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TOWN CLERK
EASTCHESTER, N.Y.

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

2019 JUN 17 PM 3 18 X

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
MAY 14, 2019

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

B E F O R E:

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

P R E S E N T:

MARGARET UHLE, DIRECTOR OF PLANNING
JAY KING, BUILDING INSPECTOR
CAROL PINTO, SECRETARY
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY

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

RECEIVED
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3

1 EASTCHESTER ZBA - 5/14/19
2 forward.
3 Next, 19-01, 454 California Road;
4 present, not present?
5 MS. UHLE: I don't believe the
6 applicant is present, so you would just proceed
7 with that.
8 ACTING CHAIRMAN MILLER: We'll proceed
9 with that.
10 19-11, 118 Siwanoy Boulevard.
11 Present. Do you wish to proceed? Okay.
12 Proceed.
13 Let's move on to new business. 19-17,
14 1 Morgan Street; anyone here? Ready to
15 proceed?
16 APPLICANT: Ready to proceed.
17 ACTING CHAIRMAN MILLER: 19-14, 38
18 Forbes Boulevard; ready to proceed?
19 APPLICANT: Yes.
20 ACTING CHAIRMAN MILLER: 19-13, 2
21 Pasadena Road; ready to proceed?
22 APPLICANT: Yes.
23 ACTING CHAIRMAN MILLER: 38 Lee
24 Avenue; ready to proceed?
25 APPLICANT: Yes.

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1 EASTCHESTER ZBA - 5/14/19
2
3 ACTING CHAIRMAN MILLER: Good evening
4 and welcome to the Town of Eastchester Zoning
5 Board meeting for the month of May. Mr. Pilla,
6 the Chairman of the Board, is a little under
7 the weather tonight, so I'll be filling in for
8 him. I will do the best that I can. Please
9 bear with me. I'm sure that Ms. Uhle will
10 correct me if I make any mistakes.
11 At this point, would everyone please
12 stand for the Pledge of Allegiance.
13 (Whereupon the Pledge of Allegiance
14 was said.)
15 ACTING CHAIRMAN MILLER: We'll begin
16 with a quick roll call of the resolutions and
17 new applications. Let's start out with
18 resolutions. 18-45, 20 Nelson Road, it has
19 been adjourned; correct?
20 MS. UHLE: Yes.
21 ACTING CHAIRMAN MILLER: I should
22 point out that you will see we're missing
23 obviously a board member, so in order to
24 succeed tonight, if you have a two/two vote,
25 that will be considered a denial. You may want
to think about that if you intend on moving

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1 EASTCHESTER ZBA - 5/14/19
2 ACTING CHAIRMAN MILLER: 19-12, 22 and
3 24 Water Street and 42 Stewart Place, which is
4 all one application; applicant here?
5 MS. UHLE: I'm assuming they saw where
6 they were on the agenda and may show up a
7 little bit late.
8 ACTING CHAIRMAN MILLER: We're going
9 to mark them as proceeding.
10 MS. UHLE: Yes.
11 ACTING CHAIRMAN MILLER: 18-44, 51
12 Joyce Road; ready to proceed? Anyone? Okay,
13 we're going to proceed.
14 That's it for the new business. We're
15 going to approve the minutes of the last
16 meeting.
17 MS. UHLE: Before you do that, I just
18 want to note that Application 19-16 for 126
19 Brook Street has been adjourned to the June
20 11th meeting. It doesn't look like anyone is
21 here for that, but if you are here or if you're
22 watching for that, that will not be heard
23 tonight.
24 ACTING CHAIRMAN MILLER: That will be
25 the first correction of the night for me.

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1 EASTCHESTER ZBA - 5/14/19
 2 MS. UHLE: Just a clarification.
 3 ACTING CHAIRMAN MILLER: I would make
 4 a motion to approve the minutes of the last
 5 meeting, which were held on March 12, 2019; is
 6 there a second?
 7 MR. CAHALIN: Second.
 8 ACTING CHAIRMAN MILLER: Mr. Cahalin
 9 with a second. Everyone agree?
 10 (All aye.)
 11 ACTING CHAIRMAN MILLER: The minutes
 12 have been approved.
 13 MS. UHLE: Now you move on to the
 14 resolutions.
 15 ACTING CHAIRMAN MILLER: First
 16 resolution is 19-17, 1 Morgan Street. That's
 17 been adjourned, correct, Margaret?
 18 MS. UHLE: No. Look at the blue
 19 sheet. You got a blue sheet there. It's
 20 Application 19-01 for 454 California Road.
 21 ACTING CHAIRMAN MILLER: 19-01, 454
 22 California Road, which is an application for an
 23 area variance to construct a one story rear
 24 addition to an existing family residence. I
 25 would make a motion to approve the resolution;
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1 EASTCHESTER ZBA - 5/14/19
 2 is there a second?
 3 MR. CAHALIN: I'll second.
 4 ACTING CHAIRMAN MILLER: All in favor.
 5 (All aye.)
 6 ACTING CHAIRMAN MILLER: The
 7 resolution is approved.
 8 Next resolution, 19-11, 118 Siwanoy
 9 Boulevard, which is an application for an area
 10 variance to construct a two story addition at
 11 the side of the single family residence with a
 12 side yard setback of 4 feet where a minimum 8
 13 feet is required, a deficiency of 4 feet or 50
 14 percent. I will make a motion to approve the
 15 resolution; is there a second?
 16 MR. NURZIA: Second.
 17 ACTING CHAIRMAN MILLER: Mr. Cahalin.
 18 MR. CAHALIN: No.
 19 ACTING CHAIRMAN MILLER: Mr. Nurzia.
 20 MR. NURZIA: Yes.
 21 ACTING CHAIRMAN MILLER: Mr. DeMarco.
 22 MR. DE MARCO: Yes.
 23 ACTING CHAIRMAN MILLER: And it is
 24 approved. Just to backtrack, I don't believe I
 25 called the roll on 454 California Road.
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1 EASTCHESTER ZBA - 5/14/19
 2 Margaret, can I backtrack?
 3 MS. UHLE: For the taking of the vote?
 4 Okay, do that.
 5 ACTING CHAIRMAN MILLER: Just to
 6 backtrack, 19-01, 454 California Road, I made a
 7 motion to approve the application. There was a
 8 second by Mr. Cahalin. Mr. Cahalin.
 9 MR. CAHALIN: I'll vote yes.
 10 ACTING CHAIRMAN MILLER: Mr. Nurzia.
 11 MR. NURZIA: Yes.
 12 ACTING CHAIRMAN MILLER: Mr. DeMarco.
 13 MR. DE MARCO: Yes.
 14 ACTING CHAIRMAN MILLER: And the
 15 application is approved.
 16 Let's move on to new business. First
 17 application is 19-17, 1 Morgan Street. As
 18 you're setting up, this is an application for
 19 an area variance to legalize an existing one
 20 story rear addition. Please state your name
 21 and address.
 22 MS. MYLENSKI: Sure. Good evening.
 23 I'm Stephanie Mylenski with SM Architecture
 24 Studio. This is my client Dylan Jeannotte of 1
 25 Morgan Street. We're seeking to legalize a
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 2 small addition at the back of the house that
 3 was built in the 1970's. The addition is one
 4 story raised above grade on posts with a patio
 5 below.
 6 Dylan purchased the house in 2010
 7 unaware that the addition built over 30 years
 8 prior had not be permitted or approved. He is
 9 now in the process of selling the house and in
 10 contract to purchase another home in
 11 Eastchester. The buyer's attorney discovered
 12 the addition was never legalized, so Dylan is
 13 trying to continue as planned with a closing
 14 date in June. We're therefore requesting four
 15 variances for the addition.
 16 Due to the small lot size, which is
 17 about 3,500 square feet, the existing house,
 18 which was built in 1927, did not meet today's
 19 building requirements, and therefore, the
 20 addition that we're now seeking variances for
 21 does not as well.
 22 The first two variances relate to
 23 setbacks. The existing house infringes on the
 24 allowable setbacks on all but one side. The
 25 addition, therefore, also extends into the
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1 EASTCHESTER ZBA - 5/14/19
 2 allowable rear and side setbacks.
 3 The third and fourth variances relate
 4 to allowable building coverage and impervious
 5 surface coverage. Again, the original house
 6 exceeded the allowable building coverage and
 7 impervious surface coverage for the small site,
 8 and therefore, the addition does as well.
 9 The addition is at the back of the
 10 house. It could barely be seen from the
 11 street. I included some pictures on the board
 12 that show images from the patio below, and it
 13 shows the steep slope going down to Marbledale
 14 Road, and there are trees there that obstruct
 15 the view of the addition from the commercial
 16 properties on Marbledale. The addition has had
 17 no impact on the neighbors the last 40 plus
 18 years that it's been there. We, therefore,
 19 request that the variances should be granted.
 20 Any questions?
 21 ACTING CHAIRMAN MILLER: I'll reserve
 22 questions right now. Mr. Cahalin, any
 23 questions?
 24 MR. CAHALIN: No.
 25 ACTING CHAIRMAN MILLER: Mr. Nurzia?
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 2 MR. NURZIA: Yes, actually. I'm not
 3 sure how this fell through the cracks when your
 4 client purchased I think you said back in 010.
 5 That was my comment. I'm just surprised that
 6 it wasn't picked up then. I don't have any
 7 comments. I mean, your points kind of cover
 8 the logistics of this lot, the fact that you
 9 don't see the back yard addition, so I don't
 10 have any particular concerns.
 11 ACTING CHAIRMAN MILLER: Mr. DeMarco?
 12 MR. DE MARCO: No questions.
 13 ACTING CHAIRMAN MILLER: I have no
 14 questions at this time. I make an application
 15 to open it up to the public; do I have a
 16 second?
 17 MR. NURZIA: Second.
 18 MR. CAHALIN: Second.
 19 ACTING CHAIRMAN MILLER: Second by Mr.
 20 Nurzia and Mr. Cahalin.
 21 Is there any comment from the public;
 22 questions, concerns?
 23 (No comments.)
 24 ACTING CHAIRMAN MILLER: I'll make a
 25 motion to close the public hearing; is there a
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1 EASTCHESTER ZBA - 5/14/19
 2 second?
 3 MR. DE MARCO: Second.
 4 MS. UHLE: I think you need to do all
 5 in favor too.
 6 ACTING CHAIRMAN MILLER: All in favor?
 7 MS. UHLE: If you have a motion and a
 8 second, you need to vote.
 9 ACTING CHAIRMAN MILLER: Everybody in
 10 favor?
 11 MR. CAHALIN: I'm all in favor of
 12 closing the public hearing.
 13 (All aye.)
 14 ACTING CHAIRMAN MILLER: Public
 15 hearing is closed. Anybody else have any
 16 questions?
 17 MR. CAHALIN: No.
 18 ACTING CHAIRMAN MILLER: Mr. Cahalin,
 19 no. Mr. Nurzia?
 20 MR. NURZIA: No.
 21 ACTING CHAIRMAN MILLER: Mr. DeMarco?
 22 MR. DE MARCO: No.
 23 ACTING CHAIRMAN MILLER: Then I will
 24 make an application at this moment to adjourn
 25 this matter to the June hearing for a
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 2 resolution. All in favor.
 3 (All aye.)
 4 ACTING CHAIRMAN MILLER: Thank you.
 5 MS. MYLENSKI: Thank you.
 6 ACTING CHAIRMAN MILLER: Next
 7 application is 19-14, 38 Forbes Boulevard.
 8 MS. UHLE: We just received a handout
 9 related to this application.
 10 MR. IANNACITO: Good evening. My name
 11 is John Iannacito, I'm an architect, and I'm
 12 representing Mr. and Mrs. Pinkas this evening.
 13 The proposed scope of work will
 14 include the construction of a new circular
 15 drive and the expansion of the existing
 16 driveway. I'll just come over to the plan.
 17 Here is the existing site plan. The existing
 18 house is highlighted here in red. It's an
 19 existing patio at the side of the existing
 20 house, existing walkways. This is the proposed
 21 circular drive and the expanded driveway to
 22 allow access to the existing driveway, which is
 23 located here at the front of the house.
 24 We are requesting two area variances
 25 this evening. The first is for the total
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1 impervious coverage. The maximum permitted
2 coverage is 4,734 square feet and the proposed
3 is 5,488, an increase of 754 square feet or
4 15.9 percent. The second variance is for the
5 circular drive width. The allowable driveway
6 width is 12 feet and a portion of the proposed
7 driveway is 13.2 feet, an increase of 1.2 feet
8 or 10 percent.

