
cremains.
Everything we do to the full human
body in our religious ceremonies of funerals
and interments, we do with human cremains. We

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have ceremonies, religious sacramental rights,
we have rules that we invite our people. We
can order our people to follow in the funeral
rights and the burials of human cremains just
like full body burials.
I have been up there for three and a
half years. I'm involved in almost every
interment, meaning burials up there at Holy
Mount Cemetery. One time in three and a half
years -- one time -- did we have two
funerals -- excuse me, two burials that were
going to take place on the same morning; a
funeral from Immaculate Conception and a
funeral from IHM in Scarsdale. It's the only
time I have ever had to be involved in a
parking situation, which was very easily
handled by Westchester Funeral Home and Bennett
by just having them at two different times. So
they lined up on California Road. When one was
done, which was brief, they came out, the other
one went in. I have never been up there for a
religious ceremony where I have ever found a
car out of its normal process, somebody
visiting a loved one perhaps.

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The rate of visitation of graves is
tremendously dropped all over the Arch Diocese
of New York. I'm going to venture to say all
over the Catholic world. Anecdotally speak to
your own grandparents and parents who visited
graves religiously. That practice with our
children and some younger has really fallen out
of practice. So the number of visitation that
would clog anything is really -- I have not
witnessed it, that's all I'll say. Veteran's
Day, Mother's Day, Father's Day, Palm Sunday,
Easter Sunday, people love to drop a wreath
across or some visitation. Do they do it all
at the same time? Absolutely not. They do
not.

How about my speaking just for a
moment about the interment of human cremains
and how different that is because somebody
might say, we have the burial of, let's say,
2,000 graves left, what about these 1620 niches
that will need to inter? Not when they
purchased them, when someone dies. The
separation of time because of cremation's
necessity from the funeral decreases the number

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of people who attend the burial of cremains.
Example: If a person passes away, we do the
funeral, and we go right to Holy Mount for full
body burial, everyone in that church who wishes
to, you know, 200 people show up, 50 cars
follow, and the person is interred, usually
before 1:00 so that the grave diggers could
attend to this very labor intensive process
which has been going on for a 135 years at Holy
Mount, and done pretty well. That's not the
case with interment in a niche. Human cremains
are a small urn, a small box, but the cremation
takes place normally three days after the
funeral. By that time, all the family that
visited for the funeral, in other words, again,
anecdotally, not even 1/10th of the people who
come to the funeral for a full body burial
attend the burial of cremains. Again, I'm
getting my facts from the fact that I built one
8 years ago and spent time doing this. The
time in between decreases so that sometimes I
have as little as five family members. This
morning we buried two persons in the ground at
Holy Mount Cemetery but cremains. Father Silva
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1 went up and said a prayer alone. No one was
2 with us. We buried them respectfully but
3 nobody from the family came. They dropped off
4 the urns, and we buried them with respect. So
5 you see what I'm saying? Some people don't
6 think of this because you think of the full
7 body burial.
8 MR. DE MARCO: Father, you told us to
9 interrupt you.
10 FATHER SORGIE: Please.
11 MR. DE MARCO: In the past several
12 years, I've been to two Roman Catholic masses
13 of cremains that were present at the church;
14 one in Saint Joseph's in Bronxville and another
15 in Maryland. The cremains were there. They
16 were present. At the end of the mass, we went
17 to the cemetery and we buried the cremains. So
18 I've only been present for two, and at both the
19 cremains were present.
20 FATHER SORGIE: When that happens,
21 that's no different than what we do every day.
22 MR. DE MARCO: At both immediately
23 following the mass, the procession went past
24 the deceased homes, and we went to the -- one
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1 was in Gates of Heaven and one was in a
2 cemetery in Maryland, and literally a hundred
3 cars went to each place because one was the
4 burial of my brother-in-law, who was very
5 young; second was the burial of my
6 brother-in-law's father, who was very old.
7 Still, same scenario, a hundred cars went to
8 the burial. What happens here if that happens?
9 FATHER SORGIE: Same thing that
10 happens every morning we do a funeral and bury
11 a full body, off we go to Holy Mount Cemetery.
12 Funeral directors know exactly what to do.
13 They've done it for 135 years.
14 MR. DE MARCO: It's called Mount Hope;
15 right?
16 FATHER SORGIE: No, Holy Mount.
17 MR. DE MARCO: Holy Mount. I'm sorry,
18 I'm sorry. I've been there on like veteran's
19 Day with the girl scouts when the girl scouts
20 have honored the veterans from foreign wars,
21 and I recall on those limited occasions going
22 to Holy Mount, that the traffic was horrible,
23 and this was for a small Veteran's Day ceremony
24 for the girl scouts in Eastchester. Are you
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1 saying that Holy Mount Cemetery would be able
2 to accommodate a larger ceremony or burial than
3 that?
4 FATHER SORGIE: No. What I'm saying
5 to you is, that normally they're smaller or at
6 best the same as. If somebody chooses to
7 cremate and then come to the church to do the
8 funeral mass, which is probably one out of five
9 cremations, cremations are normally done
10 following and subsequent, but that's okay,
11 that's a choice of a person, and that's
12 recently been allowed, I have to tell you,
13 where a Catholic --
14 MR. DE MARCO: In fact, the rules have
15 changed in the church allowing for Christian
16 masses for cremated --
17 FATHER SORGIE: Absolutely. 1967,
18 '85, and more recently where we can have the
19 cremains in the church as long as they are
20 interred or cared for. But the idea of any --
21 it's not increased, it's the same. So if I
22 choose to be cremated and I want to be cremated
23 and then have my funeral mass, it's going to be
24 the same number of cars.
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1 MR. DE MARCO: I think the concern for
2 the residents of Eastchester is that unlike the
3 two interments you just described where there
4 was no one present, the situation involving the
5 funeral masses for my brother-in-law and my
6 brother-in-law's father, when there's a mass
7 fully attended and a subsequent interment of
8 their cremains.
9 FATHER SORGIE: I say to you, what's
10 the difference then if I bury Mr. Serbandidio
11 (Ph.) tomorrow and he has a hundred cars with a
12 full body? That's not because of cremation
13 that there's any difference. We're doing it
14 now.
15 MR. DE MARCO: The difference is the
16 increased volume of cremains at Holy Mount.
17 That's the difference here. You're turning a
18 small cemetery that abuts a residential
19 neighborhood with limited parking into a
20 columbarium, right, that will accommodate how
21 many cremains?
22 FATHER SORGIE: 1,600. Some day.
23 20 years.
24 MR. DE MARCO: So you're increasing
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the cremains or the souls that are buried at Holy Mount from — how many are there now?
FATHER SORIE: 5,000 graves, double graves. 10,000 if it were full. If it were full.
MR. DE MARCO: 1,000.
FATHER SORIE: Human cremains, different rules, different everything.
MR. DE MARCO: Okay.
FATHER SORIE: I can probably fit 20 urns in a casket. Apples and oranges. The interment can happen when I close the cemetery at 4:00. It could happen — I have control, meaning the parish has control of when the interment will be. I could say a funeral mass with the cremains, like your brother-in-law, I didn’t have to have your brother-in-law at the exact time. I could talk to the family about having it when there would be more privacy if we wanted. It’s not the same as burial, digging.
MR. DE MARCO: How many plots are available for your traditional interment at the cemetery as of today?
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FATHER SORIE: How many?
MR. DE MARCO: How many plots are available?
FATHER SORIE: Available, none.
MR. DE MARCO: None?
FATHER SORIE: Zero.
MR. DE MARCO: If I walked in to ICS looking to buy a plot —
FATHER SORIE: It happens all the time. None. Zero. I haven’t been able to sell one and I’m the pastor for almost four years.
THE CHAIRMAN: Can I interrupt, please? Let’s avoid the cross talk. The stenographer cannot get this down who’s speaking, so let’s limit it to who’s at the podium and currently member DeMarco. Do you have anything further, Mr. DeMarco?
MR. DE MARCO: No.
THE CHAIRMAN: Okay.
MR. DE MARCO: So there are no plots available for —
THE CHAIRMAN: Other than this.
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but they would also like, the next generation,
be able to, if they choose cremation -- because
my predecessor, as you know, got I believe the
Planning Board's -- the Zoning Board's approval
in 2004 to build a mausoleum, a much grander
structure in 2004. As you read in my letter,
for reasons of serious illness, he didn't do
it, and his successor chose not to, to build a
gymnasium that is alive, as you can see riding
up Main Street every night of the week until 10
p.m., but that was his choice. My choice would
be to repair and beautify Holy Mount Cemetery,
well as make available new graves for the
next generation.

