

STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF EASTCHESTER

TRANSCRIPT OF  
EASTCHESTER ZONING BOARD OF APPEALS  
JUNE 12, 2018

HELD AT:

Eastchester Town Hall  
40 Mill Road  
Eastchester, New York 10709  
Building and Planning Department

B E F O R E:

ALAN PILLA, CHAIRMAN  
JOSEPH MILLER, MEMBER  
MICHAEL CAHALIN, MEMBER  
PETER NURZIA, MEMBER

AUG 20 2018

RECEIVED

P R E S E N T:

MARGARET UHLE, DIRECTOR OF PLANNING  
MICHAEL VERNON, ASSISTANT PLANNER  
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY

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

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

motion to approve minutes for actually two meetings, the April 10th, 2018 meeting and the May 8th, 2018 meeting; is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: For the roll, matters on for resolution, number 1, 18-06, Classic Audi; would the applicant like to proceed? You don't need to get up.

MS. CHIOCCHIO: Thank you, Chairman. We respectfully request an adjournment to the board's next meeting.

THE CHAIRMAN: And it's granted. Thank you.

MS. CHIOCCHIO: Thank you.

THE CHAIRMAN: That will be on for resolution for the September meeting.

Item number 2, 17-65, 157 Montgomery Avenue; is the applicant here? Would you like to proceed to resolution this evening? You would like to adjourn. Okay. That matter

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

THE CHAIRMAN: Good evening. Welcome to the town of Eastchester Zoning Board of Appeals meeting for June 12th, 2018. We begin our meetings with the Pledge of Allegiance, so if you could please stand.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Prior to calling the roll, I'll just, as I do before every meeting, go over the ground rules.

Firstly, we follow Robert's Rules of Parliamentary Order, which I'll go into more in depth when we go into the new applications. This evening I also want to mention that we have a four member board, which means matters that are on for resolution will require a three vote for an approval, which means, more specifically, that a two/two amounts to a denial. So for those applicants that are here and those matters that are on for resolution, you will have the option to adjourn to the next meeting. For those applicants that are not here, those resolutions will be decided upon this evening.

Now, before I call the roll, I make a

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

will also be adjourned and decided upon at the September meeting. Thank you.

Item number 3, Saint Luke's Church, 18-08, would you like to proceed to resolution? Okay, that will proceed to resolution.

Item number 4, 18-13, 40 W right Place. To resolution. That will proceed to resolution.

Number 5, 18-15, 87 Middle Road. Mr. Iannacito, is that going to proceed to resolution?

MR. IANNACITO: Yes.

THE CHAIRMAN: Thank you. Item number 6, that's 18-16, 14 Reynolds Place, Mr. Iannacito, to resolution?

MR. IANNACITO: Yes.

THE CHAIRMAN: Number 7, 18-17, 77 Stebbins Avenue. Not seeing the applicant, that will proceed to resolution.

Number 8, 18-18, Wilmot Road. That will also proceed to resolution this evening.

On the calendar tonight for new business, number 9, 18-19, 108 Brook Street.

APPLICANT: Present.

THE CHAIRMAN: Ready to proceed?

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 6/12/18  
 2 APPLICANT: Ready to proceed.  
 3 THE CHAIRMAN: Okay. Number 10, 18-21,  
 4 71 Park Drive. Applicant ready to proceed?  
 5 Okay.  
 6 Number 11, 18-22, 11 Mill Road. Ready  
 7 to proceed.  
 8 The last item on the calendar tonight,  
 9 number 12, that will be 18-20, Siwanoy Country  
 10 Club; ready to proceed? Okay.  
 11 So let's move on to resolutions.  
 12 Number 1 has been adjourned. Number 2 has been  
 13 adjourned.  
 14 Number 3, that's 18-08, Saint Luke's  
 15 Church. Firstly, I make a motion to adopt a  
 16 negative declaration for this application; is  
 17 there a second to my motion?  
 18 MR. NURZIA: Second.  
 19 THE CHAIRMAN: Mr. Nurzia. All in  
 20 favor.  
 21 (All aye.)  
 22 THE CHAIRMAN: The negative declaration  
 23 has been approved.  
 24 Secondly, there's a motion on the floor  
 25 to adopt a resolution denying the special permit

