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into the next item under my ground rules.

There are no meetings for July,

August, and December. Our calendar is printed
about a year in advance, so anyone
contemplating an application, keep that in
mind. The next meeting will be after the
summer in September.

Also, matters that are on for the
first time, your matter is marked as submitted.

It's a public record. You don't need to come
up and read the entire application. It won't
hurt your application but it won't help either.

You don't need to do it. When your application
is being called up, I will go over that again
so that you have a better idea of what I'm
talking about.

I'm now going to call the roll. For
resolutions, these are on, and since we have a
full board, they will be decided tonight.

Number 1, that's 18-45, 20 Nelson Road; number
2, 19-17 Morgan Street; number 3, 19-14, that's
Forbes Boulevard; number 4, 19-13, Pasadena
Road; number 5, 19-45 Lee Avenue; and number 6,
19-12 Water Street and Stewart Place. Those

THE CHAIRMAN: Good evening. If
everyone could be seated. Welcome to the Town
of Eastchester Zoning Board of Appeals meeting
for June 11, 2019. We start our meetings with
the Pledge of Allegiance, so please rise.
(Pledge of Allegiance was said.)

THE CHAIRMAN: Before I call the roll,
I usually take the first couple of minutes of
the meeting to go over the ground rules, so
we'll do that tonight as well.

Firstly, we use Robert's Rules of
Parliamentary Order for all our meetings.
Secondly, matters that are on for
resolution tonight will be decided since we
have a full board. Any matters that are on
first time will not be decided tonight. As a
good policy in conjunction with just about
every other Zoning Board of Appeals in the
County and for the last several years, as
printed on the terms and conditions of your
application, these matters are heard and then
they're deliberated upon. So anything that is
heard tonight first time will not be decided
until the earliest September. So that goes

APPLICANT: Yes.

THE CHAIRMAN: Thank you.

New business items on the calendar,
Number 8, 19-16, 126 Brook Street. Mr.
Jannacito, you're ready to proceed?

MR. JANNACITO: Yes.

THE CHAIRMAN: Okay. Number 9, 19-22,
that's 66 Brembach Avenue; applicant here,
ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Number 10,
that's 19-22, 25 Brass Road.

APPLICANT: Yes.

THE CHAIRMAN: Ready to proceed.

Number 11, 19-23, 72 Stewart Avenue.

APPLICANT: Yes.

THE CHAIRMAN: Applicant ready to
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1 2 19-17, 1 Morgan Street; is there a second to my application?
2 3 MR. NURZIA: Second.
4 5 THE CHAIRMAN: Mr. Nurzia. To the vote. Mr. Cahalin.
6 7 MR. CAHALIN: Yes.
8 9 THE CHAIRMAN: Mr. Miller.
10 11 MR. MILLER: Yes.
12 13 THE CHAIRMAN: Mr. Nurzia.
13 14 MR. NURZIA: Yes.
14 15 THE CHAIRMAN: Mr. DeMarco.
15 16 MR. DE MARCO: Yes.
16 17 THE CHAIRMAN: I vote yes. That application has been approve five/nothing -- five/zero -- I shouldn't say five/zero.
18 19 Application 19-14, 38 Forbes Boulevard. I make a motion to adopt a resolution approving this application, 19-14, 38 Forbes Boulevard; is there a second?
20 21 MR. DE MARCO: Second.
21 22 THE CHAIRMAN: Mr. DeMarco. To the vote. Mr. Cahalin.
22 23 MR. CAHALIN: No.
23 24 THE CHAIRMAN: Mr. Miller.
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1 1 Road; is there a second to the Negative Declaration?
2 3 MR. DE MARCO: Second.
3 5 THE CHAIRMAN: Mr. DeMarco. All in favor.
4 6 (All aye.)
5 7 THE CHAIRMAN: I also make a motion to adopt a resolution approving Application 18-45, 20 Nelson Road; is there a second?
6 8 MR. DE MARCO: Second.
7 9 THE CHAIRMAN: Mr. DeMarco. Now we'll take the vote. Mr. Cahalin.
8 10 MR. CAHALIN: No.
9 11 THE CHAIRMAN: Mr. Miller.
10 12 MR. MILLER: No.
11 13 THE CHAIRMAN: Mr. Nurzia.
12 14 MR. NURZIA: Yes.
13 15 THE CHAIRMAN: Mr. DeMarco.
14 16 MR. DE MARCO: No.
15 17 THE CHAIRMAN: I vote yes. The application has been denied three to two.
16 18 Number 2, Application 19-17, 1 Morgan Street. On this application, I make a motion to adopt a resolution approving Application 18-45, 20 Nelson Road.
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2 make a motion to adopt a resolution approving
3 Application 19-15, which is 38 Lee Avenue; is
4 there a second to my motion?
5 MR. DE MARCO: Second.
6 THE CHAIRMAN: Mr. DeMarco. To the
7 vote. Mr. Cahalin.
8 MR. CAHALIN: Yes.
9 THE CHAIRMAN: Mr. Miller.
10 MR. MILLER: Yes.
11 THE CHAIRMAN: Mr. Nurzia.
12 MR. NURZIA: Yes.
13 THE CHAIRMAN: Mr. DeMarco.
14 MR. DE MARCO: Yes.
15 THE CHAIRMAN: I vote yes. The
16 application have been approve five/zero.
17 Number 6, Application 19-22, this is
18 the 22 and 24 Water Street and 42 Stewart
19 Place. I, firstly, make a motion to adopt a
20 Negative Declaration for this application; is
21 there a second?
22 MR. CAHALIN: I'll second.
23 THE CHAIRMAN: Mr. Cahalin. All in
24 favor.
25 (All aye.)