THE CHAIRMAN: Thank you. Counselor.

MR. SILVERBERG: I would just like to
make one quick point. Father, if I misstate,
please correct me. It seems to me that the
direction of the questioning by Mr. De Marco
somehow has to do with the impacts that having
these additional areas for people to be
interred will have some significant impact on
the neighborhood. But again, as the Father
pointed out, this church has been here for
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135 years and not all 5,000 of the burial plots
are even filled over the 135 years. They're
sold, but they're not even all filled. So
therefore, adding 1600 additional areas is not
going to cause an onslaught of people coming
there. It will move along probably at an
equivalent pace or maybe less since people tend
to live longer now than they did 135 years ago.
I would just like to make that point.
Who's going to talk about the
building?

MR. LAZARCHECK: I'm Joe Lazarcheck
from JPL Architects. Basically we took into
consideration the comment at the last meeting
of lowering the building to match the existing
building height. Basically that's what we have
done. At this point, it's been lowered. It's
as simple as that.

THE CHAIRMAN: Thank you. Anyone from
the board have any questions; Mr. Cahalin?

MR. CAHALIN: Not on this, no.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Not on this.

THE CHAIRMAN: While we have you up
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feet?

MR. ALLEN: There are seven boxwoods here, six boxwoods here.

MR. CAHALIN: So those are 24 foot in height?

MS. UHLE: 24 inches.

MR. CAHALIN: Oh, 24 inches. So these are tiny.

MS. UHLE: The cherry trees are 3 inch caliber, so that's going to be a fairly tall tree.

MR. CAHALIN: 6 foot?

MS. UHLE: Yes, at least 6. Probably much more than that for a 3 inch caliber.

MR. CAHALIN: You have to come to the microphone.

MR. LAZARCHECK: Bill Lazarcheck again. The trees are measured by caliber --

MS. UHLE: You have to be at the microphone.

