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THE CHAIRMAN: Good evening and welcome to the town of Eastchester Zoning Board of Appeals meeting for Tuesday, May 8th, 2018. We always begin our meeting with the Pledge of Allegiance, so please rise. (Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: While everyone is getting situated, I usually take this time to go over some of the ground rules. Firstly, if you’re keeping score at home, we abide by Robert’s Rules of Parliamentary Order. Secondly, when I call the roll, we have three types of matters on this evening: We have resolutions, which will be decided upon unless the applicant requests an adjournment; we have older business; and then we have new business. For those new business items, anything that’s on for the first time, it’s not decided upon tonight. If you’ve read the terms and conditions on your application, these matters are deliberated upon, and then they’re decided at the earliest would be the next.

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Mr. Cotugno, ready to proceed?

MR. COTUGNO: Yes.

THE CHAIRMAN: Okay. Item Number 13 was adjourned by request of the applicant.

MS. UHLE: That's 108 Brook Street just in case anyone got a notice.

THE CHAIRMAN: Thank you, Mrs. Uhle. That's a good point. I don't want to keep the public if they were here to speak, waiting to not know what this was. That's 108 Brook Street. If you're here on that to be heard, that's not going to be heard tonight, it's adjourned to the June meeting.

Now, Item Number 1, that's 18-04, 49 Hickory Hill Road. Before I make a motion on this resolution, I just want to make a note that the fire department had reviewed the application and requested that the pool be set back a minimum of 10 feet from the house, requiring that it be shifted 2 feet toward the rear property line. As a result, the variance regarding the proposed pool setback from the house has been eliminated, and the variance regarding the proposed pool setback from the

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rear property line has been increased to permit a setback of 5.5 feet where a minimum of 10 feet is required, that's a deficiency of 4.5 feet or 45 percent. The applicant has agreed to this modification and it is reflected in the resolution.

So I make a motion to approve this application; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. Now to the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Yes.

THE CHAIRMAN: And I vote yes. That application has been approved five/nothing. Number 2, I make a motion similarly to adopt a resolution approving this application, this is 62 Lake Shore Drive; is there a second?

MR. DE MARCO: Second.

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THE CHAIRMAN: I vote yes. It's approved five/nothing.

Item Number 4, this is 106 Wilmot Road, I make a motion to approve this application; is there a second to my motion?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That's been approved five/nothing.

Okay, under old business this is 18-06, Classic Audi. While the applicant is getting set up, we are in the process of making a resolution to possibly reheat. So I would like to hear the applicant, firstly, and then we will take it from there.

MS. CHIOCHIO: Good evening,

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Chairman, members of the Zoning Board of appeals. For the record, my name is Lucia Chiocchio, I'm a partner with Cuddy & Feder, here on behalf of the applicant, the owner of the premises.

When we were here last, last month we were talking about some of the legal issues with respect to our application and we were concentrating on the rehearing, the request for the rehearing on the interpretation with respect to the use variance required for the addition of parking on the southern end of the premises. We had asked for an interpretation that a use variance was not required but rather that the condition of the 1998 use variance with respect to that area of the premises be amended.

In the alternative, we also requested a use variance for that proposal.

THE CHAIRMAN: Thank you for that summary. As I recall, we had left off that we adjourned to resolve to make a decision on whether we were going to rehear this.

Before I do that, do I have any

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commentary from the board; Mr. Cahalin?

MR. CAHALIN: I've kind of swayed on this one, Mr. Chairman. I think they've proved their use variance application several times.

I think we should rehear it. It doesn't eliminate the possibility that the request could be denied. I think, like I said, the use variance is there, they have it, so I think it's a waste of time and money to go back through it again and have them do it all over again when we still have the ability to turn the application down or approve it based upon its merits today.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: No comments.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No comments.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Just to kind of crystalize what was discussed at the last meeting and Mr. Cahalin's point, this is strictly an application to rehear an argument.

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the four lots and looked at things like
construction costs, demolition costs to
demolish the car dealership building, carrying
cost of the property with respect to
construction, and so forth and so on, and
trying to take into account the timing that
would be involved. As I said, it's very
detailed. Based on that, you have a value for
the Audi Dealership or the car dealership use
of the premises -- which I've indicated is a
permitted use on this premises -- of
$1,750,000. The return on a four lot
subdivision is $400,000. It's a significant
difference, thereby showing that when you look
at the numbers, it's not a reasonable return.

With respect to uniqueness of the
premises, the premises is actually very unique
in the fact that it is bordered by three
streets. It's been a car dealership use since
1922, so that's something else that's unique
about the premises. So there's definitely a
historic use here of the car dealership, that
makes it unique to other properties in the
area.

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Whether the proposal would alter the
essential character of the neighborhood, one
again, it's been a car dealership since 1922.
That's 90 years use of as a car dealership.
It's actually part of the fabric of the
character of the neighborhood just by its
historic use.

The proposal for the additional
parking was really designed to take into
account the area and some of the concerns that
were raised in 1998 with respect to this. The
parking or the car areas are pushed up towards
White Plains Road, the busiest road. There's
quite a bit of landscaping that's proposed all
around it to screen it. They tried to make
sure that the buffer areas or the setbacks were
as far removed as possible from the street.
You'll notice in that area, obviously there's
no adjoining properties. So it's not adjacent
to any additional properties, it's adjacent to
streets. With respect to open space, some
folks had talked about liking the open space
there. There's no requirement in the code for
open space. The other issue to keep in mind is
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didn't get this they really couldn't continue
to lease the space there.

MR. NURZIA: Okay.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing, thanks.

THE CHAIRMAN: I don't have anything
at this time. I do make a motion to open this
matter to the public for a public hearing; is
there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in
favor.

(All aye.)

THE CHAIRMAN: Okay, we'll try to do
this in an orderly fashion. We'll start in the
back. Why don't you come forward and you could
filter down. Just give me your name and
address for the record and speak freely.

MS. DELCOLLE: Good evening. My name
is Ellen Delcolle, I live at 10 Field End Lane
in Eastchester. I'm Chairman of the
Eastchester Traffic and Parking Advisory
Committee. I know that we have some current
and former members of the committee here.

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 tonight also.

I think -- I know that we have a
concern because residents of Stewart and Park
have been before us several times perhaps over
the past year and a half and there's a problem,
according to them, and they have showed us some
video and some photographs of employee parking
on their streets, and we go through the usual
explanation, anyone could park on the streets.

I think it's more of a sensitivity because they
have photographs of Audis being detailed and
they haven't had license plates on them.

They've had people who will eat breakfast or
lunch in the cars with the motors idling and
the radios going. Sometimes they have been
parked too close on either side of the
driveway, which makes it difficult for a
homeowner to pull out. People are also worried
about the visibility for children playing.

I don't have a problem with the
dealership as it stands. It's a great
dealership. They make wonderful cars. In all
honesty, I've been thinking about buying an
Audi. But I have a problem with the allowance

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1. having that and having the landscaping would
2. interfere with anybody's view or vision. But
3. my real concern is the parking. I mean, every
4. day there's Audi employees on my street. Every
5. day. I can't come home for lunch and park in
6. front of my own home. If they don't park
7. properly, I can't get out of my driveway.
8. So I hope you take that into
9. consideration. Thank you.
10. THE CHAIRMAN: Thank you for your
11. time. Please.
12. MS. COLEMAN: Good evening. I'm Dr.
13. Christine Coleman. I live at 96 Stewart
14. Avenue, directly behind the Audi Dealership.
15. I just want to talk about the
16. character of the neighborhood. My family has
17. lived in this town for over 85 years starting
18. on Highland Avenue and then moving to Stewart.
19. The character of that neighborhood are
20. sidewalks with children on bikes playing. The
21. character of the neighborhood is family
22. orientated. The character of the neighborhood
23. is about family and it is a residential area.
24. By extending within this drawing,

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1. disturbiing.
2. In addition, I really would like to
3. talk about what the dealership that's been
4. existing in the town and really with it has
5. been the issues of the parking, and it has been
6. here a very long time as is. That area, as you
7. heard from last time when the public spoke,
8. some of my neighbors, when the town has a
9. parade, there's nowhere to go. There's a bus
10. stop on the corner, you're aware of that. A
11. car several years ago hit the enclosure of the
12. bus stop, but there's a bus stop on the corner, in
13. addition to the additional traffic that this
14. is going to warrant before, during, and after
15. school hours. So I'm greatly disturbed by it.
16. I'm greatly concerned of the expansion and have
17. a real issue of the reduction of my property
18. value and the reduction of my quality of life
19. within the neighborhood and where I live in
20. this town. I love this town. I don't want to
21. see it become a commercial entity expanding.
22. What's going to come next after Audi; a Chevy,
23. a Ford Dealership?
24. So I ask that you really think

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1. first, there is not enough parking for
2. employees. There's over 11 that I know of that
3. park on my street. We had to get through the
4. entire process to get two hour parking to
5. ensure quality of life.
6. In addition, I pay a lot of taxes in
7. this town, as we all do, I'm not seeing a
8. reasonable return on this investment because my
9. house has a value, and being parked behind a
10. commercial dealership that has expanded,
11. expanded, is going to greatly impact when I go
12. to resell my house. This town has a moratorium
13. not to have a McDonald's or not to have
14. commercial type of properties throughout the
15. town very clearly, but to expand the Audi, now
16. it's become a commercial property in a highly
17. residential area. So my concern is safety. In
18. addition to the semi trucks that unload those
19. cars, means with more property there's more
20. revenue space for them to sell cars, so that
21. will become more frequent. So the 4 a.m.,
22. midnight, 9:00 at night when the chains are
23. rattling to unload cars and I'm trying to go to
24. sleep or my husband or my family, it really is

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expanding it will only add to the commercial feel of the area as opposed to the residential feel of it.

In terms of what was said by Audi today, a couple of things. One is they compared the value if the Audi dealership was torn down versus showing a loss of over a million dollars, but that was I think assuming that the actual dealership was taken down versus them losing the value of just the grass area. I don't think that's a fair comparison to say that they would actually tear down the commercial building and lose that value. So I don't think that's a proper analysis.

