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STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER
..... X

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
FEBRUARY 13, 2018

..... X

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

TOWN OF EASTCHESTER
Building and Planning Department

BEFORE:

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

FEB 26 2018

PRESENT:

MARGARET UHLE, DIRECTOR OF PLANNING
 MICHAEL VERNON, ASSISTANT PLANNER
 ROBERT TUDISCO, DEPUTY TOWN ATTORNEY
 JAY KING, BUILDING INSPECTOR

Dina M. Morgan
25 Colonial Road
Bronxville, New York 10708
914-469-6353

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EASTCHESTER ZBA - 2/13/18

the first time, the application has been reviewed and the matter is -- I'm sorry, your submission is a public record, so you don't have to reread or repeat the entire application. You can if you want. It won't help or hurt your application. Depending on the complexity, we may ask you to summarize certain items on matters that are first time on.

Now, when I call the roll, any item that is on for resolution will be decided tonight excepting for those applicants who are here and ask for an adjournment. So if the matter is on for a resolution and the applicant is not here, it will be decided upon. In addition, the one item that is old business, that has a component to it that has a decision on it as well potentially as an ongoing application, so when I get to the roll call, I will go over that with the applicant.

So for the roll call on for resolution, Item 1, 17-66, 18 Hickory Hill Road.

APPLICANT: Here.

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EASTCHESTER ZBA - 2/13/18

THE CHAIRMAN: Good evening. Welcome

to the town of Eastchester Zoning Board of appeals meeting for February 13th, 2018. We start our meetings with the Pledge of Allegiance, so if you could please rise and face the flag.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Before I go through the roll, I will, as I do at each meeting, go through the ground rules very quickly.

Firstly, we utilize Robert's Rules of Parliamentary Order.

Secondly, any item that is on first time, first time being heard, will not be decided tonight. As it's printed on every application package, first time on matters they're deliberated on. So anything being heard tonight for the first time will not be decided until March. Our calendar is usually out a year in advance. We meet nine times a year or generally the second Tuesday of every month excepting for July, August, and December.

In addition, any item that's on for

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THE CHAIRMAN: Proceed that to resolution. Okay.

Number 2, 17-68, 14 Lorraine Drive. That will be proceeding to resolution. Number 3, 17-67, 19 Stebbins Avenue.

APPLICANT: Yes.

THE CHAIRMAN: Proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Number 4, 17-55, 350 White Plains Road.

APPLICANT: 330.

THE CHAIRMAN: 350 or 330?

APPLICANT: 330.

THE CHAIRMAN: Okay. Proceeding to resolution?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Under old business, Item 5, 16-14, 600 White Plains Road.

APPLICANT: Present.

THE CHAIRMAN: Okay. New business, 6, 18-03, 735 White Plains Road.

APPLICANT: Present.

THE CHAIRMAN: Proceeding?

APPLICANT: Yes.

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1 EASTCHESTER ZBA - 2/13/18
 2 THE CHAIRMAN: Before we get to our
 3 resolutions, I make a motion to approve the
 4 minutes from the meeting -- not November, that
 5 would be January.
 6 MS. UHLE: January 9th.
 7 THE CHAIRMAN: January 9th. Is there
 8 a second to my motion?
 9 MR. CAHALIN: I'll second.
 10 THE CHAIRMAN: Mr. Cahalin. All in
 11 favor.
 12 (All aye.)
 13 THE CHAIRMAN: Okay. Item 1, 17-66 --
 14 MS. UHLE: Excuse me. Could you just
 15 announce that Application 17-65 for 157
 16 Montgomery Avenue has been adjourned?
 17 THE CHAIRMAN: Thank you, Ms. Uhle,
 18 yes. Rather than wait until the end, if anyone
 19 is here on the application for 157 Montgomery
 20 Avenue, that's been adjourned to March 13th.
 21 Yes, please.
 22 MALE SPEAKER: This is the second
 23 time, right, that it's being postponed?
 24 MS. UHLE: Yes, that's correct.
 25 THE CHAIRMAN: It was adjourned last