MR. CAHALIN: If you want to walk with it, you can.

MR. LAZARCHECK: It's measured by caliber. So a 3 inch caliber is going to be

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anywhere from 15 to 18 to 20 feet.

MR. CAHALIN: That's what I wanted to know. So they are going to be fairly tall when they go in, we're not going to have to see these things grow over 5 or 10 years.

MR. LAZARCHECK: When they go in, they're already at a certain height established.

MR. CAHALIN: That was my question.

THE CHAIRMAN: Thank you Mr. Cahalin.

Mr. Miller?

MR. MILLER: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No questions.

MR. LAZARCHECK: I just want to --

THE CHAIRMAN: Please, because I have one question.

MR. LAZARCHECK: This was the columbarium Father Sorgie was talking about that we did up in Putnam County. Let me put that up. I just wanted to give you an idea.

This is the planting that we're talking about:

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in terms of height. The wall we're talking about is only that tall. So you could see what this structure really is.

MS. UHLE: Two things. You guys really need to have the microphone with you.

You can detach it.

THE CHAIRMAN: As long as you don't sing, you could take that microphone.

MS. UHLE: Is that a 5 foot high wall?

MR. LAZARCHECK: Yes, it is. That wall is the same wall that we're proposing in the new columbarium. But you could see by the landscaping that we have here, that the wall really disappears. Again, the stone wall itself is aesthetically pleasing.

MS. UHLE: I had one additional question. Just to clarify, the footprint of the proposed building is the same as the footprint of the existing or is it slightly larger?

MR. LAZARCHECK: It's within inches.

MS. UHLE: So it's essentially the same exact size building?

MR. LAZARCHECK: Right.

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THE CHAIRMAN: My only question was -- well, first it's a comment, that all of it seems to be in line with the design style and it's tasteful, and I'm appreciative of the fact that you're not sticking up a row of arborvitaes that are like a block and you can't see it, then they turn brown and they fall off.

I'm okay with that. How many trees are you going to remove to get the wall, the cherry tree line in and everything else? Do you know how many trees that are currently existing will be removed?

MR. LAZARCHECK: Yes, let's see. This is the actual survey and our actual proposed building on there. The only two trees of major calibers is this tree here and this tree here, which are both outside the scope of our project. The rest of the remaining trees are of no substantial caliber tree.

THE CHAIRMAN: It's important to get that on the record. Frequently we visit the sites, but in this instance it's actually better to look at it from Google Earth because there are four homes that abut where the:

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1. project is and there's a substantial amount
2. of -- what's the word -- treeage (sic) --
3. there's a lot of trees there.
4. MR. CAHALIN: Foliage.
5. THE CHAIRMAN: I was just curious how
6. many trees were being removed. So that makes
7. much more sense. The screening is actually
8. more aesthetic, it's not even going to be
9. scene.
10. MR. LAZARCHECK: No, it's not. We
11. have site sections, but if you look from the
12. neighboring property, you're really not going
13. to see that.
14. THE CHAIRMAN: Okay. Thank you very
15. much. Board, anybody else; Mr. Cahalin, Mr.
16. Miller, Mr. Nurzia, anybody?
17. (No comments.)
18. MR. ALLEN: To further that, the slope
19. of the topography and that we're on the site a
20. little further, you know, basically you could
21. see as this -- which Joe's done a great job of
22. modeling this -- you could see that that's more
23. on the higher side, so a lot of the trees that
24. are there will remain.

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1. The last item I would like to go
2. through is the drainage. This is the overall
3. site plan. You could see the structure down
4. below. It's very minimus in terms of the
5. overall project. What you see is the total
6. land use. Having said that, we were very
7. concerned very early on with Father Sorgie and
8. everybody involved, that we panel the storm
9. water in a rational fashion. We talked to
10. Father Sorgie about doing pervious throughout
11. the interior of the columbarium, which is all
12. this area. So everything will be infiltrated
13. into the ground through there. In addition to
14. that, which is above and beyond your code,
15. we've added an infiltration system at the
16. backsides to accommodate above and beyond what
17. we've already accomplished through the code
18. just through the columbarium itself.
19. We received comments from Kellard
20. Engineering, very minimal, and we have no
21. problem in completing this through your process
22. and the Planning Board process, which, quite
23. frankly, it's already done. So in terms of
24. runoff, we think we've accomplished it not only

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2 the Arch Diocese of New York does not cover
3 that, they don't guarantee this?
4 THE CHAIRMAN: You don’t have to get
5 up. It doesn’t count as cardio for you. Allow
6 the record to reflect that you said, zero. If
7 you want to speak, you’re going to have to get
8 up. I’m sorry. Sorry, Father.
9 FATHER SORGIE: That’s okay.

10 Absolved. There are diocesan cemeteries run by
11 the trustees of Saint Patrick’s Cathedral, the
12 biggies. Then there are parish cemeteries
13 beginning with the largest, Saint Raymond’s in
14 the Bronx, to the littlest, which could be one
15 civil war cemetery up in Bedford, and there are
16 69 of them. When it’s a parish cemetery, it is
17 100 percent the responsibility of that parish,
18 just like a parish school versus a regional or
19 diocesan or another special interest group’s
20 cemetery. So we are responsible for Holy
21 Mount Cemetery since it’s inception. It is
22 part of the three campuses that make up our
23 parish.

