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

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
FEBRUARY 14, 2017

..... X

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
- MARK DE MARCO, MEMBER
- JOSEPH MILLER, MEMBER
- MICHAEL CAHALIN, MEMBER
- PETER NURZIA, MEMBER

P R E S E N T:

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

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

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EASTCHESTER ZBA - 2/14/17

first time, are not decided the first time they're on. So for those who are here and the viewing public if you are contemplating an application, bear in mind that, again, your application is considered when it's presented for the first time and any application that's first on for tonight the earliest a decision would be made would be March.

Now, as far as the items that are on for tonight, there are two on for resolution. If you are not here, we're -- if the applicant is not here, excuse me, we're going to proceed to resolution. When I call the roll, just let me know if the applicant is present and whether they want to proceed. Again, for the resolutions, if you're not here, we're proceeding. If you want to adjourn, you may do so.

So let's go with the roll call. The first item is on for resolution, number 1, 16-68, 17 Deerfield Avenue. You're ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Number 2, 17-01,
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EASTCHESTER ZBA - 2/14/17

THE CHAIRMAN: Good evening, everyone. Welcome to the February meeting for the Zoning Board of Appeals for the town of Eastchester. We usually start our meeting with the Pledge of Allegiance. I don't see a flag. Our town attorney, what do you think, where do we pledge?

MR. TUDISCO: We could use the --

THE CHAIRMAN: Okay, that's what we'll do. Everyone rise, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Okay, before I go through the roll, I just want to go over a few of the ground rules, as I do each time we have a meeting.

First, we follow Robert's rules of elementary order, if anybody cares.

Secondly, the Zoning Board of Appeals meets nine times a year. We usually meet the second Tuesday of each month. We do not meet in July, August, and December. Our calendar is published. The reason why I'm telling you this is because applications that are on for the

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Kids Corner, 4 Grayrock Road. Okay, you're ready to proceed? Good.

Okay. Under old business, item number 3, 16-13, the Rogliano subdivision at Water and Stewart.

APPLICANT: We're ready to proceed.

THE CHAIRMAN: Okay. Thank you.

Under new business, item number 4, 17-05, 297 Main Street; is the applicant present?

APPLICANT: Yes.

THE CHAIRMAN: Are you ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. The last item is 17-02, 429 White Plains Road, Mickey Spillane's.

APPLICANT: Here.

THE CHAIRMAN: You're ready to procedure?

THE APPLICANT: Yes.

THE CHAIRMAN: Okay. The sixth item, which is 17-46, 62 Lake Shore Drive has been adjourned.

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One other item on those items that are on for the first time, your -- everything, as a matter of public record, your submission and all the exhibits are part of the public record and they've been reviewed by the board. You're under no obligation to have to read them into the record. If you want to repeat the application and your answers to the five part you may, but you do not need to do that. Your application with will neither be helped or hurt by it.

Okay, so let's start with the resolutions. Number 1, 17 Deerfield Avenue I have motion to --

MR. CAHALIN: Excuse me, Mr. Chairman.

THE CHAIRMAN: Yes, sir.

MR. CAHALIN: Reading of the minutes.

THE CHAIRMAN: Would you like to make a motion?

MR. CAHALIN: I would like to make a motion.

THE CHAIRMAN: Good, because I forgot to, so please do.

MR. CAHALIN: I make a motion to
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Number 2, 17-01, Kids Corner, 4 Grayrock Road. I have a similar motion to adopt a resolution approving the application; is there a second to my motion?

MR. CAHALIN: I'll second that.

THE CHAIRMAN: Mr. Cahalin. 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. The application has been approved five/nothing.

Okay, moving on to old business, the Rogliano subdivision. If the applicant wants to come forward and proceed with the continuing of the application.

MS. UHLE: May I make one comment before the applicant begins?

THE CHAIRMAN: Please.

MS. UHLE: Two of the things that the
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accept the minutes of January of 2017.

THE CHAIRMAN: And I will second that motion. All in favor.

(All aye.)

THE CHAIRMAN: Thank you, Mr. Cahalin. Okay -- it's Valentine's Day, I want to get everyone home.