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 for this application; is there a second?  
 3 MR. CAHALIN: I'll second.  
 4 THE CHAIRMAN: Mr. Cahalin. For the  
 5 denial the vote; Mr. Cahalin.  
 6 MR. CAHALIN: I'll vote to deny it.  
 7 THE CHAIRMAN: So that's a yes?  
 8 MR. CAHALIN: That's a yes.  
 9 THE CHAIRMAN: Mr. Miller.  
 10 MR. MILLER: Yes.  
 11 THE CHAIRMAN: Mr. Nurzia.  
 12 MR. NURZIA: No.  
 13 THE CHAIRMAN: I vote yes. That  
 14 application has been denied 3 to 1.  
 15 Number 4, 18-13, 40 Wright Place, I  
 16 make a motion to adopt a resolution approving  
 17 this application; is there a second?  
 18 MR. CAHALIN: I'll second.  
 19 THE CHAIRMAN: Mr. Cahalin. Vote. Mr.  
 20 Cahalin.  
 21 MR. CAHALIN: Yes.  
 22 THE CHAIRMAN: Mr. Miller.  
 23 MR. MILLER: Yes.  
 24 THE CHAIRMAN: Mr. Nurzia.  
 25 MR. NURZIA: Yes.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 THE CHAIRMAN: I vote yes. That  
 3 application has been approved four/nothing.  
 4 Number 5, 18-15, Middle Road, I make a  
 5 motion to adopt a resolution approving this  
 6 application; is there a second to my motion?  
 7 MR. MILLER: Second.  
 8 THE CHAIRMAN: Mr. Miller. To the  
 9 vote. Mr. Cahalin.  
 10 MR. CAHALIN: Yes.  
 11 THE CHAIRMAN: Mr. Miller.  
 12 MR. MILLER: Yes.  
 13 THE CHAIRMAN: Mr. Nurzia.  
 14 MR. NURZIA: Yes.  
 15 THE CHAIRMAN: I vote yes. That's been  
 16 approved four/nothing.  
 17 Number 6, 18-16, Reynolds Place, I make  
 18 a motion to adopt a resolution approving this  
 19 application; is there a second to that motion?  
 20 MR. MILLER: Second.  
 21 THE CHAIRMAN: Mr. Miller. To the  
 22 vote. Mr. Cahalin.  
 23 MR. CAHALIN: Yes.  
 24 THE CHAIRMAN: Mr. Miller.  
 25 MR. MILLER: Yes.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 THE CHAIRMAN: Mr. Nurzia.  
 3 MR. NURZIA: Yes.  
 4 THE CHAIRMAN: I vote yes. That's been  
 5 approved four/nothing.  
 6 Application 7, that's 18-17 Stebbins  
 7 Avenue, I make a motion to adopt a resolution  
 8 approving this application as well; is there a  
 9 second?  
 10 MR. CAHALIN: I'll second.  
 11 THE CHAIRMAN: Mr. Cahalin. Mr.  
 12 Cahalin, vote.  
 13 MR. CAHALIN: Yes.  
 14 THE CHAIRMAN: Mr. Miller.  
 15 MR. MILLER: Yes.  
 16 THE CHAIRMAN: Mr. Nurzia.  
 17 MR. NURZIA: Yes.  
 18 THE CHAIRMAN: I vote yes. That's been  
 19 approved four/noting.  
 20 The last item on for resolution, 18-18,  
 21 137 Wilmot Road, I make a motion similarly to  
 22 adopt a resolution approving the application; is  
 23 there a second?  
 24 MR. CAHALIN: Second.  
 25 THE CHAIRMAN: Mr. Cahalin. Mr.

**DINA M. MORGAN, REPORTER**

EASTCHESTER ZBA - 6/12/18

1 Cahalin, vote.  
 2 MR. CAHALIN: Yes.  
 3 THE CHAIRMAN: Mr. Miller.  
 4 MR. MILLER: Yes.  
 5 THE CHAIRMAN: Mr. Nurzia.  
 6 MR. NURZIA: Yes.  
 7 THE CHAIRMAN: I vote yes. That's been  
 8 approved four/nothing.  
 9  
 10 Now for new business, while the  
 11 applicants are getting prepared to come forward,  
 12 I just want to remind you that under Robert's  
 13 Rules of Order how this generally proceeds is  
 14 that you'll have an opportunity to summarize  
 15 your presentation, generally the board will  
 16 reserve time to ask questions, they'll be a  
 17 public hearing on the matter, and then they'll  
 18 be questions and comments from the board. Each  
 19 applicant is not required to read their  
 20 submission, the submission is part of the public  
 21 record. You're free to do so. It's not either  
 22 going to help or hurt your application. We  
 23 would like you, and the board will be certainly  
 24 addressing the five part test for these items  
 25 which are all area variances tonight.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 The first item is 18-19, Brook Street,  
 2 which are four area variances to reclassify a  
 3 two family home with a basement, home  
 4 professional office as a mixed use building with  
 5 commercial in the basement. So, applicant,  
 6 please proceed.  
 7 MR. PORCO: Dominick Porco, the  
 8 applicant on behalf of himself and the co-owners  
 9 of the property.  
 10 First, I want to ask the board's  
 11 indulgence. Even though I've been practicing  
 12 law for 41 years, this is the first time that I  
 13 represent anyone before a board of this nature.  
 14 So to the extent that I may fumble or not know  
 15 precisely the procedure, I ask the board some  
 16 indulgence.  
 17 The property in question is where I  
 18 currently have my law office and have it there  
 19 since, I believe, February of 1988. The  
 20 structure is a two family house that I had  
 21 built -- when I say I, I mean I and my co-owners  
 22 who are my siblings. We had the structure built  
 23 in 1987 to accommodate our then aging parents  
 24 who were living in the Bronx at the time. By

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 building this structure, we were able to bring  
 2 my parents to live there while their son was  
 3 downstairs working. And so, it was a very  
 4 productive scenario both for myself because, as  
 5 I said, my parents were in their mid to late  
 6 seventies and to have them there and to see them  
 7 daily was good for them as well as it was good  
 8 for me.  
 9  
 10 Then in 2002, my father, the last of my  
 11 parents, passed away. So since 2002, we have  
 12 been renting the two apartment to tenants. My  
 13 siblings are of an advanced age. I'm not there  
 14 yet, I'm not advanced yet, but they are. So the  
 15 time has come to allow them to retrieve the  
 16 fruits of their laborers, their investment. So  
 17 for that reason, we sought to sell the property.  
 18 We had incredible interest when the property  
 19 first went up for sale four or five months ago.  
 20 Perhaps maybe as many as 25 people came to see  
 21 the property, but there wasn't a single request  
 22 or single inquiry to purchase the property as  
 23 is, that is to say as a two family residence  
 24 with an owner's professional office in the  
 25 ground floor. Most people -- in fact, I think