24 Any other questions for me before I
25 sit down?

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2 MR. NURZIA: Actually, one more
3 question. Your prior parish, which I think you
4 said was Saint James, you went through the same
5 process.
6 FATHER SORGIE: Correct.
7 MR. NURZIA: Once that was completed,
8 roughly how many of these niches were sold in
9 the first two, three, four years; do you
10 recall?
12 Under 250. Then, as if by magic -- I left, I
13 came here to Eastchester -- a certain
14 nationality came in in numbers in the parish
15 who were more comfortable with cremation than
16 other nationalities, and it soared, so much so
17 that they’re now thinking of expansion. Big
18 difference between here and there and Holy
19 Mount was that’s a free standing columbarium
20 not attached to a cemetery. All of the other
21 columbariums in the Arch Diocese of New York
22 are attached to cemeteries. St. Lawrence, Holy
23 Sepulchre, Gate of Heaven, St. Raymond’s, there
24 are opportunities for columbarium, mausoleum,
25 and when you have bigger properties traditional

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2 ground burials.
3 MR. SILVERBERG: Excuse me, Father,
4 just to clarify one thing, when you say they
5 were sold, that doesn’t mean they were actually
6 utilized.
7 FATHER SORGIE: Correct, and you only
8 get the right. We never give up property. You
9 should know that about us. In a cemetery, you
10 don’t buy the ground, you buy the right to be
11 buried there. It’s a funny distinction. So
12 that even a person that says, you have sold
13 your properties; no, we have not. We even take
14 what’s called perpetual care in case, God
15 forbid, we needed to move those, you know, in
16 very rare and extraordinary circumstances.
17 That money is there to at least be able to help
18 do that in every cemetery.

THE CHAIRMAN: Father, actually remain

19 there one more minute, if you don’t mind. I
20 have something for you, but I’m going to ask,
21 Mr. DeMarco, do you have anything?
22 MR. DE MARCO: No.

THE CHAIRMAN: So I think this may be
24 a good point, I would probably make this

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those funds will be utilized to maintain the

cemetery. I think just to make it simple. Not

that I'm inclined to agree or disagree with

your application at this point, but I feel it's

important for people to understand that there's

not going to be a stampede of -- even though

people are dying to get into your place,

there's not going to be a stampede of

interments.

FATHER SORIE: There's nothing you

said that I wouldn't agree with.

THE CHAIRMAN: Okay. Thank you. So

the public will now have an opportunity to be

heard. Would anyone from the public like to be

heard? Sir, please come forward, state your

name for the record and proceed.

MR. WILSON: Thank you, Mr. Chairman.

My name is Lance Wilson, and I represent Jerome

and Liz Leibowitz, whose property adjoins the

cemetery. I was at the last hearing, and I

raised the issue of the impact from the

standpoint of the values of the adjoining

properties. I had mentioned that my clients,

the Leibowitz's, were going to explore that.

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Since that time, we had a couple of

experts come in, and you've received copies of

their letters. I might mention that these

experts do not reside in this area, they don't

do business in Eastchester, so there's no

particular axe to grind in this case. Both of

these experts, one from Platinum Reality

Services, the other from Caldwell Banker, 

emphasized the negative impact on the values of 

the properties adjoining the cemetery by this

proposed variance.

The point is very simply, I certainly 

understanding the cemetery's position from a 

financial standpoint, but what about the impact 

and the decline in value that this has on the 

adjoining property owners? Unfortunately, the 
cemetery does not have the funds to compensate

them. In a different situation where you had a 

very wealthy applicant seeking a variance, my

argument would be, okay, proceed, we'll go

along with it, but compensate the property

owners. That's not possible in this case. So

my clients support the position that the

variance should be denied.

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THE CHAIRMAN: Thank you, counselor.

Would anyone else like to be heard on this 

application? Of course.

MS. LEIBOWITZ: Hi. My name is 

Elizabeth Leibowitz, and he was representing

us. I wanted to bring up a point because we've 

spoken about the landscaping, and I think you 

don't really realize how many trees are out 

there. I mean, our backyard butts up against 

the cemetery. I took some pictures, and I

thought it would be helpful if --

THE CHAIRMAN: I'm sorry to interrupt 
you. Wouldn't you mind putting them at the 

easel.

MS. LEIBOWITZ: If you look at this 

area, this area is looking right along this 

fence line. You're looking that way. This 

whole area has all these trees in it. Here's 

another look at that fence line. Looking 

straight that way, the graves are on this side 

and there are all of these trees that now exist 

in this space that's going to be taken over by 

the walkway -- what did you call it?

MALE SPEAKER: Columbarium.

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MS. LEIBOWITZ: Yes, the columbarium 

that has the walls. They're all going to be 
gone. Just to add more emphasis, there's a lot 
of greenery there, there's a lot of trees, and 
those trees all absorb water. What I've seen 
of the landscaping, we're talking about little 
bushes coming in, and they don't replace big 
trees. So I think that some serious 

consideration has to go into what's going to 
happen in terms of water and what's going to 
happen to all of the water that created these 
trees if they're not there anymore. I don't 
think it's something we could gloss over 
because there's a lot of trees and they're not 
going to be there because they live right here 
in this yellow space, and it's all going to be 
gone, and it's not going to be absorbing water 
anymore, and I don't think we can underplay the 
importance of that, at least for the neighbors.