The next thing is that it's a unique use in that it's part of the fabric of neighborhood. Again, I don't think that's true. It's not a unique use. I don't think it was the same building and the same size as what it was in 1922. I believe another house was torn down to make room for the expansion of what it is today, and to allow it to expand even more goes against what was done for the approval. They already conceded that the area was supposed to remain grass. That's a fact that's been conceded. It was conceded at the last hearing. So I think that needs to be taken into account because they acknowledged that when they got the first approval, that it was supposed to remain grass area on the side.

She next talked about the fact that they're pushing up the parking to White Plains Road. When you look at the picture of the parking area, it covers pretty much the entire lot, so it's really not making that much of a significant difference pushing it up all the way to White Plains Road, it's covering almost all the grass area. I know that there's been comments about parking and parking on the street. If you were thinking that giving them the grass area is going to relieve that problem, that's not true because even though there's been animosity between some of the neighbors and Audi about parking on the street, they're only giving three parking spots to employees. That's not going to make a difference considering the number of employees that work there. The whole goal here is to put more cars that they can sell and really create like a full blown Central Avenue car dealership in a residential area.

The next thing is that they said that if they don't get this, that Audi is going to leave. I really take that as a threat, and a threat that she said that was made in 1998 when they came before the board the last time that they said they were going to leave if they didn't get it. Well, since 1998 they haven't left, okay. They're doing business there, they're not leaving. Whether they get that grass area or not, I don't think they're leaving that building. If they want to get an Audi representative from someplace and they could show that they're going to not renew their lease because they didn't get the grass area, I would like to see that. Saying that is a threat and really should not be taken as any weight in this because it's hearsay. She has no proof that they're willing to terminate the lease just because they don't get the grass area. I think that's an empty threat and a threat nonetheless and shouldn't be taken seriously. It shouldn't be evaluated as part of this process. That's all I have to say.

THE CHAIRMAN: Thank you for your time.
Would anyone else like to be heard on this application? Counselor, come up.

MR. ACCINELLI: Good evening, Mr. Chairman, members of the board. My name is Steven Accinelli from Veneruso, Curto, Schwartz & Curto. I was here at last month's meeting and made some statements in opposition to the application, and I would like to start out -- a couple of things.

Number 1, I strenuously echo all of the comments that have been made by the community in opposition to this application so far.

Number 2, and I would like to bring this to the board's attention, I think that there is a perhaps fatal deficiency in connection with this application as it relates to the notice. The notice that was sent to the public is not consistent with the statutory requirements. The denial letter of March 28th,
2018 specifically talks about an area variance for a backup aisle width between the proposed parking spaces of 12.2 feet where a minimum of 25 feet is required, a deficiency of 12.8 feet or 51.2 percent. In reviewing the notice of public hearing, that area variance was not included in the notice to the public. Rather, it talks about a request for an area variance for lot coverage. Clearly, the public has been misled as it relates to the nature of the area variance being sought and that is a tremendous problem as it relates to proceeding with this application. In addition, the applicant's own submission does not address all the appropriate area variance that is being sought and that is required by the town of Eastchester. So that's more of a legal issue that I believe would be up to counsel for the town and the Zoning Board, but it's something that I believe is a fatal flaw as it relates to the appropriateness of this board proceeding with this application under the circumstances.

MS. UHLE: Can I address that?

THE CHAIRMAN: Please, Mrs. Uhle.

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The applicant also relies heavily in their submission regarding the work that was done -- the expansion of the middle school's parking area across the street, and attempts to use the work done across the street as justification and support for its application. Quite frankly, and I think it was already established here and I think this board is aware, the town of Eastchester had no say in the parking lot expansion that took place across the street at the middle school, number one. Number two, referring back to the concerns of the 1998 board about this area becoming essentially one big macadam lot out there, the fact that the Department of Education and the state, the parties that had jurisdiction over the expansion of the middle school, are the ones who created that situation and now that situation exists. So whether it's permanent or not, the fact remains that the concerns of the 1998 Zoning Board relative to preserving green space have already been significantly eroded by what was done at the middle school, and the granting of the use.

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variance would further erode the concerns that were raised in 1998. So I think rather than it being in support of this application, quite frankly, I think it has the opposite effect. It's completely in favor and supports under the circumstances the denial of this request.

There's been discussion about parking and the aim and the purpose of the application to increase available parking for customers and employees. There is no proposed parking for customers and there are only three proposed parking spots for employees. This expansion will undoubtedly increase the intensity as it relates to the use of this dealership, which will result in increased parking demands, access demands, loading and unloading impacts, safety issues, disturbances to the flow of traffic, and all the things associated with an increase in intensity as it relates to an automobile dealership.

I think that the granting of this use variance will certainly alter the essential character of the neighborhood, and I think that determination has already been made in

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some, most, or all of what you've heard.

MS. CHIOCCHIO: Thank you, Chairman.

Just a few comments. With respect to the proposal, we're not proposing to expand the building, to increase the building size and so forth. This is simply the parking area and the landscaping associated with it. As I indicated earlier, the dealership is permitted use by the issuance of the 1998 use variance, so it is a permitted use in this area. It's not something that's going to expand commercial uses throughout the neighborhood, this is just specific to this piece of property.

With respect to, you know, Audi's indication that they will not renew the lease, their lease did expire in April. They agreed to sign a one year lease pending the outcome of this proposal. It is our understanding that they will vacate the premises unless they can have this additional parking at the site.

With respect to the middle school parking, that was really used to show that there's been changed conditions in the neighborhood. I understand that, you know, the neighborhood.

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order, Mrs. Uhle, because this application has a very winding history to it depending on a decision where it goes, so I guess my question to you is: If I were to make a motion to close the public hearing, the use variance has a prong to it which would include thereafter an area variance, therefore, am I required to leave the public hearing open? Or shall I -- should I leave -- let me not say required.

It's Robert's Rules, I could whatever I want.

MS. UHLE: I think since the application has to be re-noticed as a new public hearing for the area variances under any circumstances, then you could close the public hearing on the use variance if you think you have enough information right now to make a determination next month on the use variance.

THE CHAIRMAN: Okay. So that will dovetail nicely with going to the board for questions and comments. I'll ask the board if they would like to have any further information as well or whether they're ready to enter into a resolution; Mr. Cahalin?

MR. CAHALIN: None.

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expansion of the middle school is not within the town's jurisdiction, it's Department of Education, that's a state thing, but it's just something that I highlighted to show that there have been changed conditions in the neighborhood. We're aware of the concerns that were raised about making this a large parking lot. Like I indicated earlier, we really tried to take that into consideration with this design to try and minimize any impacts and, you know, make it fit in with the site.

With respect to employee parking, after the last hearing, we did reach out to the town to talk about perhaps coming up with an agreement with parking at the -- employee parking at the library parking lot in that area and perhaps we could work something out, but that remains to be seen. That's not something that's set in stone or even that we know is feasible at this point, but it is something that Audi is exploring.

THE CHAIRMAN: Thank you, counselor.

Before I open it up to the board for further commentary and questions, just as a point of

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MS. CHIOCCHIO: Well, there was a parking lot -- a permanent parking lot installed as part of the middle school expansion. It's more directly across from the Audi building. I think you're talking about that parking lot right on the corner that at the middle school that's there for construction. So there is definitely more parking along White Plains Road and Central Avenue -- in that area. So it is a changed condition as far as there is now parking on White Plains Road.

MR. MILLER: We'll agree it's still a residential neighborhood?

MS. CHIOCCHIO: I'm sorry.

MR. MILLER: We can agree it's still a residential neighborhood?

MS. CHIOCCHIO: Yes. As I said earlier, a use variance was issued in 1998, it's a permitted use for that particular piece of property.

MR. MILLER: Okay, no further questions.

THE CHAIRMAN: Thank you, Mr. Miller.

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MR. TUDISCO: Also, one other change in circumstance, and this is up to the board how to interpret it. Parking was changed on I guess it's Stewart Avenue, that is limited parking now. There was an issue recently. In terms of parking in the area, there is a change in circumstance. I don't know whether that helps or hurts the application, but it is something that I'm guessing the town board acknowledged that there was a significant issue there in terms of parking.

THE CHAIRMAN: Thank you, counselor.

Mr. Nurzia?

MR. NURZIA: Yes, I have a couple of comments, and just to pick up on one of the comments that was made just a few minutes ago during the public hearing. Of the 21 spots, 3 are employee parking spots.

MS. CHIOCCHIO: Correct.

MR. NURZIA: Of the other spots, are those all for new cars that are just going to be sitting there until they're sold or are those for potential clients who come in and visit? Can you just clarify that?

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MS. CHIOCCHIO: That's all for vehicle display. It's tandem parking if you notice there.

MR. NURZIA: So these are all cars that are going to be moved out sooner or later when clients buy them?

MS. CHIOCCHIO: Right.

MR. NURZIA: Now, the point that I'm really getting at is, what's the turnaround time for all this? The comment before -- and I just want to drill down on this -- is the intensity of those spots. If a truck unloads 18 or however number of cars you could fit on the non-employee parking, they're going to sit there for awhile. How many times, on average, does another truck come and unload a new set of cars; is it once a week, once a month, once every other month?

MS. CHIOCCHIO: Can you address that?

I'll have him address the unloading as well.

THE CHAIRMAN: Can you also identify the mystery man, please.

MR. WEINBERG: Hi. I'm Bill Weinberg, the landlord. My family has had this building.

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and the same tenant for a couple of generations.

There are no cars normally unloaded at this site. They're unloaded at the prep center. There have been a couple when it's a special military vehicle, they deliver them, it's ordered online, it's delivered to the site. Normal unloading and off-loading is not done on Route 22, it's not done on Stewart Avenue, it's done at their prep center in New Rochelle. They bring cars one at a time.

Thank you.

THE CHAIRMAN: Thank you. Mr. Nurzia?

MR. NURZIA: No, no follow-up questions.

THE CHAIRMAN: Okay. Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: Counsel, I have a couple of -- can I not have this, please.

Counselor. Thank you.

So I have a couple of questions, and they're really more -- they're part comment, part question that are specific to your application. As attorneys, we take poetic
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license for our clients but you appeared before
us frequently, and I find you to be very
conservative and sober in your analysis for
your clients so you get a little more latitude.
I would like to drill down on this point about
the future of Audi at this location. You said
what you've said. I have one question: Is
Audi's departure inevitable? The reason why I
ask you is because sometimes you make
buggy whips and sometimes you don't need buggy
whips anymore. I ask that you because, you
know, we come to the board with the knowledge
that we have, right, and I've been driving
Audis and buying almost all my Audis from
Classic, and recently I was solicited by an
Audi Dealership up in Hawthorne I think it is.
I think they occupy all of Hawthorne, part of
Pleasantville. It's a huge operation. I guess
what I'm driving at is -- I guess there are two
parts to my comment. First is somewhat
sympathetic insofar as it might as well not be
a use variance because it's been used this way
for almost a hundred years, so I get that part.
I guess what I'm driving at is that this is a
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use that is just destined to not be there any
further?