MR. CAHALIN: I know that.

THE CHAIRMAN: Again, Item number 1, 17 Deerfield Avenue, I make a motion to adopt a resolution approving the application; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: By Mr. DeMarco. I'll take the roll. 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: And I vote yes. The application has been approved five/nothing.

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Zoning Board had asked for was to get confirmation from our engineering consultant that the road geometry met our zoning requirements, and also that retaining walls were not required within the town right of way. The applicant submitted that information for all of us to review, and I just got confirmation today from our engineer, though, that no additional variances are required and that they can grade the road without providing the retaining walls. That's a good thing. But that was not included in our meeting notes previously.

THE CHAIRMAN: Thank you, Mrs. Uhle, for that. I will note that in record. The applicant may continue.

MR. SENOR: Good evening, Eliot Senor, engineer, surveyor for the applicant. At the last meeting, there were several points that were raised, I guess, and we tried to deal with them as best we can.

One, this hatched area here is the areas of the adjacent properties that are non-conforming in one way or another, whether

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 2 it's area or width or things like that. So
 3 that was, I think, an easier reading map than
 4 what we previously submitted.
 5 THE CHAIRMAN: Thank you.
 6 MR. SENOR: All right. One of the
 7 board members had talked about the close
 8 proximity of the houses to the property -- to
 9 the next property. What we did after that last
 10 meeting is, we had our architect determine what
 11 the size of the FAR maximum would be for these
 12 lots and then had him devise a feasible
 13 footprint of the house for that area. So what
 14 that allowed us to do was to create actual
 15 footprints with actual setbacks, and we
 16 increased our setbacks, I believe -- the
 17 minimum side where we had 8 before is now 10,
 18 and the other side is between 11 and 12 feet
 19 where 10 was required. So we added 3 or 4 feet
 20 between each house to try and, you know, get a
 21 realistic footprint.
 22 I think those are -- oh, as far as the
 23 consultant engineer talked about the pitch of
 24 the roadway, which we corrected, you said we
 25 could, and the grading. So we satisfied all of

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 2 his comments that were outstanding. So if you
 3 have any questions.
 4 THE CHAIRMAN: Sure. At this time --
 5 although, just to refresh my recollection, Ms.
 6 Uhle, the public part of this hearing is still
 7 open; correct?
 8 MS. UHLE: Yes, it is.
 9 THE CHAIRMAN: So at this time I think
 10 what I would like to do is invite the board to
 11 ask any questions that they may have of this
 12 supplemental information and then we continue
 13 the public hearing.
 14 Mr. Cahalin, do you have anything?
 15 MR. CAHALIN: No, but I want to thank
 16 the applicant for making the effort on both the
 17 diagram and the setbacks. We usually don't get
 18 that type of a response. So it is much
 19 appreciated and noted. Thank you.
 20 THE CHAIRMAN: Thank you, Mr. Cahalin.
 21 Mr. Miller?
 22 MR. MILLER: No questions.
 23 THE CHAIRMAN: Mr. Nurzia?
 24 MR. NURZIA: No questions.
 25 THE CHAIRMAN: Mr. DeMarco?

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 2 MR. DE MARCO: Nothing.
 3 THE CHAIRMAN: I have nothing. So the
 4 public that would like to be heard on this
 5 application. Anybody?
 6 (No comments.)
 7 THE CHAIRMAN: Okay. Seeing nobody,
 8 I'm going to make a motion to close the public
 9 hearing on this.
 10 MR. MILLER: Second.
 11 THE CHAIRMAN: Second by Mr. Miller.
 12 All in favor.
 13 (All aye.)
 14 THE CHAIRMAN: Okay. So to the board.
 15 At this point, I usually would ask the board to
 16 weigh in with any comments they may have or any
 17 further questions. Seeing that no one has
 18 spoken on this, I'm sure it's just commentary.
 19 Mrs. Uhle.
 20 MS. UHLE: I have a couple of
 21 questions.
 22 THE CHAIRMAN: Fire away.
 23 MS. UHLE: When you were talking about
 24 the building footprints, I just want to clarify
 25 that that's based on gross floor area that's