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 2 time as well, that's correct. Thank you, Mrs.
 3 Uhle. I apologize, you would have been sitting
 4 here if we had not told you in advance. That's
 5 adjourned. If you have an ongoing interest in
 6 this matter, you may want to call and see if it
 7 is on next time as well so you don't have to
 8 come in if it's not on.
 9 MALE SPEAKER: The next time is
 10 March 13th?
 11 THE CHAIRMAN: March 13th.
 12 MALE SPEAKER: Thank you very much.
 13 THE CHAIRMAN: Thank you.
 14 MR. MILLER: Mr. Chairman?
 15 THE CHAIRMAN: Yes.
 16 MR. MILLER: Just for clarification,
 17 when you indicated 16-14, 600 White Plains
 18 Road, I believe the applicant said present. I
 19 don't know if he indicated whether he was going
 20 forward or what.
 21 APPLICANT: Yes, we plan on
 22 proceeding.
 23 MR. MILLER: Thank you.
 24 THE CHAIRMAN: Thank you and thank
 25 you.

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 2 So on Resolution 1, I make a motion to
 3 adopt a resolution approving this application;
 4 is there a second to my motion?
 5 MR. DE MARCO: Second.
 6 THE CHAIRMAN: Mr. DeMarco. To the
 7 vote: Mr. Cahalin.
 8 MR. CAHALIN: Yes.
 9 THE CHAIRMAN: Mr. Miller.
 10 MR. MILLER: Yes.
 11 THE CHAIRMAN: Mr. Nurzia.
 12 MR. NURZIA: Yes.
 13 THE CHAIRMAN: Mr. DeMarco.
 14 MR. DE MARCO: Yes.
 15 THE CHAIRMAN: And I vote yes. The
 16 application has been approve five/nothing.
 17 Okay, 2, similarly, I make a motion to
 18 adopt a resolution approving Application 17-68;
 19 is there a second to my motion?
 20 MR. CAHALIN: I'll second that.
 21 THE CHAIRMAN: Mr. Cahalin. Mr.
 22 Cahalin, vote.
 23 MR. CAHALIN: Yes.
 24 THE CHAIRMAN: Mr. Miller.
 25 MR. MILLER: Yes.

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 2 THE CHAIRMAN: Mr. Nurzia.
 3 MR. NURZIA: Yes.
 4 THE CHAIRMAN: Mr. DeMarco.
 5 MR. DE MARCO: Yes.
 6 THE CHAIRMAN: And I vote yes. That's
 7 been approve five/nothing.
 8 On resolution 3, I similarly make a
 9 motion to adopt a resolution approving this
 10 application; is there a second to that motion?
 11 MR. MILLER: Second.
 12 THE CHAIRMAN: Mr. Miller. Mr.
 13 Cahalin.
 14 MR. CAHALIN: Yes.
 15 THE CHAIRMAN: Mr. Miller.
 16 MR. MILLER: Yes.
 17 THE CHAIRMAN: Mr. Nurzia.
 18 MR. NURZIA: Yes.
 19 THE CHAIRMAN: Mr. DeMarco.
 20 MR. DE MARCO: Yes.
 21 THE CHAIRMAN: I vote yes to that as
 22 well. It's been approved five/nothing.
 23 MS. UHLE: You just referred to it as
 24 Application 3. It's actually Application 17-67
 25 for 19 Stebbins Avenue.

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 2 THE CHAIRMAN: Resolution 3. Fair
 3 enough.
 4 MS. UHLE: But that's not meaningful
 5 to people listening.
 6 THE CHAIRMAN: Thank you very much.
 7 MS. UHLE: You're welcome.
 8 THE CHAIRMAN: Item 4, 17-55, 330
 9 White Plains Road, I make a motion it adopt a
 10 resolution approving Application 17-55; is
 11 there a second to my motion?
 12 MR. DE MARCO: I'll second.
 13 THE CHAIRMAN: Mr. DeMarco. Mr.
 14 Cahalin, vote.
 15 MR. CAHALIN: Yes.
 16 THE CHAIRMAN: Mr. Miller.
 17 MR. MILLER: Yes.
 18 THE CHAIRMAN: Mr. Nurzia.
 19 MR. NURZIA: Yes.
 20 THE CHAIRMAN: Mr. DeMarco.
 21 MR. DE MARCO: Yes.
 22 THE CHAIRMAN: And I vote yes. That's
 23 been approved five/nothing.
 24 Okay, now on to old business. While
 25 the applicant is getting prepared --