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 all of them -- were under the impression that  
 2 they could simply come in, purchase the  
 3 property, and then put whatever they wanted to,  
 4 commercial or professional office in the area  
 5 that my office is in. I had to explain to  
 6 almost every one of them that the only way that  
 7 there could be an office in that building is if  
 8 an owner of the building had a professional  
 9 office, it couldn't be just any way. So  
 10 interest completely disappeared.  
 11 So I'm in a position now where the  
 12 property, as it stands right now, is  
 13 basically -- excuse the exaggeration -- is  
 14 basically useless to anyone from an investment  
 15 point of view. When we built the building, the  
 16 area was different. It wasn't quite as active  
 17 as it is now. On one side, there is a medical  
 18 facility, a doctor's office. On the other side,  
 19 there's a bagel shop. If you go further down  
 20 toward the Bronx River Parkway, there are hair  
 21 Salons and dry cleaning establishments. So the  
 22 area has changed. So the likelihood that anyone  
 23 is going to want to purchase that property as a  
 24 home, as a place where they're going to live, is

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 6/12/18  
 2 very, very low, the likelihood.  
 3 So that's the history behind this  
 4 application. I've been there comfortable since  
 5 1988. That's a long time. That's 30 years. Is  
 6 my math right? Yes. Things are different now,  
 7 and so, this is why I made this application, to  
 8 allow an owner of the building to utilize the  
 9 office area as a commercial area. There is no  
 10 change contemplated to the structure itself.  
 11 There are some variances that obviously are  
 12 noted here that are required.  
 13 The principal issue I think, and again,  
 14 I could be wrong about this, maybe you have some  
 15 other issue that is more important, but I  
 16 suspect the principal issue here is the shortage  
 17 in the parking requirements. I'm short, I  
 18 believe, 11 spaces. As the photographs that I  
 19 submitted with the application demonstrate,  
 20 there is more than ample public parking directly  
 21 across the street, as well as a block to the  
 22 right; if the building is at your back, if you  
 23 look to the right on Maple, Maple Avenue I think  
 24 it is. So I don't want the board to be under  
 25 the impression that, wow, 11 spaces, where are  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 people going to be parking. There is plenty of  
 3 parking available in the area. I don't know  
 4 whether or not that makes a difference in terms  
 5 of your determination. Perhaps you are supposed  
 6 to ignore that. I don't know that. I am simply  
 7 saying I just don't want you to be under the  
 8 impression that being short 11 spaces, Mr.  
 9 Porco, where are you going with this, where  
 10 would people park because that is not actually  
 11 the situation at all. There's ample parking.  
 12 I don't know if there is anything else  
 13 that needs to be said.  
 14 THE CHAIRMAN: I thank you for your  
 15 presentation. I'm going to check with the board  
 16 to see who has any questions. Mr. Cahalin, do  
 17 you have any questions?  
 18 MR. CAHALIN: Not at this time.  
 19 THE CHAIRMAN: Mr. Miller?  
 20 MR. MILLER: No, I'm good right now.  
 21 THE CHAIRMAN: Mr. Nurzia?  
 22 MR. NURZIA: No questions.  
 23 THE CHAIRMAN: I don't have any  
 24 questions either. I make a motion to open this  
 25 application to the public for a public hearing;  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 is there a second to my motion?  
 3 MR. CAHALIN: Second.  
 4 THE CHAIRMAN: Mr. Cahalin. All in  
 5 favor.  
 6 (All aye.)  
 7 THE CHAIRMAN: Would anyone like to be  
 8 heard on this application? Please come forward,  
 9 state your name for the record, and be heard.  
 10 MR. GALANEK: Good evening and thank  
 11 you. It's Charles Galanek. I have two things.  
 12 I have to respectfully wonder about the  
 13 statement made that -- if I understood it  
 14 correctly -- 25 people came in to his residence  
 15 and no one wanted to buy it. With the way the  
 16 real estate market is, I find that questionable.  
 17 Second thing, if we have a request for  
 18 11 more parking spots, okay, we know already now  
 19 what our situation is in town with when you do  
 20 things like this, you approve things, we have  
 21 people expanding. We had a situation on  
 22 Montgomery where there was businesses  
 23 downstairs, then they started to turn them over  
 24 into residential, and before you knew it, where  
 25 there might have been like two -- one business  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 and one apartment, it ended up to become more  
 3 and more apartments, legal or otherwise. I  
 4 can't tell you what's currently happening. But  
 5 I ask you to really look with an eagle's eye  
 6 when folks come in and they start to expand what  
 7 the town already believes is a good form of 1.2.  
 8 I mean, this is not the first request that has  
 9 come across the board, some approved, some  
 10 disapproved, but I ask you when you do approve  
 11 any type of expansion, always think about the  
 12 community that it's going into.  
 13 Thank you, again. I appreciate it.  
 14 THE CHAIRMAN: Thank you for your time.  
 15 Would anyone else like to be heard on this  
 16 application? Would you like to be heard?  
 17 Please come forward.  
 18 MR. SWEENEY: Good evening, members.  
 19 My name a Frank Sweeney. I live at 22 Lakeview  
 20 Avenue, one block north of Brook Street. I'm a  
 21 town resident of about 50 years, same house.  
 22 The culmination of the north end has  
 23 come to a screeching halt. We have a number of  
 24 applicants currently pending looking for  
 25 additional space, looking for additional parking  
**DINA M. MORGAN, REPORTER**