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2 MR. MILLER: I don't remember.
3 MR. TUDISCO: The minutes, I have in
4 my notes they've been approved.
5 THE CHAIRMAN: Point of order, they've
6 been approved. Thank you, Mr. Cahalin.
7 First and last item under old business
8 is Number 7, 18-44, 51 Joyce Road. Just a
9 reminder that the public hearing is still open
10 on this matter, and the applicant is coming
11 back with some modifications. I would ask that
12 the applicant while they're setting up also
13 explain what those modification have been.
14 MR. BARBUTI: Good evening, members of
15 the board. David Barbuti, architect,
16 representing Mr. and Mrs. Stricker.
17 We were here last week requesting
18 three variances. One was a minimum front yard
19 to a front porch or a front portico, the second
20 was an increase in impervious surfaces, and the
21 third was the width of the driveway.
22 We have since revised some of the
23 plans. I'll start with basically the driveway
24 width. The blue is our designated areas where
25 we've removed impervious surface. So this was

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2 29.8 feet and now it's down to 21.3. So it's a
3 drastic reduction.
4 The other was the square footage.
5 Based on removing the blue, I think we're down
6 to approximately 328 square feet over the
7 permitted area, a significant difference, which
8 is about 10 percent more than what's allowed by
9 the code.
10 The only thing that we couldn't
11 address was the front yard setback to the front
12 portico because that would mean major
13 constructions, removing the columns, new
14 footings, things like that. So we're still
15 requesting that.
16 THE CHAIRMAN: Thank you. So at this
17 time we usually reserve time for the Board to
18 ask any questions before we see if anyone else,
19 while the public hearing is open, has any
20 comments to these amendments and modifications.
21 Mr. Cahalin, any questions?
22 MR. CAHALIN: No.
23 THE CHAIRMAN: Mr. Miller?
24 MR. MILLER: No.
25 THE CHAIRMAN: Mr. Nurzia?

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MR. NURZIA: No.
THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: No.
THE CHAIRMAN: I have nothing. Would anyone from the public like to be heard on this application as it's modified? Please come forward, state your name and address for the record.

MS. YANNACO: Yes, my name is Mary Yannaco, and I live at 49 Joyce Road. I just have one question.
THE CHAIRMAN: You may want to take the microphone with you, please. Sorry, counselor.
MS. YANNACO: This area here, that is about -- the pavers are about 2 feet from my property line, and the shed I would say it's probably about maybe -- well, he would know what size it is, but it's attached to the house. Being that it's attached to the house and it's part of the house and it's on pavers, doesn't it have to be at least 8 feet from the property line?

MR. TUDISCO: Well, the reason that...

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the applicant is here is because his application is at variance with the law and he's asking for permission to deviate. They came back to propose an alternate version where they've eliminated some of those areas, but that's really what we're here for tonight, for the Board to decide whether or not they should be permitted, based upon the circumstances, to be at various with the law.

MS. YANNACO: I know it's impermeable surfaces, but from this area to here is not 10 feet. So the pool isn't 10 feet from the back property line.
THE CHAIRMAN: If I may comment on that. The applicant is here for different things: The setback as it relates to the front and the front portico, the impervious surfaces, and the width of the driveway. Those items that you're referencing are not part of this application to the extent that they're encroaching or their proximity to side and rear yard. Their issue really has to do with the impervious surface.

MS. YANNACO: So the encroachment is a

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saying is, that that area that you're objecting to --

MS. YANNACO: Well, it's all in red.
THE CHAIRMAN: I'm trying to paraphrase what you're saying. Why don't you just rephrase what you're saying so I could understand your objection to it.
MS. YANNACO: Well, there's very little taken away, and I cannot believe that that dropped it down 250 square feet, but it may have with this. I'm just saying, that's fine, this could be eliminated. That does not have to be 2 feet from my property line, and the shed shouldn't be right -- that shed is not 5 feet from my property line. That's something else that the Building Department is going to have to take up.

MR. KING: David, is that a shed there in that square?
MR. BARBUTI: I believe there's a vinyl shed.
MR. KING: Do you know if there was ever a variance for that shed in that location?
MR. BARBUTI: I don't think so.

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MR. KING: Okay.

MS. YANNACO: I'm going to be very short because I took up your precious time last time. You weren't here last time.

THE CHAIRMAN: No, I wasn't.

MS. YANNACO: You missed me.

THE CHAIRMAN: I did miss you.

MS. YANNACO: Did you watch it?

THE CHAIRMAN: I had a bout of vertigo, I couldn't watch anything. It was like the worst frat party you've ever been to.

MS. YANNACO: I have just these two pictures that don't want to stand up.

THE CHAIRMAN: That's okay. That's fine as well.

MS. YANNACO: This was another storm, September the 6th. I didn't realize that.

That was only 1.4 inches. This is the utility pole in front of my house and the flooding.

It's all about flooding, and it's all about following the zoning laws. This one I zoomed in on. I gave you a smaller one of this. This is 7 Dorchester. The water went into her garage and broke the wall in her garage. The

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water pushed up against her garage. She floods before Darcy. This I zoomed in. I wish I had been there. This is Dorchester. There's a lake on Dorchester Road. So every little bit helps when you follow the rules, especially when we're the targeted area on Joyce Road for flooding.

I'm going to give you a few more pictures. I just want to mention one thing as far as the Bronx River Watershed Management Plan. I think it was 2007 and every year you try to -- that's another thing, the sewers, we got a new street put in on Joyce Road. The sewers used to be stamped with a fish. They no longer do that. All that water runs into the streams and rivers, the water that goes into the sewers; is that correct?

THE CHAIRMAN: Counselor, I don't know if you need to answer that question.

MS. YANNACO: Do you remember them being stamped?

THE CHAIRMAN: If you don't mind, I would like to really restrict the commentary to the variances that were at issue here, please.

The

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this application from the public?

(No comments.)

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(All aye.)

THE CHAIRMAN: At this point, the
Board will not only ask any further questions
but make comments about the application as it's
been closed to the public hearing. Mr.
Cahalin, questions or comments?

MR. CAHALIN: Well, we're hearing for
the first time that the area to our left is a
shed, not just pavers; is that correct?

MR. BARBUTI: There was a shed. It
was taken down. Apparently, the owner was told
that it didn't matter, it was a plastic shed,
it could be taken down easily, so I didn't show
it.

