

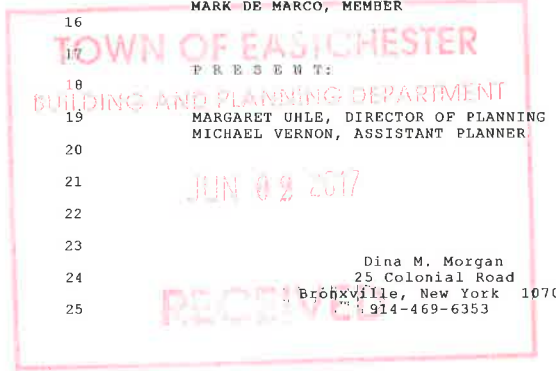
STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
MAY 9, 2017

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

B E F O R E:

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



P R E S E N T:
MARGARET UHLE, DIRECTOR OF PLANNING
MICHAEL VERNON, ASSISTANT PLANNER

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

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unless the applicant is here and does not want
to proceed. Then you may adjourn or withdraw.
On new business items, the applications and the
entire package are parts of the public record.
You're free to read your five part test
explanation but you do not need to. It will
neither help or hurt your application. It's
entirely up to the applicant.
Okay, having said that, let's go to
the roll call.
On for resolution only, 17-47, 454
California Road. Proceed to resolution?
SPEAKER: Yes.
THE CHAIRMAN: Okay.
Number 2, 17-48 63 Maple Street.
Proceed to the resolution?
SPEAKER: Yes.
THE CHAIRMAN: Number 3, 17-13, 96
Stebbins Avenue. The resolution. Okay.
On new business, item number 4, 17-19,
26 Vernon Drive; is the applicant here? Ready
to proceed?
MR. IANNACITO: Yes.
THE CHAIRMAN: Okay. Number 5, 17-20,
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THE CHAIRMAN: Good evening. Welcome
to the town of Eastchester Zoning Board of
Appeals meeting for May 9th, 2017. We begin
all of our meetings with the Pledge of
Allegiance. Please rise.

(Whereupon the Pledge of Allegiance
was said.)

THE CHAIRMAN: Okay. Before I call
the roll, I just want to go over some of the
ground rules.

Firstly, we use Robert's Rules of
Parliamentary Order, if you care.

Secondly, as printed on your
application packages as a term and condition of
the application, applications that are first
time on are not decided first time on. So it's
important because we have one more meeting
before our summer break. Our calendar is
published, it's available a year in advance,
and we meet every month except for July,
August, and December.

Lastly, before I call the roll, the
first three items that are on are on for
resolution. They will be decided tonight

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41 Anpell Drive.
MR. IANNACITO: Yes.
THE CHAIRMAN: You're a one man
wrecking crew, aren't you? You're ready
to proceed?
MR. IANNACITO: Yes.
THE CHAIRMAN: Number 6, 17-22, 40
Hickory Hill Road. Ready to proceed?
MALE SPEAKER: Yes.
THE CHAIRMAN: Okay. Before we start,
there's the business of approving the minutes
from the meeting of April 13th, 2017. I make a
motion to approve the minutes; is there a
second to my motion?
MR. CAHALIN: I'll second.
THE CHAIRMAN: Mr. Cahalin. All in
favor.
(All aye.)
THE CHAIRMAN: Okay. Item number 1,
17-47, 454 California Road. I make a motion to
approve this application subject to the
following condition: That prior to the
issuance of the building permit for the
proposed addition, the applicant shall remove