9 The circular driveway is needed by the
10 family who lives at the house to minimize the
11 number of steps required to get up to the front
12 entrance of the house because the house is set
13 up higher, and also to provide a better access
14 for a family with young children and elderly
15 parents.

16 The proposed driveway will be similar
17 to other properties in the neighborhood, and it
18 will not have any adverse effect on the
19 neighborhood.

20 I'm going to show you a blow up of the
21 driveway. We have a blow up of the circular
22 drive. The circular drive will have stone
23 walls on both sides. On the right side here,
24 the driveway will slope up to a flat area,

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1 which will connect to an existing walkway that
2 goes up to the front entrance. Right now, they
3 go up about 14 steps from the driveway to get
4 to the front entrance. We're going to
5 eliminate most of those and have five steps.
6 At this point, the driveway slopes back down
7 towards the street and towards the expanded
8 driveway to allow access to the existing
9 garage. The existing garage currently has an
10 existing retaining wall along the right side,
11 and there will be a new retaining wall right in
12 front of the garage doors. So the expanded
13 driveway is required to allow the vehicle to
14 maneuver backwards into this position and then
15 out. This is the reason for the expanded
16 driveway.

17 **ACTING CHAIRMAN MILLER:** At this
18 point, I'll open this up to questions from the
19 board members. Mr. Cahalin, any questions?

20 **MR. CAHALIN:** Yes. I have to call you
21 on this one. I've driven around the
22 neighborhood, there's 1. 24. 24 Forbes is the
23 only other circular driveway I could find.

24 **MR. IANNACITO:** I thought there were
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1 two on that street.

2 **MR. CAHALIN:** I saw one. I was there
3 this afternoon to double check. There was one.
4 And the house is completely different in
5 topography than this one.

6 **MR. IANNACITO:** Than this one,
7 correct. That one is a little bit lower.

8 **MR. CAHALIN:** Much lower. And now
9 we're going to put in two curb cuts as opposed
10 to one for the existing driveway; right?

11 **MR. IANNACITO:** Correct. That's why
12 we have a circular driveway.

13 **MR. CAHALIN:** Right. There's going to
14 be two curb cuts instead of one.

15 **MR. IANNACITO:** Right.

16 **MR. CAHALIN:** The land doesn't lend
17 itself well. To me, looking around the
18 neighborhood, all the other houses have steps
19 like this that go up. Now this one may have
20 more than some of the others, but, you know, I
21 don't see -- I worry about trends in
22 Eastchester. People start pulling in circular
23 driveways everywhere, it changes our town.

24 **MR. IANNACITO:** Well, there are
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1 certain requirements for the circular drive,
2 and you have to be a certain distance apart,
3 and we meet all those requirements.

4 **MS. UHLE:** John, can you put the other
5 image up.

6 **MR. CAHALIN:** But you're also creating
7 another impervious surface that doesn't need to
8 be as large as it needs to be.

9 **MR. IANNACITO:** We're over the
10 impervious by a little over 700 square feet,
11 and I think we need the driveway in order to
12 maneuver. We looked at other options to try to
13 reduce the size of the driveway, and it just
14 makes it impossible to back out of the garage
15 in one turn and out. You have to go back and
16 forth a couple of times to get out.

17 **MR. CAHALIN:** The garage is underneath
18 the house; correct?

19 **MR. IANNACITO:** Right. Yes.

20 **MR. CAHALIN:** So they're not going to
21 go in through the house to go up their stairs
22 inside; you're telling me they're going to put
23 their cars in front and just go always through
24 the front door?

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MR. IANNACITO: This is the reason we're doing it, we're trying to reduce the amount of steps to get to the front entrance.

MR. CAHALIN: That I got completely. I understand why. I don't agree with the comment that it's not a change in the neighborhood. It is a change in the neighborhood.

MR. IANNACITO: I mean, most of the houses in the neighborhood have large driveways.

MR. CAHALIN: That's not what we're talking about. We're not talking about large driveways. We're talking about circular driveways.

MR. IANNACITO: Okay. But there are plenty of houses in Eastchester with circular drives.

MR. CAHALIN: I wouldn't put that out there on a bet.

MR. IANNACITO: You have to meet a certain criteria to have a circular drive.

MR. CAHALIN: I'm not denying that. Here we're creating an impervious surface

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problem that's not there.

MR. IANNACITO: Correct. It is a self-created problem.

MR. CAHALIN: Which is part of the test.

MR. IANNACITO: Which is part of the test, but it's not the only --

MR. CAHALIN: No, but it's a significant part of the test.

MR. IANNACITO: I think when you look at the value of the variance, it's only 15 percent more than what's allowed. If you look at the previous application, they were almost 30 percent over the allowable on coverage.

MR. CAHALIN: Which one? The one we just did?

MR. IANNACITO: Yes, on tonight.

MR. CAHALIN: Okay. Every property is different, so the percentages -- that percentage -- that's not a good argument in my mind to make just because one is 30 and one is 15. If you're on a bigger lot size, the numerator and the denominator change the math

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very quickly.

MR. IANNACITO: True.

ACTING CHAIRMAN MILLER: Any further comments?

MR. CAHALIN: I said my piece.

ACTING CHAIRMAN MILLER: Mr. Nurzia?

MR. NURZIA: One comment. The driveway that you proposed is 12 feet wide for I think most of the width except for one spot where it's 13.2; why is that?

MR. IANNACITO: This end right here is 13.2. I think you just need the extra space to make the turn there. It's just a tighter curve here. So in order for the car to turn, it needs to be a little wider, and also to create a little bit better drop off area at the top here. This area right here will be pretty much flat. The car could pull up to this spot and people could pull up to the walkway.

MR. NURZIA: Okay.

MR. IANNACITO: That's the reason it's a little wider there.

MR. NURZIA: Okay.

ACTING CHAIRMAN MILLER: Mr. DeMarco, **DINA M. MORGAN, REPORTER**

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any questions?

MR. DE MARCO: No questions.

ACTING CHAIRMAN MILLER: I have no questions at this point in time.

I would make a motion to an open the application up to the public; is there a second?

MR. DE MARCO: Second.

ACTING CHAIRMAN MILLER: Mr. DeMarco. All in favor.

(All aye.)

ACTING CHAIRMAN MILLER: Any comments from the public?

(No comments.)

ACTING CHAIRMAN MILLER: Seeing no one having indicated such, I would make a motion to close the public hearing; is there a second?

MR. CAHALIN: I'll second.

ACTING CHAIRMAN MILLER: Second by Mr. Cahalin. Is everybody in favor?

(All aye.)