MS. CHIOCCHIO: I'm sorry, what was
the last part?

THE CHAIRMAN: A use that's not going
to be there some time soon?

MS. CHIOCCHIO: Perhaps. With respect
to Audi --

THE CHAIRMAN: Please.

MS. CHIOCCHIO: -- They've indicated
to my client that they will not renew the
lease. They've signed a year lease, as I said
earlier, pending the outcome of this. One of
the reasons is the Hawthorne facility that you
had just mentioned, that's about a 10 acre
facility. They're really looking at being able
to maintain their current business here on the
premises. So is this something that's
marketable if Audi leaves? Perhaps. But it's
a fairly small vehicle show room and office
area. The parking, as we indicated, is
limited. Would another dealership be
interested? Perhaps. Would it be a high end
dealership? Probably not, given what we've
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favor.

(All aye.)

MS. CHIOCCIO: Thank you. Thank you for your time.

THE CHAIRMAN: Thank you, counselor.

Okay, new business, item number 6, 17-65, 157 Montgomery Avenue.

While the applicant is coming forward, I just want to clarify that I may not have made an application to close the public hearing, although I did a lot of talking about it.

I make an application to close the public hearing on the prior application; is there a second.

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Okay, now on to new business, 17-65, 157 Montgomery Avenue, seeking certain interpretations from five violations.

The applicant is ready to proceed.

MR. TUDISCO: Before the applicant proceeds on the five violations, I just want to -- there is history with this particular application and an enforcement case that's currently stayed based upon this application. One of the things I just wanted to call to the board's attention is number 5 -- I guess the fifth application in this multi application by the applicant is regarding structures that were constructed on the property without building permits, and that particular violation would have had to -- a number of these are on for an appeal or an interpretation by the Zoning Board from a determination made by the Building Department. Number 5, however, the building permit requirements, the appeal or interpretation -- the appeal I should say needed to come before the town board. The applicant was given written notice of that and that has not been done. That was supposed to be made within seven days. That particular item on the list of applications here is inappropriate for this board to review. That has to be reviewed by the town board. So you can look at the first four, but number 5 is a town board issue.

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property are perfectly clear, and this, of course, was referencing 157 Montgomery.

We have owned the referenced GB zoned property for 25 years and have leased it for 10 years prior to purchasing it. During that time, we have used the rear yard as a construction yard. The lessees before us used the property in the same way, and the prior owners of the property also used it as a construction yard.

As part of his due diligence investigation to confirm the property would meet our needs, our attorney wrote a letter to the town -- this is back in 19, I believe, 92 -- to confirm the property would meet our needs, our attorney wrote a letter to ensure an additional use, namely the storage and maintenance of construction equipment was also permitted. In light of these facts, we're asking the board's confirmation that the use of the property as a construction yard constitutes an existing non-conforming use. The Building Department has issued summonses 2017-05 quoting Local Law 5-2000 Section 7.8.5, which we hope

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see, I just want to get the date here -- well, prior to January 30th, so at some point in December. You first submitted your application in December. When I received that application, it was clear to me that you were not very clear with regard to what the precise violations were. There were a series of -- even in my letter I footnote the fact that there were a series of violations and changes in determinations based on the level of research that the Building Department did.

Subsequent to December 20th, when you submitted this application, I prepared a draft letter being very clear with regard to what each specific violation was and with regard to what the appeals process would be with regard to each of those violations. You had a meeting with me and Mr. Tudisco to discuss this letter, then I formalized it and emailed it to you on January 30th. Part of the reason that we initially adjourned the application from the January and/or February meetings, was to give you time to really respond to this very specific letter. Not to the violations that

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does not apply to this situation as it refers to waste materials: "No dumping of or storage of litter, garbage, ashes ... landscaping material, construction material, rubbish or other refuse or debris of any kind." We understand this to be aimed at restricting waste transfer type operations in GB zones, which we are not nor ever intend to be. We request the board's confirmation of this interpretation.

THE CHAIRMAN: Mr. DiSisto, if I may interrupt you. This letter of January 30th is public record, so the board has read it. You don't need to reread it. Speaking on behalf of the board, it doesn't address the interpretation of each violation. So I think what may be better is that I'll go over the four violations with you and you could reply to those specifically, and then the public can be heard and we can take it from there. How does that sound?

MR. J. DI SISTO: Okay.

THE CHAIRMAN: Mrs. Uhle, please.

MS. UHLE: Mr. DiSisto, on -- let me

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were issued previously, but to this specific letter which explains the purpose of -- it says: Based on this information, you may want to amend and/or supplement your application to the ZBA and make an additional appeal to the Town Board.

So I think what the Zoning Board was expecting was your argument with regard to why each of these four violations that are listed here, why those are not valid violations. I have an extra copy of this letter, if you would like to see it.

MR. J. DI SISTO: I have it.

MS. UHLE: Okay. So I think that's what the expectation is, is that you will respond to each of these violations. My understanding is you're claiming that the Building Department was incorrect in issuing a violation, so this board is going to understand how --

MR. J. DI SISTO: Could you please repeat that.

MS. UHLE: I believe your argument is with each of these violations, that we were
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1 incorrect in issuing a violation. That you do
2 not believe that these violations are valid.
3 You're asking the Zoning Board -- you're
4 appealing the Building Department's
5 determination with regard to each of these
6 violations. So I think what you are going to
7 need to do is explain why you believe these
8 violations are not valid.

MR. J. DI SISTO: I would like to
10 finish reading the statement for the record.

THE CHAIRMAN: You're free to do so.
12 MR. J. DI SISTO: Okay. Thank you.
14 The Building Department has since determined
15 that lumber and building materials may be
16 stored on the site but other materials
17 presently stored there must be removed. What
18 is stored there is either building materials or
19 is equipment used in the construction process.
20 We're asking the Zoning Board's confirmation of
21 this interpretation.

Some work was done amounting to about
23 $300 to reconfiguration and make more effective
24 use of the yard. In response to summons
26 2017-17, which quotes Local Law 3-2009 Section

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2.2.4(1A) "permit required," a permit
1 application and plan was filed and accepted, as
2 evidenced by the cashed check by the town of
3 Eastchester and the plan was reviewed. The
4 plan was revised in accordance with the town
5 architect's comments. We did all this in spite
6 of the fact that we hold in accordance with
7 2009-2.2.4(4A), that since only work costing
8 more than $5,000 requires signed and sealed
9 documents, it is inferred that a permit is not
10 required for work costing less than the permit
11 itself. We are assuming that the statement
12 required a permit for work costing a hundred
13 dollars or more dates back to a time when the
14 cost of a permit was, say, $10. We understand
15 this section of the code to be saying that a
16 permit is not required for work of this minor
17 nature, as it is the normal part of the
18 day-to-day operations of the business. We
19 request the town's confirmation of this
20 interpretation.

Incidentally, that structure has since
23 been removed. It was always meant to be a
25 temporary structure, and it has lived its life