EASTCHESTER ZBA - 6/12/18

1 areas. I know there's one directly across the  
2 street from this particular building. If you  
3 ride by there any hour of the day, they're  
4 100 percent occupied. 100 percent occupied. So  
5 with the additional 11 spaces that this  
6 individual is looking for, I don't know where  
7 they will come from. Which end in the north end  
8 because there is no space left? I don't know if  
9 you've taken a look at Montgomery, Summerfield  
10 during the day, double parking, in some cases  
11 triple parking because they can't find parking.

12 Now, what do we do or you do in terms  
13 to alleviate his particular business requirement  
14 for these 11 spots? I don't know. I don't have  
15 the answer. But I'm telling you right now, that  
16 the influx of the traffic on Brook Street is now  
17 deeper than Alida. That's two blocks past Brook  
18 Street for people starting to park in the  
19 residential area. I don't agree with it, but  
20 basically they have the free right to use the  
21 street as they wish. I just want you to be  
22 aware that the overflow of traffic right now is  
23 already three blocks back off Brook Street for  
24 parking for people who are working on Brook

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 Street. As a matter of fact, people who are  
2 working in Scarsdale already found our elite  
3 spot on Dunwoodie where they could park for  
4 nothing. This is more than just a couple of  
5 spaces being retrofitted. This is a crisis in  
6 the north end. I wish you would take it into  
7 serious consideration.

8 We have another applicant coming right  
9 on board, Mezza Luna, who is looking for  
10 additional parking spaces for additional space.  
11 These things can't be done in a vacuum. They  
12 need to take a look at the entire process of  
13 what is going on in the north end. I don't know  
14 if you people live in the north end or travel  
15 down any of these streets at 4:30, 5:00. The  
16 traffic backed up from Scarsdale Avenue to Brook  
17 Street is now as far back as the bagel shop  
18 trying to get through the traffic light. It's  
19 almost to the point where it's unbearable. What  
20 are the people doing? Guess what? I'll take a  
21 shortcut through Lakeview, go down to Scarsdale  
22 Avenue, come back up to the traffic light, and  
23 try to beat two or three cars. That's what's  
24 going on. I think you should be aware in the

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 totality of what's going on. Maybe this is a  
2 simple 11 spaces that he needs right now, but  
3 there's a much more expansive requirement, a  
4 study that needs to be done in the north end,  
5 because we're just out of space. I appreciate  
6 your concern.

7 THE CHAIRMAN: Thank you for your time.  
8 Would anyone else like to be heard on this  
9 application?

10 MS. UHLE: Could I just clarify  
11 something?

12 THE CHAIRMAN: Please, and then we'll  
13 allow the applicant to reply but I have a motion  
14 before then. Please clarify first.

15 MS. UHLE: Okay. I just wanted to make  
16 clear that right now the applicant is allowed to  
17 operate a law office out of the basement there.  
18 He actually could sell it to a doctor or to  
19 another attorney or to a landscape architect who  
20 could also have an office occupy that basement  
21 space. The problem that he's running into is  
22 the previous approval required whoever is  
23 occupying that space also be the owner of the  
24 building. So the use technically is not

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 changing, it's just he's trying to release  
2 himself from a previous provision that said the  
3 owner had to occupy that space. So, like I  
4 said, had a doctor come to him to purchase the  
5 property and said, I'm going to have my doctor's  
6 office in the basement, he would not be before  
7 you. It's simply that he can't sell it to  
8 somebody unless they -- he can't sell it to  
9 somebody who wants to occupy those offices with  
10 tenants. It has to be somebody who actually  
11 owns the building. So I just wanted to clarify  
12 right now a doctor could occupy that, an  
13 attorney could occupy it, a landscape architect  
14 could occupy it, its just there's this provision  
15 that the person who occupies it has to be the  
16 owner. That's what he's trying to release  
17 himself from that provision. Because he's doing  
18 that kicks him into the requirement for the  
19 variances. I don't know if that's clear or not.

20 THE CHAIRMAN: Counselor.

21 MR. TUDISCO: I just want to clarify  
22 for those who might be watching at home, there  
23 was a statement made from a member of the public  
24 that this is an application to somehow expand

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 this property. That does not appear to be what  
2 this application is about at all. It doesn't  
3 appear there is any application to an expand  
4 anything, the footprint or any of the space or  
5 anything like that. I just want that to be  
6 clear.

7 THE CHAIRMAN: Thank you, counselor.  
8 When the board gets to their commentary part of  
9 this application, I'm sure that ground is going  
10 to be covered. So thank you both, and I make a  
11 motion to close the public hearing on this  
12 application; is there a second?

13 MR. CAHALIN: I'll second.

14 THE CHAIRMAN: Mr. Cahalin. All in  
15 favor.

16 (All aye.)