ACTING CHAIRMAN MILLER: Public hearing is closed. I make an application to refer this matter to the June hearing for a

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1 EASTCHESTER ZBA - 5/14/19
 2 resolution; is there a second?
 3 MR. NURZIA: Second.
 4 ACTING CHAIRMAN MILLER: Second by Mr.
 5 Nurzia. All in favor.
 6 (All aye.)
 7 ACTING CHAIRMAN MILLER: The
 8 application is approved.
 9 MS. UHLE: It's not approved.
 10 ACTING CHAIRMAN MILLER: Oh, sorry.
 11 Application is adjourned not approved.
 12 Next application is 19-13, 2 Pasadena
 13 Road. As you're setting up, this is an
 14 application for an area variance to construct a
 15 second story addition over an existing one
 16 story addition with a rear yard setback of
 17 14.5 feet whereas a minimum of 25 feet is
 18 required, a deficiency of 10.5 feet or
 19 42 percent.
 20 MR. MAIORANO: Good evening, board
 21 members. My name is Adamo Maiorano from
 22 Community Designs and Engineering. On behalf
 23 of the owner and applicant, Cynthia Roberto, we
 24 are proposing, as you said, a one story
 25 addition over an existing one story in the rear
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 2 yard.
 3 The owner wishes to increase their
 4 master bedroom in order to create a master
 5 bedroom suite with walk-in closets and master
 6 bath. In order to do so, the ideal plan,
 7 layout, and most economical way to go about
 8 doing this is to build over the existing one
 9 story. In doing so, this will increase the
 10 non-conformity because as it is situated in the
 11 R-7.5 zoning district, the rear setback minimum
 12 is required to be 25 feet and we are at
 13 14.5 feet, so it's a deficiency of 10.5 feet.
 14 We are here today looking for approval to
 15 proceed with the one story addition.
 16 Basically, as you could see from the
 17 side elevation, that dotted dash line is the
 18 existing structure above where the master
 19 bedroom is as it exists today, and what we are
 20 proposing is to go over that structure in the
 21 newly proposed addition. From the front of the
 22 house, it won't be visible the way the roof is
 23 situated, the gable. As far as the existing
 24 site features, it is heavily dense screened in
 25 the rear yard and side yards by mature
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 2 planting. Actually, the neighbor that is
 3 situated in the rear yard facing New Rochelle
 4 Road has a very large, oversized lot, and their
 5 side yard setback is very far away from where
 6 this addition will be placed. So it doesn't
 7 really create any close boundaries to the
 8 neighbors.
 9 Other than that, any questions I'll be
 10 happy to answer.
 11 ACTING CHAIRMAN MILLER: I'll open
 12 this up to questions from the board members.
 13 We'll start in reverse; Mr. DeMarco?
 14 MR. DE MARCO: No questions.
 15 ACTING CHAIRMAN MILLER: Mr. Nurzia?
 16 MR. NURZIA: No questions.
 17 ACTING CHAIRMAN MILLER: I have no
 18 questions. Mr. Cahalin?
 19 MR. CAHALIN: None.
 20 ACTING CHAIRMAN MILLER: I will make a
 21 motion to open this application up to the
 22 public; is there a second?
 23 MR. CAHALIN: Second.
 24 ACTING CHAIRMAN MILLER: All in favor.
 25 (All aye.)
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1 EASTCHESTER ZBA - 5/14/19
 2 ACTING CHAIRMAN MILLER: Anybody from
 3 the public wish to comment?
 4 (No comments.)
 5 ACTING CHAIRMAN MILLER: Not hearing
 6 anybody say yes, no, or anything else, I will
 7 make a motion to close the public hearing; is
 8 there a second?
 9 MR. NURZIA: Second.
 10 ACTING CHAIRMAN MILLER: Mr. Nurzia,
 11 second. All in favor.
 12 (All aye.)
 13 ACTING CHAIRMAN MILLER: We will be
 14 closing the public hearing on this, and it will
 15 be on for a resolution at the next hearing in
 16 June. Thank you.
 17 MR. MAIORANO: Thank you.
 18 ACTING CHAIRMAN MILLER: Next
 19 application is 19-15, 38 Lee Avenue. While
 20 you're setting up, this is an application for
 21 area variances to reconstruct an existing front
 22 porch and to construct a new attached two car
 23 garage.
 24 MR. IANNACITO: Okay. Good evening,
 25 again. My name is John Iannacito, I'm an
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1 EASTCHESTER ZBA - 5/14/19
 2 architect, and I'm representing Mr. and Mrs.
 3 Franklin this evening, the owners of the
 4 subject property.
 5 The proposed scope of work -- I'll
 6 point it out on the plans -- we are proposing
 7 repairs and reconstruction of an existing front
 8 porch at the front of the house; we're
 9 proposing to remove an existing detached garage
 10 highlighted here in purple at the rear of the
 11 property; proposing a one story garage addition
 12 at the side of the existing residence; and site
 13 alterations, including a reduction in the size
 14 of the patio and the size of the driveway,
 15 resulting in a nett decrease to the impervious
 16 surfaces.

17 MR. CAHALIN: John, I have to give you
 18 a hard time every once in awhile.

19 MR. IANNACITO: So we're requesting
 20 three area variances on this one.

21 The first one is for the front yard
 22 setback to the covered porch; the existing and
 23 proposed front yard setback is 13.3 feet and
 24 the required is 26 feet, a deficiency of 12.7
 25 or 48.8 percent. The second is for the front

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1 EASTCHESTER ZBA - 5/14/19
 2 porch width; the permitted width of a porch is
 3 10.9, which would be 30 percent of the overall
 4 front facade. The existing and proposed widths
 5 are 20.4, which is 56 percent on the front
 6 facade, an increase of 9.5 feet or 87.1
 7 percent. The third variance is for the setback
 8 to the new garage. The proposed front yard
 9 setback is 20.9 feet and the required is
 10 30 feet, a deficiency of 9.1 or 30.3 percent.

11 So the first two requested variances
 12 are for the front porch and are existing. They
 13 are required because the porch is being
 14 rebuilt. There is no change to the existing
 15 setback or the existing width of the porch, and
 16 there's no change to the existing
 17 non-conforming values. The third variance is
 18 for the garage, which is an improvement to the
 19 site because it will create a better use of all
 20 open space at the rear yard, and it decreases
 21 the overall coverage on the property.

22 Thank you for your time. I'm happy to
 23 answer any questions.

24 ACTING CHAIRMAN MILLER: At this
 25 moment, we'll open this up to questions from

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 2 the board. Mr. DeMarco, any questions?
 3 MR. DE MARCO: No questions.
 4 ACTING CHAIRMAN MILLER: Mr. Nurzia?
 5 MR. NURZIA: No questions.
 6 ACTING CHAIRMAN MILLER: Mr. Cahalin?
 7 MR. CAHALIN: No questions.
 8 ACTING CHAIRMAN MILLER: At this
 9 moment, I would make an application to open up
 10 the questioning to the public; is there a
 11 second?

12 MR. CAHALIN: Second.

13 ACTING CHAIRMAN MILLER: Second by Mr.
 14 Cahalin. All in favor.

15 (All aye.)

16 ACTING CHAIRMAN MILLER: Are there any
 17 comments from the public?

18 (No comments.)

19 ACTING CHAIRMAN MILLER: Not seeing
 20 anybody move or say yes or no, I will make an
 21 application to close the public hearing; is
 22 there a second?

23 MR. CAHALIN: I'll second that.

24 ACTING CHAIRMAN MILLER: Mr. Cahalin
 25 seconds. All in favor.

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 2 (All aye.)
 3 ACTING CHAIRMAN MILLER: The public
 4 hearing is closed. Anybody have any additional
 5 questions; Mr. Cahalin?
 6 MR. CAHALIN: None.
 7 ACTING CHAIRMAN MILLER: Mr. Nurzia?
 8 MR. NURZIA: No.
 9 ACTING CHAIRMAN MILLER: Mr. DeMarco?
 10 MR. DE MARCO: No.
 11 ACTING CHAIRMAN MILLER: At this
 12 moment, I will make an application to refer
 13 this application to the June agenda for a
 14 resolution. All in favor.

15 (All aye.)