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 2 consistent with the R-5 zone; correct?
 3 MR. SENOR: Correct.
 4 MS. UHLE: Okay. Then the only thing
 5 I want you to be clear about, and I had always
 6 understood that as a condition of approval of
 7 the subdivision they would just make it clear
 8 that even though the properties in an R-10,
 9 that all the houses would be subject to the R-5
 10 requirements, and I think you're okay with
 11 that.
 12 MR. SENOR: Yes.
 13 MS. UHLE: The only thing I want to
 14 double check, I appreciate that I know you said
 15 you made the side yard setbacks larger, is that
 16 something that you want to commit to or are you
 17 just saying in the example that you provided?
 18 MR. SENOR: I think we feel that we're
 19 going to commit to the larger side yard
 20 setbacks.
 21 MS. UHLE: What are those again?
 22 MR. SENOR: The minimum is 10 and 10.
 23 Some of them had 10 and 12.
 24 MS. UHLE: Okay, so if the board were
 25 to grant the variances, a condition would be

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2 that the houses be limited to the gross floor
3 area that's permitted in an R-5 district and
4 that the setbacks, the side yard setbacks, be
5 no less than 10 feet.

6 MR. SENOR: Yes, we can commit to
7 that.

8 MS. UHLE: That's okay?

9 MR. SENOR: Yes.

10 MS. UHLE: All right. If you want to,
11 but I just wanted to be clear.

12 THE CHAIRMAN: I appreciate the
13 clarification. I just want to be clear with
14 our town attorney, so is this the effect of
15 amending the application now?

16 MR. TUDISCO: I think it is in that
17 it's now on the record.

18 THE CHAIRMAN: Okay. Fair enough.

19 MS. UHLE: I don't want to disagree
20 with the town attorney, but these are
21 conditions that you would -- the variances are
22 still --

23 THE CHAIRMAN: I'm sorry to interrupt
24 you. What I would like to arrive at since
25 we're going to be voting on the application is,

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2 MR. CAHALIN: None.

3 THE CHAIRMAN: Mr. Miller?

4 MR. MILLER: No. Just to make it
5 clear, we're not approving anything right now,
6 we're just -- if we were to do it, those would
7 be conditions because obviously we have to vote
8 to approve something?

9 MS. UHLE: That's correct.

10 THE CHAIRMAN: Mr. Nurzia?

11 MR. NURZIA: No.

12 THE CHAIRMAN: Mr. DeMarco?

13 MR. DE MARCO: No.

14 THE CHAIRMAN: I have nothing but a
15 motion to adjourn this matter for a resolution
16 at the next meeting; is there a second to my
17 motion?

18 MR. MILLER: Second.

19 THE CHAIRMAN: Mr. Miller. All in
20 favor.

21 (All aye.)

22 MR. SENOR: Thank you for your time.

23 THE CHAIRMAN: Have a good night.

24 MR. SENOR: You too.

25 THE CHAIRMAN: Okay, first item under
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2 are we going to approve the application as
3 submitted and this is just a wish, or is it
4 going to be that we're going to submit the
5 application as approved conditioned upon an
6 amendment to the side yard setbacks?

7 MS. UHLE: No. The application before
8 you is for a certain number of area variances.

9 THE CHAIRMAN: Right.

10 MS. UHLE: You would approve those
11 area variances subject to two conditions. So
12 there's no amendment. It's what you always do.
13 So it would be you're approving the 17 area
14 variances subject to the condition that the
15 gross floor areas be limited to that permitted
16 under the R-5 zoning and that the side yard
17 setbacks be no less than 10 feet. So it's the
18 same application but you're imposing a couple
19 of conditions that they've agreed to.

20 THE CHAIRMAN: Board, everyone on
21 board with that?

22 MR. DE MARCO: Yes.

23 THE CHAIRMAN: Thank you, Mrs. Uhle.
24 Okay, now comments or questions from the board
25 following that; Mr. Cahalin?

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2 new business, number 4, 297 Main Street. The
3 applicant can come up, state your name and
4 address for the record, and proceed.