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<tr>
<td>1</td>
<td>of the existing structure and trailer which are</td>
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<td>2</td>
<td>on the site. Though it is stamped &quot;received&quot;</td>
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<td>3</td>
<td>by the Building Department, they have found no</td>
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<td>4</td>
<td>record of the permit either issued or denied.</td>
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<td>5</td>
<td>Since these structures have been on the</td>
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<td>6</td>
<td>property even before we rented it, we ask that</td>
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<td>7</td>
<td>they be deemed existing non-conforming uses.</td>
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<td>8</td>
<td>Finally, if the board should find that</td>
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<td>9</td>
<td>we are not now entitled to operate as noted</td>
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<td>10</td>
<td>above, then we request we be granted variances</td>
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<td>11</td>
<td>per the terms of Section 6 Non-Conformity to do</td>
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<td>12</td>
<td>so.</td>
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<td>13</td>
<td>We wish to note for our construction</td>
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<td>14</td>
<td>company while using this property as its base,</td>
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<td>15</td>
<td>has built many projects throughout Westchester,</td>
</tr>
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<td>16</td>
<td>including the elevator addition for</td>
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<td>17</td>
<td>Eastchester's Town Hall and Eastchester's EVAC</td>
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<tr>
<td>18</td>
<td>headquarters at 257 Main Street in south end.</td>
</tr>
<tr>
<td>19</td>
<td>Signed, Michael DiSisto.</td>
</tr>
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<td>20</td>
<td>The Chairman: Thank you. Thank you</td>
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<tr>
<td>21</td>
<td>for your presentation.</td>
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<td>22</td>
<td>So before I drill down on this, we</td>
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<td>23</td>
<td>have the board, if they have any questions of</td>
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<td>24</td>
<td>this applicant. I would ask the board, because</td>
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<td>25</td>
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<tr>
<td>1</td>
<td>back when that was brought up back --</td>
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<td>2</td>
<td>Mr. Cahalin: Specifically what date?</td>
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<td>3</td>
<td>Mr. J. Di Sisto: Excuse me.</td>
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<td>4</td>
<td>Mr. Cahalin: When did you apply for</td>
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<td>5</td>
<td>that?</td>
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<td>6</td>
<td>Mr. J. Di Sisto: I was not involved.</td>
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<td>7</td>
<td>That was applied many years ago.</td>
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<td>8</td>
<td>Ms. Uhle: I can actually answer that</td>
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<td>9</td>
<td>question.</td>
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<td>The Chairman: Please, Mrs. Uhle.</td>
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<td>11</td>
<td>Ms. Uhle: I'm afraid we're going to</td>
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<td>12</td>
<td>get kind of off track. I'll just answer that</td>
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<td>13</td>
<td>question.</td>
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<td>14</td>
<td>Mr. Cahalin: I can be quite.</td>
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<td>15</td>
<td>Ms. Uhle: There are at least two</td>
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<td>16</td>
<td>existing structures -- Mr. DiSisto mentioned</td>
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<td>17</td>
<td>the two storage containers that had a metal</td>
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<td>18</td>
<td>roof that apparently have been removed, but</td>
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<td>19</td>
<td>there's two other existing --</td>
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<td>20</td>
<td>Mr. Cahalin: That's not true, there's</td>
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<td>21</td>
<td>one back there.</td>
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<tr>
<td>22</td>
<td>Ms. Uhle: There are two other</td>
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<td>23</td>
<td>existing structures on site that did not</td>
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<td>24</td>
<td>receive permits and approvals. Shortly</td>
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<tbody>
<tr>
<td>1</td>
<td>the nature of the application could go sideways</td>
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<td>2</td>
<td>on almost any sentence within the application,</td>
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<td>3</td>
<td>that I really would like to focus on the</td>
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<td>interpretation of the violations. Sometimes it</td>
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<td>5</td>
<td>may be better to take a step back because when</td>
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<td>something sounds this complicated, generally</td>
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<td>it's not, and there's a legal non-conforming</td>
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<td>8</td>
<td>use. Because we have a very thoughtful and</td>
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<td>9</td>
<td>intellectual head of the Building and Planning,</td>
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<td>10</td>
<td>you get to come here, but for most violations</td>
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<td>11</td>
<td>they're determined in court, you don't get to</td>
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<td>12</td>
<td>argue what the highest and best use of your</td>
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<td>13</td>
<td>property is. But go ahead, Mr. Cahalin.</td>
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<td>14</td>
<td>Mr. Cahalin: Sure. One of the</td>
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<td>15</td>
<td>questions I want answered is, when I went to</td>
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<td>16</td>
<td>see the property, there's another structure in</td>
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<td>17</td>
<td>the back of the property, is that a legal --</td>
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<td>18</td>
<td>that looks like that structure is falling down.</td>
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<td>19</td>
<td>It's got square windows all the way across,</td>
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<td>20</td>
<td>it's got a slanted roof. It looks like it's</td>
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<td>ready to fall down. So I would like to know if</td>
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<td>22</td>
<td>that was a permitted use or was there a plan</td>
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<td>23</td>
<td>applied? Did you apply for that structure?</td>
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<td>24</td>
<td>Mr. J. Di Sisto: There was a plan</td>
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<td>1</td>
<td>before -- I believe late 2003 or early 2004</td>
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<td>before Mr. King started as Building Inspector,</td>
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<td>there was an application cover page signed by</td>
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<td>Mr. Michael DiSisto and a very crude</td>
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<td>5</td>
<td>handwritten drawing on a survey showing some</td>
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<td>building footprints. It was stamped &quot;received&quot;</td>
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<td>7</td>
<td>by the Building Department. It would not have</td>
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<td>satisfied any requirements for a completed</td>
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<td>building permit application. A building permit</td>
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<td>10</td>
<td>application for accessory structures like that</td>
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<td>11</td>
<td>would have required construction drawings,</td>
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<td>there would have been a plan review. So the</td>
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<td>fact that somebody submitted a crude</td>
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<td>handwritten drawing, which was literally boxes</td>
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<td>on the site, does not constitute an accepted</td>
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<td>16</td>
<td>building permit application. It was signed by</td>
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<td>17</td>
<td>the current property owner, the current</td>
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<td>18</td>
<td>applicant. In fact, there is correspondence</td>
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<td>from the Building Inspector at that time -- who</td>
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<td>20</td>
<td>was, I believe, Pete Bonhag -- had indicated</td>
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<td>21</td>
<td>that building permits were required for those</td>
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<td>22</td>
<td>structures, but there is no evidence that other</td>
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<td>23</td>
<td>than this one simple submission, that it ever</td>
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<td>24</td>
<td>proceeded beyond that. Mr. Bonhag retired, Mr.</td>
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King took over, he would have had no way of knowing that somebody had submitted this application necessarily.

There is no evidence whatsoever -- I will have to say, again, with regard to these violations, those also would have required site plan approval from the Planning Board. So the only evidence we have that there was any attempt to legalize those structures was a cover page of an application and a hand drawn map. There is no other evidence that it went before the Planning Board, that construction drawings were submitted, that there was any plan review.

MR. TUDISCO: Or that any permit was issued.

MS. UHLE: Yes.

THE CHAIRMAN: So Mrs. Uhle, I think just a point of order because, again, to kind of crystallize this, there are uses that are as right as the zoning code allows today: Park Drive, single family home; right by where Lord & Taylor is, retail. There are uses that are legal non-conforming which means at the time

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they began, they were legal, and thereafter, it changed and what people commonly call grandfathering, which means that the use can continue as long as it continues in the manner in which it began when it was legal. So that's why I want to make sure because of the public, this commentary could also go sideways on this. What I would like to you, with your advice, would be to go through the four violations. Maybe what I'll do is reserve the board's questions and comments and we'll go through each violation, the board could question or comment, and then I'll open it up to a public hearing; what do you think of that?

MS. UHLE: I think that's fine. One point that I'm just going to make to be clear to everybody, and I know this is in a letter to Board, based on 1958 zoning, the applicant is allowed to store contractor's equipment, trucks or buses, and then there are provided some conditions, and then also they're allowed the outdoor storage of lumber and building material provided it be not less than 15 feet from any lot line. That's in accordance with the 1958

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MR. CAHALIN: Not or generally not?
MR. J. DI SISTO: Generally no construction activities. My dad also uses the yard for his own equipment to -- you know, equipment that he stores up there.
MR. CAHALIN: So does fabrication happen on the weekends?
MR. J. DI SISTO: No.
THE CHAIRMAN: How many tenants do you have at the premises non-residential; commercial tenants?
MR. J. DI SISTO: One.
THE CHAIRMAN: One. Okay. So I'm going to take the step of, Mrs. Uhle, I'm going to make a motion to open this to a public hearing. Before I make my motion, that public commentary is going to be limited to comments as it relates to construction activity, and the public will have an opportunity to be heard on the other three violations but I don't want to lose focus.
I'm making a motion to open this matter to a public hearing as it relates to these construction activities; is there a second?

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MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. All in favor.
(All aye.)
THE CHAIRMAN: Who would like to be heard on this application? Please, come forward, give us your name, speak freely.
MR. KOULOMBIS: John Koulombis, 170 Woodruff Avenue. I live right in front of this property. It's in my back yard, literally. They're saying that there is no construction activities on weekends, after hours. That's not true. We hear it all the time. Okay. There's been a lot of activity on this property in the last two years, especially when they built this structure of two shipping containers and a roof. There's been a lot of fabrication. There seems like personal use, there's ATV's inside that property that they work on. They're welding, they're cutting wood. There's flood lights on at night at times, people using the garage, the lights are always on at night. So I don't agree with this
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at all, okay. I live here. I look right down
on that property, okay.
I've had many conversations with Ms.
Uhle. I submitted my objection to you, my
written objections, so I hope you all had a
chance to read that, you know, and visit the
property yourselves and make your own
assessments of what's going on here, okay. I
lived at this property for 20 years, I have
never seen so much activity as I have in the
last two years, okay. I don't know what has
changed over here, but they've increased their
activity tremendously and what they're asking
for is to legalize that, okay, and make our
quality of life horrible, our property values
go down. It doesn't make any sense.
Right now we're in an R-5 zone,
there's a GB zone. This is a very
mismanaged area. The town has been struggling
with this area for years. It's in your
comprehensive plan since '97. It's been well
documented that this entire industrial area
that's a triangle of Post Road, Brook Street
and Montgomery is a challenge, okay. This is
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on the facts. We're not answering questions
from the public. So, please, if you want to
continue on that. If not, you could certainly
be heard on these other items. We get the
drift. We know you live there and we've read
your submission.
MR. KOULOMBIS: All right, thank you.
THE CHAIRMAN: Thank you. Would
anyone else like to be heard on this specific
point? Yes, counselor.
MR. TUDISCO: Mr. Chairman, with
respect to the activities, one of the comments
was -- and again, Ms. Uhle, correct me if I'm
wrong on this -- it's my understanding that
another member of the trust or another member
of the family had an issue with another
construction site or yard or something, whether
it was a fire or something, that fabrication
was brought to this particular property a year
and a half to two years ago, and that may be a
reason why there was the -- it was brought up
that there's been an increase in construction
and fabrication activities going on at this
particular site more recently. So in terms of
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right on that buffer zone, okay, and it's a
challenge that needs to be addressed by this
town. It starts here. Any approval of an
application like this is really just going
backwards for all of us. We're right up on a
residential area here. We have homes that have
increased in value tremendously. We don't want
to see our values go down. My neighbor right
next door to me could not sell her home and the
reason was time and time again the agents would
tell them the property behind them, okay --
THE CHAIRMAN: May I interrupt you?
You will have an opportunity to speak and be
heard on some of the issues that are starting
to go as I use the word sideways. I would like
to keep this as it relates to construction
activities because right now we're really
drilling down on the factual basis.
MR. KOULOMBIS: I will tell you that
they're ongoing and they are after hours and
they are on weekends. The question I had to
the town and to the board is, what are the
acceptable hours?
THE CHAIRMAN: You're here to comments
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background.
THE CHAIRMAN: Thank you, counselor.
Would anyone else like to be heard on the
construction activity going on or not going on
on this site? Anybody else?
(No comments.)
THE CHAIRMAN: Okay, the applicant if
you would like to reply to this, please.
MR. J. DI SISTO: Thank you. The
ATV's referred to are not -- have nothing to do
with the construction activities. Those are
ATV's owned by the tenants of -- the
residential tenants of the building, and the
welding is to maintain equipment, which is a
permitted use of the site.
THE CHAIRMAN: Okay. Is that your
reply? Okay. Before the board will be heard
on this, I usually --
MR. J. DI SISTO: As far as the length
of time, I'm unaware of -- I was not aware of
lights on. I don't know who's turning those
lights on. It may be the people who are
running the ATV's, the tenants are turning the
lights on, I don't know.
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THE CHAIRMAN: This is a unique finding in that we're really more fact finding than we are anything else. Before I turn it over to the board, the law is very clear that in 1955 and 1958 construction activities were not a permitted use as a matter of law, not as a matter of fact. So that would be my comment. I don't need to question that further.

Mr. Cahalin, do you have any comments or questions?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I said my piece. Next, the second item is lumber and building materials that are stored less than 15 feet from the property line. Would you like to reply to that?