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 2 MALE SPEAKER: Goodnight.
 3 THE CHAIRMAN: Goodnight. Okay, so
 4 just as a point of order, your additional
 5 submission has been received and the board has
 6 reviewed it. I just want to see whether the
 7 board has any further questions before we
 8 proceed further.
 9 Mr. Cahalin, do you have any questions
 10 on the materials that were recently received?
 11 MR. CAHALIN: No.
 12 THE CHAIRMAN: Mr. Miller?
 13 MR. MILLER: Not that were received,
 14 no.
 15 THE CHAIRMAN: Mr. Nurzia?
 16 MR. NURZIA: No.
 17 THE CHAIRMAN: Mr. DeMarco?
 18 MR. DE MARCO: No.
 19 THE CHAIRMAN: I have a motion, but
 20 before I make that motion I just want you to be
 21 aware that if the motion upholds the Building
 22 Department's determination, are you going to
 23 proceed with your application for the second
 24 part of that?
 25 MR. NAPIOR: Certainly.

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 2 THE CHAIRMAN: Okay. I didn't want
 3 you to be blind sided.
 4 MR. NAPIOR: Understood.
 5 THE CHAIRMAN: Okay. I have a motion
 6 at this time to rule in favor of the Building
 7 Inspector's determination in interpretation of
 8 the Zoning Law that a use variance is required
 9 to occupy the existing service bays with a
 10 retail convenience store use; is there a second
 11 to my motion?
 12 MR. DE MARCO: Second.
 13 THE CHAIRMAN: Mr. DeMarco. So let's
 14 vote on that. Mr. Cahalin.
 15 MR. CAHALIN: Yes.
 16 THE CHAIRMAN: Mr. Miller.
 17 MR. MILLER: No.
 18 THE CHAIRMAN: Mr. Nurzia.
 19 MR. NURZIA: Yes.
 20 THE CHAIRMAN: Mr. DeMarco.
 21 MR. DE MARCO: No.
 22 THE CHAIRMAN: Let's be clear here on
 23 what you're voting on because it's two/two.
 24 When you say yes or no --
 25 MR. CAHALIN: I'm supporting the

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 2 motion from the Building Department.
 3 THE CHAIRMAN: So you're not in favor
 4 of the Building Department's determination?
 5 MR. MILLER: Correct.
 6 THE CHAIRMAN: Okay. I just want to
 7 be clear.
 8 MR. NURZIA: I am in favor.
 9 THE CHAIRMAN: And you're not?
 10 MR. DE MARCO: That's right.
 11 THE CHAIRMAN: And I'm in favor of the
 12 Building Department's determination, so that's
 13 been decided three to two.
 14 Okay, so now proceed.
 15 MR. NAPIOR: So with that being said,
 16 then we are left with seeking a use variance
 17 for the additional occupation of the vacant
 18 service bays.
 19 Our initial submission to the board
 20 back in September included the argument in
 21 support of granting the use variance, as this
 22 board is aware I'm sure. The test is whether
 23 the property could be put to any other
 24 financial use. The only other use or the only
 25 permitted principal use of the property as an

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 2 existing non-conforming use is as a single
 3 family residence. The applicant -- I put in
 4 the financial history, but I'll just go through
 5 it. The applicant purchased the site for
 6 \$400,000, made about a hundred thousand dollars
 7 in property upgrades, and in order to demolish
 8 the existing structure and remove the
 9 underground storage tanks and turn it into a
 10 residential site, it would be fairly cost
 11 prohibitive. Sales prices in the area just
 12 based on looking at Zillow for single family
 13 homes range from like 500 to \$900,000. We put
 14 forth to turn the site into a single family
 15 residence it would probably cost in the range
 16 of a million bucks, so it's a losing
 17 proposition.

18 I could certainly go through the other
 19 factors of the test bit I think that's the most
 20 important to the board's analysis. So I could
 21 start there and see if you guys have any
 22 questions.