16 ACTING CHAIRMAN MILLER: Thank you.

17 MR. IANNACITO: Thank you. Have a
 18 nice night.

19 MR. CAHALIN: You too.

20 MR. DE MARCO: Are you done?

21 MR. IANNACITO: I'm done.

22 MR. DE MARCO: You guys are all
 23 starting to look alike to me.

24 ACTING CHAIRMAN MILLER: Next
 25 application, 19-12, 22 and 24 Water Street and

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 2 42 Stewart Place. Just very quickly as you're
 3 setting up, this is an application to reapprove
 4 area variances related to a proposed five lot
 5 subdivision that were originally approved
 6 April 13th, 2016 but have subsequently expired.
 7 Please state your name.
 8 MR. ANDERSON: Good evening. Steve
 9 Anderson from Gabriel Senor, PC, land surveyor
 10 and engineers. We're bringing this before you
 11 again because it needs to be reapproved. With
 12 the subdivision process, the time limits ran
 13 out because it was going for approvals with
 14 Suez and the DPW and the Health Department. So
 15 it's back to you because it's required.
 16 Essentially everything is the same as your
 17 initial approval. I don't know whether you
 18 need me to go through them all.
 19 ACTING CHAIRMAN MILLER: Speaking for
 20 me, I'm good. I don't want to keep you from
 21 going if you feel you need to.
 22 MR. ANDERSON: Okay. I'll just go
 23 through quickly. Lot 1 on the lot is in an R-5
 24 zone, so it doesn't need any variances.
 25 Basically the rest of the lots, 2, 3 and 4,
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 2 need variance for the actual lot area and the
 3 setbacks. We did come to an agreement for a 10
 4 foot setback, which is showing on the
 5 subdivision map, and effective square is
 6 usually affected on that.
 7 The other main variances were for the
 8 roadway. We brought the radius down to 50 feet
 9 instead of 60 just to reduce impervious
 10 surface.
 11 The other issue was requirement of a
 12 12 foot radius at the intersection of Water and
 13 the new street because one lot was owned by
 14 another individual so we couldn't take that
 15 land. That's about it. That's all the
 16 variances we need.
 17 ACTING CHAIRMAN MILLER: I'll open
 18 this up for comments from the board. We'll
 19 start with Mr. Cahalin.
 20 MR. CAHALIN: Sure. I remember this
 21 well. They had an 8 foot setback on these lots
 22 and they agreed to do 10, which was a big deal,
 23 I think. From the way it was built, it's going
 24 to be built out. I'll believe him when he says
 25 there's no other variance changes.
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 2 ACTING CHAIRMAN MILLER: Okay. Mr.
 3 Nurzia?
 4 MR. NURZIA: No questions.
 5 ACTING CHAIRMAN MILLER: Mr. DeMarco?
 6 MR. DE MARCO: Nothing.
 7 ACTING CHAIRMAN MILLER: I have no
 8 questions. I remember the application also.
 9 MS. UHLE: Can I just say something,
 10 which you all know? It was reviewed
 11 extensively by both the Zoning Board and the
 12 Planning Board, and really the only reason
 13 they're here -- they also had to go back before
 14 the Planning Board -- is because the approvals
 15 technically expired. As far as I understand
 16 it, they have all required signatures outside
 17 of the town. They're ready to file as soon as
 18 they get the approvals, but nothing has
 19 changed. They're only here because the law
 20 says, once your approval expires, you have to
 21 appear before the board.
 22 ACTING CHAIRMAN MILLER: Thank you for
 23 the clarification. I'll make a motion to open
 24 this matter up for public comments; is there a
 25 second?
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 2 MR. CAHALIN: Second.
 3 ACTING CHAIRMAN MILLER: Second by Mr.
 4 Cahalin. All in favor.
 5 (All aye.)
 6 ACTING CHAIRMAN MILLER: Any comments?
 7 Sir. You have to come to the podium.
 8 MR. TUDISCO: Come up to the podium,
 9 sir.
 10 MR. CAHALIN: State your name.
 11 MR. GAZDA: I live at 32 Water Street.
 12 MR. TUDISCO: Sir, you have to
 13 identify yourself first.
 14 MR. GAZDA: Paul Gazda, I live at 32
 15 Water Street. I just want to understand what
 16 the distance is between this new building over
 17 there and my property because I just learned
 18 about this.
 19 MR. ANDERSON: Which property?
 20 MR. GAZDA: 32 Water Street.
 21 MR. ANDERSON: Maybe you want to point
 22 it out on the map.
 23 ACTING CHAIRMAN MILLER: The audience
 24 can't see what you're pointing at and they
 25 can't hear your private conversation.
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 2 MR. ANDERSON: There would be at least
 3 25 feet to the rear yard. It should be about
 4 25 feet here and an addition 10 feet there. I
 5 think on that -- there is only one lot that
 6 would affect these setbacks because this house
 7 is staying. The one at Stewart Place is
 8 staying. So it's about 35 feet.

9 MR. GAZDA: Where the setback is
 10 limited, are you proposing any privacy walls?

11 MR. ANDERSON: There will probably be
 12 plantings along here.

13 MS. UHLE: Also, this is actually just
 14 for subdivision approval. This is for
 15 subdivision approval, which allows them to have
 16 the building lots. They actually did get
 17 approvals for single family homes. They will
 18 have to come back before the board for those
 19 approvals as well, and at that time you would
 20 be notified about that, and that's when the
 21 Planning Board could talk about landscape
 22 screening or fencing or something like that.
 23 This is just allowing those building lots.

24 They have to come back before the Architectural
 25 Review Board and the Planning Board to approve
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 2 the actual homes that will be constructed on
 3 each lot. At that point, they could talk about
 4 landscaping and screening as well. I can't
 5 remember the prior approvals with regard to
 6 those issues, but because they're having to
 7 reappear for each individual home, those could
 8 be discussed in a lot more detail.

9 ACTING CHAIRMAN MILLER: Anyone else
 10 wish to comment?

11 (No comments.)

12 ACTING CHAIRMAN MILLER: Not seeing
 13 anybody, I make a motion to close the public
 14 hearing; is there a second?

15 MR. CAHALIN: Second.

16 ACTING CHAIRMAN MILLER: Second by Mr.
 17 Cahalin. All in favor.
 18 (All aye.)

19 ACTING CHAIRMAN MILLER: I'll make a
 20 last pass at the board; Mr. DeMarco?

21 MR. DE MARCO: No questions.

22 ACTING CHAIRMAN MILLER: Mr. Nurzia?

23 MR. NURZIA: No questions.

24 ACTING CHAIRMAN MILLER: Mr. Cahalin?

25 MR. CAHALIN: No questions.

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 2 ACTING CHAIRMAN MILLER: I have none.
 3 At this point, I would make a motion to adjourn
 4 this application to the June meeting for a
 5 resolution; is there a second?

6 MR. DE MARCO: Second.

7 ACTING CHAIRMAN MILLER: All in favor.
 8 (All aye.)

9 ACTING CHAIRMAN MILLER: Thank you.
 10 Next application is 18-44, 51 Joyce Road. This
 11 is an application for area variances to
 12 legalize -- well, why don't you tell me what
 13 this is about.

14 MR. BARBUTI: David Barbuti,
 15 architect, representing Mr. and Mrs. Stricker.
 16 We were here a couple of years ago. We had
 17 received a few variances, received a building
 18 permit to construct a second floor addition,
 19 and a one story addition to the house.

20 The owner had constructed the front
 21 porch 3 feet too close to the front yard
 22 setback, it's actually a portico to the front
 23 door. He made the driveway and some patios and
 24 sidewalks a little larger than what was
 25 originally proposed on the building permit

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 2 drawings, which gave us an increase in
 3 impervious surfaces, and he made the driveway
 4 wider than what was originally proposed on the
 5 plan. It was actually permitted as 20, it's
 6 29 feet. The way we get at the 29 feet is he
 7 didn't have a landscape strip as we originally
 8 had proposed. So basically you take the
 9 dimension from the far end and go to the
 10 farthest point on the sidewalk to get to the
 11 front door, so that's where the 29 feet came
 12 in.

13 So we're here for a front yard setback
 14 to the front porch, exceeding the maximum
 15 impervious surface, and exceeding the maximum
 16 permitted driveway width.

17 ACTING CHAIRMAN MILLER: I'll open
 18 this up for questions by my colleagues. Mr.
 19 Cahalin?

20 MR. CAHALIN: Yes, I have some
 21 questions. So you came to us, we gave you
 22 variances; correct?

23 MR. BARBUTI: Correct.

24 MR. CAHALIN: And then your client
 25 completely disregarded the variances we gave

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1
2 you?
3 MR. BARBUTI: No. The variances that
4 were requested originally were for, I believe,
5 it was setbacks because the original footprint
6 of house I believe was too close to the side
7 property line.

8 MR. CAHALIN: So is the homeowner
9 going to blame the contractor for this or who
10 put the sidewalk in; who put the portico in;
11 who created the existing variances that you
12 need now? Whose fault is that?

13 MR. BARBUTI: That would be requested
14 by the owner.

15 MR. CAHALIN: So the owner didn't even
16 think to check that a 29 foot driveway is
17 illegal?

18 MR. BARBUTI: Right.

19 MR. CAHALIN: Just decided, I like the
20 way my garages line up, and I like my strip on
21 one side, and I like my strip on the other
22 side, whereas when I go into the neighborhood,
23 I notice that everybody has an S shape on their
24 driveway to be proper at 20 foot. They still
25 have the width up by the garage doors, but they

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1 come down to the sidewalk like the law wants
2 them to. So I don't understand why they did
3 this. If it was just for beauty, I don't
4 understand because somebody had to know when
5 they built this property, that they were going
6 to be in violation.

7 MR. BARBUTI: Honestly, I think the
8 owner did not realize he was in violation, and
9 I think what facilitated the need for the width
10 of the driveway, teen-age kids, they all drive,
11 and I believe they have either five or six
12 cars, and they just tried to maximize the
13 driveway in order to park the cars.

14 MR. CAHALIN: I understand. I have
15 four cars in my driveway and one on the street
16 most of the time.

17 MR. BARBUTI: I have six, so I get it.
18 I got kids too.

19 MR. CAHALIN: We've had this issue in
20 the town with people blowing up their driveway
21 for such reasons. Again, as I spoke earlier,
22 these are the types of things in the town that
23 are starting to happen that change the town. I
24 appreciate where the house is situated, it's on
25

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1 a corner lot, I understand that parking in this
2 town is very tough, I get that because I live
3 in the town and I raise my family in the town,
4 but if we all just decided to do what we wanted
5 to do, we're going to have more of these
6 situations. Don't get me wrong, it's a
7 beautiful property. It's landscaped
8 beautifully, it's built beautifully, it fits
9 into the neighborhood, except when you take --
10 how do you know the next guy doesn't come in
11 here in a year and say, well, my neighbor did
12 this so I would like to do it too. That's what
13 keeps me up at night when I start thinking
14 about zoning in the Town of Eastchester.