MR. CAHALIN: Okay. That was my only
question.

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THE CHAIRMAN: Mr. Miller?

MR. MILLER: I'm a little confused.

Is there a shed there or not?

MR. CAHALIN: There is.

MR. BARBUTI: It's a plastic shed.

MR. CAHALIN: A Rubbermaid thing
probably.

MR. MILLER: Is it being used or is it
just sitting there? It could be taken down
easily though?

THE CHAIRMAN: If I may, this is not
going to get picked up from the stenographer.
There's going to be cross talk and people not
on the record. If the applicant is here and
would like to speak about this, then please
step forward. State your name and address and
say whatever you would like.

MR. STRICKER: Jason Stricker, 51
Joyce Road. It's a plastic shed. We keep lawn
equipment and stuff to cut the grass. It's a
very small four by eight shed. It's not
attached. It could be easily moved around the
property if I have to move it. It's out of the
way of everything. We have shrubs and stuff in

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1 you're a three family within an RB zone, you
2 have to comply with the M-700 zoning
3 requirements. So the change in the zoning
4 designation will require several area variance,
5 including the minimum lot size, the front yard
6 setback to the principal building, the two side
7 yard setbacks to the principal building, the
8 side and the rear yard setbacks to the detached
9 garage, the number of off-street parking
10 spaces, the driveway width, the rear yard
11 setback to the parking area, and a landscape
12 buffer along the rear property line. All of
13 these are required for the M-700 zone, and some
14 of them are also required for the R-3 zoning.
15 So the requested area variances are
16 required because we are proposing a change in
17 the zoning designations. There will be no
18 physical changes to the existing site or to the
19 existing structure. The property will continue
20 to be used as it has been for the past
21 50 years, and the variances will not have
22 an adverse character or environmental impact on
23 the neighborhood.
24 Thank you for your time, and I'm happy
25

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1 this matter for resolution to the next meeting;
2 is there a second to my motion?
3 MR. MILLER: Second.
4 MR. TUDISCO: We still have a public
5 hearing open or it's been closed?
6 THE CHAIRMAN: It was closed. Mr.
7 Miller, second did you say?
8 MR. MILLER: Second.
9 THE CHAIRMAN: All in favor.
10 (All aye.)
11 THE CHAIRMAN: Thank you. Before we
12 get on to new business, Mr. King as a point of
13 order, do matters in the Zoning Board get
14 referred to the Building Department?
15 MR. KING: Well, we hear them. It's
16 public record, as you would.
17 THE CHAIRMAN: Well stated. You
18 couldn't help but hear it.
19 MR. KING: There you go.
20 THE CHAIRMAN: Okay, on new business
21 items first item is Number 8, 19-16, 126 Brook
22 Street. Even though we know who you are, name
23 and address and proceed with the application.
24 MR. IANNACITO: Good evening. My name
25

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point. I make an application to open this
matter to the public for a public hearing; is
there a second?

MR. MILLER: Second.
THE CHAIRMAN: Mr. Miller. All in
favor.

(All aye.)

THE CHAIRMAN: Would anyone from the
public like to be heard on this application?
(No comments.)

THE CHAIRMAN: Seeing nobody, I make a
motion to close the public hearing on this
application; is there a second?

MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. All in
favor.

(All aye.)

THE CHAIRMAN: Back to the board. Mr.
DeMarco, do you have anything?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

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THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Nothing to add.

THE CHAIRMAN: I have nothing either.
The application is fairly straightforward. I
make a motion to adjourn this matter for
resolution at the next meeting; is there a
second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in
favor.

(All aye.)

THE CHAIRMAN: Thank you, Mr.
Iannacito.

MR. IANNACITO: Thank you. Enjoy your
summer.

THE CHAIRMAN: You too. Application
Number 9, this is 19-21, 66 Brambach Avenue.
State your name and address for the record and
proceed.

MS. MARRONE: Good evening. I'm
Maggie Marrone, and I'm the architect for the
Armases, who live at 66 Brambach Avenue.
The Armases, right now they have a
house that has some very rickety stairs that go
to the front door. They need to replace them.
They're not to code. They're dangerous. They
would like to add a covered front porch. So
they would like to add a covered front porch
that would be align with the existing one story
piece of the house that sticks out, and it
would align with the side of the house as well.
It kind of fits into the little corner of the
front. A 26 foot setback is required, and they
would have 11 foot 6 in the front, but their
house is not complaint as it is. It seems like
a big variance, but it's already existing. It
would fit right into the corner.

They would also require a variance
because the porch is 14.5 feet wide and they're
only allowed to have a porch by code of 8.5.
So they also need a variance for the front
porch width.

The existing roof line would continue
from the front across the whole porch. It
would really enhance the look of the house. I
think it's a positive impact on all the
neighbors. There are many porches in that
neighborhood in the front that are also large

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(No comments.)

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Back to the board. Mr. Cahalin?

MR. CAHALIN: No questions.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I reviewed the application, and you seem to have addressed the five part test adequately. I make a motion to adjourn this matter for resolution at the next meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

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more of a modern style way of living with living space on the first floor and related spaces and the rest of the bedrooms on the second floor. In doing so to create obviously additional space on the second floor, we are building upon the existing footprint of the dwelling to make it a true two story family home.

So building up on the exterior walls will, in fact, increase the non-conformity on both sides. In an R-7.5 district, we're required to have 12 feet on the both sides.

The way it exists today, there's 11 and a half on one side and 11.6 on the other. So the variances we are seeking are 6 inches on one side and 5 inches on the other. Obviously, economically the ideal layout would be building up over the existing structure instead of setting it in, and also create sort of an aesthetic condition that might be not so pleasing.

On top of that, the owner is then updating all of the features of the home; new windows, siding, roofing, as well as a front DINA M. MORGAN, REPORTER

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favor.

(All aye.)

MS. MARRONE: Thank you very much.

THE CHAIRMAN: Thank you.

MALE SPEAKER: Thanks, gentlemen.

Take care.