23 THE CHAIRMAN: At this time, I'll open
 24 it up to the board for any questions and after
 25 the public hearing maybe questions and

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 2 comments.
 3 Mr. Cahalin, any questions?
 4 MR. CAHALIN: None at this time.
 5 THE CHAIRMAN: Mr. Miller?
 6 MR MILLER: No, I just have one
 7 comment. Just to pigeon toe on what you said,
 8 I think to even consider turning it into
 9 residential you would be well into some
 10 significant expenses for testing for hazardous
 11 substances. You would need to start at phase
 12 two.

13 MR. NAPIOR: Correct, and then even if
 14 I could get a clean site, I would have to
 15 import a lot of fill to fill in all the gaping
 16 holes in the ground.

17 THE CHAIRMAN: Mr. Nurzia?

18 MR. NURZIA: No, no questions.

19 THE CHAIRMAN: Mr. DeMarco?

20 MR. DE MARCO: No questions.

21 THE CHAIRMAN: I'm not going to use
 22 the term synthetic, but I think there's some
 23 reason to your argument as to the cost
 24 effectiveness in light of what the permitted
 25 use is. My only question would be that the

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 2 property was purchased in 2015?
 3 MR. NAPIOR: Yes.
 4 THE CHAIRMAN: Okay. At that time --
 5 you're not on trial -- my concern was that at
 6 that time the consideration must have been
 7 since this was essentially a use that's been
 8 ongoing for maybe 15 or 20 years -- what was
 9 the mindset at that time when they purchased
 10 that location for that spot?

11 MR. NAPIOR: So we did not represent
 12 the applicant at the time he acquired the
 13 property. My understanding is there was an
 14 anticipation that he would be able to legalize
 15 the space for something. I believe there was a
 16 prior determination many years back that the
 17 service bays could be put back on line. So
 18 essential he's paying taxes and conditioning
 19 space that's just dead space and sitting there.

20 He then put forward this application
 21 to exercise his legal rights to make an
 22 application to the Planning Board and to your
 23 board to see if he could do something to recoup
 24 his investment.

25 THE CHAIRPERSON: Fair enough. Okay.
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 2 Well, I'll make a motion to open this matter to
 3 the public hearing; is there a second?
 4 MR. NURZIA: Second.
 5 THE CHAIRMAN: Mr. Nurzia. All in
 6 favor.
 7 (All aye.)
 8 THE CHAIRMAN: Would anyone like to be
 9 heard on this application?

10 (No comments.)

11 MS. UHLE: I would still keep it open.

12 THE CHAIRMAN: Yes, I think we have
 13 to.

14 MS. UHLE: I don't know whether you
 15 want the applicant to go over the application
 16 in more detail.

17 THE CHAIRMAN: We should. We should.
 18 I don't see anyone here to be heard on this.
 19 We're going to leave the public hearing open.
 20 I think we should drill down a little more on
 21 the application and maybe go through the test
 22 and maybe just specifically how you cover those
 23 parts of the test, if you don't mind.

24 MR. NAPIOR: Sure. So the next prong
 25 is whether the hardship is unique to the

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1 property and not pandemic to the neighborhood.
2 I put before the board I'm not aware of any
3 other existing non-conforming gas stations in
4 your town in the residential district, so it
5 certainly is unique to this site in that it's a
6 non-conforming use that's currently existing.
7 Therefore, it's unique to this property and not
8 rampant throughout the town.

9 The next prong is whether it would
10 alter the essential character of the
11 neighborhood. It already operates as a gas
12 station. What we're asking for is to occupy
13 the balance of the building. We're not
14 changing the footprint of the building at all.
15 Essentially, the nature of the business will
16 stay exactly the same. There's a small
17 convenience store already on site, so really
18 it's a continuation of the existing use of the
19 site. In addition, per the requirements of the
20 applicant's application before the Planning
21 Board, there will be some screening upgrades
22 and improvements throughout the site where he
23 can accommodate those changes given the
24 constraints on the property. So in essence, it

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1 will stay the same and there will be some
2 improvements to the surrounding neighbors.
3 Whether the alleged hardship has been
4 self-created. Obviously, that is -- to have
5 constructive knowledge of the zoning controls
6 and what's in place concerning the property
7 almost every area variance and use variance is
8 a self-created hardship unless the zoning is
9 changed on you. That in and of itself isn't
10 necessarily a death nail to an application.

11 As I said before, the applicant
12 continues to pay property taxes. He
13 anticipated being able to use the space and not
14 just have to support, you know, two thirds of
15 an empty building to run his gas station.