Here's another picture of how big the 
trees are. I mean, they're serious trees, and 
they do absorb a lot of water. Any questions?

THE CHAIRPERSON: No. Thank you.

MS. LEIBOWITZ: Okay. Should I take

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1 the pictures or leave them for you?
2 THE CHAIRMAN: Actually, they're part
3 of the record, so I would ask that you leave
4 them, please. Counselor, do you agree with
5 that?
6
7 MR. TUDISCO: I do, yes.
8 THE CHAIRMAN: Thank you, counselor.
9 MS. LEIBOWITZ: Thank you.
10 THE CHAIRMAN: Thank you. Before
11 you're heard on that, counselor, would anyone
12 else like to be heard from the public on this
13 application?
14 (No comments.)
15 THE CHAIRMAN: Okay, counselor, why
16 don't you come up.
17 MR. SILVERBERG: Just before this
18 young lady goes, since you're accepting those
19 in the record, do we have the date those
20 photographs were taken?
21 THE CHAIRMAN: Would you mind telling
22 us?
23 MS. LEIBOWITZ: I'll check my phone
24 and I can give you the date. It was after the
25 request was made and we became aware of the

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columbarium being built. When was our
3 notification given; in October? So that would
4 have been the time they were taken.
5 THE CHAIRMAN: There's still green on
6 there. Counselor, would you like to reply?
7 MR. SILVERBERG: Well, again, on the
8 issue of drainage, that's going to be addressed
9 through your engineers.
10 On the issue of landscaping, you've
11 seen the landscaping plan and you're talking
12 about some very large cherry trees as well as
13 some other trees. I believe Mr. Lazarcheck
14 noted that there were only two large trees that
15 were actually going to be removed.
16 MR. LAZARCHEK: Let me correct that.
17 We're not removing those, we're working around
18 them.
19
20 MR. SILVERBERG: As far as the
21 hypothetical on the issue of impact upon
22 properties, I'm not sure where that comes from
23 in view of the fact that this has been a
24 cemetery for 135 years and basically they're
25 putting up a wall and some screening, that's

the only thing anybody is going to see. If

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1 anything, it's going to be more attractive than
2 it is now, and it's going to be better
3 maintained than it is now. So, you know,
4 having practiced for about 40 years, I could
5 say that you could probably find almost anybody
6 to say almost anything, but I don't think
7 there's any validity to the claim that this
8 really is going to impact on values of adjacent
9 properties. We're not putting some new use
10 there. It's been there for 135 years. Thank
11 you.
12
THE CHAIRMAN: Thank you, counselor.
13
MR. TUDISCO: Yes. I just wanted to
14 mention to the members of the public that came
15 to address certain issues regarding potential
16 drainage. If, in fact, this application goes
17 to the next level with respect to the site plan
18 approval process, these are issues that you
19 could also raise at other points in time in the
20 process if you have concerns about drainage,
21 for instance, or foliage, or whatever it is.
22 These issues are not necessarily decided here
23 at this stage at the Zoning Board.

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1 THE CHAIRMAN: Thank you, counselor.
2
3 Seeing there is no one else interested in
4 speaking from the public on this application --
5 MR. NURZIA: Two people had stood up
6 before at the back.
7 MR. TUDISCO: I think they were
8 letting somebody out.
9
THE CHAIRMAN: Member Nurzia is a
10 gentleman, he saw two standing. They were
11 standing for a lady. Well, let me ask to make
12 sure: Do those two gentlemen want to be heard
13 on this application or were you standing for a
14 lady? Chivalry is not dead. Wonderful.
15 So I have a motion to close the public
16 hearing on this; is there a second to my
17 motion?
18
MR. CAHALIN: I'll second.
19
THE CHAIRMAN: Mr. Cahalin. All in
20 favor.
21 (All aye.)
22
THE CHAIRMAN: Questions or commentary
23 from the board; Mr. Cahalin?
24
MR. CAHALIN: None.
25
THE CHAIRMAN: Mr. Miller?

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1. MR. MILLER: None.
2. THE CHAIRMAN: Mr. Nurzia?
3. MR. NURZIA: No questions.
4. THE CHAIRMAN: Mr. DeMarco?
5. MR. DE MARCO: No.
6. THE CHAIRMAN: I just have one, and that is that in your submission you're really addressing here a use and an area variance.
7. The use variance, although the board is not bound by the prior decisions, it is to be given serious weight, and our deviation from that would require a rational basis I believe is what the courts have found. As general rule, we look at the application, not the applicant.
8. In this instance, there is a maxim for some deference to this applicant. I appreciate that you've addressed those areas of concern that the board had by modifying your application promptly and being able to do it concisely.
9. I have a motion to adjourn this matter for resolution to the next meeting; is there a second to my motion?
10. MR. MILLER: Second.
11. THE CHAIRMAN: Mr. Miller. All in

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1. parcel B -- parcel A -- I'm sorry -- will comply in all respects with the zoning code.
2. No variances are required. However, the subdivision will render the existing improved lot deficient with respect to side yard setbacks. In particular, the existing residence will be 4.3 feet south of the northerly boundary line, which you could see right here, and attached to the existing residence is a bay window which will be 2.7 feet south of the northerly boundary line where 5 feet is required. Therefore, on the northerly boundary line we have a deficiency of -- a proposed deficiency of 3.7 feet with respect to the structure itself and a proposed deficiency of 2.3 feet with respect to the bay window. Then on the south side of the property -- we need to relocate the driveway from the north side of the property to the south side of the property -- we are proposing no setback where a 3 foot buffer is required between the driveway and the existing property on the south side.