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 2 the existing hemlock hedge line located along
 3 the rear property line and shall plant 22 6 to
 4 7 foot tall Arborvitae spread 3 feet on center
 5 along the rear property line. Town staff shall
 6 verify the height and number of trees at the
 7 site prior to installation. The Arborvitae
 8 must be maintained in a healthy condition at
 9 all times. Dead or unhealthy trees must be
 10 replaced by the property owner in a timely
 11 fashion. Is there a second to my motion?
 12 MR. MILLER: Second.
 13 THE CHAIRMAN: By Mr. Miller. Now to
 14 the vote. Mr. Cahalin.
 15 MR. CAHALIN: Yes.
 16 THE CHAIRMAN: Mr. Miller.
 17 MR. MILLER: Yes.
 18 THE CHAIRMAN: Mr. Nurzia.
 19 MR. NURZIA: Yes.
 20 THE CHAIRMAN: Mr. DeMarco.
 21 MR. DE MARCO: Yes.
 22 THE CHAIRMAN: And I vote yes. The
 23 application has been approved five-nothing.
 24 Resolution number 2, 17-08, 63 Maple
 25 Street. I make a motion to approve this
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 2 application. Is there a second to my motion?
 3 MR. CAHALIN: Second.
 4 THE CHAIRMAN: Mr. Cahalin. To the
 5 vote. Mr. Cahalin.
 6 MR. CAHALIN: Yes.
 7 THE CHAIRMAN: Mr. Miller.
 8 MR. MILLER: Yes.
 9 THE CHAIRMAN: Mr. Nurzia.
 10 MR. NURZIA: Yes.
 11 THE CHAIRMAN: Mr. DeMarco.
 12 MR. DE MARCO: Yes.
 13 THE CHAIRMAN: I vote yes. The
 14 application has been approved five-nothing.
 15 Number 3, 17-13, 96 Stebbins.
 16 Similarly, I make a motion to approve the
 17 application. Is there a second to my motion?
 18 MR. DE MARCO: Second.
 19 THE CHAIRMAN: By Mr. DeMarco. Vote.
 20 Mr. Cahalin.
 21 MR. CAHALIN: Yes.
 22 THE CHAIRMAN: Mr. Miller.
 23 MR. MILLER: Yes.
 24 THE CHAIRMAN: Mr. Nurzia.
 25 MR. NURZIA: Yes.
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 2 THE CHAIRMAN: Mr. DeMarco.
 3 MR. DE MARCO: Yes.
 4 THE CHAIRMAN: I vote yes.
 5 Five-nothing. It's a landslide.
 6 Okay, now new business. Item number
 7 4, 17-19, 26 Vernon Drive.
 8 While you're setting up, this is an
 9 application for an area variance to construct a
 10 one story 502 square foot rear addition to an
 11 existing single family residence.
 12 Name and address for the record and
 13 proceed.
 14 MR. IANNACITO: Good evening. My name
 15 is John Iannacito. I'm an architect and I'm
 16 representing Mr. and Mrs. Chris Pizzolo this
 17 evening, the owners of the subject property,
 18 and they are here with me this evening.
 19 We are proposing additions and
 20 alterations to the existing single family
 21 residence located at 26 Vernon Drive. An
 22 application for a two story addition on this
 23 property with the same two area variances was
 24 granted by this board about a year ago. The
 25 project did not move forward, and the project
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 2 has been reduced -- has been revised with a
 3 reduced scope of work. The revised project
 4 will include a single story addition at the
 5 rear, and it will be 2 feet larger than the
 6 previously approved application. Here on the
 7 site plan we have the addition at the rear with
 8 the highlighted portion representing the
 9 portion of the addition that requires the
 10 variance.
 11 We are requesting two area variances
 12 on this project. The first is for a side yard
 13 setback to an adjoining street. The proposed
 14 side yard setback is 12 feet and the required
 15 is 14, a deficiency of 2 or 14.3 percent. The
 16 second area variance -- is for a rear yard setback
 17 where the proposed is 21.5 and the required is
 18 25, a deficiency of 3.5 feet or 14 percent.
 19 Thank you. Happy to answer any
 20 questions you have.
 21 THE CHAIRMAN: Sure. Thank you for
 22 your presentation. At this point, we generally
 23 reserve this time for the board to ask any
 24 questions and then there will be a moment for
 25 the public to be heard, and then generally the
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 2 board will come back and have further questions
 3 or comments. Let's go with questions to start.
 4 Mr. Cahalin?
 5 MR. CAHALIN: No. It's a simple
 6 straightforward application. It's actually
 7 silly. The side street that they're talking
 8 about is dead.
 9 MR. IANNACITO: It's a paper street.
 10 MR. CAHALIN: Yes, it's a paper
 11 street. It goes right out to the golf course.
 12 So it's kind of funny. I have no other
 13 questions. To me, that setback is ridiculous,
 14 so I got nothing.
 15 THE CHAIRMAN: Mr. Miller?
 16 MR. MILLER: None.
 17 THE CHAIRMAN: Mr. Nurzia?
 18 MR. NURZIA: No questions.
 19 THE CHAIRMAN: Mr. DeMarco?
 20 MR. DE MARCO: No questions.
 21 THE CHAIRMAN: I have nothing. But I
 22 do have a motion to open this matter to the
 23 public for the public hearing. Is there a
 24 second to my motion?
 25 MR. CAHALIN: I'll second that.
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 2 THE CHAIRMAN: Mr. Cahalin. All in
 3 favor.
 4 (All aye.)
 5 THE CHAIRMAN: Would anyone from the
 6 public like to be heard on this application?
 7 (No comments.)
 8 THE CHAIRMAN: Seeing no one come
 9 forward, I make a motion to close the public
 10 hearing on this matter. Is there a second?
 11 MR. CAHALIN: I'll second that too.
 12 THE CHAIRMAN: Mr. Cahalin. Sorry,
 13 Mr. DeMarco, he beat you to it. All in favor.
 14 (All aye.)
 15 THE CHAIRMAN: Okay, back to the
 16 board. Any comments or questions; Mr. Cahalin?
 17 MR. CAHALIN: None.
 18 THE CHAIRMAN: Mr. Miller?
 19 MR. MILLER: None.
 20 THE CHAIRMAN: Mr. Nurzia?
 21 MR. NURZIA: No.
 22 THE CHAIRMAN: Mr. DeMarco?
 23 MR. DE MARCO: No.
 24 THE CHAIRMAN: I have nothing. It's a
 25 straightforward application. I do have a
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 2 motion to adjourn this matter for resolution to
 3 the next board meeting. Is there a second?
 4 MR. MILLER: Second.
 5 THE CHAIRMAN: Mr. Miller. All in
 6 favor.
 7 (All aye.)
 8 MR. IANNACITO: Thank you.
 9 THE CHAIRMAN: Mr. Iannacito, I think
 10 you're going to stay there.
 11 MR. IANNACITO: Yes.
 12 THE CHAIRMAN: Okay. This is item
 13 number 5, 17-20 41 Anpell Drive.
 14 While you're setting up, this is an
 15 area variance to construct a 229 square foot
 16 second story addition at the front of an
 17 existing single family residence.
 18 MR. IANNACITO: Good evening, again.
 19 John Iannacito, architect. I'm representing
 20 Mr. and Mrs. Joseph Comizio this evening.
 21 We are proposing an addition and
 22 alterations to the existing residence located
 23 at 41 Anpell Drive. The proposed scope of work
 24 is a second story addition over the existing
 25 footprint at the front of the residence, which
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 2 is shaded in yellow or green, and then a
 3 proposed front entry portico, which is shaded
 4 in pink.
 5 We are requesting one area variance on
 6 this project for the total gross floor area,
 7 where the proposed floor area is 4,514 and the
 8 required is 4,285, an increase of 229 square
 9 feet or 5.3 percent. Thank you.
 10 THE CHAIRMAN: Thank you for your
 11 presentation. Since you're a veteran at this
 12 now, you know we're going to be asking
 13 questions firstly. Mr. Cahalin?
 14 MR. CAHALIN: Yes. So the addition is
 15 basically going to be over the garage?
 16 MR. IANNACITO: Not directly over the
 17 garage. It's a little set back. This is the
 18 garage portion here, which is the most forward
 19 portion the house. So it's over an existing I
 20 guess it's like a study on the first floor.
 21 MR. CAHALIN: So is the site line
 22 going to be the same as to the height of the
 23 roof right now?
 24 MR. IANNACITO: Yes. The ridge line
 25 here does not change. Right now the ridge
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1 comes across here and drops. You could see it
2 on the dotted line. So we're going to bring
3 that ridge line straight across.