15 MR. BARBUTI: I understand.

16 ACTING CHAIRMAN MILLER: This is one
17 I'm actually going to jump in on here. I've
18 been a little bit hard on people in the past
19 when they just did things without making an
20 application and whatnot. I do agree with Mr.
21 Cahalin, we need to understand there's laws in
22 this town, there's zoning laws. Is there some
23 plausible explanation for what happened? I
24 mean, was it just a mistake? Did nobody decide
25

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1 to check? I mean, we have contractors who do
2 this and --

3 MR. BARBUTI: This is Mr. Stricker,
4 the owner.

5 MR. STRICKER: May I speak?

6 ACTING CHAIRMAN MILLER: Sure.

7 MR. STRICKER: So the driveway -- we
8 don't have a picture -- the driveway is
9 actually 20 feet, 21 feet, but when we add the
10 walkway in where the portico is for the front
11 door, that's how you get 29. That's how we're
12 over. It's only a little, tiny -- do you have
13 a picture? It was in the folder.

14 ACTING CHAIRMAN MILLER: We have
15 pictures.

16 MR. CAHALIN: I've been there, I know
17 what it looks like.

18 MR. STRICKER: The driveway is in code
19 of 20, 21 feet, but I guess they're including
20 the walkway.

21 MR. CAHALIN: The curb cut is 29 feet;
22 right?

23 MR. STRICKER: No. The curbing in the
24 front is 20 feet, which is in code. If you
25

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1 have the picture --
2
3 ACTING CHAIRMAN MILLER: We all have
4 pictures.

5 MR. CAHALIN: We all saw it.

6 MR. STRICKER: So just by like, you
7 know, maybe 10 feet from the front door, it
8 goes to 29 feet, but the rest is at 20,
9 21 feet, which is legal. The walkway, you
10 know, I didn't know how else to get to the back
11 of the house without a walkway unless I'm
12 walking through wet grass or whatever. The
13 patio, you know, we have a lot of kids, so we
14 did a patio. I'm over by about 500 square
15 feet. So I don't know how I can cut this back.
16 You know, I didn't want to do it on purpose.
17 It's not like something we're doing just
18 because out of spite.

19 ACTING CHAIRMAN MILLER: Again, this
20 happens all the time in the town. Simply my
21 question is: Did you know you were going to be
22 in violation when you did this?

23 MR. STRICKER: Obviously, I didn't
24 really know where the patio was. I don't even
25 think we had a patio on the plans. So I just

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1 built the patio in the back, and then my
2 beautiful next door neighbor called the city on
3 me to complain.

4
5 MR. CAHALIN: That was my next
6 question: How did we find out about this?

7 MR. STRICKER: You'll hear from them
8 in a couple of minutes. It's been nonstop
9 complaining about this project and my house. I
10 don't know how to make this smaller.

11 ACTING CHAIRMAN MILLER: Mr. Nurzia,
12 any questions?

13 MR. NURZIA: Yes. I empathize with
14 you because you're in a non-enviable position
15 of trying to explain something where something
16 happened and your client just said that he
17 needed the patio and this and that and the
18 walkway and here we are. Ultimately, at the
19 end of the day, you either ask for approval
20 from us or you ask for forgiveness about doing
21 this, and I'm not sure how we're supposed to
22 look at this. Something was done, and we
23 didn't create the mistake, you or your client
24 or somehow this was created. Just from setting
25 a precedent standard, are we supposed to say,

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1 it's okay, don't worry about it?

2
3 MR. BARBUTI: I understand --

4 MR. NURZIA: Let me just finish and
5 then you could answer. You have the red strips
6 that are dealing with the excess impervious
7 ratio. There's a lot in the back over there
8 and on the side of the house, so you mean to
9 tell me out of all that nothing can be trimmed
10 back or cut back somewhere somehow?

11 MR. BARBUTI: I'm not saying it can't
12 be trimmed back, it just now becomes -- you
13 know, this was something that was facilitated
14 by need by the family. They spent the money on
15 it. That's not a hardship, but it is, you
16 know, the reason why -- it's basically a
17 hardship on him, he paid to put it down and now
18 he has to pay to take it away and basically
19 everything is thrown in the garbage. That's
20 one of the reasons we're here.

21 It was not done maliciously. He
22 didn't realize what the issues were and that he
23 had to go through this. It's the first time he
24 bought a house in Eastchester, different
25 zoning. He lived in Yonkers, he lived in Dobbs

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1 Ferry, there are different requirements. They
2 don't have as strict impervious requirement in
3 those municipalities that Eastchester does.

4
5 MR. TUDISCO: But he did get approval
6 for a plan without those.

7 MR. BARBUTI: That's correct.

8 MS. UHLE: I was going to say also, I
9 know the applicant indicated the neighbor had
10 called, but I believe there are also open
11 building permits so we have building inspectors
12 out there as well, so they also became aware of
13 this.

14 MR. BARBUTI: Right.

15 MR. NURZIA: I hear what you're
16 saying. I don't know if I agree with any of
17 it, but I hear what you're saying.

18 ACTING CHAIRMAN MILLER: Mr. DeMarco?

19 MR. DE MARCO: No questions.

20 ACTING CHAIRMAN MILLER: Just swinging
21 back to me for a second -- we'll hear from the
22 neighbors in a second -- by chance are there
23 any drainage problems being created for the
24 neighbors in particular?

25 MR. BARBUTI: As far as I know,

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2 there's -- well, the way it was originally
3 designed, there are dry wells in the rear yard.
4 There is no drain that is directed toward any
5 of the neighbors, as far as I know. I haven't
6 heard any complaints from the Building
7 Department.

8 MS. UHLE: As part of the legalization
9 process, they will have to provide a storm
10 water management plan and demonstrate that dry
11 wells have been installed to accommodate the
12 increase in runoff.

13 MR. BARBUTI: Margaret is right, we
14 have not designed any drainage for the
15 additional impervious surface. That will be
16 done. As I said, there were originally
17 drainage units put in the ground for the
18 addition and some of the site work. Like I
19 said, as far as I could tell, nobody has told
20 me there are any drainage issues with the
21 neighbors.

22 ACTING CHAIRMAN MILLER: Mr. Cahalin,
23 any questions?

24 MR. CAHALIN: No.

25 ACTING CHAIRMAN MILLER: I'll make an
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2 application to open this up to the public.
3 Anybody wish to comment? I'll take that as a
4 yes. Just step over to the mic. I have a
5 question for you about what you handed us.

6 MR. TUDISCO: If you could just state
7 your name, please.

8 MS. YANNACO: My name is Mary Yannaco,
9 and I live at 49 Joyce Road next to 51 Joyce
10 Road.

11 ACTING CHAIRMAN MILLER: Before you
12 begin, you handed us a document; did you give
13 the applicant a copy of it? Do they have it?

14 MS. YANNACO: No. I don't want him to
15 have a copy.

16 ACTING CHAIRMAN MILLER: Would you
17 like a copy of mine?

18 MS. UHLE: That's okay. It's all
19 public record.

20 MS. YANNACO: I'll send another copy
21 to them.

22 ACTING CHAIRMAN MILLER: I'm sure he
23 would like to know what you just handed us.

24 MS. YANNACO: We won't go over the
25 three variances. We all know what they are. I
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2 just want to say for the public record, some
3 information pertaining to this variance request
4 that's being submitted. Definition of
5 impervious surfaces are such that limited to
6 pavements, walkways, patios, terraces, decks,
7 roof tops, gravel surfaces, tennis courts,
8 swimming pools, which prohibit or prevent or
9 inhibit the percolation of water into the soil.

10 Now I have some questions and I have
11 comments. Who was responsible for measuring
12 the impervious surface and who calculated it;
13 was it the town or the homeowner or the
14 surveyor?

15 MS. UHLE: Do you want me to answer
16 those? I could answer them easily.

17 The applicant's architect is initially
18 responsible for providing the calculations,
19 those are usually based on CAD drawings that
20 automatically generate those calculations, and
21 then the Building Inspector Mr. King verifies
22 those. That's the process for every
23 application.

24 MS. YANNACO: So all these impervious
25 surfaces, the double patio, the walkways, and
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2 the driveway is -- I just looked at it -- it's
3 22 feet the cut, and then it widens to 29.

4 MR. TUDISCO: I just want to add
5 something to what Ms. Uhle said. As a general
6 practice, those measurements are calculated and
7 checked by the Building Department, but we're
8 dealing with two applications here essentially.

9 There was an original application that was
10 submitted several years ago that was --

11 MS. YANNACO: It was only last year.

12 MR. TUDISCO: -- That was ultimately
13 approved. It was back in 2016, I believe, the
14 original one, Margaret?

15 MS. YANNACO: No. They bought the
16 house in 2017.

17 MR. TUDISCO: Originally an
18 application was made to the Zoning and Planning
19 Boards in 2016, I believe approvals were
20 granted in 2017. Those were eventually
21 approved and those calculations were checked
22 and so on. This is a new application because
23 this is at variance with what was approved
24 initially. So there are two different
25 calculations.
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1 MS. YANNACO: As far as the owner of
 2 the property being unaware of what was going
 3 on, he built the entire house himself. He tore
 4 the entire house down. He put up plywood, took
 5 the inside walls out of the house, and he built
 6 it from the ground up without a permit. No
 7 permit was ever issued. The permit was issued
 8 10 feet from Dorchester Road, put the garage
 9 back, add another garage, put a second floor on
 10 and as many rooms as he wanted to. Nowhere did
 11 it say that he could tear the house down and
 12 build a new house. So being that he got away
 13 with that, he said, why not go and make, you
 14 know, big pathways in the back, the side,
 15 double the patio, put a jacuzzi 5 feet from the
 16 neighbor's property, put electric power lines
 17 on the fence that belongs to the neighbor at 7
 18 Dorchester. This is what this man did. He's a
 19 builder, he's a contractor, and he did all the
 20 work himself. Just so you know, I'm retired, I
 21 live there every day, every day.