MR. J. DI SISTO: If there are lumber
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and building materials stored closer than 15 feet of the property line, I'm unaware of it. I will have to check with the tenant.

THE CHAIRMAN: Okay. Would anyone like to be heard from the public on this issue of the storage and materials in proximity to the property line? Anybody? Okay, would you like to be heard? Sure.

MR. KOULOMBIS: You all have visited the site; correct?

MR. CAHALIN: I have, several times.

MR. KOULOMBIS: I think if you've seen yourself that building materials on racks are just stocked up against the property lines, they're there.

MR. CAHALIN: Yes.

MR. KOULOMBIS: I don't know what else needs to be said. You've seen it yourselves.

THE CHAIRMAN: Apparently, you've seen it as well.

MR. KOULOMBIS: I see it every day.

THE CHAIRMAN: That's why you're here.

Thank you.

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MR. TUDISCO: I believe in connection with the enforcement case in court, there are a number of photographs that the Building Department and building inspectors have taken which show stacks of lumber which abut the property lines to the property. So there are setback issues clearly.

THE CHAIRMAN: Thank you, counselor.

Mr. Cahalin, any questions or comments?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I think the application and the public and what we've seen speak for itself.

MR. TUDISCO: Again, in terms of the issue before the board, I believe that the applicant is seeking or challenging the Building Department's determination that they are in violation for storing them in the way

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they're stored. Whether or not they're stored there or not is really a question of fact that the court would decide, you know, in a trial of the actual violation case.

THE CHAIRMAN: Thank you, counselor.

Number 3, there's a variety of materials other than lumber and building materials, including but not limited to rusted materials; general debris; rubbish; tires; filled plastic bags; crates; containers; and numerous flammable and combustible materials, those were since removed, stored outside on the site.

MR. J. DI SISTO: That was one of the original violations, and I believe that we've addressed all that. There are some parts of machinery that may appear rusted, but the debris and we've removed that to, you know -- we -- we'll have to look at it again. If there is something still there, we'll have to look at that again.

THE CHAIRMAN: Okay, would the public like to be heard on this prong of the application? Sure. There are no frequent flyer miles, but please, feel free to speak.

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MR. KOULOUMBIS: There's still debris.
They've cleaned a certain amount of it.
There's a refrigerator sitting over there;
there's an ATV sitting there; there are tarps
covering things, who knows what's there; there
are two shipping containers that showed up on
that site that are still there. Even though
the roof was taken off, the shipping containers
are sitting there. As far as I understand it,
those are illegal structures. What are they
doing there? Thank you.

THE CHAIRMAN: Thank you. Mr.
Cahalin, questions, comment, add anything?
MR. CAHALIN: I agree with what the
public said.

THE CHAIRMAN: Mr. Miller?
MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: No.

THE CHAIRMAN: Again, the public and
the submitted materials speak for themselves.

Last item before us tonight, a number

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of accessory structures have been constructed
on the property without Planning Board
approvals.

MR. J. DI SISTO: I thought we
addressed this with the application that was
filed. There is no determination as far as
what the result of that was. It was neither
approved or denied. Earlier on, it was said by
this Building Department that those structures
showed up on a plan that was registered with
the town of Eastchester, so they going to
grant those as existing structures. One of the
storage containers and the two -- the trailer
and the other structure that's on the site --
we were told were clearly existing and would be
allowed to remain, and that the roof that was
built and the second storage container would
have to be removed.

THE CHAIRMAN: Mrs. Uhle, can you
clarify that, please.

MS. UHLE: When I first met with the
DiSistos out at the site, because I had also
seen the application that was in the file and I
had not done an extensive review of the file, I

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had said it appeared that there may have been
an application or a permit, in which case those
would be grandfathered, even though at the time
I said I don't understand how that could have
occurred without Planning Board approval.

Subsequent to that, I made it very
clear -- and, unfortunately, sometimes we
modify our determinations, but I modified that
determination very early in the process.
Again, it's documented in this, I've discussed
it with the applicant on numerous occasions.
There was one piece -- I would be happy to
bring a copy of it -- at some point somebody
submitted a crude sketch to the Building
Department. That in no way constitutes an
approval. It means somebody submitted a piece
of paper to the department. So Mr. DiSisto
keeps referring back to the fact of a comment
that I made out at the site the very first time
that I met them out there. I modified that
comment. That was almost possibly a year ago
now. We have been having this same circular
discussion for months and months and months.

Again, the Building Department stands

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very helpful. So you've been there 20 years?
MR. KOULOMBIS: Yes.
THE CHAIRMAN: Can you give me kind of
a broad brush sketch of the evolution of the
use of this property?
MR. KOULOMBIS: For years, it was
quieter, you know. Really the use was as
documented, parking construction equipment.
Was there some activity? Yes.
THE CHAIRMAN: Again, just what you've
observed.
MR. KOULOMBIS: Did I complain?
Absolutely not. I complained maybe twice in
20 years because I was worried for the health
and safety of the families with the welding
activities and the painting of construction
equipment right next to the house. Clearly,
it's illegal, painting in open air, welding.
The Fire Department was called in. The Fire
Department did their assessment. They found
hazardous materials on the site. They were
asked to remove them. This happened on several
occasions over the years, okay. So my -- look,
I moved there with that yard there. I didn't

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move in and say, you need to change this, okay.
But what I am concerned about is the health and
safety now with this escalation of what's going
on on this property. Clearly, the quality of
life is changing for us, okay, and I'm speaking
for my neighbors too.
THE CHAIRMAN: No, you're speaking for
yourself. They’re not here.
MR. KOULOMBIS: I will say, there's a
big concern. I'm sure you have written
objections to this. There are more than just
mine in your file there. However, everybody is
very concerned about this property escalating
and the activities escalating on the property,
okay, and really reducing our quality of life
and our property values as they stand today.
THE CHAIRMAN: Okay. Thank you for
your time. Would anyone else like to be heard?
(No comments.)
THE CHAIRMAN: Please, you can reply
to that if you don't mind, and then we could --
MR. J. DI SISTO: Again, the welding
and painting, if you're maintaining equipment,
it's not permissible to paint a piece of

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equipment that you have on the site? That's an
accepted use by the board. That's one of the
things that the board is granting us, that we
can maintain equipment.
THE CHAIRMAN: Well, actually, we're
hearing four prongs of a violation. The legal
non-conforming use is fixed in stone as it was
MR. J. DI SISTO: So I'm just
questioning why he's objecting to painting and
welding equipment, that's part of maintaining
equipment. When something breaks, you weld it.
I mean, why is that being objected to? I don't
understand why that would be --
THE CHAIRMAN: Well, I'm not going to
make a factual statement about what is actually
going on because I can't make that
determination. I can only determine what comes
before me. You're just stating that this act
of painting. If 18 or 19 painting companies
were in your back yard painting, you could
certainly make that argument. It wouldn't be
an availing argument but you could make it if
you crystalize it just to that little piece

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that they were actually just painting. The way
I read the '55 and '58 legal use -- actually,
I'm going to reserve that comment. Withdrawn.
Comments and questions from the board;
Mr. Cahalin?
MR. CAHALIN: I mean, it's clear when
you look at that structure in the back in the
corner, it looks like it's ready to fall down.
There is no foundation for it. It's pieced
together. It's like they found stuff and
nailed it together. It doesn't look safe to
me. It's an eyesore. It's an eyesore, Mr.
Chairman.
THE CHAIRMAN: Thank you, Mr. Cahalin.
Mr. Miller?
MR. MILLER: No.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: I'm not sure what else to
add to hear, but I agree with the comments that
were just made. I drive by there many times,
it is an eyesore, amongst other things. That's
all that I'll say.
THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: Nothing.

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THE CHAIRMAN: I'll just conclude with the fact that a use can be legal at some point and then that use could metastasize into other things. What the board is doing today is looking at the facts as they are and exist on the ground now and whether those are legal non-conforming uses, and the only guide we have is what the law says, which is what legal and non-conforming use is as dictated in 1955 and 1958.

So having said that, Mrs. Uhle, would you like to add anything to this?

MS. UHLE: No, I don't think so, actually.

THE CHAIRMAN: Okay. So I have a motion to adjourn this matter for resolution at the next meeting; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Thank you for your time. I'm going to make a motion to adjourn.

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for -- I'm sorry, I don't want to call it an adjournment -- a two-minute break; how is that?

MR. DE MARCO: That's fine, thanks.

(A short recess was taken.)

THE CHAIRMAN: Could we come to order, please. Can I have everyone's attention. Okay. I owe a motion to close the public hearing on that last application; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)


MR. FANG: My name is Eric Fang. I'm the Chief Warden of the Saint Luke's Episcopal Church at 100 Stewart Avenue. I'm also the architect who prepared the package for the Cooper's Corner International School Nursery School, which is the subject of this application.

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to you. There will be primary classrooms: Two classrooms at 254 square feet, one larger classroom at 654, and then two restrooms that are existing, then a church office in the corner. All of those facilities are existing. There is no substantial work that needs to be done aside from cosmetic work on paint and so forth and drapery and that kind of thing, finishes.

On the exterior, there will be two new play areas, and that's the site of the existing playground for the church. These will be enclosed and there will be two; one on the south side, which will be about 330 -- not about -- 330 square feet; one on the other, which will be 390. Those will be accessible from the front entrance of the parish hall, and the children will go around and then they'll be supervised in the two different play areas. Both of those will be set back 5 feet from the non-residential property line, which is Lincoln Avenue.

The parking situation -- it was the subject of a lot of discussion earlier today,
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as you know -- while non-compliant, we plan on
introducing two new tandem spaces on the
driveway of the existing rectory right here, a
gravel pad that will accommodate the teachers.
In addition, we anticipated having four drop
off spaces at the corner of Stewart and
Lincoln. This is where the drop off was
previously for the previous two nursery schools
for years. The required parking spaces are 18,
but we anticipate that this will be operated
primarily as almost like a baby-sitting
service, parents drop their kids off because
they want to do other things and be able to
take care of their household business.
Tina is going to speak a little bit
about the operations and the background of
Cooper's Corner Montessori, and we'll be happy
to take questions later.

THE CHAIRMAN: Thank you.