Now, I've already submitted a memorandum detailing the five prong test for an area variance, which I understand is part of the record. I have nothing to add to that memorandum, but I am here to answer any questions you may have.

THE CHAIRMAN: Thank you, counselor.

Okay, take a pass at the board. Mr. Cahalin?

MR. CAHALIN: I visited the site a couple times. There's another house next to the original house, that's 14 I think?

MS. SALERNO: Yes, there is another house to the south, and actually, that helps this application -- do you want to dance or what? That actually helps the application because there is already an existing buffer to the rear of that property line. Adamo, maybe you could show me where this is, help me with this. There's plantings already there between the two existing residences from the rear part of the property going to the back.

MR. CAHALIN: Right, I see that, but I'm more concerned about the zero driveway. That's a serious variance, in my opinion, for that particular piece. That north end where...
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We're talking about is tight, and I don't necessarily agree with the application that this is standard in the neighborhood where there's no setbacks. I drove around a couple of different blocks, it seems to me like there are setbacks between the garage in many, many more properties than what this application is going to be for. So my concern is, I see the buffer on -- when you're looking at the property, there is a buffer between the next house going south I guess or going north, that's fine, it's that zero driveway variance that I think, you know, to me, is a serious variance here.

Ms. Salerno: You're speaking of the property on the south side between the two existing homes?

Mr. Cahalin: Between the two existing homes. You're relocating the driveway to the other neighbor basically from where it is now and you're asking for a zero variance; correct?

Ms. Salerno: Correct.

The Chairman: I'm sorry to interrupt you. I'm on your line of thought, but at this place?

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Point I think it's a good time to introduce a question to Mr. Maiorano. I don't see it as a zero buffer because there is going to be a strip of grass between those two driveways. I saw it was staking, a little notation with a little flag on it, and it looked like from the driveway to the next driveway was going to be a strip of about a foot; no?

Mr. Maiorano: Adamo Maiorano from Community Designs and Engineering. If you look at the survey here, this line, it's not on our property, but the neighboring residence does have a couple of feet.

Mr. Cahalin: You're still abutting into the neighbor and going zero.

The Chairman: I'm sorry, Mr. Cahalin, I didn't mean to be argumentative. You're clearly correct that the driveway is going to the other side of the property. What I was just trying to get at is that I didn't feel that it was correct that it's actually on the line because it's not on the line. There is a little bit of room between --

Ms. Uhle: No, it is on the line.

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Mr. Cahalin: It's on the line.

Ms. Uhle: That's the neighbor's property you're talking about.

The Chairman: That's why I'm asking the question. I'm sorry, go ahead.

Mr. Maiorano: The driveway will be on the property line, it just won't be adjacent to -- it won't be touching the neighbor's driveway, there is a landscape buffer there.

The Chairman: That's my fault. I'm sorry to interrupt you. I read that incorrectly. I thought that there was going to be a foot between -- there will be but that's not the land in question. Sorry. Continue.

Mr. Cahalin: I'm done.

The Chairman: How about that. Mr. Miller?

Mr. Miller: No, none.

The Chairman: Mr. Nurzia?

Mr. Nurzia: Just one question. In your notes you mention that, for instance, the driveway buffer, it's common or prevalent on that street in that area; can you elaborate? I've driven on the streets a couple of times a day.

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without surveys it appears to me that there are
a lot of properties in the neighborhood that
have exceeded or have driveways that exceed
that 3 foot buffer.
THE CHAIRMAN: Thank you, counselor.
Mr. DeMarco?
MR. DE MARCO: No questions.
THE CHAIRMAN: And I have nothing at
time.
I make a motion to open this matter to
the public for a public hearing; is there a
second.
MR. CAHALIN: Second.
THE CHAIRMAN: Mr. Cahalin. All in
favor.
(All aye.)
THE CHAIRMAN: Would anyone like to be
heard on this application? Please come
forward, state your name, and speak freely.
MR. BOUTEIRA: My name is John
Boutereira, 19 Nelson Road. I live right
across the street.
I don't think this is a simple
variance at all, like this gentleman said. If
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you put another house on that property, it
directly impacts my house. I have a single
driveway that goes into my garage that I could
only fit two cars in. Now I know it's not the
fault of the people that are going to build
this property that my driveway is too small,
but he's proved my point also that each family
has four cars, now we're going to add four more
cars per household for two more families right
across the street. I already park my car in
the street at nightime. I know the person who
lives at that house and he's lived there
comfortably for 60 years, now that he's going
to, I guess, move on, he's going to sell the
home and put another home next to his while he
moves out. I'm not saying it's fair or not,
but I believe that that house will have a
definite impact on my family, my children,
where they park, and the construction, whatever
else goes on during the process. So I believe
it does have an impact in that area. If you go
down that street at 2:00 in the morning -- I go
to work at 6:00 in the morning, there's a lot
of cars parked in the street on that particular
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forward. State your name for the record and proceed.
MS. BOUTUREIRA: Anna Bouteureira. I live at 19 Nelson Road across the street from John Vitagliano. Very good neighbor this whole time we were there. In fact, he actually allowed me to -- when my daughter, our children got their car at 16, 17 years old -- parking is a problem. I understand that you want to make a generalization it's a problem for all of Eastchester. Why? Because of these variances that we are allowing. By creating another home -- I notice that in the writing they say, improved lot. Right now you use the word, what did we say, trees? I'm looking at beautiful green, people have commented on the home, and the aesthetics will change. I will be looking at less green, no bushes. In fact, John complained when the other neighbor had tried to chop down the tree. Now we want to put a building. I get it, I so get it, it will be an improved, what, new house, but I'll have lost two to three parking spots. I believe, and you can check as you said, I think, Mr. Tudisco,
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you had mentioned if this goes further there's other -- I'm sorry, I'm a novice at this -- if this goes further, do we look at the parking spots? I believe 19 Nelson Road, as Bobby mentioned, probably has the most amount of overnight parking. But that's a fact, so I'm sure that will be looked into later on during the wintertime.