4 MR. CAHALIN: Yes, because on the side
5 it steps back and back and out and back and
6 out.

7 MR. IANNACITO: Yes, exactly. On this
8 one side, it just steps back because of the
9 setback line. When they did that addition
10 years ago, they just kept stepping it to avoid
11 a variance.

12 MR. CAHALIN: Okay.

13 MR. IANNACITO: The ridge line stays
14 at the same height.

15 MR. CAHALIN: That's all I got.

16 THE CHAIRMAN: Mr. Miller?

17 MR. MILLER: No questions.

18 THE CHAIRMAN: Mr. Nurzia?

19 MR. NURZIA: No questions.

20 THE CHAIRMAN: Mr. DeMarco?

21 MR. DE MARCO: None.

22 THE CHAIRMAN: I have nothing. But I
23 do have a motion to open this matter to a
24 public hearing. Would anyone like to be heard

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1 favor.

2 (All aye.)

3 THE CHAIRMAN: Thank you, Mr.
4 Iannacito, for your presentation.

5 MR. IANNACITO: Thank you. Have a
6 nice night.

7 THE CHAIRMAN: You too. The last item
8 of business tonight is number 6, 17-22. This
9 is 40 Hickory Hill Road.

10 While you're setting up, this is an
11 application for an area variance to construct a
12 6 foot height fence along a portion of the side
13 yard where a maximum height of 4 feet is
14 permitted. Name and address for the record and
15 proceed.

16 MR. CARTOLANO: Good evening. Thank
17 you. My name is Robert Cartolano, and my wife
18 Lisa and I are residents and owner of 40
19 Hickory Hill Road.