MS. DE SILVA: Good evening, members
of the board. My name is Martina DeSilva, and
I reside at 200 Quaker Ridge Road. I am the
owner, the director, and also a teacher at
Cooper's Corner Montessori Schools in New

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Wilmot Road is owned by a similar facility, a
church, St. John's Episcopal Church. As I said
earlier, it is a full day program. So all
three schools are full day programs. What we
are proposing at the new Saint Luke's location
is a part-time, less than three hour program.
This was a preexisting school, I mean a nursery
school, for over I think 50 years. I do not
know the real -- the actual year that it
originated, but for years it had existed as a
nursery school, and it also had the variance or
the permit or whatever was required. Please
bear with me if I don't use the right terms,
this is the first time that I am in front of a
board because in New Rochelle I didn't have to
tell them in order to get my licenses or
whatever. So please bear with me if I make any
mistakes in terminology or anything else.

THE CHAIRMAN: You're doing fine,
don't worry. If you could tolerate my Bronx
accent, then you'll be fine.

MS. DE SILVA: Thank you. Thank you
very much. What basically we're asking is why
am I wanting to expand into Eastchester? I've

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Rochelle. We have three locations. I'm sure
all of you have passed by the one on the corner
of Wilmot and North Avenue, 11 Wilmot Road.
That's a preschool. We are licensed by the New
York Office of Children and Family Services and
we have full day care. The age range of the
children are from three to six years until they
enter kindergarten. I have two other schools
with daycare. They're Montessori schools. All
our schools are Montessori schools. One is
located at 1115 North Avenue, New Rochelle, and
the other is 200 Quaker Ridge Road.
A little bit of my background. I'm an
educator, a teacher, and have teaching
experience for at least 35 years. I was
educated in the U.S., and I have my Masters and
one year of Doctoral studies in early childhood
and Montessori education.

We have been in business in New
Rochelle for over 10 years. I see it as a
service to the community. We take care of
children as early as six weeks and above. All
my schools are licensed. We have been in
business for over 10 years. The school on

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had so many parents, you know, wanting to
enroll, and I do have enrollments as of now in
the schools that I operate, but there are
parents who really want a couple of hours, and
I cannot accommodate them in the schools that I
have now because they are a full day program.
It basically dies down to a spot taken. I
think all of you are parents and you understand
that working parents need more hours than the
others. Little children also need
socialization, so those are the parents we want
to extend our services. Montessori is a
special way of education where children thrive
in, you know, academics, in nurturing.

So I'm asking of you, you know, it's
kind of I think grandfathering into, you know,
the same that had been before years. The
previous school, what happened is she retired
and it was closed down for years and the
church -- I think one church to the other
approached us and that's how we came about of,
you know, trying to submit my application. I'm
asking of you to, you know, look into the
variances and see if you could please, you

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know, grant it. Thank you.

THE CHAIRMAN: Okay. Thank you for
your presentation. At this point, we usually
have the board members ask questions of the
applicant. We'll start with Mr. Cahalin; any
questions?

MR. CAHALIN: Sure. What are the
hours?

MS. DE SILVA: It will be less than
three hours. Any operation, any institution or
child care that is more than three hours,
requires a license. So we are going to have a
less than three hour program that does not
require a license by the Office of Children and
Child Care Services.

MR. CAHALIN: I appreciate that, but I
asked a very specific question. Give me the
hours on the clock; is it 8 to 11; is it 9 to
12; is it 1 to 3?

MS. DE SILVA: Yes, 9 to 11:30, to
11:45 maybe.

MR. CAHALIN: And there's only going
to be one session?

MS. DE SILVA: At the beginning, we're
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planning just one session in the morning.

MR. CAHALIN: Okay.

MS. DE SILVA: If we decide to or if
there's a need, the second session will
definitely be before the schools, you know --
there won't be a clash between the times
because we want to avoid the times of the --

MR. CAHALIN: Middle school, high
school, sure.

MS. DE SILVA: The rush hour.

MR. CAHALIN: The other thing, Mr.
Chairman, that concerns me in this application
is the side yard setbacks for those play areas.
I mean, it's a zoo over there in the morning
with kids back and forth and just the light and
people coming down the street and the deli.

There's just a lot of activity. It doesn't
take much for a car to just -- there's no room.
So I have trepidations about these play areas.
I just don't see how they could be this safe.
It's just my opinion right now. They're
proposing a fence. Unless it's a steal fence,
I wouldn't feel good about it. A chain link
fence isn't going to stop a two ton vehicle.

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foot traffic there both during the weekdays as
well as on the weekend. This would be set back
beyond the chain link fence and the hedge, and
then there would be an additional fence. There
would be two fences. The intent would be that
it would be screened from view from passers by,
and then also set back again beyond --
basically there's three barriers.

THE CHAIRMAN: Thank you. I don't
have any questions or comments at this time. I
make a motion to open this matter to the public
for a public hearing.

MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(All aye.)

THE CHAIRMAN: Okay. Please.

MR. LAURIELLO: Anthony Lauriello, I
live at 83 Stewart Avenue.

I sort of have mixed feelings about
this proposal. I am pro child care, and I
understand that, you know, there's a need for
child care. My concerns have to do with this
particular location, the increase in traffic.

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parking area in front of that school, but that signage
actually was erroneous. I did look at the
parking prior to it being changed, as you
noted, and that signage was never authorized.

So I think they would have to go back to the

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preschool, and I don't think it was stated how
many children are going to be in this

preschool. I think that three hour limit, I
think it's really going to be a six hour school

because I think the intent is to create the
three hour in two sessions, probably morning an
afternoon, so you're going to have that

activity basically four times a day. So you
will have a drop off, pick up, drop off, pick
up on the street. Again, Stewart becomes very
dangerous when you have so many cars coming
around. We have a lot of children that now

live on the street, and it's always been my
concern that, you know, somebody is going to
come around the curve and -- because they think
they're all Mario Andretti when it comes to a
curve, that they have to speed through it. So
I think that's a big issue.

There was a designation for a drop off
area in front of that school, but that signage

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right in front of the church. That's another
one of my concerns. It goes to the nature of
the area. So creating sort of a parking lot
right in the church grass area doesn't seem
appropriate.

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I understand that -- as I said, I have mixed feelings. I know that the church probably needs this to generate income, and I could appreciate that, but I would like what I said taken into consideration. Thank you.

THE CHAIRMAN: Thank you. Please.

MS. COLEMAN: Good evening, again.

Dr. Coleman, 96 Stewart Avenue. I am also an educator of 25 years with a Ph.D. in computer science and curriculum and instruction, so I know and understand very clearly what regulations are in terms of having a safe, viable play area, and this greatly concerns me that there's just not enough room to accommodate that in that space. If you've ever seen the middle school dismissal or the high dismissal or when they're coming to school in the morning, it's a barrage of students. Now, in addition to that, now add little one's in there. All we need is for a car to accidentally jump the curb and it's a disaster.

The four spaces I believe they have in front, these spaces, where they would want drop off and pick up, we just spent 8 months in the

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process with the town to get the two hour parking because of the issues that we had with the Audi Dealership. So now that's going to remove four spaces of the two hour zone and a drop off and pick up. So that means four at a time could drop off. I would assume there would be much more children than four at a time coming up at 9:00 in the morning. I can't get out of my driveway until the kids are in school. Now adding this on top of it -- there's just a problem. We even worked with the Police Department, if you notice on the other side of the street there are poles like halfway up because the cars like to go up on the curve to park and drop and let kids off, so that prevented that for safety reasons.

So I have grave concerns of the safety of these small children, in addition to the quality life in the neighborhood and the congestion. Do a survey, do an observation while school is still in session to see how the traffic is with pick up and drop off. I mean, I think this has to be really addressed in terms of the true safety of not just the

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preschool children, but also the other kids going to and from school and the added traffic and volume. Thank you.

THE CHAIRMAN: Thank you. Please.

MS. FERRETTI: Hi. Jackie Ferretti, 76 Park Avenue.

I'm basically going to echo what they had just said. I'm concerned about the traffic. If you've ever come by there at lunch time and gone to that deli, it could be crazy. If you're going to be letting students out at that time or dropping off, I just think the safety issue is -- it's a disaster waiting to happen. I'm sorry. It doesn't seem to meet any of the requirements that are needed for a preschool or a safe preschool. I understand it was a school up until about 10 years ago or so, but we don't have the traffic that we do now.

My brother went to that school 40 years ago.

Everybody walked there. So I think the traffic.

Again, going back to the parking, if they're saying 18 parking spaces are required, where? Where in the neighborhood are you going

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to do that? If you're going to put four, you know, on Stewart, then you have, again, they're going to be backing up or who's going to be dropping off? I just think it's going to be a traffic nightmare. I think this has to be really thought about. I mean, it's saying here that 720 square feet minimum is what they have and you need 5,000 square feet for the playground, it just doesn't seem feasible. I just think it's -- you know, I'm sorry, I don't want to ruin someone's livelihood, but it's the safety of the children, those children going there and ours in our neighborhood. I mean, you can't walk on our street in the morning, in the afternoon when school lets out. I understand that's when school lets out, but now to add more to that it just doesn't seem to make sense. Thank you.

THE CHAIRMAN: Thank you. Would anyone else like to be heard on this application?

MR. McMAHON: Good evening. My name is Liam McMahon. I'm on 90 Stewart.

Similar to my neighbors, mixed

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feelings. I mean, I have three children
myself, so I understand the need for child
care, but, I mean, I think this is just a bad
location. With all the other proposed
developments going on, it's just like a perfect
storm of a bad location.

So that's all I got to say. I echo
what all the other people have said. It's just
not a good location. Thanks.

THE CHAIRMAN: Thank you. Would
anyone else like to be heard?

(No comments.)

THE CHAIRMAN: Okay. Seeing no one
else, I make a motion to close the public
hearing on this matter; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(All aye.)

THE CHAIRMAN: Okay. If the applicant
would like to comment on any of the comments
that were made and conclude, then the board
will have an opportunity to ask any further
questions or comments.

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MR. FANG: Sure. Just a couple of
comments.

First of all, I want to say that we
appreciate the community character and this
being a family neighborhood. I live down the
street on Lincoln Avenue. Again, my children
go to local schools. We've been members of the
church for over 17 years. The thing that I
want to just emphasize though is, it's not just
single family houses that make up a
neighborhood and a family environment. You
need the institutions and the services to
support that family life. The nursery schools
are critical part of that, having gone through
younger childhood and all the travails of
trying to find a suitable place.