17 THE CHAIRMAN: If the applicant would  
18 like to reply to any of the comments, you're  
19 free to do so if you would like, and then the  
20 board will have some time to make their comments  
21 and questions.

22 MR. PORCO: First of all, Mr. King, I  
23 would have to agree with you that the acoustics  
24 here need to be improved. If you're sitting in

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 the audience, you barely could make out what is  
2 being said by the speaker.

3 THE CHAIRMAN: That's why I stopped  
4 singing many years ago here.

5 MR. MILLER: It's a weird feeling being  
6 on the other side.

7 MR. PORCO: Having said that, I have to  
8 say that these accommodations have much improved  
9 since I was last here. They really did a  
10 wonderful job.

11 Be that as it may, I could not hear  
12 everything that the first speaker said. What I  
13 did hear was that my assertion that I was not  
14 able to sell it to anyone as a two family home  
15 or that no interest was expressed was -- the  
16 speaker was sceptical of the accuracy of that  
17 statement. I tell you now, gentlemen and lady,  
18 that if I had had interest by someone to buy the  
19 property as is, I would have at least attempted  
20 to negotiate a price. I had no such discussion  
21 with anyone because no one brought it up as  
22 that. They wanted to be able to rent out the  
23 office space, and I had to tell them that they  
24 couldn't do that because -- as Ms. Uhle noted --

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 you could only use the basement portion of that  
2 building if you own the building. So if a  
3 doctor had come to me and said, I would like to  
4 put my office here, I would have said,  
5 wonderful, or another attorney, beautiful. In  
6 fact, in fact, I did have a discussion with an  
7 attorney in town who initially was interested,  
8 and then he, for a variety of reasons, abandoned  
9 the idea. That's the interest that I had by a  
10 professional who was going to put his office  
11 where mine is now. So I take somewhat offense  
12 to the suggestion that I came here to tell you a  
13 bunch of, you know, inaccurate statements. I  
14 tell you that that building as a two family  
15 house with an owner's professional office is  
16 never going to sell.

17 The other point I wanted to make is  
18 that the parking that is available on Brook  
19 Street -- and I think the photographs that I  
20 submitted -- I took those photographs -- Ms.  
21 Uhle, she wasn't with me when I took the  
22 photographs, but she knows when because it was  
23 sort of done on short notice -- the photographs  
24 demonstrate, you'll see that most of the spaces

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 there are empty. I think it was about 10:00 in  
2 the morning, 10 or 11:00 in the morning. So  
3 basically what I said earlier is that while I  
4 understand that, you know, 11 parking spaces is  
5 an issue for the residents, and I understand  
6 that, but on the other hand, this is an area  
7 that could easily accommodate the change that  
8 I'm seeking in the use of that building.

9 Thank you for your time and appreciate  
10 it.

11 THE CHAIRMAN: Thank you. We're going  
12 to pass through the board again. If there are  
13 any questions of the applicant, you could make  
14 any comments. Let me start with Mr. Nurzia;  
15 anything?

16 MR. NURZIA: No, no questions or  
17 comments.

18 THE CHAIRMAN: Mr. Miller?

19 MR. MILLER: Just one comment. It  
20 seems to me that there's not really much that  
21 would actually change.

22 MS. UHLE: No. The only thing that I  
23 will say is, the applicant is -- the way that  
24 the variance is worded right now, the parking

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 requirements are based on a potential retail or  
2 personal service space occupying it there, which  
3 would require 11 spaces; if it were restricted  
4 to just an office use, that would require eight  
5 spaces. Today he would not be able to sell it  
6 to a personal service use or a retail use, it  
7 would have to be a professional office. If you  
8 were to grant the variance, that would  
9 potentially allow him to rent it out to a --  
10 whoever purchased the building to rent it out  
11 for personal service or retail uses, as well as  
12 office uses.

13 THE CHAIRMAN: If I may further  
14 clarify, because he's coming before us for the  
15 variance, we require that he get the maximum  
16 required as it relates to the parking.

17 MS. UHLE: Well, you don't require  
18 that, it would just be that the applicant is  
19 seeking the maximum, which would give him more  
20 flexibility with regard to who he could sell the  
21 building to. You could, if you wanted to,  
22 restrict it to only an office space there.

23 THE CHAIRMAN: But these are as of  
24 right uses?  
25

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 change. That's just my personal opinion.  
2 THE CHAIRMAN: Before we get to Mr.  
3 Cahalin, I might as well back into that. We  
4 come to the board with our own experiences and  
5 maybe public members have had a different  
6 experience, but for 25 years I've done a lot of  
7 business on Brook Street, whether it's the bagel  
8 shop, that dry cleaner has been my dry cleaner  
9 for 25 years, my dentist is on Montgomery, so  
10 I'm on Brook Street two, three times a week, and  
11 I frequently will not even pull into the dry  
12 cleaner because I'm too lazy to back out, and  
13 because there's parking on Brook, I'll just park  
14 on Brook and I can go my merry way. So I've  
15 never found it difficult to get parking there.  
16 Certainly the use as it goes for your test, it  
17 is in the character of the neighborhood, and the  
18 mitigation here with the parking is that the use  
19 is not really going to be changing that  
20 dramatically at all. On paper it's a bit  
21 deceptive because it sound like there's nothing  
22 going on and now we're looking to have something  
23 go on and now you can have to comply with these  
24 parking requirements.  
25

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 MS. UHLE: The uses are absolutely as  
2 of right, yes.