THE CHAIRMAN: Thank you. Item number 10, this is 19-22, 5 Brassie Road. While the application is setting up, this is an area variance for a proposed second story addition to an existing single family residence.

MR. MAIORANO: Good evening, Board members. Adamo Maiorano from Community Designs and Engineering. On behalf of the owner, we are proposing a one story addition over the existing residence at 5 Brassie Road.

The owner recently purchased the home eager to move into the neighborhood. The reason being, the way the existing house functions, it's not the ideal layout for the family. The existing home has bedrooms split amongst the first floor and second floor.

Bedrooms on the first floor and two bedroom on the second floor. The owner wishes to create

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portico. They're taking out a one story area in the back in order to create, you know space on the second story and better plan function for the family.

As far as the neighborhood as well, there are predominantly, you know, more two family -- I'm sorry -- two story homes in that area instead of the cape style that sort of exists today.

Any questions, we would be happy to answer.

THE CHAIRMAN: Thank you. Mr. DeMarco, do you have any questions?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Since I live around the corner from there, I think I have a few questions.

The height of that ridge, the top, what is the height of the highest point?

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MR. MAIORANO: I'll go to the
elevation. So the highest point would be 30.25
from the average grade. The house sits very
low to the ground. The first floor is only
about 2 feet higher than the average grade
around the property, so it will be up to
30 feet in height. The max permitted is
33 feet to the ridge.
THE CHAIRMAN: Anything else, Mr.
Cahalin?
MR. CAHALIN: No.
THE CHAIRMAN: Okay. I have nothing
at this time in terms of questions. I have 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: Would anyone like to be
heard on this application from the public?
Please come forward, state your name and
address for the record, and proceed.
MS. ROSENBERG: My name is Sybil
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MR. PEREZ: Chris Perez, 10 Brassie
Road. I'm just curious about the height of the
building and does that conform with -- is there
a height limitation?
THE CHAIRMAN: Mr. Maiorano, would you
like to address that, please.
MR. MAIORANO: As I just mentioned
before, we're about 3 feet under what's
allowed. The allowed maximum ridge is 33 feet,
we're at 30.25 feet, again, because the house
does sit very low to the ground. The way the
house is, it's a cape style house, so there's a
roof in the front. It will be a normal two
story house that's in relationship to many
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Rosenberg. I live at 3 Brassie Road.
The application says they want to add
one story. There's already two stories there.
This is totally out of proportion with the
houses on the block. I know on Crosshill
they've have gone nuts, but on Brassie the
houses are still of a civilized height. It's
like overbearing.
They have shown total disregard for
the neighborhood by not even mowing the lawn
until they had to come before you guys. If
this is what we're bringing into the
neighborhood, I don't see why they should be
able to tower over all the other houses.
It's a one car garage, if I understand
correctly. This property, the site was done
with a variance when it was built, and that's
why there's only a one car garage. They had to
build a retaining wall on our property. It
just is out of character. If you want a big
house, go buy in a neighborhood with a big
house. Brassie just doesn't have it. The only
house with a one car garage put up a house like
this, it doesn't make sense. That's all I'm
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MR. PEREZ: Take the mic, sir. Sir,
if you could take the microphone.
MR. PEREZ: I'm not sure, I guess I
was looking at -- they don't look as bad as I
thought. Again, that's increasing getting
again close to the other houses. So where
they're missing 5 or 6 inches, then the
overhangs are protruding out a little bit more.
It doesn't look too out of context to me. No
other comment.
THE CHAIRMAN: Thank you for your
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Mr. Levy, I'll have this at every meeting.

THE CHAIRMAN: No, read it. That's all.

MR. LEVY: Because I watch the way you let other people speak and it's against the rules.

THE CHAIRMAN: That's actually a false statement.

MR. LEVY: You know who Robert was?

Sorry, this is the Zoning Board. We'll talk at a later date.

THE CHAIRMAN: We probably won't, but thank you any way.

MR. LEVY: I'll make it a point. I'll come pick you up.

THE CHAIRMAN: Have a good night, Mr. Levy. Thank you.

MR. TUDISCO: Just to clarify something, this application is not to make this property a two family dwelling. This is a one family dwelling. Just to clarify that for those who are watching at home.

MR. LEVY: Do you represent the

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Easchester because we have such good schools, then they get elected to the school board and they change everything. My question is, you come into this neighborhood, you want to be part of this neighborhood, why are you suddenly looking for variance changes? That's all.

I brought you something. I've been waiting for a couple of months to give this to you.

THE CHAIRMAN: And this is what, Mr. Levy?

MR. LEVY: This is Robert's Rules of Order because you always make mention about Robert's Rules of Order. I figure you could put that in the bathroom, read it at your leisure, and you'll know what Robert's Rules of Order are.

THE CHAIRMAN: So you don't consider me an expert on this topic, Mr. Levy?

MR. LEVY: No. I watch how you run your meeting. You're very far from an expert. You don't follow the rules. That's why I got it for you.

THE CHAIRMAN: As an homage to you,
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MR. MILLER: Mr. Chairman, could I make one comment?

THE CHAIRMAN: Please, Mr. Miller.

MR. MILLER: We’re dealing with one or two issues here. He has another couple of rounds with other boards to go before this house gets -- I believe you’ll probably have to go another round with a couple of boards before this house gets built. So you’ll be able to address some of these issues in front of the Planning Board and in front of --

MR. TUDISCO: Architectural Review and Planning Board.

MR. MILLER: ARB and Planning. So you’ll address these issues with them. This isn’t really our purview.

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

(No comments.)

THE CHAIRMAN: Seeing no one else, I make a motion to close the public hearing on this application. Second.

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72 Stewart Avenue. This is an area variance to legalize an existing 6 foot high fence. Name and address for the record and please proceed.

MR. VENERUSO: Good evening, Mr. Chairman, members of the Board. My name is Stephen Veneruso. I’m here on behalf of the applicant, 35 East Grassly Sprain Road, Yonkers, New York 10710.

THE CHAIRMAN: Can you please take that outside. Proceed.