5 MR. COSTELLO: Good evening, ladies
6 and gentlemen, Patrick Costello, 670 White
7 Plains Road, Suite 110, Scarsdale, New York
8 10583.

9 MS. LEWKOWITZ: Susan Lewkowitz, 670
10 White Plains Road, Scarsdale, New York.

11 MR. COSTELLO: This is with respect to
12 297 Main Street here in Eastchester. It
13 relates to a mixed use, one family and a
14 commercial frontal store. What we're looking
15 to do is convert the store into a one bedroom
16 apartment. In order to do that, we need to
17 expand the front approximately 136 square feet
18 to the frontage here. It would have no adverse
19 effect on the other properties in the
20 surrounding neighborhood as is evidenced by 295
21 Main Street. This property comes out to the
22 sidewalk, as well as the property next to the
23 elementary school.

24 MS. UHLE: Excuse me, could you speak
25 into the microphone? That's for our

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 2 stenographer.
 3 MR. CAHALIN: And also, you're the
 4 owners; correct?
 5 MR. COSTELLO: Correct. Again, the
 6 purpose is to make this into -- convert it from
 7 the mixed use commercial into a residential.
 8 We want to bring the front out so that we have
 9 a more reasonable type of apartment. It would
 10 be a one bedroom apartment. We cannot utilize
 11 the north, the south in that there are bearing
 12 walls on the other side. The rear of it is a
 13 boiler room for both these -- for the house
 14 behind it, so that would not be feasible.
 15 With respect to us, we purchased this
 16 property back in July of 2016 and the issue
 17 that we have is it's just economically not
 18 feasible for us to rent it out, it's been very
 19 difficult, and we're looking to convert it to a
 20 one bedroom. That's it in a nutshell.
 21 The finishes would be consistent with
 22 the existing building, specifically with the
 23 roof. The roof would be similar to the
 24 existing roof of the house. The brick would be
 25 consistent with the brick of the house as well

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 2 as the stuccoing on the house itself. So
 3 everything would be uniform.
 4 THE CHAIRMAN: At this juncture, I
 5 usually reserve time for the board to ask
 6 questions on the application. I just want to
 7 clarify for the viewing public, that this is
 8 not -- you're not seeking a use variance. The
 9 use is as of right. You're talking about area
 10 variances because of the frontage.
 11 MR. COSTELLO: The front with respect
 12 to the 30 foot.
 13 THE CHAIRMAN: I just want to clarify
 14 for the public in case there is anyone
 15 commenting at the public hearing, really we're
 16 just talking about the dimensions, it's an area
 17 variance.
 18 Okay, Mr. Cahalin, any questions?
 19 MR. CAHALIN: Sure. That 30 feet is
 20 substantial. So what's left -- if you go out
 21 to the sidewalk, how much a sidewalk is left?
 22 MS. LEWKOWITZ: We would have to check
 23 that, I'm not exactly sure, but it would be the
 24 same as the other properties on the walk.
 25 MR. COSTELLO: To the left of it is

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 2 295, it would come out right to --
 3 MR. CAHALIN: I get where it's going
 4 to end up. I'm just asking, is that an 8 foot
 5 sidewalk; is it a foot sidewalk; is it a --
 6 it's not going to be 10 feet I don't think? So
 7 I was just curious.
 8 MR. COSTELLO: We would have to
 9 confirm the actual distance of the sidewalk.
 10 It would be the same as the existing --
 11 THE CHAIRMAN: Come up and identify
 12 yourself and explain it if you don't mind.
 13 That would help. There's also a drawing here
 14 that if it's to scale would tell us that.
 15 Please, your name and address and proceed.
 16 MALE SPEAKER: (Name and address
 17 inaudible.) As far as 295, I will say the
 18 gentleman is right, it's not 10 feet but pretty
 19 close. It's about 8 feet.
 20 THE CHAIRMAN: Let's take a look at
 21 what we have here.
 22 MS. UHLE: That's not to scale.
 23 MR. CAHALIN: It's not to scale.
 24 THE CHAIRMAN: I just wanted to see if
 25 I could help, that's all. Being of no help,