3 THE CHAIRMAN: Thank you. Mr. Miller?

4 MR. MILLER: I mean, I've been to the  
5 north end obviously many times. I have to agree  
6 with the judge -- I'm sorry --

7 MR. PORCO: Mr. Porco is fine, thank  
8 you.

9 MR. MILLER: Mr. Porco. Force of  
10 habit, sorry.

11 THE CHAIRMAN: Actually, you should  
12 always refer to someone by the highest  
13 achievement they've had, so I assume you're  
14 going to call me coach as well. So you'll be  
15 judge, I'm coach.

16 MR. MILLER: What am I going to be  
17 called?

18 THE CHAIRMAN: Esquire.

19 MR. MILLER: I've been in the north end  
20 many times when there is no parking, and I've  
21 been there many times when there's tons of  
22 parking. I really think given some of the other  
23 applications we've had, there's more than  
24 sufficient parking off site to accommodate the  
25

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 That would be my commentary on the  
2 application. Mr. Cahalin?

3 MR. CAHALIN: I have none.

4 THE CHAIRMAN: Then I have motion to  
5 adjourn this matter for resolution at the next  
6 meeting; is there a second?

7 MR. MILLER: Second.

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

10 (All aye.)

11 THE CHAIRMAN: Thank you.

12 MR. PORCO: Thank you very much.

13 THE CHAIRMAN: You're welcome.

14 The next item for new business, number  
15 10, 18-21, that's 71 Park Drive.

16 While the applicant is setting up, this  
17 is an application for a two lot subdivision.

18 MR. FAUSTINI: Good evening. My name  
19 is Nicholas Faustini. I'm an architect for  
20 Frank Petronella, who is the owner of the  
21 property.

22 We're presenting an application to  
23 subdivide one building lot into two building  
24 lots. The property is already improved. It's  
25

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 more than double the requirement in an R-7.5  
2 zone. It's approximately 20,000 square feet  
3 where 7500 square feet is required. We are  
4 proposing to subdivide that lot and create  
5 another building lot, but the placement of the  
6 existing house precludes us from following  
7 strictly to the zoning ordinance. So we are  
8 proposing the building lot with 60 feet lot  
9 frontage and 56 by 56 effective square for the  
10 unimproved lot, which will be two areas  
11 variances. For the improved lot, we require a  
12 10 foot setback where 12 feet is required. So  
13 it's a total of three area variances.

14 This property is interesting because  
15 it's at the intersection of several zones.  
16 There's an R-7.5 zone, which the property is  
17 located in. It's amongst 10 other lots which  
18 are in the R-7.5 zone. The R-7.5 zone is  
19 separated by Leewood Country Club or Leewood  
20 Country separates the R.7.5 zone from the rest  
21 of the R.7.5 zone. I'm just going to flip to  
22 the page so it's easier to illustrate what I'm  
23 mentioning.

24 This is just a blow up of the zoning

25 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 map, and it basically just shows our property,  
2 which I'll point out now is here, and it shows  
3 the 10 properties of the R-7.5, which are on one  
4 side, let's say to the east, and then Leewood  
5 Country Club and a park are between them, and  
6 then the R-7.5 starts again. Out of a hundred  
7 properties, these 10 properties are in the R-7.5  
8 but they're also at the intersection of the R-5  
9 and R-6 zones which are much denser zones. We  
10 had provided this drawing just to demonstrate  
11 that a lot of these properties -- actually more  
12 than 50 percent of them -- have 60 feet lot  
13 frontage or less, and also out of 59 interior  
14 lots, which are identified there in hatched, 34  
15 of them have 60 feet lot frontage or less, and I  
16 believe 45 of them have 65 or less lot frontage.  
17 That's with respect to unimproved lot.

18 In terms of the improved lot, again,  
19 being so close to the R-5 and R-6 zones where  
20 the setbacks are 8 feet and 10 feet for those  
21 types of zones, we're proposing at 10 foot  
22 setback in R-7.5 zone, which is comparable to  
23 all of the others in that general area.

24 THE CHAIRMAN: Thank you for your

25 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 presentation. As you've probably already  
2 surmised, we usually take questions from the  
3 board at this time. I'm going to start with Mr.  
4 Cahalin. Any questions, Mr. Cahalin?

5 MR. CAHALIN: Sure. The property has a  
6 topography that's very hilly on one side with  
7 the current residence from the street if you  
8 look left two houses over they just built up a  
9 brand new house, and I see you're variances, if  
10 you're talking about a different zone, are not  
11 really that substantial, but it seems to me  
12 squeezing a house on that lot is going to  
13 destroy the character of the neighborhood. The  
14 character of that neighborhood is very much  
15 different than what squeezing another home on  
16 there would do, especially with the proposed  
17 variances that you're requiring. That's my  
18 comment.

19 THE CHAIRMAN: Mr. Miller, anything?

20 MR. MILLER: No comments.

21 THE CHAIRMAN: Mr. Nurzia?

22 MR. NURZIA: No comments.

23 THE CHAIRMAN: I don't have anything at  
24 this time.

25 DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

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

4 MR. NURZIA: I'll second.

5 THE CHAIRMAN: Mr. Nurzia. All in  
6 favor.

7 (All aye.)