If I may, just to comment on the
variances, the zoning ordinance as written in
terms of the requirements for a nursery school
such as this or a childcare facility, it's
almost prohibitive in terms of accommodating
this type of facility in the town of
Eastchester. The amount of land, the amount of
parking, the amount of setback, those pieces of
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MR. MILLER: To your knowledge, was there ever any issues with the drop off, the traffic or anything like that?

MR. FANG: No.

MR. MILLER: Since you live there, do you know what the frequency of drop off was; was it, you know, one hour -- sorry -- 10 cars every hour, 15 cars every hour?

MR. FANG: That I couldn't say with any, you know, accuracy. Sorry.

MS. UHLE: I just want to say one thing. I do know that the special permit approval for Corina's Kids, they were limited to 12 students per session, where the applicant is proposing 25 students per session, I believe.

THE CHAIRMAN: Thank you, Mrs. Uhle.

Mr. Miller?

MR. MILLER: Yes. In your submission, you also indicate you're proposing 9 a.m. to 11:55 a.m.; is that in the classroom time or is that when drop off would start?

MR. FANG: Is that in the classroom time or the drop off time? I'm not clear on.

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the technicalities.

MS. DE SILVA: So 9 to 11. Parents would be free to drop off any time after 9.

MR. MILLER: 9:00 is when the community would expect cars to start going down the street?

MS. DE SILVA: 9:00, yes. 9:00 and after.

MR. MILLER: Are you going to have any programs where you take the kids earlier for parents who have to go to work?

MS. DE SILVA: Yes, my other schools we do --

MR. MILLER: No, in this school.

MS. DE SILVA: No. No. No. 9 to 11.

We have to be less than three hours. We have specific times and 9:00 would be the time, for example.

MR. MILLER: No further questions.

THE CHAIRMAN: Thank you, Mr. Miller.

Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No questions.

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THE CHAIRMAN: I have nothing further.

I make a motion, however, to adjourn this matter for resolution at the next meeting; is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

MS. DE SILVA: Thank you.

THE CHAIRMAN: Thank you for your presentation. They'll be a resolution at the next meeting.

MR. FANG: Thank you.


Item Number 8, 40 Wright Place.

While the applicant is setting up, I just want to remind the remaining applicants that are on for new business, that you don't need to read your entire application. The matter is a matter of public record. The board has reviewed your application. If you feel you would like to, I'm not going to stop you. It won't help, it won't hurt your application.

This is an area variance to permit a DINA M. MORGAN, REPORTER

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deck in the front yard. You could proceed when you're ready. Tell us who you are.

MS. SCHWAB: I'm Peggy Schwab. I reside at 40 Wright Place. That's where we're asking for the area variance.

What we're proposing is to extend our wood deck under an existing covered porch. So it's just to jut that out. Due to the irregularity of the lot -- you could see there it's more of a triangle shape -- we need a variance of -- let's see -- the setback of the west side is 3 feet, which would be a deficiency of 7 feet, so we need a 70 percent variance there, and then also on the east side the setback is 3.08 feet, so we're deficient 6.9 so 69 percent. So you could see there that's what we're asking for. It's pretty straightforward.

THE CHAIRMAN: Thank you for your presentation. We read your submission. At this point, we usually have the board reserve this time to ask questions or comments; Mr. Cahalin?

MR. CAHALIN: No questions.

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THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: I have nothing either.

I make a motion to open this matter to the public for a public hearing; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Okay. Would anyone like to be heard on this application? Please.

Name and address and speak freely.

MS. WOODWARD: Good evening. I'm Sue Woodward. I reside at 31 Wright Place, diagonally from 40 Wright Place. I realize I'm bucking the trend tonight, but I'm here in favor of her application.

MR. CAHALIN: That happens every once in awhile.

THE CHAIRMAN: It does happen.

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MS. WOODWARD: In the 50 -- I know it's hard to believe -- in the 57 years plus I've lived there, there's been no family that has taken such pains to beautify and landscape so tastefully that property because it is a section that you see coming down the street, and they've done a beautiful job of it.

Secondly, I think -- it's my opinion, based on the way they've landscaped the property, that this would be virtually undetectable by anyone passing by because of the way they've landscaped.

In terms of necessity, the existing porch that they have isn't really usable because it's so tiny.

So I hope that you will approve her application.

THE CHAIRMAN: Thank you. Would anyone else like to be heard on this application?

(No comments.)

THE CHAIRMAN: Okay. Seeing no one else, I make a motion to close the public hearing on this matter; is there a second?

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1 presentation. Since you know the drill, we'll
2 start with Mr. Cahalin. Any questions or
3 comments, Mr. Cahalin?
4 MR. CAHALIN: I know it's a severe
5 variance but, you know, when I looked at the
6 property, it's side by side with another
7 driveway, so I don't think it's going to be
8 detrimental to the neighborhood at all. That's
9 my comment.
10 THE CHAIRMAN: Thank you, Mr. Cahalin
11 Mr. Miller?
12 MR. MILLER: By any chance, do the
13 neighbors immediately to the left have kids?
14 MR. IANNACITO: I'm sorry, say that
15 again.
16 MR. MILLER: By any chance -- in this
17 photograph to the left of the photograph --
18 does this house -- do you know if they have
19 kids, children who might be running right by
20 where --
21 MR. IANNACITO: I'm sure they do.
22 There's a lot of houses with kids in that
23 neighborhood, so they probably do. Their
24 garage is set further back and their driveway
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1 is much wider than this driveway on this
2 property, so there will still be some
3 landscaping between the two properties. I
4 believe it's like 5 feet. If we look at the
5 survey that I submitted, there is a dimension
6 from the property line to that existing
7 detached garage, which is 5 feet, so there will
8 still be a 5 foot landscape buffer between the
9 two driveways.
10 MR. MILLER: Does your client plan on
11 putting any plantings up to sort of separate it
12 a little bit more?
13 MR. CAHALIN: They can't.
14 MR. IANNACITO: Add plantings?
15 MR. MILLER: Right on the line.
16 MR. CAHALIN: He's right on the line.
17 MR. IANNACITO: They can't put any
18 plantings on their property, no.
19 THE CHAIRMAN: Anything further, Mr.
20 Miller?
21 MR. MILLER: No.
22 THE CHAIRMAN: Mr. Nurzia?
23 MR. NURZIA: No.
24 THE CHAIRMAN: Mr. DeMarco?
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The scope of work will include the expansion of the existing driveway and reconstruction of the retaining wall at the front yard, which is highlighted here; expansion of the existing driveway and creation of a new parking area at the rear yard; and the construction of a new patio at the side yard.

The proposed site alterations will increase the impervious surfaces by 949 square feet and will require an area variance for the impervious surface coverage. The permitted coverage is 3,190 square feet and the proposed is 4,146, an increase of 956 square feet or 29.9 percent.

This property is located in an RB zone, which has no coverage requirements for commercial uses. This property is only restricted because it is an existing residential use within an RB zone.

The additional parking area is required for the tenants of the existing two family residence because the existing tandem parking along the existing driveway is just not feasible for the tenant ingress and egress when there are multiple cars parked along that.

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MR. IANNACITO: It can. I believe it's 34 feet, so it could probably be minimized to, you know, 27, 28 feet if we had to. We basically aligned it here at the garage and the back of the house, but it could be a little smaller if it had to be.

MR. NURZIA: Okay. And it would still serve your client's purposes?

MR. IANNACITO: Yes. I mean, a parking space is 9 feet wide. In this particular case, because it's residential, we don't have to stripe the parking spaces. At 34 feet, they could potentially squeeze four cars in there, so that would be more helpful with the tenants. You have two tenants, at least four cars, maybe five on the property at any given time. So you could fit two in the garage and then three or four on the side, and it would still make it very easy for cars to move in and out without having to disturb anybody else.

MR. NURZIA: I see a lot of yellow there, that's why I ask.

MR. IANNACITO: Again, if there was an

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Driveway. It just makes it difficult for cars to pull in and out every day when you have multiple tenants in a home. So that's why we're asking for the variances. Thank you.

THE CHAIRMAN: Thank you for your presentation. I appreciate your highlighting that distinction insofar as if this were a different use, you wouldn't even be here.

MR. IANNACITO: Right. If there was a commercial use on the first floor, we would cover a hundred percent of the lot and we would not require a variance.

THE CHAIRMAN: Understood. So I'm going to mix it up a bit and start to my right.

Mr. DeMarco, any questions or comments?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Just one comment. Under the theory of can you do this with a smaller footprint, can you minimize that and still get --

MR. IANNACITO: A parking area?

MR. NURZIA: Yes. What can your client live with? That's my question.

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members. My name is Chris Liosatos, and I live on 16 Reynolds, right next door to that house. My concern is, you know, with the added driveway and the added area of parking, that it will become commercial, not just residential. I mean, I have three young children, three children playing in the yard all the time, friends come over, and I'm afraid with the cars coming in and out, it's going to become a dangerous situation. A ball rolls into the other driveway, they run to go get it, cars pulling out, it could be a disaster.

Second of all, the street, Reynolds Place, is not really that big of a street to hold that many cars coming in and out. There's school buses, sanitation trucks in the morning going back and forth. My concern is there's going to be a lot of congestion on the street, once again, a danger to kids, cars being doubled parked on the street while cars are pulling in and out. That driveway is not that wide where you could have, you know, a couple of cars coming in and out at the same time. One car has got to pull out, the other one is.

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Going to pull in and out. A lot of congestion. Another concern, that light on Reynolds going onto Route 22, it's only green for about 20 to 30 seconds. Then you got to wait seven, eight minutes until it turns green again to turn back on 22. You're going to have cars going all the way down to Webster Street. Once again, a lot of traffic, a lot of congestion.

My other concern is when it gets lighter earlier at night during the winter, lights shining onto my house with cars coming in and out, the back of my house lights all over the place, cars leaving, cars coming in.

There's just going to be a lot of congestion and that's my biggest concern about this. What they said earlier about the other house, there really is no separation, no landscaping between the houses, so where is this expansion going to take place? That's my main concern.

THE CHAIRMAN: Mr. Iannacito, just highlight it for the public. Thank you.