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 2 Mr. Cahalin, do you want to continue?
 3 MR. CAHALIN: No, I'm done.
 4 THE CHAIRMAN: Okay. Mr. Miller?
 5 MR. MILLER: Yes. You're not going
 6 up -- you're not planning on going up, are you?
 7 MR. COSTELLO: No. We're just going
 8 to come out forward.
 9 MR. MILLER: Okay. There's a driveway
 10 there, is it going to affect the ability to get
 11 in and out of the driveway in any degree?
 12 MR. COSTELLO: It's no different than
 13 would be for 295 Main Street, which is the
 14 building right here, so there would be no issue
 15 at all.
 16 MR. CAHALIN: It's a shared driveway;
 17 correct?
 18 MALE SPEAKER: No, it's not. Also,
 19 right now there's a little knee wall there, so
 20 it really wouldn't be any different.
 21 MR. COSTELLO: What he is speaking of
 22 is right here.
 23 (Indicating.)
 24 THE CHAIRMAN: So if you don't mind me
 25 interrupting, Mr. Miller, just to clarify, when

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 2 you're coming forward you're -- there is
 3 nothing that indicates you're going south,
 4 you're only coming forward?
 5 MR. COSTELLO: Correct.
 6 THE CHAIRMAN: So the driveway ingress
 7 and egress is not changing at all no matter how
 8 far forward you come?
 9 MR. COSTELLO: No.
 10 THE CHAIRMAN: Okay. Mr. Miller?
 11 MR. MILLER: No, I'm good.
 12 THE CHAIRMAN: Mr. Nurzia?
 13 MR. NURZIA: Yes, just a follow-up
 14 point on the driveway. If you're coming up to
 15 be at the same frontage as 295, I guess my
 16 question is somebody coming out of the driveway
 17 if they're making a turn, doesn't matter if
 18 they're making a right or left-hand turn, the
 19 site distance for cars coming south on Main
 20 Street, how does that factor in?
 21 MR. COSTELLO: You're saying cars
 22 coming east out of the driveway?
 23 MR. NURZIA: Yes.
 24 MR. COSTELLO: It's only going to come
 25 out to the same distance as this building. We

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 2 don't see having a site issue.
 3 MR. CAHALIN: I think that's why I
 4 asked what was left on the sidewalk because if
 5 there's stuff left, you could still see, you
 6 got site line.
 7 MS. LEWKOWITZ: I just want to say it
 8 would be the same as the right. So there would
 9 be no difference.
 10 THE CHAIRMAN: Mrs. Uhle, did you want
 11 to say something?
 12 MS. UHLE: Yes. There is an actual
 13 survey that's provided, it's a reduced scale
 14 survey, but just looking at the dimensions, it
 15 looks like the sidewalk is at least 12 to
 16 13 feet wide on the survey. So I think, like
 17 the applicant said, you know, a car coming onto
 18 Main Street would be within that area within
 19 the sidewalk. But if you look at the survey,
 20 and we could certainly confirm this prior to
 21 the next meeting if we just have a full scale
 22 survey, but based on other dimensions if you
 23 look the driveway is 11.2 feet wide and the
 24 sidewalk is clearly wider than that is, so I
 25 would say 12 to 13 feet at least. If that

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 2 helps answer any questions.
 3 MR. CAHALIN: Okay.
 4 THE CHAIRMAN: Anything further, Mr.
 5 Nurzia?
 6 MR. NURZIA: No.
 7 THE CHAIRMAN: Mr. DeMarco?
 8 MR. DE MARCO: Nothing.
 9 THE CHAIRMAN: I don't have anything
 10 as well at this point. I do make a motion to
 11 open this matter to the public; is there a
 12 second to my motion?
 13 MR. CAHALIN: I'll second.
 14 THE CHAIRMAN: Mr. Cahalin. All in
 15 favor.
 16 (All aye.)
 17 THE CHAIRMAN: Okay. Would anyone
 18 from the public like to come forward and speak
 19 on this application?
 20 (No comments.)
 21 THE CHAIRMAN: Seeing nobody, I make a
 22 motion to close the public hearing on this
 23 matter; is there a second?
 24 MR. MILLER: Second.
 25 THE CHAIRMAN: Mr. Miller. All in