MR. VENERUSO: As the Board is aware, in receipt of our principal points, this matter is concerning a preexisting fence along the side yard of 72 Stewart. The house was recently sold a few months back, and the applicant is now going through the process of legalizing the fence.

The fence is a 6 foot vinyl white fence. It was constructed approximately 10 years ago. It runs along the side property. The board is obviously in receipt of the photographs we’ve submitted of the fence, as well as our principal points addressing the five points of law.

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I'm also in possession, and if the Board is willing to accept, I have multiple letters in support of the application from the surrounding property owners. I would argue, as they do in their letters, that the fence keeps in character with the neighborhood. It is a fence that is both physically appealing, and also serves the purpose of separating the two properties. One of the letters in support is from the property owner directly adjacent to the home separating 72 Stewart from 68 Stewart. So with that, I would welcome any questions from the Board at this time.

THE CHAIRMAN: Sure, you may submit that as part of the record, those letters, if you would like.

MR. VENERUSO: Thank you, Mr. Chairman.

THE CHAIRMAN: So questions from the Board. Mr. Cahalin?

MR. CAHALIN: I have none.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No. My only comment is, it's a fence.

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

MR. VENERUSO: Thank you, Mr. Chairman.

THE CHAIRMAN: Please leave that with us.

Our town attorney. He's going to read that over summer vacation.

MR. TUDISCO: Are those the Affidavits of Mailing?

THE CHAIRMAN: Sure. Yes, please.

Last item on tonight is Number 12. This is 19-24, 7 Summit Street. This is an area variance to construct an attached two car garage. Name and address for the record and please proceed.

MR. TOUNG: Good evening. I'm Harry Tong, I'm an architect, and I represent Ygang Jin, who is in the audience. The property we're talking about is at 7 Summit Street, which is at the corner of Summit and Overlook Avenue.

The project concerns the building of a two car garage. There is no garage on the property at this point, and we've considered several areas for it's location. The site plan shows what we think to be the best location, which is -- here's Summit Street, Overlook, it's actually located in the southeast corner -- north is this way -- southeast corner.
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of the property, and have the access come from
Overlook Avenue. It would be a relatively
short driveway.

The variance we are seeking, as a
corner property it has a 25 foot setback in the
rear. The way we've located the garage, right
now it has a 9 foot setback.

THE CHAIRMAN: Okay.

MR. TOUNG: There's no garage on the
property. We think that as a corner property,
having a garage located in this position allows
the house to kind of turn the corner, and then
the side yard here would be very similar to the
side yards next door.

THE CHAIRMAN: Thank you.

MR. TOUNG: Thank you.

THE CHAIRMAN: To the board. Mr.
DeMarco, any questions?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Yes. I live in this
neighborhood, so I know this really well. I'm

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looking at one of your photographs. If I
remember correctly, there was a garage at one
point?

MR. TOUNG: Yes. There was a garage
right here and the driveway was off of Summit
Street, but the previous owner converted the
garage to a family room. My client bought the
house as a family room, so there is no garage
now.

MR. MILLER: Have you considered
putting it back to the garage?

MR. TOUNG: Well, then they would lose
the family room, and that was the reason they
bought this house.

MR. MILLER: I think there's a few
people over there that are going to find where
you want to place that new garage pretty close
to their property.

THE CHAIRMAN: Is that a question?

MR. MILLER: Yes. My question is, has
he thought about putting that somewhere else?

MR. TOUNG: Well, we did think about
putting it back in here, but it would require a
very long and tenuous driveway to reach it, and

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Board. I am John Vitti, the owner of 78 Overlook Avenue, and one of the several residents of this community here tonight, and several that could not be here tonight I have letters of representation from five of those people. So I would like to present them to the Board at the end of my speech if the Board would like those letters.

THE CHAIRMAN: You could present them. This a comment, it's not the law, I give less weight to commentary for people who do not show up. That's just a comment, it's not the law. Continue.
MR. VITI: Several of those people couldn't make it for various reasons.
THE CHAIRMAN: Understood.
MR. VITI: They did write letters.
THE CHAIRMAN: And we will except that into the record.
MR. VITI: Okay. We are all here asking that the Board deny the requested variance seeking to allow the building of a two car garage on Overlook Avenue.
7 Summit is a cape style house whose
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current layout is a continuous, well defined structure that blends in harmoniously with the surrounding areas. Its layout includes a traditional front, back, and side yard. The front and side yard face Summit Street and part of the enclosed rear yard faces Overlook Avenue. The proposed garage would not be easily accessible from Overlook Avenue, and it will not enhance the architectural continuity or clarity of this cape style house. It would also diminish the beautiful and private back yard that is suitably enclosed.

The variance requested seeks to secure 64 percent deficiency in what is required for a rear yard setback. The footprint of this deficiency, as indicated on the plan, is 470 square feet. However, the Board should also consider that this figure does not include the square footage for the new driveway. The proposal claims that its reducing driveway coverage about 340 square feet when compared to the current layout, yet fails to provide any support for this claim. In fact, when one looks at the measurements provided on the
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proposed site plan, the new driveway will approximately cover close to 580 square feet, which is only 23 square feet less than the existing driveway. Couple this with the fact that the applicant plans to retain a major portion of the existing asphalt driveway, which is just relabeled as a front porch. The total impact of the requested variance is very substantial.
The variance also increases the total amount of the current site's impervious area. Even taking the numbers submitted by the applicant at face value, the total impervious area is enlarged by 919 square feet, an increase of over 30 percent. In addition, the maintaining of two separate asphalt areas will be totally out of line with the current aesthetics of the neighborhood.
Adding a two car garage on the Overlook side of the house will not improve the features of the current site. The design diminishes the classic look of a cape style house by making it into a Z shape. It would also add an entrance from the proposed garage
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into a living room next to a fireplace. The proposal will create a totally undesirable change not only in the house but also to the character of the surrounding neighborhood. The proposal will cause a severe detriment to many of the nearby properties located on Overlook Avenue by reducing the current site line from the front steps of these houses.
The proposed garage will jut out over 21 feet instead of having an open view that currently exists. These houses will instead be looking at 21 feet of the side of a garage.
This is especially true for 83 Overlook, as this view will only be 9 feet from its property line. This is the same with respect to the view from the 78 Overlook Avenue, which is my house, which is directly across the street from the proposed site.
The proposed variance will have extreme adverse impact on the physical and environmental conditions of the neighborhood. Most of the surrounding suffer from PHRAOD /-G problems, most of the surrounding homes suffer from flooding problems as is when there's a
heavy rain or ice melt. However, as noted above, the substantial increase in the impervious area will only exacerbate this problem. The proposal is completely silent on how water drainage will be dealt with.