MR. IANNACITO: We're expanding the driveway here in order to alleviate a lot of the problems that you're bringing up here. If

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we left it the way it was today -- we're not proposing a change of the use. We're not proposing to make it a commercial property. So instead of having cars constantly back in and out, we're creating a parking area here.

MR. LIOSATOS: You still have cars coming in and out. There were tenants living in the house before, and they didn't have this massive change going on. They just parked in the driveway right there, there were a couple of cars parked on the side, and that was it. I've been living there for 10, 12 years and there was no problem before. I don't understand why we need this whole expansion now, you know, for two, three cars.

THE CHAIRMAN: As our attorney mentioned before, and I tend to say it at almost every meeting, people that come before us are not doing something as of right because if they had the right to do it, they wouldn't be here. We hear things that are at variance with the law, that's why it's a variance. This application really has nothing to do with parking, it has everything to do with

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impervious surface, meaning that the more area they cover with pavement, the runoff is the issue. It's not really the parking at all.

The parking is as of right:

So I don't want to steal your thunder and if you have any further commentary about parking or anything else, feel free, but I just want to focus on what is before us.

MR. LIOSATOS: Well, my concern is that eventually it's not going to stay residential, it's going to become commercial. That's my main concern. I live right next door and I don't --

THE CHAIRMAN: We only review the application that's before us at the moment, and right now it's whether or not they could pave more of this area than the law allows them.

MR. IANNACITO: If the owner did want to put an office on the first floor --

THE CHAIRMAN: Mr. Iannacito, I don't want to speculate on that. I think I would like to just stick to the application as it exists. I'm sorry to cut you off.

Do you have anything further that you

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would like to add?

1. MR. LIOSATOS: No, that's all at this
time. I'm just against the variance.
2. THE CHAIRMAN: Thank you very much.
3. MR. LIOSATOS: Thank you.
4. THE CHAIRMAN: Would anyone else like
to be heard on this application? Please, come
forward.
5. MR. LEONE: Doug Leone. I own the
property adjacent behind this property.
6. One question is about the front, he
has a retaining wall, I'm not sure if the town
allows it, but sometimes you see a parking
space in front of somebody's house, this
parking space runs perpendicular to the
property so in front of the property somebody
carved out a parking space essentially so
they're parking on the town right of way it
seems to me. When I looked at the plan, it
looked like you were going to expand the
retaining wall?
7. MR. IANNACITO: No. Currently, there
are some wood retaining walls in the right of
way here. We're proposing to removed those and
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aren't going to park there?

1. THE CHAIRMAN: If I may interrupt. I
appreciate, Mr. Iannacito, your reply, but
maybe I'll just allow the public to make their
commentary so it doesn't become a question and
answer. Go ahead.
2. MR. LEONE: So my question is: Are
they going to continue to park there? Right
now, they park one or two cars right here in
front of the house and they are kind of
blocking off the house. It's unattractive. I
don't think it's good for the town.
3. THE CHAIRMAN: So I take it at the
moment they're currently parking in the front?
4. MR. LEONE: Correct.
5. THE CHAIRMAN: Okay. If you could
make a note, Mr. Iannacito, you could address
that in a moment. Is there any other
objections you have to the application?
6. MR. LEONE: That was it. I don't see
the need for this because you can park four
cars here, two in the garage and two in front
of the garage. Are they going to rent out
parking over there? What's the plan to use the
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just leave that as lawn space here.

1. MR. LEONE: At present it's a parking
space.
2. MR. IANNACITO: I don't know if
they're allowed to park out there. That's one
of the things we're going to try to correct
here by creating more on-site parking, so they
wouldn't have to park out here. As someone
renting this house, if you have to pull out
every day because the tenant upstairs wouldn't
come out, you would probably just leave your
car out in front of the street.
3. MR. LEONE: So what do you mean with
the retaining wall?
4. MR. IANNACITO: So we're going to
reconstruct the retaining. Right now, the
existing retaining wall is actually in the
right of way, which it cannot be there. So
we're pushing it back onto the property.
5. MR. LEONE: So you're expanding the
parking area?
6. MR. IANNACITO: But it's going to be
grass, it's not going to be paved.
7. MR. LEONE: How do you know people
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1. property. It's strictly for the tenants. We
2. are correcting some issues in the right of way
3. that shouldn't be there. We will have lawn
4. there, so no one should be parking there. I
5. don't even think you're allowed to park in
6. front of the house. We feel that this layout
7. will provide better access for the tenants.
8. Having two cars in the garage and two cars
9. parked in front of the garage, you constantly
10. have to go upstairs and interrupt someone
11. else's life to come move a car so that you
12. could pull out of your house. It doesn't work.

**THE CHAIRMAN:** That was my comment
15. earlier about more is less. You're creating a
16. traffic flow that would obviate the necessity
17. for people to back out to allow people to come
18. in and out. That's what I was driving at when
19. we were talking earlier about the nature of the
20. impervious surface and a potential reduction.
21. I've said what I have to say about
22. this application and the character of the
23. neighborhood. I'm going to leave it to the
24. rest of the board members. Mr. Cahalin?
25. MR. CAHALIN: Nothing.

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1. house, with my wife, Paula Casazza.
2. To begin with, I just wanted to let
3. the board know -- and thank you, Mr. Chairman,
4. and the board -- that originally our architect,
5. Mr. Tomaino, was supposed to be here tonight,
6. but unfortunately, his wife is having some
7. serious health issues, so I was asked to come
8. here and present. It's the first time I've
9. ever done this, so bear with me.
10. Basically we moved into this house
11. about a decade ago. We love the house very
12. much. It was one that the same owners had it
13. before us since 1968, for 40 years. It had
14. great bones. It was a beautiful house, but it
15. needed a lot of tender loving care. We've
16. redone the whole outside. It was completely
17. overgrown. We redid the kitchen, we redid the
18. basement with permits from the town here
19. without an issue. When we originally moved
20. into this house, we were not expecting to have
21. any more children. Sometimes God has a way and
22. we have another child then we were originally
23. expecting. She was the best unintended result
24. of our lives. But because of that right now we

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1. do not have enough space for bedrooms.
2. So what we are looking to do is -- you
3. see the plans, I'm sure, that Mr. Tomino
4. brought up. Overall, the intention is one
5. extra bedroom so we could have another bedroom
6. up top for our children. Should I put this up
7. there?

**MS. UHLE:** Yes. We could clip one up
10. for you, if you would like.

**MR. CASAZZA:** If you look upstairs
12. here, this is the master bedroom and two
13. bedrooms here. So what we're going to do is
14. when you go up the stairs here, put another
15. bedroom here. The front of the property is
16. here, Stebbins Avenue, and this is the side,
17. Summit, and it would need a variance because of
18. the property behind us, which is actually
19. listed on Summit.
20. The downstairs part of it here, which
21. my wife can attest is what she loves the most,
22. is to have a mudroom and place for storage and
23. a coat rack here, and this here is really just
24. going to be a sun room, a three season room,
25. something that we're not even going to put

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heating in. We're not going to make it a
dining room or anything like that. The whole
intention of this is to have the bedroom
upstairs so we have enough space for our kids.
Overall, I don't think it's that large
of an addition, and it's something that we are
keeping within the architectural integrity of
the house itself and of the neighborhood.
THE CHAIRMAN: Thank you for your
presentation. I won't let all the local
architects know that you've done as good, if
not a better job than they did.
Mr. Cahalin, any questions?
MR. CAHALIN: No. I can attest, I saw
the boys filing out of there in mass when I was
by the property.
MR. CASAZZA: I do have a 10 year old
son, so you probably saw lots of other kids
and --
MR. CAHALIN: One was leading, they
were all following.
THE CHAIRMAN: Mr. Miller?
MR. MILLER: No questions.
THE CHAIRMAN: Mr. Nurzia?

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MR. NURZIA: No questions.
THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: Nothing.
THE CHAIRMAN: I have nothing at this
time. I make an application to open this
matter to the public hearing; is there a
second?
MR. CAHALIN: Second.
THE CHAIRMAN: Mr. Cahalin. All in
favor.
(All aye.)
THE CHAIRMAN: Would anyone like to be
heard on this application from the public?
(No comments.)
THE CHAIRMAN: Seeing nobody, I make a
motion to close the public hearing on this
matter; is there a second?
MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. All in
favor.
(All aye.)
THE CHAIRMAN: Mr. Cahalin, anything
further?
MR. CAHALIN: It's a minimum variance

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is in the audience here, I don't want to give
away her age, but she said as far as she
know -- she grew up in the house -- it was
always there. In my professional opinion, it
was built in the '60's some time. I have the
survey that shows that it was not there in
1959, so I know it was done after '59, but I
don't think too much after that. I don't think
this obstructs anybody's light or ventilation
or views or anything else. I think there's a
multi family non-conforming house next door.
That's all I have to say.

THE CHAIRMAN: Mr. Cotugno, thank you
for presentation.

MR. COTUGNO: It's 53 square feet.

THE CHAIRMAN: Okay.

MR. COTUGNO: Nobody lives in the
shed.

THE CHAIRMAN: Okay.

MR. COTUGNO: It's only to enclose the
staircase. I understand they have a problem of
getting water in the basement.

THE CHAIRMAN: Okay. Listen, a lot of
things in this room that were built in the 60's

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and they're still standing as well.

Mr. Cahalin, any comments or
questions?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No, thanks.

THE CHAIRMAN: I have nothing at this
time. I make a motion to open this matter to
the public.

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(All aye.)

THE CHAIRMAN: Would anyone like to be
heard on this application? Seeing nobody, I
make a motion to close the public hearing on
this matter; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in
favor.

DINA M. MORGAN, REPORTER
CERTIFICATION

STATE OF NEW YORK  
) Ss.  
COUNTY OF WESTCHESTER)

I, DINA M. MORGAN, Court Reporter and  
Notary Public within and for the County of  
Westchester, State of New York, do hereby  
certify:  
That the above transcript was taken from  
a videotape of the actual hearing. I was not  
present for such hearing. The videotape was  
taken and transcribed by me to the best of my  
ability.  
And, I further certify that I am not  
related to any of the parties to this action by  
blood or marriage, and that I am in no way  
interested in the outcome of this matter.  
IN WITNESS WHEREOF, I have hereunto set  
my hand this 31st day of May, 2018.

DINA M. MORGAN  
Court Reporter

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CORRECTION SHEET

PAGE CORRECTION

DINA M. MORGAN, REPORTER