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 2 favor.
 3 (All aye.)
 4 THE CHAIRMAN: Okay. We're back to
 5 the board for any further questions or
 6 comments; Mr. Cahalin?
 7 MR. CAHALIN: None.
 8 THE CHAIRMAN: Mr. Miller?
 9 MR. MILLER: None.
 10 THE CHAIRMAN: Mr. Nurzia?
 11 MR. NURZIA: No.
 12 THE CHAIRMAN: Mr. DeMarco?
 13 MR. DE MARCO: I'm saving all my
 14 questions for the next application.
 15 THE CHAIRMAN: My only comment is
 16 there is a hodgepodge of different facades and
 17 uses -- not uses -- and spaces in that area,
 18 and I don't find it in consistent with the area
 19 at all.
 20 I do make a motion to adjourn this
 21 matter for a resolution at the next meet; is
 22 there a second to my motion?
 23 MR. DE MARCO: Second.
 24 THE CHAIRMAN: Mr. DeMarco. Just beat
 25 you out. All in favor.

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 2 (All aye.)
 3 THE CHAIRMAN: Our final matter for
 4 the night is new business, 429 White Plains
 5 Road, Mickey Spillane's.
 6 MR. IANNACITO: Good evening. My name
 7 is John Iannacito. I'm an architect and I'm
 8 represent Mike Hynes and Stephen Carty this
 9 evening, the owners of Mickey Spillane's. An
 10 application for this project was approved by
 11 the Zoning Board back in 2015, and we are here
 12 this evening to request approval to legalize
 13 work which was partially completed but not
 14 included on that approved application.
 15 We are requesting the legalization of
 16 a one story addition behind the existing
 17 kitchen at the rear of the existing structure,
 18 which is here in hatched in the back of the
 19 property. This space behind the kitchen was
 20 previously used as outdoor storage and was
 21 partially covered by a roof. During the course
 22 of construction, the walls along the property
 23 line were built up and a new room added and it
 24 created an interior storage area.
 25 We're also requesting legalization of
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 2 concrete block walls which were constructed
 3 along the property line on the side and above
 4 the kitchen to conceal the rooftop equipment.
 5 I'll just quickly go through the plan
 6 here. So here is the first floor plan. The
 7 dark line here at the back are the concrete
 8 walls that were built to enclose the storage
 9 area behind the kitchen, which was previously
 10 storage and will continue to be storage. Here
 11 is the second floor plan behind the roof garden
 12 that was approved in the previous application.
 13 The walls were extended up along the side and
 14 the rear to conceal the rooftop equipment.
 15 The partially completed work at the
 16 rear has created an increase to the existing
 17 non-conforming conditions and we are requesting
 18 the following area variances:
 19 The first is for the first side yard
 20 setback where the existing and the proposed are
 21 0 and the required is 10 feet, a deficiency of
 22 10 feet or 100 percent.
 23 The second area variance is for the
 24 second side yard setback where the existing and
 25 proposed are 0 feet and the required is 10
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 2 feet, a deficiency of 10 feet or 100 percent.
 3 The third area variance is for the
 4 rear yard setback where the proposed is also 0
 5 and the required is 30 feet, a deficiency of
 6 30 feet or 100 percent.
 7 The fourth variance is for the
 8 principal building coverage, where the proposed
 9 building coverage is 4,575 and the allowable is
 10 3,000 square feet, an increase of 1,575 square
 11 feet or 52.5 percent.
 12 The fifth variance is for the number
 13 of off street parking spaces. The previously
 14 approved application plus the new storage area
 15 behind the kitchen requires a total of 19
 16 parking spaces. A variance for 15 parking
 17 spaces was granted in 2006; therefore, a
 18 variance for 4 additional parking spaces is
 19 required for this application.
 20 Also, there were some changes made to
 21 the front facade that didn't match the approved
 22 application, and that all needs to go back in
 23 front of the Architectural Review Board and the
 24 Planning Board for further review but does not
 25 require any additional variances.
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 2 Thank you for your time. I'm happy to
 3 answer any questions you have.
 4 THE CHAIRMAN: Thank you, Mr.
 5 Iannacito.
 6 So again, the board will ask their
 7 questions at this moment. I'm going to start
 8 with Mr. DeMarco seeing that he was loaded with
 9 questions.
 10 MR. DE MARCO: Please start somewhere
 11 else. I have so many questions, I don't want
 12 where to start.
 13 THE CHAIRMAN: Is that true?
 14 MR. DE MARCO: No, it's not true.
 15 There's a second kitchen on the second floor;
 16 they couldn't leave --
 17 MR. IANNACITO: No, there is only one
 18 kitchen. There is only one kitchen. There was
 19 a storage space behind the kitchen on the first
 20 floor, and actually it was an outdoor storage
 21 area that could be seen from the neighboring
 22 property, so having the walls is actually a
 23 better condition.
 24 THE CHAIRMAN: It was an eyesore.
 25 MR. IANNACITO: Yes, it was an eyesore
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1 before. So those walls going up and having a
2 roof covering that area, it just keeps it
3 cleaner and it does hide the storage area from
4 the Piper's Kilt parking lot and from the David
5 Levy's property behind it.