The driveway alignment, it appears, is also contrary to zoning laws, and it is not within the 98 degree requirement as called for by the code. As indicated on the plan, there is a substantial deviation from this 90 degree alignment in order to circumvent a major utility pole, which is not shown on what is presented by the applicant, at least here it is in his plans. I do have pictures which I would like to submit to the Zoning Board for their view of the surrounding area.

THE CHAIRMAN: You may.

MR. VITI: In addition, the proposed variance will cause a safety issue. Parking is at a premium on Overlook. The four neighboring houses closest to the new driveway and garage have approximately 12 yards between them. When cars are parked on the street, visibility is greatly reduced. Several times, accidents have occurred when cars have been pulling out of their driveway. The issue is magnified when a party or get togethers are held and cars are parked illegally on the street. Adding additional cars on the Overlook side within close proximity to the other driveways will further reduce site visibility. Couple this with the fact that the proposed curb cut will be very narrow.

While the plans are silent as to the linear footage of the cut, they indicate that one side of the driveway will have to be 9 feet off the property line and the utility pole on the other side of the cut will remain, this leaves maybe no more than 11 feet for a proposed driveway cut. The fact that the pole is to remain also causes a traffic hazard, as one could not make a safe 90 degree left turn into the driveway. During the winter when it snows and streets are plowed, this turn will be nearly impossible, especially since the proposed curb cut and driveway is directly across the street from my driveway, a fact that is not shown on the application.

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More importantly, there are families with children who play in the area. The lack of visibility is a serious concern to them. Adding a driveway and a two car garage will only increase the safety issue.

These concerns cannot be cured by any revised plan that allows for any type of garage and driveway on the Overlook side of the house. However, there are alternatives for the applicant to pursue. The applicant can maintain any proposed driveway on the Summit side where a driveway has always been looked at. This will alleviate the safety issue on Overlook. The applicant can reduce the footprint to a one car garage and attach the structure to either side of the house with the garage facing Summit, keeping the natural character of the cape, or the applicant could build a detached garage which could be recessed in the back yard along the Waverly side of the house. And if the applicant is totally committed to a two car garage, he can convert the family room back to its original design as a garage and build a new family room on the

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existing patio, which would be a coherent flow in the existing structure of the house. Just because an alternative may be more expensive should not preclude it from consideration by the Board, especially if the alternative maintains the current characteristics, safety, and well-being of the neighborhood.

I want to point out to the Zoning Board, that remember this is an application for a garage and a driveway. It's not an application for parking spaces. The applicant already has a driveway that can hold more than four cars present on the Summit side. Why he needs to turn around and reverse this whole process and putting the new garage or the proposed garage on the opposite side of the house where an entrance is not needed or where an entrance would not be continuous with the structure itself is beyond us. So that's why we're asking this Board to deny this variance request at this time.

THE CHAIRMAN: Thank you. Before anyone else is heard, when any presentation is made where there are statements that there may
be factual inaccuracies within an application,
I refer it to our Chairman of Building and
Planning, Margaret Uhle, the head of the
Building and Planning Department, Margaret
Uhle. Some of the comments that you had made
about factual inaccuracies in the application
will be reviewed.

MR. VITI: Not so much about factual
but he has proposed on the site itself.

THE CHAIRMAN: What I'm saying is that
you had mentioned there area -- on at least two
occasions you said there were factual inaccuracies in the application.

MR. TUDISCO: Utility pole and
something else.

THE CHAIRMAN: Among others. Thank
you, counselor, yes. So that will be reviewed.
Thank you for your presentation. You may leave
those with our attorney.

MR. TUDISCO: Do you want to post them
or submit them to the board?

MR. VITI: I'll submit my comments,
the pictures, and the letters to the board.

THE CHAIRMAN: Thank you very much.

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Would anyone else like to be heard? Please
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Would anyone else like to be heard on this
application? Are there any ladies first?
Okay. Now to the gentlemen in height order,
shortest first.

MR. COUSSA: Good evening. My name is
John Coussa, and I live at 86 Overlook. From a
purely selfish perspective, the removal of two
car parking spots on Overlook is a hazard. As it
is, on weekends I cannot back out of my
driveway. Our neighbors have four year old,
five year old child, other neighbors have three
year old children, and removing two parking
spaces is just a recipe for disaster. So I
would like consideration for that. Thank you.

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

(No comments.)

THE CHAIRMAN: Seeing no one else --
do we have someone else? Please. Yes. Please
speak freely.

MRS. VITI: I'm Carol Viti, 78
Overlook Avenue. I just want to add to what
everyone has said.

To me, a garage is not a critical item
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for a house. The applicant is requesting this
variance so a garage could be built, not
because there is a need for parking, as my
husband already stated. The applicant knew
full well when the house was purchased, that
the former garage had been converted into a
family room. If he wanted or needed a house
with a garage, he should have bought one.

Thank you.

THE CHAIRMAN: Thank you. Mr. Levy.

MR. LEVY: David Levy, 220 Hillside
Place.

As I said before, you come into a
neighborhood, you buy a house because that's
where you want to be. If you didn't like it,
why did you buy it? I mean, I could see if you
lived there for 20 years or you lived there 10
years and your kids got older and you need
a garage space for more cars, but if you just buy
a house, why do you want to change it? If it's
not what you wanted, why did you buy it?
That's all.