16 We also have area variances to go
17 through, so I don't know if you would like me
18 to touch on those as well?

19 THE CHAIRMAN: I think we will. Some
20 of the items that we are concerned about really
21 are -- or at least I am -- are more applicable
22 to planning, but I did have one question about
23 the actual building. Just to be clear, refresh
24 my recollection, you're not going beyond the

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1 current footprint of the structure; correct?
2 MR. NAPIOR: Correct.
3 THE CHAIRMAN: For some reason I just
4 wanted to be clear on that.
5 MR. NAPIOR: It would just be
6 alterations to the site. We're removing the
7 bay doors, putting windows and walls up
8 instead.

9 THE CHAIRMAN: Fair enough. So yes,
10 why don't you go through those use variances.

11 MR. NAPIOR: So there are a handful of
12 area variances that are also required.

13 Section 9M2 of the code requires a
14 front landscaped area. It's rather vague. It
15 doesn't give specifics on that. So we are
16 proposing new plantings where feasible. The
17 front yard will remain paved parking and a
18 filling area for the pumps. So we are
19 requesting a variance from the requirement to
20 maintain a front landscaped area or whatever
21 that means.

22 Transition buffer area, Section 9M3 of
23 the code, requires and evergreen buffer 10 feet
24 in width from the adjoining one or two family

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1 residential district. The applicant is
2 proposing to maintain the existing retaining
3 wall and the fence on the northern property
4 line -- so along this side -- and guardrail on
5 the southern property line. The northern
6 property line is only 14 and a half feet off
7 the edge of the building, so to have a 10 foot
8 buffer of evergreen plantings that impede on
9 circulation around the back of the building,
10 which is part of and during the Planning Board
11 process I believe the town retained a traffic
12 consultant, I know the client was required to
13 retain a traffic consultant, and the net result
14 of that was to have traffic circulation on site
15 coming in here, so one way in on the southerly
16 curb cut, parking in front where they could
17 fuel and exit here, and then parking in the
18 rear with traffic circulating around the
19 building in a counterclockwise direction. So
20 similarly to this setback off the guardrail
21 will be 15 feet, with 10 feet of evergreen
22 planting you wouldn't have enough room to
23 maneuver a car around the perimeter of the
24 building.

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1 Section 13-C-7E, perimeter landscaped
2 area, requires a landscaped area around the
3 perimeter of any parking area. The applicant,
4 again, is proposing to maintain the existing
5 guardrail. There is some parking on this edge
6 of the property here as well as over here. So
7 we are requesting, again for the same reasons,
8 we don't have the real estates to maintain any
9 significant landscaping buffers around those
10 areas. All this is essentially proposed to
11 remain as existing. The applicant is adding
12 some planting along the front here, as well as
13 in the front corner here where he could get it
14 in without disrupting the traffic flow on the
15 property.

16 So those are the three area variances
17 that we will need. They all deal with
18 perimeter plantings.

19 THE CHAIRPERSON: At this time, does
20 the board have any questions of the applicant;
21 Mr. Cahalin?

22 MR. CAHALIN: No.

23 THE CHAIRMAN: Mr. Miller?

24 MR. MILLER: No.

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1 THE CHAIRMAN: Mr. Nurzia?

2 MR. NURZIA: No.

3 THE CHAIRMAN: Mr. DeMarco?

4 MR. DE MARCO: No.

5 THE CHAIRMAN: I can't speak for the
6 entire board, but I reviewed the application
7 from its beginning with the understanding that
8 we may wind up hearing the use variance parts
9 of your application, so I got a pretty good
10 understanding of where you're coming from in
11 your argument.

12 Mrs. Uhle, as point of order, would
13 there be a reason to maintain the public
14 hearing as open since we've heard both the use
15 and area variance aspects of the application?

16 MS. UHLE: I don't think you need to
17 keep it open unless you plan to come back and
18 have further discussion with the applicant. If
19 you were going to come back with a resolution,
20 then I think you obviously should close it.

21 THE CHAIRMAN: I'm speaking for
22 myself, but I think I want to get the flavor
23 from board here, because I think I'm ready as a
24 board member to come back for a resolution.

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1 Mr. Cahalin, are you ready?