20 We request an area variance to permit
21 a 6 foot high fence in a portion of the side
22 yard where a maximum height of 4 feet is
23 currently permitted. The variance is required
24 for a 10 foot length of fence. This side

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1 on this application from the public?

2 (No comments.)

3 THE CHAIRMAN: Seeing no one coming
4 forward, I make a motion to close the public
5 hearing. Is there a second to my motion?

6 MR. MILLER: Second.

7 THE CHAIRMAN: Mr. Miller. All in
8 favor.

9 (All aye.)

10 THE CHAIRMAN: Okay, back to the
11 board; Mr. Cahalin?

12 MR. CAHALIN: Nothing.

13 THE CHAIRMAN: Mr. Miller?

14 MR. MILLER: No.

15 THE CHAIRMAN: Mr. Nurzia?

16 MR. NURZIA: No, sir.

17 THE CHAIRMAN: Mr. DeMarco?

18 MR. DE MARCO: No.

19 THE CHAIRMAN: I have nothing further.
20 I make a motion to adjourn this matter for
21 resolution to the next board meeting. Is there
22 a second to my motion?

23 MR. MILLER: Second.

24 THE CHAIRMAN: Mr. Miller. All in

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1 connects between 40 Hickory Hill Road and 42
2 Hickory Hill Road.

3 THE CHAIRMAN: Thank you.

4 MS. UHLE: I just want to mention that
5 today you did receive an e-mail from the
6 neighbor who lives at 42 Hickory Hill Road
7 indicating that he had no objection to the
8 request for the variance.

9 THE CHAIRMAN: You stole my thunder.
10 I was going to mention that.

11 MS. UHLE: I'm sorry, I didn't know if
12 you would remember that.

13 THE CHAIRMAN: Actually in support of
14 your application as well.

15 So I will ask the board if they have
16 any questions; Mr. Cahalin?

17 MR. CAHALIN: I do.

18 THE CHAIRMAN: Go ahead.

19 MR. CAHALIN: When I was out at the
20 site, I don't understand why you need that.
21 You have beautiful foliage separating the homes
22 and you have a 4 foot chain link fence. I
23 could understand changing out the chain link
24 and you get a little bit of coverage in the

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1 back any way, obviously the fence needs to be
2 replaced back there, but with that kind of
3 beautiful, natural screening, why would you
4 need the 6 foot fence at a 10 foot length?

5 MR. CARTOLANO: Thank you for that
6 question. This section of the fence would end
7 right before the large pine tree foliage that's
8 currently in place and where the 4 foot gate
9 actually begins. So there is a nice bit of
10 foliage that ends right around where the
11 current 4 foot gate is and then that ends, and
12 this would end actually around 2 feet prior to
13 that. So it would provide privacy in what we
14 consider to be the rear yard, and the side yard
15 where the high pine trees would -- where they
16 currently are, we would have a 4 foot fence
17 there.

18 MR. CAHALIN: I'm still --

19 MS. UHLE: Also, are the hedges on
20 your neighbor's property?

21 MR. CARTOLANO: The chain link fence,
22 the 4 foot fence is currently the neighbor's
23 fence.

24 MS. UHLE: And the hedges are on the
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1 MR. CARTOLANO: The 4 foot fence that
2 would be 18 feet from the front of the
3 foundation would be 4 feet from the front of
4 the foundation back, that would be where the
5 garage would be today.

6 MR. CAHALIN: Okay.

7 MR. CARTOLANO: The house originally
8 ended 20 feet back, you know, back, but there
9 was an extension added that added another maybe
10 9 or 10 feet. So the back of the house is now
11 9 feet or maybe, you know, a little bit further
12 back where it originally was when the house was
13 built.

14 MR. CAHALIN: I just want to make sure
15 I understand. This is the section we're
16 talking about here; right?

17 MS. UHLE: Yes.

18 MR. CARTOLANO: From 38 feet from the
19 rear of the yard to 48 feet is what we're
20 talking about.

21 MR. CAHALIN: I get it. All right. I
22 have nothing else.

23 THE CHAIRMAN: Mr. Miller?

24 MR. MILLER: No. Just from looking at
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1 neighbor's property?

2 MR. CARTOLANO: And those high trees
3 that are on the side up to that part are the
4 neighbor's trees, correct.

5 MS. UHLE: So he doesn't have control
6 over if his neighbors were going to take those
7 down at some point.

8 MR. CAHALIN: I have the same
9 situation at my house, and, you know, I
10 maintain a 12 foot every year and I've been
11 there 20 years and never had an issue. I
12 didn't put a fence up on that side because of
13 the natural thing. I mean, you're going, you
14 know -- and it's, you know, on the side of the
15 house. I mean, there's nothing there. I
16 didn't notice a room they're when I was out.