8 THE CHAIRMAN: Okay, seeing -- would  
9 you like to be heard? Please. Come forward,  
10 state your name and address for the record, and  
11 please speak freely.

12 MR. MONACO: How are you doing?  
13 Anthony Monaco. I live on 74 Park Drive right  
14 across the street.

15 I echo your comments. We do receive  
16 quite a bit of rain water coming in from the  
17 property, the existing property, and can't  
18 imagine even more. I have water in my basement.  
19 I had to install a sump pump to remove it. I  
20 think it also will detract from potential  
21 property value. It is a nice piece of land, but  
22 squeeze a house in there when they just tore  
23 down a house right down the street and built a  
24 monster of a house --

25 DINA M. MORGAN, REPORTER



EASTCHESTER ZBA - 6/12/18

MR. CAHALIN: That's a McMansion.

MR. MONACO: It's going to detract from the character of the street, as well as contribute to some of the parking problems that we already have. It's hard when I'm inviting people over, to accommodate all the room for their cars and for even the residents that live there. So I just want to make sure that you guys are aware of the impact to us. Thanks.

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

(No comments.)

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

MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Would the applicant like an opportunity respond to that?

MR. FAUSTINI: I would like an opportunity to respond to Mr. Cahalin. I did take a look at the topography. There is a 10

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

foot difference from north to south with respect to the unimproved lot. We provided a section through that property to show what it could look like. I'll just flip to the next page. You don't have this drawing. So I'm just going to point at the existing lot, which this is the existing lot. It has a 150 feet of frontage. This is the neighboring lot, which has 60 feet of frontage. We are proposing to subdivide this lot and create this one here. We contend with that 10 feet of topography by a terrace, a couple of walls, one on the property line of the improved house and maybe another terraced wall about 6 to 7 feet away. So we can follow that contour and make it or allow it to fit in better so it doesn't look like it's squeezed in.

Also, I'm showing a two story house where the proposed house will be, but the house next to it is a cape. There's just a relative scale difference because one is two story and the other is one and a half stories.

We do feel like it will fit because right now that property is out of the character of the neighborhood. It's a very lovely

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

property, it's a big property, but it's more than two times what's required for that zone. So that's why we're proposing this other subdivided property, which is greater than what's required in terms of area, 7800 square feet where 7500 square feet is required. It's really just the frontage and the effective square that comes into play.

Also, in terms of storm water mitigation, we have tested the property. We're able to put in a sufficient or a substantial storm water management system. They did do some test pits and they found that the soil percs very well and rock is 6 feet below the ground surface. So we can design a storm system that won't effect the neighbors and contain all of the storm water on site. So I just wanted to mention that.

THE CHAIRMAN: I'll allow you if you would like to follow-up with some questions. I just want to mention that these type of concerns would also will be a requirement by the building department if and when this application were to be approved.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

Mr. Cahalin, would you like to follow-up with any questions or comments at this time?

MR. CAHALIN: I live over in that neighbor, so I'm on that street 50 times a week. When I saw the application, I didn't even have to drive by the property, which I did twice, got out of the car and looked at it from a couple of different angles. I just don't personally -- like I said, they're modest variances, but to me the character of that neighborhood will be affected dramatically. It's already been affected by the house that's two houses over. I've been in the town over 20 years now, that neighborhood has changed in the last five to seven years, and we continue to change the town and the look of the town and jamming a house on that lot, which is beautifully -- it's got trees and green space and it's very private between the two houses, I just have a problem really with the character being changed of the town at large. That's how I see it.

THE CHAIRMAN: With that application specifically?