7 MR. DE MARCO: Mr. Iannacito, did you
8 know that Mike Hynes is also known as the
9 Derrick Jeter of the bar business?

10 MR. IANNACITO: Derrick Jeter?

11 MR. DE MARCO: Yes. Did you know
12 that? Just so you know.

13 MR. IANNACITO: And the walls that are
14 on the upper floor, they help to conceal the
15 rooftop equipment. On the previous
16 application, we had railings and some screenage
17 up there. They decided to do it in concrete
18 block. It's partially completed today, so if
19 you go there today you will see that it's up
20 and down. The proposal is to bring them all up
21 to same height, come across, and put a new
22 stucco finish on the back. So it will look a
23 little better in the back if approved.

24 THE CHAIRMAN: Mr. DeMarco, anything
25 else?

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1 technically generate additional demand for
2 parking, which I think is the case here. One
3 of the reasons that we calculate it that way,
4 though, is years ago applicants would come in
5 and say the rear of the building is going to be
6 used for storage and then three weeks later
7 there's dining tables in there. In this
8 particular case, I don't it's -- it's not
9 really very feasible for them to utilize that
10 space that way. So I think you could usually
11 use that as mitigation in terms of making a
12 determination.

13 MR. IANNACITO: Right. This space is
14 behind the kitchen. You would have to go
15 through the kitchen to get access to the
16 property behind.

17 MS. UHLE: Not that I think it's ever
18 going to be a problem, but you could certainly
19 make it a condition of approval that that space
20 always remain as storage.

21 MR. CAHALIN: I mean, the other thing
22 we have to remember is the parking in the area
23 has gotten better since 2015 when the lot was
24 redone. So there's more parking there now than
25

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1 MR. DE MARCO: No, I'm good.

2 THE CHAIRMAN: Mr. Nurzia?

3 MR. NURZIA: Yes, I have a question.
4 Actually, maybe Mr. Tudisco could just chime in
5 on this. You need a variance for the 19 spots
6 now, you had one for 15, I'm just curious with
7 the increase in that intensity are there any
8 factors that we should be taking into account?

9 MR. TUDISCO: Well, actually, I'll
10 defer to Margaret. The additional floor space
11 because of the storage area is included in the
12 floor space, so in a real sense my
13 understanding is, and correct me if I'm wrong,
14 they're not increasing the interior square
15 footage to the extent that they would
16 necessarily require any parking spaces, this is
17 just outside storage space that is, based upon
18 the zoning law, required to be included in the
19 square footage; is that correct, Ms. Uhle?