THE CHAIRMAN: Thank you, Mr. Levy.

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come forward, name and address for the record.

MR. BERTOLOZZI: My name is John
Bertolozzi. I'm at 1 Summit Street. I just
want to reiterate, the one point that was
raised was that the house did have a garage at
one point in time and that was converted into
living space and that is the natural flow of
the block with the houses facing Summit Street
in that particular neighborhood. In this case,
that location, you know, creates a very small
space between that space and the next house
over. He has a very large lot there, and the
purpose of that lot is to create that space for
the entire neighborhood, not for him to build
an additional structure on the property when it
was originally constructed with that capacity.

THE CHAIRMAN: Thank you for your
time. Anybody else? Please.

MS. LINSALATO: Hi. My name is Debbie
Linsalato. I live at 87 Overlook Avenue. I am
one of the few in the town that was born and
raised here. I've lived in Bronxville Manor
since 1976 when we bought our first home. I
lived on Overlook now for 36 years. We've had
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a lot of work done on homes and we've not
complained. We've not come forward. We've
endorsed everyone's changes. Who's made
extensions, who's done this. In fact, across
the street, directly across from me a number of
years ago a large house was taken down and two
houses were put up. They were done tastefully.
They were done considering everybody else's
property around them, and we totally endorsed
it. We supported it. We welcomed the new
neighbors. That's what our neighborhood does.
We have a Christmas party at my house every
year with all the neighbors. So we're not
people that complain or want to impose things.
Being there for 38 years, I feel I've vested my
time in the people that live there.

This has no consideration of the
neighborhood, has no consideration of the
neighbors, and doesn't consider what they're
doing, either taking away parking or hurting
the view of other people. It's not the nature
of the neighborhood. I appreciate their need
for a garage. I have a garage. Have I ever
used it as a garage? No. I raised two kids
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here. I don't know if I could submit this?

THE CHAIRMAN: Sure.

MR. COLACICCO: Also, with the solar
panels that they want to put, that's just going
to be another eyesore and reflection off into
my house. I would like to submit this.

THE CHAIRMAN: Please. Thank you for
your time. Anyone else like to be heard?

MR. GALATI: Leonard Galati, 85

Overlook. I live next to Jimmy there who just
spoke.

I just want to echo the sentiments
that have been brought forward regarding
safety, parking, all those things. I don't
want to repeat everything. Serious
consideration for the alternatives. I don't
want to take away anyone's right to do what
they need to do to their home, but I think that
there are alternatives, and I think that should
be seriously considered.

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

(No comments.)

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and have two grandchildren, there's bikes, and
I've never used it as a garage. Would I want a
garage? Sure. You have to throw junk in it, I
get it. But to impose and to hurt the
neighborhood and people's property views and
their quality of life and how they live, it's
not necessary. There are other alternative. I
hope the Board really considers that.

Especially thinking of your own neighborhood
and where you live in town. I'm sure you want
the integrity to be maintained. Thank you.

THE CHAIRMAN: Thank you for your

MR. COLACICCO: My name is James
Colacicco. I live at 83 Overlook, right next
door where they want to put the structure in.

I walk out of my house and I just see
like greenery now. With the structure they
want to put up, it's just going to be an
eyesore and it's not going to be safe. I have
two young kids that they play on the yard all
day long, and I don't think the driveway on
Overlook is going to be a good idea at all. My
wife wrote a little something. She couldn't be
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any amendments or modifications, then we would adjourn this and leave the public hearing open because then the public would have a right to be heard if you made any amendments or modifications. You're free to do so or not do so, but I wanted to give you the opportunity to reply to the things that you heard and whether or not you had any other considerations, that's all.

MR. TOUNG: I just have a general statement.

THE CHAIRMAN: Please.

MR. TOUNG: We earnestly tried to find the best place for this two car garage. We don't want to impose on the safety of the neighborhood and the aesthetics of the neighborhood. The garage is a one story building in a two story zone. We have given this a lot of thought, and it isn't without some thinking that we made this proposal.

THE CHAIRMAN: Okay. So the application is going forward as it reads; correct?

MR. TOUNG: As it reads.

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THE CHAIRMAN: I'm sorry, do you have a point of order, counselor?

MR. TUDISCO: I think he wanted to speak.

THE CHAIRMAN: Of course. Thank you. Sorry, I didn't see that. Thank you.

APPLICANT: We definitely don't want to bring any inconvenience for the neighborhood or something like that. We did consider a lot of things. For example, we tried to avoid, you know, squeezing into the very narrow area, but however, we decided to submit this application because we tried to consider this a corner yard, corner property, so pretty much the rear yard could be considered as a second side yard. So if it's a second side yard, it's 9 feet, which will basically share the space between our neighbor because their space is also, I believe, 9, 10 yards and our space is also 9 yards.

Also, we considered about the other features. We found the two car attached garage probably the best option for us and also least impact to our neighbors. Think about if it was detached, it would be very close to the neighborhood, but for that attached option pretty much we're sharing the space with the neighbor.

Also, we tried to close off the other side of the driveway. So in other words, just switch from this side to that side. We definitely tried our best to be considerate, and also, it's one story garage so we're not blocking any views.

That's all I want to comment on.

Thank you very much.

THE CHAIRMAN: Thank you for your time. Before I make a motion, counselor, I'm going to ask you about a point of order and whether or not if I move to adjourn this matter for resolution at the next meeting, if there are factual inaccuracies in the application that Margaret Uhle needs to review, whether or not that motion can be conditioned and reopened?

MR. TUDISCO: I've never done that before. I don't see anything prohibiting it.

However, I think that is something that she...