17 MR. CARTOLANO: There's a family room
18 there with a window.

19 MR. CAHALIN: Is it a garage or
20 something?

21 MR. CARTOLANO: The garage would be
22 forward. We're not --

23 MR. CAHALIN: That's not part of the
24 garage there?
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1 the photographs, it seems like you just want to
2 ensure your privacy by putting your own fence
3 up there.

4 MR. CARTOLANO: Yes, just to provide a
5 little bit of privacy there. It's a 6 foot
6 fence, but the top 1 foot is actually a hatched
7 pattern. So it's only about a foot, really,
8 that's above 4 feet that would be private, and
9 then the other piece is basically a checkered
10 pattern of fencing.

11 MR. MILLER: From my view, it looks
12 like it will be more aesthetically pleasing to
13 have that fence instead of the chain link fence
14 there. That's it.

15 THE CHAIRMAN: Mr. Nurzia?

16 MR. NURZIA: No. I mean, nothing
17 unreasonable that I saw in the application.
18 Just for the record, I have to state that I've
19 coached your sons in soccer, just to get that
20 out there, but that will not affect my
21 impartiality here.

22 MR. CARTOLANO: Thanks, Coach Peter.

23 THE CHAIRMAN: Mr. DeMarco?

24 MR. DE MARCO: I have no questions,
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 2 thanks.
 3 THE CHAIRMAN: I have nothing, and
 4 I've never coached any of your children.
 5 I do have a motion to open this matter
 6 to the public hearing. Is there a second to my
 7 motion?
 8 MR. CAHALIN: Second.
 9 THE CHAIRMAN: Mr. Cahalin. All in
 10 favor.
 11 (All aye.)
 12 THE CHAIRMAN: Seeing no one remaining
 13 in the audience, I think I will make a motion
 14 to close the public hearing. Is there a second
 15 to my motion?
 16 MR. CAHALIN: I'll second that too.
 17 THE CHAIRMAN: By Mr. Cahalin. All in
 18 favor.
 19
 20 (All aye.)
 21 THE CHAIRMAN: Back to the board. Mr.
 22 Cahalin?
 23 MR. CAHALIN: No more questions.
 24 THE CHAIRMAN: Mr. Miller?
 25 MR. MILLER: No.

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 2 THE CHAIRMAN: Mr. Nurzia?
 3 MR. NURZIA: No.
 4 THE CHAIRMAN: Mr. DeMarco?
 5 MR. DE MARCO: I have nothing.
 6 THE CHAIRMAN: To me it's a
 7 straightforward application. I have nothing
 8 further. I do have a motion to adjourn this
 9 matter to have the application resolved at the
 10 next board meeting. Is there a second to my
 11 motion?
 12 MR. MILLER: Second.
 13 THE CHAIRMAN: Mr. Miller. All in
 14 favor.
 15 (All aye.)
 16 THE CHAIRMAN: Thank you for your
 17 presentation. We will see you or not at the
 18 next meeting where we will resolve and decide
 19 your application.
 20 MR. CARTOLANO: Thank you for your
 21 time.
 22 THE CHAIRMAN: Thank you. Okay, I
 23 make a motion to adjourn tonight's meeting. Is
 24 there a second?
 25 MR. NURZIA: Second.

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 2 THE CHAIRMAN: Mr. Nurzia. All in
 3 favor.
 4 (All aye.)
 5 THE CHAIRMAN: Good evening,
 6 everybody.
 7
 8 (MEETING ADJOURNED.)
 9
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1 EASTCHESTER ZBA - 5/9/17
 2 C E R T I F I C A T I O N
 3
 4 STATE OF NEW YORK)
) Ss.
 5 COUNTY OF WESTCHESTER)
 6
 7 I, DINA M. MORGAN, Court Reporter and
 8 Notary Public within and for the County of
 9 Westchester, State of New York, do hereby
 10 certify:
 11 That the above transcript was taken from
 12 a videotape of the actual hearing. I was not
 13 present for such hearing. The videotape was
 14 taken and transcribed by me to the best of my
 15 ability.
 16 And, I further certify that I am not
 17 related to any of the parties to this action by
 18 blood or marriage, and that I am in no way
 19 interested in the outcome of this matter.
 20 IN WITNESS WHEREOF, I have hereunto set
 21 my hand this 31st day of May, 2017.


 DINA M. MORGAN
 Court Reporter

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CORRECTION SHEET

PAGE

CORRECTION

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