THE CHAIRMAN: Actually, to clarify -- firstly, there is no level of expertise that you have to have to speak freely. You are a resident of Eastchester and don't feel uncomfortable about your thoughts and your expressions on the matter.

Just to clarify, the two lots and the square footage are as of right. The reason why they're before us is because the structure that currently exists is legal non-conforming and they're creating a legal non-conformity by making this application as well. If the structure that existed was knocked down, two homes could be built as of right. I live in Eastchester as well and I understand that I don't come out of my driveway on Christmas and
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division line creating the subdivision will result in the existing house not meeting those left side yard setbacks.

THE CHAIRMAN: So the application is creating the conformity, it's not currently existing as non-conforming?

MS. UHLE: That's correct. It's creating the non-conformity with regard to the side yard setback, and also then with regard to relocating the driveway to the right side of the property.

THE CHAIRMAN: I correct the record on my statement on that.

Now backing up just one step further, would I be correct in saying that if the current structure were knocked down, that the two lots, as long as the proposed structures conformed with the maximum envelope allowed by the building department, you could build two lots there?

MS. UHLE: Yes. If the existing structure were demolished, then you would have two fully legal building lots and you could build without requiring any variances.

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MR. TUDISCO: I just want to clarify something, if I can, Mr. Chairman.

THE CHAIRMAN: Please.

MR. TUDISCO: Certain aspects of an application can get reviewed by the Planning Board; for instance, when they do site plan approval; drainage, the landscaping plan conditions can be imposed. In terms of your concerns about parking and the potential number of cars, that is something that you can try and voice at a second public hearing, but it really would not be at issue. There are certain things that will be reviewed and there are certain things that may not be. I just want to kind of clarify that if anybody is watching at home. Typically when it comes to zoning issues and variances, that is in the purview of the Zoning Board. Site plan approval and the issues that the Planning Board addresses are somewhat different issues. Sometimes there's overlap and sometimes there's not. So I just wanted to clarify that.

THE CHAIRMAN: Thank you, counselor.

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into my next door neighbor's windows, which is
what is starting to happen, as you said, with
congestion and parking within Eastchester. So
please don't comment on, one, parking when the
gentleman, John Vitagliano, my neighbor, even
allowed me to park there, and I only have four
cars. The gentleman on the corner has created
his front lawn as a parking lot for six or
seven as he has children. So if we are walking
down that block and we're noticing different
driveways, please notice the aesthetics is
deteriorating, and this will continue. You may
think it may add value in taxes and increase
your taxes and that's great, but aesthetically
I don't believe it's enhancing the property,
and I believe it's causing more congestion.
Thank you.
THE CHAIRMAN: Thank you. Would
anyone else like to be heard? Okay. Mr.
Maiorano, please.
MR. MAIORANO: Adamo Maiorano again.
I'm a resident as well of Eastchester. I live
a couple of blocks away from the application.
I wouldn't feel comfortable as well, I think my
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job here is try to better develop the town and
better develop the property, and I would
certainly like to listen to the neighbors'
comments and try to take that in and try to
create the least of an impact to the site as we
can as far as shrubbery, trying to keep the
existing shrubs in front of the property. As
we develop the project, obviously create a
beautiful looking house with additional parking
as much as we can. Obviously we're here to try
to look at --
THE CHAIRMAN: May interrupt you?
MR. MAIORANO: Sure.
THE CHAIRMAN: Usually I question
last, I let the board go, but I wanted to cut
to the chase because one thing that was
mentioned during the public hearing, it was
really my only question of you, with the width
between -- is that the north side -- the south
side of the lot at I think 9.4 feet -- is that
what it is?
MR. MAIORANO: Yes.
THE CHAIRMAN: Why not continue the
driveway further back and not have cars parking
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MR. MILLER: Is there any way you could design this so you eliminate the zero variance?

MR. MAIORANO: Because of the nine feet? We could probably -- it's very difficult to get a car -- obviously extending it back, you wouldn't really see it because then we could bring the driveway in and create that 3 foot buffer as we go back right past that little sun room, probably bring it in 6 inches or a foot. It's very difficult to really get a car through there with a little buffer, but maybe potentially about a foot. We would have to extend the driveway and bring it back in that 3 feet to have no parking next to the house but then the parking towards the rear. That could potentially be it.