22 Now that he has a pool, I'm on
 23 record -- I didn't come the two times that I
 24 should have came, it was my daughter's birthday

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1 and my birthday. June 14th they had a meeting,
 2 I didn't come, my mistake. September 13th I
 3 didn't come, my birthday, my mistake. But now
 4 I'm having an opportunity to address the board
 5 and address the public and I want my grievances
 6 heard.

7 Do you see that picture? That was
 8 taken on September -- make sure the public sees
 9 it -- that was September 25th, 2018. That's in
 10 front of my house going all the way up to
 11 Douglas and Leslie, the flooding problems.
 12 I'll tell you though, you may thank me --

13 MR. TUDISCO: Ma'am, if you could
 14 address the board.

15 MS. YANNACO: I want to know if Mrs.
 16 McCluskey, Jean McCluskey, told this person who
 17 bought this house that the house had 2 feet of
 18 water in it at one time.

19 MR. TUDISCO: I think that's getting
 20 far afield from what's going on tonight in
 21 terms of what was represented when they bought
 22 the house.

23 MS. YANNACO: It's about impervious
 24 surfaces, but I'll go on. I'll shorten it up.

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1 Okay, next question -- you answered
 2 the question -- did the site plan map that was
 3 presented before construction include any of
 4 the aforementioned --

5 MS. UHLE: I'll just clarify a couple
 6 of things. So the applicant received variances
 7 previously and also site plan approval from the
 8 Planning Board. All of that was approved
 9 except for what's shown on this plan here. So
 10 the original site plan map did not show these
 11 things, but that's the very reason they're here
 12 now, is because it was discovered that they
 13 built some additional impervious surfaces and
 14 that's why they're here. Everything up until
 15 this point, they've done with proper permits
 16 and approvals. So the only reason they're here
 17 is because of the additional impervious
 18 surfaces that they built.

19 MS. YANNACO: I just want to make a
 20 point. It goes over what the application is
 21 about. The impervious surfaces total 3719. I
 22 just received a copy of his --

23 MS. UHLE: Survey.

24 MS. YANNACO: His survey. This is his

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1 survey that he built the house on. The
 2 Building Department told me this is all they
 3 need. My survey is about two and a half feet
 4 by two and a half feet done by Ward Engineers.
 5 This says that this survey cannot be used --
 6 it's too small -- for offsets and the
 7 dimensions. This survey cannot be used for
 8 erection of fences, retaining walls, pools,
 9 planting areas, additions to the structure, or
 10 any other construction. Is there any other
 11 paper on file that shows a documented copy with
 12 a stamp on it from the surveyor -- what is it,
 13 a raised seal; is this correct? I had to get
 14 one because he put his fence on my property.
 15 So I went and spent \$2,000.

16 Is there any way I could get some
 17 water?

18 ACTING CHAIRMAN MILLER: Sure.

19 MS. YANNACO: So I did have a survey
 20 done after the fence landed on my property, but
 21 then when I asked the town last year in June --
 22 no, it wasn't in June, it was the beginning of
 23 May -- he said he was taking all of the hedges
 24 down that were absorbing all the water. They

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1 were 50 year old hedges, they were 6 feet
2 height, 2 feet deep and 80 feet long, and he
3 said, I don't like them, I'm taking them down.
4 He took all his down. They were on the
5 borderline. He removed many of mine.

6 Getting back to the question, the
7 survey, he put a fence -- you need a survey,
8 you need a plan of where you're going to put
9 your fence. You're supposed to put your fence
10 on your property; is that correct?

11 ACTING CHAIRMAN MILLER: Yes.

12 MS. YANNACO: I'll go on. The area in
13 excess that he's asking for impervious surfaces
14 is half the footprint of my entire house. It's
15 565.8 square feet. The existing driveway, now
16 that I'm looking at it, it looks like the
17 driveway is cut 22, but I -- I know you said,
18 are you asking to forgive or to be lenient?
19 No. Somebody said that. Are you asking us to
20 accept what you did without a permit? He knew
21 very well -- this man knew very well what he
22 was doing. He built the same house up in
23 Ardsley. They call them McMansions. He knew
24 what he was doing, he's a builder. But I'll go

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1 on.
2 These projects were changed per site
3 plan and completed without permission. From
4 the Zoning Board, the Planning Board, the
5 Architectural Review Board, and the Building
6 Department; is that correct? These changes.

7 MS. UHLE: Yes, the changes did not
8 receive approval.

9 MS. YANNACO: All right. So all these
10 items pertaining to the impervious surface
11 increase being requested, there was a violation
12 issued on 6/25 for the added walkway and a
13 change in the patio and the construction of the
14 fence in the front and side yards. I have a
15 copy of his permit request to build a fence.
16 They told him 4 feet all the way back to the
17 end of his property of his house. The rear
18 yard is 6 feet. The entire fence was 6 feet.
19 He cut down about 70 feet of it. There's still
20 8 feet of fence that's not in compliance that I
21 didn't call about because I don't want to see
22 his face. Sorry. If we wanted to follow the
23 law -- I think I wrote it because it was
24 technical. I'm not going to read it about my

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1 fence because the fence -- in a way it pertains
2 to the impervious surfaces because he put the
3 post on my property and he poured haphazardly
4 cement all over my property. He threw rocks
5 all over my property and sand under the fence.

6 MR. TUDISCO: Ma'am, in terms of just
7 kind of streamlining it --

8 MS. YANNACO: Okay. Never mind.
9 That's what I said, it's --

10 MR. TUDISCO: What the board is
11 reviewing tonight is the addition of impervious
12 surfaces from the original plan and the
13 additional variances that are required for it.
14 If you could limit your --

15 MS. YANNACO: Is cement an impervious
16 surface?

17 MS. UHLE: Yes.

18 MS. YANNACO: He poured it all over my
19 property and his. I don't think he counted
20 that. If you left him to count impervious
21 surfaces, you got the wrong guy to measure. I
22 don't know how the house is even standing. His
23 attorney sent me threatening letters -- and I'm
24 going to wrap this up -- he sent a threatening

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1 letter. He sent me a letter the day after he
2 received a violation from the town. He
3 received a violation for the walkway, for the
4 extended patio, and for --

5 MS. UHLE: Maybe the fence.

6 MS. YANNACO: For what? There were
7 three things. Then he got the summons because
8 he didn't answer the violation. He got the
9 summons, he went there, and they added on the
10 hot tub, which is 5 feet from the back of the
11 patio. These changes are in violation of Local
12 Law Number 3-209 Section 228, Changes of Plans
13 and Specifications. These changes where an
14 applicant is being requested tonight on a
15 violation of the law.

16 I just want to -- I wonder what
17 happened to that page. Oh, here it is.
18 Flooding. Flooding closes the Bronx River
19 Parkway and the Hutchison River Parkway. This
20 was in the Journal News on September the 26th.
21 Storms drenched the lower Hudson Valley on
22 September 25th. Eastchester received 2.72
23 inches to cause that flooding. Town of
24 Eastchester Police sent an alert out to

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1 California Road, Highland Avenue, California
 2 Road and Manchester Road, Joyce Road,
 3 Dorchester Road and Huntley Road, Rose Avenue,
 4 Crawford Street, Crawford Street and Middleton
 5 Place. This information and the photos I am
 6 presenting are relevant to the requested
 7 variance as it aggrieves both myself and the
 8 rest of the Huntley area. This flooding
 9 continues in the area despite new sewers being
 10 installed. Before the sewers were installed
 11 and improved, they were worse. The fire
 12 department did water rescues in front of my
 13 house. People stood on top of their cars. I
 14 don't know if Jean McCluskey told him all this.
 15 He should have known because he has two storm
 16 drains on his property, one in the front
 17 beautifully sodded around, and the one in the
 18 back that he covered. This flooding continues
 19 despite it. The streets have been closed and
 20 barricaded and Eastchester sanitation trucks
 21 have come since the new sewers have been
 22 installed. This is 2.72 inches. That's
 23 nothing. Look at the rain we're having now.
 24 It came quickly. It was probably in less than

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1 an hour or two. But that's not 10 inches of
 2 rain that caused that flooding. And I have
 3 more, but I'm done talking. I'm just going to
 4 show you more pictures. You're welcome to keep
 5 these pictures, the boards, and I have some
 6 pictures here of all the cement on my property.
 7 Were's the camera man?

8 ACTING CHAIRMAN MILLER: It's on
 9 camera.

10 MS. YANNACO: I'll hold it up closer
 11 to the camera.

12 MR. TUDISCO: Gary, could you take a
 13 close up on that.

14 MS. YANNACO: Zoom in and you could
 15 see that flooding. I'm going to put more
 16 pictures up here. This is 7 Dorchester Road.
 17 I went up onto the second floor and took that
 18 picture. That's 7 Dorchester Road in their
 19 driveway. Their driveway is like this. I
 20 don't know how they didn't get water in their
 21 house. This is 7 Dorchester. This is 7
 22 Dorchester. This is the fence that's at the
 23 back of 51 Joyce, and this is 7 Dorchester's
 24 fence. This is their driveway completely

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1 covered with water. This is 51 Joyce. That's
 2 his car. He didn't think it was going to
 3 flood. He finally moved in. That's his house.