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10 MR. TOUNG: I believe so.
11 MR. TUDISCO: Just come up to the mic.
12 THE CHAIRMAN: Let me rephrase it.
13 MR. TOUNG: Yes, please.
14 THE CHAIRMAN: There are a couple of
15 ways that a motion would go at the end of this
16 now. It would be that there is going to be no
17 further review of this matter, it would be on
18 for resolution at the next meeting, unless, of
19 course, Mrs. Uhle, our head of Planning and
20 Building, had some issue with the actual
21 application. Otherwise, it will be decided
22 upon. Because of what you had mentioned in
23 your reply, that you had to ruminante on some
24 thoughts about what's going on, I was under the
25 impression that maybe you were considering some
26 modifications, at which point the matter would
27 be adjourned, the public could still be heard,
28 and the Board would consider some modification
29 to your application, like if you were observing
30 tonight, the Joyce Road application.
31 MR. TOUNG: I'm sorry.
32 THE CHAIRMAN: The Joyce Road
33 application, which was on for tonight, they had
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37 submitted modifications. But again, it's not
38 the Board's decision, it's yours.
39 So understanding that, do you want us
40 to proceed to resolution or is there going to
41 be some interfacing with the neighborhood and
42 some amendment to your
43 application?
44 MR. TOUNG: The discussion with the
45 neighborhood, how would that be held? How
46 would that take place?
47 MR. TUDISCO: That is entirely up to
48 you and your client. The only reason I raise
49 this is because of the first comments that
50 you made after hearing the public, was that you
51 were not sure you understood all of the
52 concerns that were raised. If it is your or
53 your client's desire to understand those,
54 you're free to try to meet with the neighbors,
55 discuss the project, and you still would have
56 the option to come in with the same project or
57 potentially modify it. The only reason I raise
58 this is because you said you weren't clear on a
59 lot of the objections. So if you do want to
60 clarify that, that would be a different motion
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64 that the Board would make. They would keep the
65 public hearing open and then you could make a
66 decision before the meeting in September as to
67 how you wanted to proceed, with a modified
68 application or with this particular
69 application. So that's up to you and your
70 clients.
71 MR. TOUNG: When we do we announce to
72 you whether we pursue one way or the other.
73 MR. TUDISCO: First of all, it's
74 posted in the Building and Planning Department
75 what dates you would have to submit a modified
76 application by in order to be on the agenda for
77 the September meeting, or you could meet with
78 the neighborhood or not, you know, depending on
79 what you decide to do, and contact Ms. Uhle in
80 the next few weeks and just tell her how you
81 wish to proceed. That's up to you. If you're
82 going to modify the application, there's a
83 deadline that you have to --
84 MR. TOUNG: We don't have to request
85 resolution today you're saying?
86 THE CHAIRMAN: Correct. As a matter
87 of fact, what I'm going to do based on the
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91 commentary is, under Robert's Rules of Order,
92 I'm going to rule that the matter is going to
93 stay open to the public hearing, and we're
94 going to adjourn the application to the
95 September meeting. Is there a second to my
96 motion?
97 Hold on a minute. The public has been
98 heard on this. Would you like to step up?
99 You're not going to comment on the application.
100 If you have a point of order, I'll listen to
101 it.
102 MALE SPEAKER: There is something that
103 was stated that I would like to respond to.
104 THE CHAIRMAN: You will not be doing
105 that. I'm sorry. If you had a point of order,
106 you could, but you don't, so you won't.
107 My motion is to leave the matter and
108 the public hearing will be left open, which
109 means that the public can be heard at the next
110 meeting, and they can make commentary on what's
111 been submitted or --
112 MR. TOUNG: Can I consult with my
113 client first before you --
114 THE CHAIRMAN: You're talking about
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this moment or during the summer?
MR. TOUNG: I guess we could do it
during the summer since nothing is being
decided tonight.

THE CHAIRMAN: Correct. So let me
rephrase that for the stenographer so she gets
it down correctly. I made an application to
keep the public hearing open; is there a
second?

MR. MILLER: Second.
THE CHAIRMAN: Mr. Miller. All in
favor.

(All aye.)

THE CHAIRMAN: I'm also going to make
a motion to adjourn this matter to the next
meeting; is there a second to that motion?

MR. NURZIA: Second.
THE CHAIRMAN: Mr. Nurzia. All in
favor.

(All aye.)

MR. TUDISCO: I just want to caution
you if you are considering the potential to
modify your proposal, you may have to submit a
modified proposal by a certain date.

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interested in this application and you want to
come in here, you can watch it on TV, you can
come in person to the September meeting.
Just putting it out there.

MALE SPEAKER: (Inaudible.)
MR. TUDISCO: Right now it's just been
adjourned by the Board for the September
meeting. We don't know yet if it's going to be
the same application or a different one.
However, the public hearing is still open in
the event that the public wants to address the
Board only if there is new information coming.

MALE SPEAKER: What's the date?
MR. TUDISCO: It's the second Tuesday
in September.
THE CHAIRMAN: I'll let you know
exactly. September 10th.
FEMALE SPEAKER: (Inaudible.)
MR. TUDISCO: The 10th. It's the
Zoning Board.

THE CHAIRMAN: The other boards don't
count. We don't care about the other boards.

It would be September 10th, the only meeting
that anyone should care about. Thank you.

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Otherwise, the original proposal, the current
application is now adjourned for the next
meeting. So just keep that in mind.

MR. TOUNG: Right. This is all stated
in the website?
THE CHAIRMAN: Actually, may I
interrupt you, counselor? I think your best
course would be to speak to Margaret Uhle.

She's on vacation now, but she could guide you
as to submission or not submission, dates. You
have the luxury of time because the next
meeting is not until the second Tuesday in
September. You can ruminant over the
commentary and all the other items.

MR. TOUNG: Okay. Thank you very
much.

THE CHAIRMAN: Thank you for your
time.

MALE SPEAKER: Will we get notice?
THE CHAIRMAN: No, you will not,
unless there is an amendment to the
application.

MR. TUDISCO: So for clarification,
the public hearing is still open. So if you're

DINA M. MORGAN, REPORTER
CERTIFICATION

STATE OF NEW YORK  )
   ) Ss.
COUNTY OF WESTCHESTER

I, DINAM. 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 25th day of July, 2019.

DINAM. MORGAN
Court Reporter
DINAM. MORGAN, REPORTER