MR. MILLER: That would be somewhat weird looking, though, putting the parking more in the rear.

MS. UHLE: I think there's two issues. One, the zero lot line setback is more of an aesthetic issue. I know, as Mr. Salerno said, that there probably are a lot of driveways that

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so much and parking further back and off the street and it provides additional parking.

MR. MAIORANO: Really, aesthetically, too, probably they would pull further back then right next to the house and you wouldn't really see that zero.

MS. UHLE: I know you said you don't think you could require it, but depending on how much that issue is related to the zero lot line setback, you may be able to require that or the Planning Board may be able to require that as any kind of site plan approval.

MR. MAIORANO: As far as impervious surfaces as well, we do have about --

THE CHAIRMAN: Mrs. Uhle, could you explain that, I didn't follow you.

MS. UHLE: You know what, I take that back because this would not really be subject to site plan approval. I think if you were inclined to want the applicant to extend the driveway further to -- this is contrary to what Mr. Cahalin wants -- if you were to want the client to extend the driveway further back to kind of mitigate some of the impacts of if you

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abut each other that don't have 3 feet between them, but for that very reason the zoning law was amended in 2004 to require the 3 feet so there would be 6 feet of vegetation between new driveways. So there are a lot of non-conforming, pre-existing driveways, and those are allowed to remain as people repave them, etcetera, but the intent was to try to separate. That's one issue, it's just the aesthetic issue of the pavement.

On the other hand, it seems that people are often very concerned about the amount of parking. So even I had wondered why this driveway didn't extend further back so that if there are four cars, you could at least tandemly park four cars or you could park two in a garage in the back. That might not resolve the zero lot line setback, but it at least resolves the issue with regard to street parking.

THE CHAIRMAN: Correct. It makes it access and it's no longer parking.

MS. UHLE: And it also kind of eliminates people parking in front of the house

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were to prove the subdivision, I think you could do that. I think it's related as a mitigation in terms of concerns about parking, the aesthetics of parking in front of the street, the concern about eliminating some parking related to the house because the existing house had a long driveway with a garage. So I think you could require that as part of the submission if you were to approve the subdivision.

Just keep in mind that for the existing lot, the existing lot would not be subject to Planning Board review, the subdivision approval would be.

MR. TUDISCO: Just --

THE CHAIRMAN: Counselor.

MR. TUDISCO: Yes. Just an observation here, and correct me if I'm wrong, Ms. Uhle, but it appears to me that while it does not address necessarily the concerns that Mr. Cahalin has raised, it does alleviate something else in terms of the aesthetic that's been raised as an issue. So there would be kind of -- it's a decision that the board

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2. width.
3. MR. MAIORANO: We wouldn't be
4. extending that zero foot setback, yes.
5. THE CHAIRMAN: Right. Would the
6. applicant entertain that or -- counselor.
7. MS. SALERNO: Mr. Chairman, I would
8. like to know specifically what you would like
9. to see. Would you like us to move the driveway
10. to the south? I don't quite understand what
11. you're looking for.
12. THE CHAIRMAN: To the south would go
13. onto the other neighbor's property. I'm
14. talking about going east going to the rear of
15. the property.
16. MS. UHLE: Extending the driveway to a
17. garage at the rear of the property so it would
18. provide additional on-site parking.
19. MS. SALERNO: Would you like to see a
20. side by side comparison, perhaps, to what we're
21. proposing now and to what you're suggesting may
22. be an alternative?
23. THE CHAIRMAN: I think we know what
24. you have now. I think what we're looking for
25. is the alternative. We could compare the two.

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2. to the prior application, perhaps you could
3. rework your application -- we'll leave the
4. public hearing open -- as it relates to that
5. ingress and egress for that driveway and the
6. extension of that driveway. I think it seems
7. to alleviate some of the concerns or maybe many
8. of the concerns of most of the board members as
9. it relates to the aesthetics on that
10. non-conformity. What do you think?
11. MR. MAIORANO: Of course, yes, I think
12. so.
13. THE CHAIRMAN: I can't force you. I'm
14. too small. I could get someone else on the
15. board to force you.
16. MR. MAIORANO: Just to continue then
17. extending that driveway. We would obviously
18. set it in so that it's 3 feet away from the
19. property. It wouldn't continue that zero
20. setback, we have the room to move it in and
21. create that buffer. Just at the house you have
22. zero, and then it becomes the 3 feet right
23. after that.
24. THE CHAIRMAN: It doesn't change the
25. setback, but it changes the use and access

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So this has been adjourned to the next meeting.
At this time I have one other matter,
which is a motion to close and adjourn the
meeting to February. Anyone have a second to
my motion?

MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. All in
favor.

(All aye.)
(MEETING ADJOURNED.)

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CERTIFICATION

STATE OF NEW YORK )
) Ss.
COUNTY OF WESTCHESTER)

I, DINA M. MORGAN, Court Reporter and
Notary Public within and for the County of
Westchester, State of New York, do hereby
certify:
That the above transcript was taken from
a videotape of the actual hearing. I was not
present for such hearing. The videotape was
taken and transcribed by me to the best of my
ability.

And, I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 27th day of February, 2019.

DINA M. MORGAN
Court Reporter

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