4 MR. TUDISCO: That's okay, just keep
 5 it up there so we can see it on the camera.

6 MS. YANNACO: This is 1 Huntley. The
 7 water is almost up to the man's house. You
 8 know this area we're talking about. This is my
 9 house. This is the utility pole. This is my
 10 house. These are the hedges that were there.
 11 They're gone there. There is no more to absorb
 12 the hedges. Those are my hedges. Wait, this
 13 was 18. I thought the fence was in by then.
 14 The fence is in. Those are my hedges that he
 15 didn't cut down. Thank God they're still
 16 there. I'm going to flip it over to the other
 17 side. That is unbelievable, that picture.
 18 That's in front of his house. I'm not saying
 19 500 square feet his house is causing flooding.
 20 The town floods. You follow the laws.

21 ACTING CHAIRMAN MILLER: Ma'am, during
 22 this flooding in September, did you get water
 23 in your house?

24 MS. YANNACO: No. I have five steps
 25

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1 going up on my walkway. Before they put the
 2 sewers in, I stepped out my front door, which
 3 is high, the water was up to my ankle. I took
 4 my station wagon and I drove it all the way to
 5 the back of driveway. I got a big, long
 6 driveway. This is 51 Joyce. This is the back
 7 yard. This is his jacuzzi. This is the
 8 electric line that he installed on the lady's
 9 fence. This is 7 Dorchester. This is 51
 10 Joyce. This is Huntley. This is 2 Huntley. I
 11 think that's 1 Huntley. She pulled into the
 12 driveway, her driveway was flooded. She left
 13 and drove up there. The worker was there, his
 14 truck was there. Those are my steps. That's
 15 the front of my house. This was taken in 2011.
 16 That was another flood. I tell you, I gave
 17 Moses all my bad flood pictures because I took
 18 the flood pictures before they put the sewer
 19 in, and I never got them back. I miss him
 20 sorely. You know who I'm talking about.

21 MR. CAHALIN: I was on the town board
 22 when we put in the sewers into your part of the
 23 town, so I know exactly what the situation is.

24 MS. YANNACO: That's my house and
 25

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1 that's my driveway. That's my car and that's
2 behind my driveway. So I can't get out. I'm a
3 cancer survivor. I'm going to be 68 years old,
4 I know you don't believe it --

5 MS. UHLE: Could you speak into the
6 microphone just because it picks it up for the
7 transcript.

8 MS. YANNACO: I'll say it again. I'm
9 going to be 68 years old in September. You got
10 to do what's right. He wants a variance, but I
11 think for him to play dumb like, well, I didn't
12 know, he knew. He knew. He knew when I called
13 the town and everybody's busy. They listened
14 to me, though. Mr. King helped me a lot and,
15 of course, Margaret.

16 One more thing I want to say. He's
17 going to keep the jacuzzi. It's beautiful.
18 The house is beautiful. He's just going to
19 have to put better drainage in there and maybe
20 get rid of some of those pavers, if that's what
21 you choose to have him do. But he has a
22 jacuzzi, and if you have a jacuzzi, you can't
23 have blasting music when you go out to dinner
24 and leave your stereos on. He has three

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1 speakers attached to his house.

2 MR. TUDISCO: Ma'am, if you could you
3 please just --

4 MR. CAHALIN: It has nothing to do
5 with it.

6 MS. YANNACO: It has nothing to do
7 with it?

8 MR. TUDISCO: If you could confine
9 your comments to the variances that are being
10 requested.

11 MS. YANNACO: Isn't the variance for
12 the pool?

13 MR. TUDISCO: Not for the music.

14 MS. YANNACO: It's not for the music,
15 but the music is attached to the pool. Just so
16 everybody knows, if you have a pool, the music
17 cannot be heard over the property.

18 ACTING CHAIRMAN MILLER: Miss, I'm
19 sorry, unless you're going to continue speaking
20 on something germane to the application, I have
21 to ask you to limit your comments.

22 MS. YANNACO: Limit my comments? We
23 were talking about the jacuzzi and the double
24 patio and you've got pictures of it. That's

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1 all you need are the pictures.

2 I know the Building Inspector has to
3 ask permission to go on his property, I don't
4 have to ask permission to look out my window.
5 All right. How was that?

6 ACTING CHAIRMAN MILLER: Thank you.

7 MR. DE MARCO: Very good. Nice job.

8 MS. YANNACO: I think I did a good
9 job.

10 ACTING CHAIRMAN MILLER: The pictures
11 are now part of the record, so we're going to
12 have to keep them.

13 MS. YANNACO: Excuse me.

14 MR. TUDISCO: The pictures are now
15 part of the record, so we're going to have to
16 keep them. No, you have to keep them there.

17 MS. YANNACO: Oh, keep them there.

18 MS. UHLE: I think she was going to
19 give them to us.

20 MS. YANNACO: Are we finished?

21 ACTING CHAIRMAN MILLER: No. You're
22 finished.

23 MS. YANNACO: I'm finished. There's
24 more pictures.

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1 ACTING CHAIRMAN MILLER: In light of
2 that rather eloquent discussion, would the
3 applicant like to address any of the points
4 made?

5 MS. UHLE: Relative to the impervious
6 surfaces.

7 MR. STRICKER: Sorry about all this.
8 She had pictures from 2011 with the flooding.

9 It's the same flooding as 2019. We're in a
10 flood zone. We're at the bottom of the hill.

11 I really don't think 500 square feet of
12 impervious surfaces is causing more flooding

13 than what has previously happened in the past.
14 There are bigger sewers in there. I got
15 flooded also.

16 MR. DE MARCO: Let me ask you this, is
17 it true that you are in the construction

18 industry?

19 MR. STRICKER: Yes.

20 MR. DE MARCO: So is it also true that
21 you didn't come to the board when you made
22 these improvements seeking the variances?

23 MR. STRICKER: I built in different
24 neighborhoods --

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2 MR. DE MARCO: I'm not asking you
3 that. I'm asking, when you did these
4 improvements, did you come to the board and ask
5 for the variances.

6 MR. STRICKER: I did.

7 MR. DE MARCO: You did. But you're
8 back here now; why?

9 MR. STRICKER: I didn't think the
10 patio impervious surfaces was part of the
11 requirement. I thought a patio you could build
12 it as we wanted. There was a patio in the back
13 there, and I just rebuilt a patio. I didn't
14 realize now because we added more square
15 footage and the driveway, it was going to go
16 into the impervious surfaces.

17 MR. DE MARCO: With your experience in
18 the industry, did it ever dawn upon you that
19 you might need approval for this additional
20 work that you hadn't applied for previously?

21 MR. STRICKER: I think if I added
22 square footage to the house, yes. A patio, I
23 didn't realize that or a driveway.

24 MR. DE MARCO: Okay.

25 MR. TUDISCO: There's more than just
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2 now or at another meeting. Just looking at
3 that drawing right there, there's a lot of red
4 there, and that red is all the excess that you
5 were not approved for.

6 MR. STRICKER: Correct.

7 MR. BARBUTI: So while the neighbor
8 was presenting her case, I was actually talking
9 to the owner to try to figure out what we could
10 remove. There's a small patio over here that
11 he's telling me just has a hammock on it, so
12 that could be removed. That's probably about
13 100 square feet, 110 square feet. There's a
14 small, little patio on the side here that could
15 also be removed. We could swap those out. The
16 sidewalk, typically other municipalities if you
17 have a sidewalk and it's no greater than 3 or
18 4 feet, you don't have to count that into
19 impervious surfaces --

20 ACTING CHAIRMAN MILLER: Can I stop
21 you there?

22 MR. BARBUTI: Yes.

23 ACTING CHAIRMAN MILLER: This is
24 Eastchester, I don't care about the other --

25 MR. BARBUTI: No, I get, I get it,
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2 the patio. There's a walkway, there's other
3 things on the side. There's lots of other
4 additional areas, it's not just the patio in
5 the back.

6 MR. STRICKER: I could get rid of some
7 of the areas on the side. There's a shed over
8 there, I could get rid of that. A walkway to
9 the back yard, I think that's kind of
10 necessary. I don't know how else you go from
11 the front yard to the back yard. The driveway
12 is necessary and the front door entrance is
13 necessary. The patio in the back is not huge.
14 It fits the house. We have kids that use the
15 patio. There is no basement. There's nowhere
16 to go. We have no basements in the
17 neighborhood.

18 ACTING CHAIRMAN MILLER: Any further
19 questions, Mark?

20 MR. DE MARCO: No, nothing.

21 ACTING CHAIRMAN MILLER: Mr. Nurzia,
22 any questions?

23 MR. NURZIA: You mentioned you're
24 willing to remove some of that excess, maybe
25 your architect could elaborate on that either
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2 but, you know --

3 MS. UHLE: I also want to point out
4 that because the applicant came for variances
5 previously and for site plan approval, that at
6 that time a zoning compliance table was filled
7 out that made it very clear that we have
8 maximum impervious surface coverage. So that
9 was part of the original application where you
10 had to demonstrate that you did not exceed the
11 maximum impervious surface -- I'm saying the
12 applicant.

13 MR. BARBUTI: I realize that. I do
14 because I do it every day everywhere else. He
15 didn't understand it. He has set plans, he's
16 going to build it, that's what he does. He
17 didn't realize that the sidewalk would get
18 added and things like that.

19 Going back, the sidewalk could either
20 be removed, he could put stepping stones there,
21 things like that, flagstones with grass in
22 between it. We would have to calculate the
23 area of each stepping stone. That's three
24 things that we just looked at that we could
25 remove there.

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2 ACTING CHAIRMAN MILLER: Let me just
3 ask you a question here. Let's just
4 hypothetically say all of that stays in place,
5 is it affecting -- obviously it's impervious
6 surface -- is it affecting the drainage to the
7 neighbors?