20 MS. UHLE: Yes, that's correct. For
21 zoning compliance purposes, you calculate the
22 gross floor area from the interior and exterior
23 walls regardless of what the use is. So if you
24 have a large storage area, it may not
25

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1 there ever was. So asking for four spaces at
2 this time is not really a stretch as compared
3 to when the original 15 were required. It was
4 a lot tougher back then, in my opinion, than
5 what is there right now. The town has expanded
6 the parking over there.

7 THE CHAIRMAN: Thank you, Mr. Cahalin.
8 Mr. Nurzia?

9 MR. NURZIA: Yes, just one other
10 follow-up question. Can you just qualify with
11 the work for that exterior storage space, was
12 that part of the renovation a couple of years
13 ago or was it something that was done --

14 MR. IANNACITO: Well, it wasn't part
15 of the application. We weren't doing anything
16 in the back of the kitchen. We didn't do any
17 work in the kitchen at all in that previous
18 applicant. We just did above the existing bar
19 space, the outdoor dining area, and expanded
20 that room. So we weren't really doing anything
21 back there. It just came up as they were doing
22 construction. It was pretty messy back there,
23 so it seemed like a good idea. We probably
24 should not have done the work before we came to
25

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 2 you guys, but it was done.
 3 THE CHAIRMAN: Mr. Nurzia and I both
 4 know with our Catholic Jesuit education that
 5 it's easier to seek forgiveness than
 6 permission.
 7 So having said that, Mr. Miller, do
 8 you have anything?
 9 MR. MILLER: I have nothing. I will
 10 not make my usual comment about doing something
 11 without a variance.
 12 THE CHAIRMAN: Mr. Cahalin?
 13 MR. CAHALIN: I said my piece.
 14 THE CHAIRMAN: I invoked my Catholic
 15 education, so I've done my good deed.
 16 I make a motion to open this matter to
 17 the public. Is there anyone here? See nobody
 18 here to be heard on this application --
 19 MR. TUDISCO: Wait --
 20 MR. CAHALIN: I'll second the motion
 21 to open it.
 22 THE CHAIRMAN: All in favor.
 23 (All aye.)
 24 MR. CAHALIN: I'll make a motion to
 25 close the public hearing.

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 2 THE CHAIRMAN: Mr. DeMarco. All in
 3 favor.
 4 (All aye.)
 5 THE CHAIRMAN: Thank you for your
 6 time.
 7 MR. IANNACITO: Thank you.
 8 THE CHAIRMAN: I make a motion to
 9 adjourn our meeting and we'll see everyone in
 10 March; is there a second to my motion?
 11 MR. NURZIA: Second.
 12 THE CHAIRMAN: All in favor.
 13 (All aye.)
 14 MR. CAHALIN: Second.
 15 THE CHAIRMAN: See you in March.
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 2 THE CHAIRMAN: Okay, I'll second your
 3 motion then. All in favor.
 4 (All aye.)
 5 THE CHAIRMAN: Okay. Back to the
 6 board. Mr. Cahalin?
 7 MR. CAHALIN: Nothing.
 8 THE CHAIRMAN: Mr. Miller?
 9 MR. MILLER: Nothing.
 10 THE CHAIRMAN: Mr. Nurzia?
 11 MR. NURZIA: No, nothing.
 12 THE CHAIRMAN: Mr. DeMarco?
 13 MR. DE MARCO: Mr. Carty couldn't make
 14 it tonight?
 15 MR. IANNACITO: He's busy with
 16 Valentine's Day.
 17 MR. DE MARCO: That's what I figured.
 18 Nothing further.
 19 THE CHAIRMAN: My commentary is it's
 20 consistent, again, with the character and scope
 21 of the prior work and the neighborhood. So I
 22 make a motion adjourn this matter for
 23 resolution at the next meeting; is there a
 24 second to my motion?
 25 MR. DE MARCO: Second.

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 2 CERTIFICATION
 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 6th day of March, 2016.
 22
 23
 24
 25

Dina M. Morgan
 DINA M. MORGAN
 Court Reporter

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CORRECTION SHEET

PAGE

CORRECTION

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