2 MR. CAHALIN: I feel the same way.

3 THE CHAIRMAN: You do. Mr. Miller?

4 MR. MILLER: I'm ready.

5 THE CHAIRMAN: I'm ready as well. Are
6 you ready?

7 MR. NURZIA: Yes.

8 THE CHAIRMAN: Mr. DeMarco?

9 MR. DE MARCO: Ready.

10 THE CHAIRMAN: Then I'm going to make
11 a motion to close the public hearing on this
12 application; is there a second?

13 MR. CAHALIN: I'll second that.

14 THE CHAIRMAN: Mr. Cahalin. All in
15 favor.

16 (All aye.)

17 THE CHAIRMAN: Okay. I'm also now
18 going to make a motion to come back and -- by
19 the way -- let me stop my motion. Under
20 Robert's Rules, I'm stopping my own motion.
21 I'm going to make a motion in a moment, but I'm
22 also going to direct that we have a resolution
23 that will be contained within that resolution
24 because it's I think, counselor, for Article 78

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1 purposes the timing is the same, the resolution
2 is going to be one resolution; correct? The
3 decision we just made on the interpretation and
4 resolution we're going to make on the
5 application --

6 MS. UHLE: At this point, I don't
7 think it really matters because -- well, I
8 guess what we had talked about is you directing
9 me to draft a resolution for next month, so now
10 you're just telling me to draft the resolution
11 to incorporate both the interpretation and the
12 use variance.

13 MR. TUDISCO: I would suggest that the
14 resolution make reference to the initial vote
15 that you took tonight and it should be fine.

16 THE CHAIRMAN: That would be part of
17 the resolution, yes.

18 MS. UHLE: Yes.

19 THE CHAIRMAN: So then we have it
20 right.

21 So I'm making a motion to adjourn this
22 matter for resolution at the next meeting; is
23 there a second?

24 MR. DE MARCO: Second.

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 2 THE CHAIRMAN: Mr. DeMarco. All in
 3 favor.
 4 (All aye.)
 5 THE CHAIRMAN: Okay. You will be back
 6 for a resolution at the next meeting.
 7 MR. NAPIOR: Thank you all.
 8 THE CHAIRMAN: Thank you. Last item,
 9 new business, 6, this is 735 White Plains Road.
 10 MR. FAUSTINI: Good evening. My name
 11 is Nicholas Faustini. I'm here on behalf of
 12 John Cotugno, Architect, as well as Wilmar
 13 Properties, which is the owner of the building.
 14 The proposed work includes change of
 15 use from a dental office to a retail space.
 16 The building is composed of three spaces right
 17 now, one personal service establishment, a
 18 retail space, as well as a dental office.
 19 Our proposal here is changing the
 20 dental office to a retail space, which
 21 necessitates one additional parking space.
 22 When you look through our zoning schedule,
 23 you'll see that 25 spaces are required for the
 24 present use and five only currently exist. So
 25 our proposed use changing the dental office to

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 2 a retail space would require 26 spaces where
 3 five only exist, and that would require one
 4 additional parking space variance.
 5 Also, we are at 2,998 square feet of
 6 combined personal service as well as retail
 7 space, which is below the threshold of 3,000
 8 square feet where a loading space is required.
 9 Once we convert the dental office to a retail
 10 space, now we're above that 3,000 square foot
 11 threshold and do require a loading space.
 12 As you can see, our property is quite
 13 small and it's really just the five parking
 14 spaces in the back. There really isn't space
 15 to add additional parking or a loading space.
 16 The building was built as a retail space with
 17 this number of parking spaces in the 1950's.
 18 The middle retail space that we're talking
 19 about tonight or the proposed retail space was
 20 originally a retail space, it was converted to
 21 a dental office in the Eighties. So we're here
 22 tonight just to ask to restore it to its
 23 original use as three retail establishments.
 24 We understand that the parking is
 25 non-conforming, but it's really a small