8 MR. BARBUTI: Like I said before, as
9 far as I know, I don't think the Building
10 Department has gotten any complaints. I do
11 have to do another calculation to figure out
12 how many more dry wells I need to put in the
13 rear yard. That will get piped with a trench
14 drain, other drains, things like that, and it
15 will go into the ground based on, you know, New
16 York State DEC requirements for storm water
17 management.

18 ACTING CHAIRMAN MILLER: My second
19 question is more for your client. Are you a
20 general contractor?

21 MR. STRICKER: Yes.

22 ACTING CHAIRMAN MILLER: You have your
23 own company?

24 MR. STRICKER: Yes.

25 ACTING CHAIRMAN MILLER: You review

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2 drawings every day?

3 MR. STRICKER: Yes.

4 ACTING CHAIRMAN MILLER: You submit
5 drawings on different job sites?

6 MR. STRICKER: Yes.

7 ACTING CHAIRMAN MILLER: Do you know
8 how to read drawings?

9 MR. STRICKER: Yes.

10 ACTING CHAIRMAN MILLER: When you gave
11 the town your drawings the first time around,
12 obviously you read them before you gave them?

13 MR. STRICKER: We were worried about
14 the structure of the house. We weren't worried
15 about patio. Putting in a patio was the last
16 thing on my mind.

17 ACTING CHAIRMAN MILLER: Let's get
18 back to my question. When you submitted the
19 drawing to the town, you obviously knew how to
20 read the drawings?

21 MR. STRICKER: I know how that read
22 them.

23 ACTING CHAIRMAN MILLER: You obviously
24 know the drawing gives X and you're approved to
25 do X and you have to do X and not Y; correct?

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2 MR. STRICKER: Correct.

3 ACTING CHAIRMAN MILLER: Obviously as
4 a general contractor reading drawings every
5 day, you knew that when you were putting in
6 this additional impervious surface or patio,
7 whatever you want to call it, you knew you were
8 going outside the scope of the approved
9 drawings; correct?

10 MR. STRICKER: The approved drawing
11 didn't have patios in the backyard at all.

12 ACTING CHAIRMAN MILLER: So patios
13 weren't even approved then.

14 MR. STRICKER: It had the original
15 patio from the old house, that's it.

16 ACTING CHAIRMAN MILLER: Did you try
17 and duplicate the original patio from the old
18 house? So you went beyond the original patio?

19 MR. STRICKER: Yes.

20 ACTING CHAIRMAN MILLER: So you
21 knowing how to read a drawing, knowing what the
22 town had permitted, you then went beyond the
23 scope of what you were permitted; am I
24 understanding you correctly?

25

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2 MR. STRICKER: The landscaping was an
3 afterthought. We were building a house.

4 ACTING CHAIRMAN MILLER: Who did the
5 landscaping? What's the name of the company?

6 MS. YANNACO: The company is him.

7 MR. CAHALIN: Ma'am, you can't --

8 MR. TUDISCO: You can't yell out from
9 the floor.

10 ACTING CHAIRMAN MILLER: What's the
11 name of the company that did the landscaping?

12 MR. STRICKER: Orellana Construction.

13 ACTING CHAIRMAN MILLER: What's the
14 name of your company?

15 MR. STRICKER: (Inaudible) Renovation.

16 MR. DE MARCO: Did you GC the
17 landscaping?

18 MR. STRICKER: I told him what we
19 wanted done and he came up with a plan.

20 MR. DE MARCO: Did you show him the
21 plans that you had approved?

22 MR. STRICKER: I must have.

23 ACTING CHAIRMAN MILLER: You must have
24 or you did?

25 MR. STRICKER: I don't remember. We

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2 came up with a plan to landscape the property,
3 and I didn't know what was really allowed with
4 patios. I'm not a landscape contractor.
5 MR. CAHALIN: Could I make a comment?
6 We understand the scope and the depth of
7 situation here. What we really need to address
8 is, I mean, I don't think we could continue
9 with this application in its current form. I
10 would like to see the architect come back to
11 see what he could do to minimize this
12 footprint. That's what I think is necessary
13 here, if there are any changes at all.

14 MR. DE MARCO: Well, Michael, that's
15 up to them.

16 MR. CAHALIN: That is correct.

17 MR. DE MARCO: If they want to revise
18 and resubmit, that's up to them, or they could
19 leave it as is and leave it to a vote.

20 MR. CAHALIN: If they don't want to do
21 that, then we could vote on it next month.
22 They already said they were talking about what
23 they could do to minimize it, so I would think
24 that the applicant may ask us if they want to
25 come back. I don't know if that's the case.

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2 ACTING CHAIRMAN MILLER: Would you
3 like to resubmit your application and modify it
4 in some manner?

5 MR. BARBUTI: We'll revise the site
6 plan to remove some of the impervious surfaces
7 and I'll do calculations to see what we'll be
8 over and how it would work.

9 ACTING CHAIRMAN MILLER: Margaret, I
10 guess the proper procedure would be to adjourn
11 this?

12 MR. TUDISCO: I would recommend to
13 keep the public hearing open. I just also want
14 to put something on the record. There is
15 currently -- you could see it in the notes --
16 there's currently an enforcement case before
17 the court which has been tracking this
18 application. We've had some difficulty, and I
19 don't know if it's the applicant's difficulty
20 communicating with the architect or whatever
21 the case may be, but the application has been
22 kind of put back on a number of occasions and
23 the court case keeps getting put back.
24 Certainly, the applicant has the right to
25 address the issues raised by the board and come

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2 with another plan, but I just want to caution
3 that if you're going to submit an alternative
4 plan, it's got to be submitted right of way
5 because the court is going to want to know for
6 that case.

7 ACTING CHAIRMAN MILLER: Okay.

8 MS. UHLE: Let me talk to you after.
9 I can talk to you about that tomorrow. The
10 meeting is June 11th, so it would be the week
11 prior to that meeting.

12 MR. BARBUTI: We don't need to
13 re-notice?

14 MS. UHLE: No, you don't need to
15 re-notice.

16 ACTING CHAIRMAN MILLER: Margaret,
17 this might be outside our scope but can we ask
18 that an engineer's report be submitted with
19 respect to the additional impervious surfaces?

20 MS. UHLE: Yes. The Building
21 Department does review the storm water
22 management plans, we have an architect that's a
23 plan reviewer, but when we have all new
24 construction or if we have other concerns, then
25 we do refer them to our outside engineering

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2 consultant. So you could ask that our
3 engineering consultant review the plans, yes.

4 ACTING CHAIRMAN MILLER: Could I make
5 that request?

6 MS. UHLE: Sure.

7 MR. BARBUTI: So you're requesting
8 along with the site plan, a revised storm water
9 management plan based on the new --

10 MS. UHLE: Based on whatever you end
11 up proposing, yes.

12 ACTING CHAIRMAN MILLER: So at this
13 moment, I guess it would be appropriate for me
14 to make an application to keep the public
15 hearing open; is there a second?

16 MR. DE MARCO: Second.

17 MR. TUDISCO: It's open. I would just
18 keep it open.

19 ACTING CHAIRMAN MILLER: Let's just
20 keep it open then. Do I need to call the roll
21 at this point, Rob?

22 MR. TUDISCO: I don't think you do.
23 The public hearing is open, you're not closing
24 it, so I would keep it open, and then I think
25 that the applicant is asking to come back with,

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1 EASTCHESTER ZBA - 5/14/19
 2 you know, revised plans, so you could adjourn
 3 it to the next meeting.
 4 ACTING CHAIRMAN MILLER: I make an
 5 application to adjourn this to the next meeting
 6 for a revised plan; is there a second?
 7 MR. CAHALIN: Second.
 8 ACTING CHAIRMAN MILLER: Second by Mr.
 9 Cahalin. All in favor.
 10 (All aye.)
 11 ACTING CHAIRMAN MILLER: The
 12 application is approved to resubmit for the
 13 next hearing.
 14 I do not see any further business on
 15 our schedule for tonight. Unless somebody has
 16 any concerns they would like to raise at this
 17 point, I would make an application to close the
 18 hearing; is there a second?
 19 MR. DE MARCO: Second.
 20 ACTING CHAIRMAN MILLER: Second by Mr.
 21 DeMarco. All in favor.
 22 (All aye.)
 23 ACTING CHAIRMAN MILLER: And we are
 24 closed. Thank you.
 25 MS. UHLE: Thank you.
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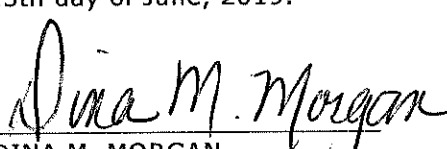
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CORRECTION SHEET

PAGE

CORRECTION

DINA M. MORGAN, REPORTER

1
2
3 **CERTIFICATION**
4
5 STATE OF NEW YORK)
6) Ss.
7 COUNTY OF WESTCHESTER)
8 I, DINA M. MORGAN, Court Reporter and
9 Notary Public within and for the County of
10 Westchester, State of New York, do hereby
11 certify:
12 That the above transcript was taken from
13 a videotape of the actual hearing. I was not
14 present for such hearing. The videotape was
15 taken and transcribed by me to the best of my
16 ability.
17 And, I further certify that I am not
18 related to any of the parties to this action by
19 blood or marriage, and that I am in no way
20 interested in the outcome of this matter.
21 IN WITNESS WHEREOF, I have hereunto set
22 my hand this 13th day of June, 2019.
23
24 
25 **DINA M. MORGAN**
Court Reporter
DINA M. MORGAN, REPORTER