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 2 property and we can't do much with it.
 3 THE CHAIRMAN: Okay. Thank you for
 4 your presentation. At this time, I usually
 5 reserve the opportunity for the board to ask
 6 questions and then take it from there. Mr.
 7 Cahalin?
 8 MR. CAHALIN: Sure. In your
 9 submission, you have an arrangement with Trader
 10 Joe's to share parking, is that correct?
 11 MR. FAUSTINI: There is an arrangement
 12 to share parking and access, snow removal and
 13 stuff and so forth. So they do share spaces.
 14 MR. CAHALIN: Okay. Thank you.
 15 THE CHAIRMAN: Mr. Miller?
 16 MR. MILLER: No questions.
 17 THE COURT: Mr. Nurzia?
 18 MR. NURZIA: Just a follow-up
 19 question. That arrangement, is that a
 20 handshake agreement or is there some formal
 21 agreement?
 22 MR. FAUSTINI: It's essentially a
 23 handshake agreement.
 24 MR. NURZIA: Okay. No other
 25 questions.

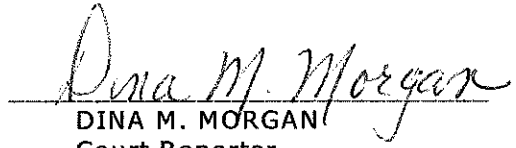
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 2 THE CHAIRMAN: Mr. DeMarco?
 3 MR. DE MARCO: No questions.
 4 THE CHAIRMAN: I don't have anything
 5 at this time.
 6 I make a motion to open this matter to
 7 a public hearing; is there a second to my
 8 motion?
 9 MR. CAHALIN: I'll second that.
 10 THE COURT: Mr. Cahalin. All in
 11 favor.
 12 (All aye.)
 13 THE CHAIRMAN: Would anyone like to be
 14 heard on this application from the public?
 15 (No comments.)
 16 THE CHAIRMAN: Going once, going
 17 twice. Seeing no one, I'll make a motion to
 18 close this application for the public to be
 19 heard on it; is there a second to my motion?
 20 MR. DE MARCO: Second.
 21 THE CHAIRMAN: Mr. DeMarco. All
 22 favor.
 23 (All aye.)
 24 THE CHAIRMAN: Back to the board. Any
 25 questions or comments; Mr. Cahalin?

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 2 MR. CAHALIN: None.
 3 THE CHAIRMAN: Mr. Miller?
 4 MR. MILLER: None.
 5 THE CHAIRMAN: Mr. Nurzia?
 6 MR. NURZIA: No.
 7 THE CHAIRMAN: Mr. DeMarco?
 8 MR. DE MARCO: Nothing.
 9 THE CHAIRMAN: I don't have anything
 10 either. Your application meets the test for
 11 the variance. It's very basic and
 12 straightforward. I have nothing further.
 13 I do have a motion to adjourn this
 14 matter for resolution at the next meeting; is
 15 there a second?
 16 MR. MILLER: Second.
 17 THE CHAIRMAN: Mr. Miller. All in
 18 favor.
 19 (All aye.)
 20 THE CHAIRMAN: Thank you.
 21 MR. FAUSTINI: Have a good evening.
 22 THE CHAIRMAN: You too. Okay. Having
 23 no further business, I make a motion to adjourn
 24 this February meeting of the Zoning Board of
 25 Appeals for the town of Eastchester; second to
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 2 my motion?
 3 MR. DE MARCO: Second.
 4 THE CHAIRMAN: Mr. DeMarco. All in
 5 favor.
 6 (All aye.)
 7
 8 (MEETING ADJOURNED.)
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 2 C E R T I F I C A T I O N
 3
 4 STATE OF NEW YORK)
) Ss.
 5 COUNTY OF WESTCHESTER)
 6
 7 I, DINA M. MORGAN, Court Reporter and
 8 Notary Public within and for the County of
 9 Westchester, State of New York, do hereby
 10 certify:
 11 That the above transcript was taken from
 12 a videotape of the actual hearing. I was not
 13 present for such hearing. The videotape was
 14 taken and transcribed by me to the best of my
 15 ability.
 16 And, I further certify that I am not
 17 related to any of the parties to this action by
 18 blood or marriage, and that I am in no way
 19 interested in the outcome of this matter.
 20 IN WITNESS WHEREOF, I have hereunto set
 21 my hand this 26th day of February, 2018.
 22
 23 
 24 DINA M. MORGAN
 Court Reporter
 25 **DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 2/13/18
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 3 CORRECTION SHEET
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 6 PAGE CORRECTION
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