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 6/12/18  
 2 MR. CAHALIN: Specifically. But when  
 3 we start to do these things, we start to change  
 4 the way our town looks.  
 5 THE CHAIRMAN: Thank you for your time,  
 6 Mr. Cahalin. Mr. Miller?  
 7 MR. MILLER: No questions.  
 8 THE CHAIRMAN: Mr. Nurzia?  
 9 MR. NURZIA: Yes, one comment. You  
 10 addressed the issues about the storm water and  
 11 the scale of the house and all that. The  
 12 neighbor raised the question about parking.  
 13 You're taking a way about 60 feet of potential  
 14 parking on that street; is there a change to the  
 15 character of that neighborhood just from that  
 16 perspective? Any comments would be appreciated.  
 17 MR. FAUSTINI: Well, we wouldn't be  
 18 taking 60 feet of frontage for parking. We  
 19 would design, let's say, a two car driveway or  
 20 one car. Most of the houses on that block have  
 21 one car driveways.  
 22 MR. NURZIA: My question was really  
 23 people would need street parking whether they  
 24 come to visit somebody, not owners of the  
 25 properties. I drove by that street twice and,  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 you know, there were some cars parked on the  
 3 street. It wasn't during typical hours, that  
 4 was the only time I could drive by there, but if  
 5 somebody's having a party, having people over,  
 6 there's only so many cars that could fit in  
 7 somebody's driveway. So if you get an approval,  
 8 that whatever the width of the driveway is taken  
 9 away, so you're potentially losing some spots  
 10 for on-street parking; any comments about that?  
 11 MR. FAUSTINI: Well, we would be  
 12 providing off-street parking for the resident of  
 13 the new home, and that would be, let's say, one  
 14 third or less of what the actual frontage is of  
 15 that property. I understand there may be  
 16 get-togethers where you have a lot more cars  
 17 than normally are on the block, but nobody could  
 18 really design for worse case scenario, that's  
 19 something you generally deal with. I would say  
 20 Park Drive is a pretty extensive roadway, you  
 21 can maybe park further up on those times where  
 22 we have a big party and we're expecting 40  
 23 people. We can't really design for a worse case  
 24 scenario in a residential neighborhood. This is  
 25 really a single family home, and it's meant to  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 have by the code I believe it's two cars. If we  
 3 provide, let's say, two garage spaces -- this is  
 4 not designing the house, this is just a sketch  
 5 of what it could be. So that would be two cars  
 6 in the garage and two cars in the driveway,  
 7 that's four cars off of the street, which would  
 8 benefit the applicants or everyone else. It  
 9 wouldn't really take away four spots, we would  
 10 dedicate them somewhere else on the property  
 11 where you can't park on the property now.  
 12 THE CHAIRMAN: Anything further, Mr.  
 13 Nurzia?  
 14 MR. NURZIA: No.  
 15 THE CHAIRMAN: I think Mr. Cahalin has  
 16 a follow-up.  
 17 MR. CAHALIN: I mean, I drove down  
 18 today at 4:00, and I had to wait three minutes  
 19 to get to Leewood Drive. There was a car parked  
 20 in front of 69, okay, which prohibited me from  
 21 coming up the street to get to the property.  
 22 There were cars streaming down Park.  
 23 As to the comment of parking someplace  
 24 else on Park Drive, on the other side it gets  
 25 even worse because the contour of the road  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 changes, okay. It's a tight area, okay. It's a  
 3 two-way street, so if anybody parks in front of  
 4 their house on Park, you can't get down the  
 5 street, you have to be courteous and wait. So  
 6 your thought of, you know, he's going to put two  
 7 car garage, but I don't know anybody who puts  
 8 two cars in their garage in Eastchester. They  
 9 put one in, and then they use the rest for  
 10 storage. It's a true statement. That's the way  
 11 Eastchester works.  
 12 THE CHAIRMAN: Is that unique to  
 13 Eastchester, Mr. Cahalin?  
 14 MR. CAHALIN: Well, that's my  
 15 experience, okay. I live here and I've seen  
 16 enough people's garages being on this board that  
 17 they're stuffed usually, and there's one car in  
 18 it and there's snow blowers and everything else  
 19 next to them. So, you know, that's the  
 20 practical matter.  
 21 THE CHAIRMAN: Yes, of course.  
 22 MR. CAHALIN: Here we're talking about  
 23 the law and what's required and everything else.  
 24 It's not that I'm against this in the concept,  
 25 but to me this is -- you know, that last part,  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 that character of the neighborhood, this talks  
3 to the character of our town and particularly  
4 this neighborhood. I think this is a hard one  
5 to overcome in the test, and that's where I'm at  
6 with it.

7 THE CHAIRMAN: Thank you for being so  
8 thoughtful and addressing the tests, that's why  
9 we're here.

10 This is the second application I think  
11 being an expert on experience because I live on  
12 Park Drive, I only live about a block and a half  
13 away, and these variances are really -- side and  
14 rear yard setback -- are minimal. The concern  
15 about parking is a legitimate concern when  
16 you're going to lose some parking because of the  
17 curb cut. On the flip side, I find that when  
18 it's a holiday, you just take cover because it  
19 doesn't matter if this house goes in or not,  
20 there will be no parking. The parking is just  
21 awful. Cars are on grass. They're everywhere.  
22 I don't really factor that into my  
23 consideration. I have some things to think  
24 about in terms of the character of the  
25 neighborhood and some of the other things. The

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 parking, we don't like to lose parking, but  
3 addressing events and event parking when it  
4 comes to Park Drive is meaningless. It's a  
5 disaster on a holiday. That's my experience,  
6 and it's been that way since 1994. It hasn't  
7 changed.

8 Anyone else on the board have anything  
9 further?

10 (No comments.)

11 THE CHAIRMAN: Then I'm going to make a  
12 motion to adjourn this application for a  
13 resolution at the next meeting; is there a  
14 second?

15 MR. NURZIA: Second.

16 THE CHAIRMAN: Mr. Nurzia. All in  
17 favor.

18 (All aye.)

19 THE CHAIRMAN: Thank you. Item number  
20 11, 18-22, that is 11 Mill Road.

21 MR. FAUSTINI: Back again. Again, Nick  
22 Faustini for Claire Mill Capital. You're  
23 probably all familiar with this building. It's  
24 across the street. It's 11 Mill Road. It is  
25 actually a four story building with a basement.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 It's composed of, let's say, two retail spaces  
3 at the first floor level, two offices at the  
4 second floor level, two apartments at the third  
5 floor level, two apartments at the fourth floor  
6 level.

7 We're actually proposing to change the  
8 occupancy of the second floor level and the  
9 fourth floor level. So at the second floor  
10 level, we had two offices which will become two  
11 one bedroom units, and at the fourth floor level  
12 we're just going to combine the two units, the  
13 two residential units into one three bedroom  
14 units.

15 When we do that, we actually reduce the  
16 parking intensity by approximately five spaces.  
17 There are less parking spaces than would be  
18 required by today's code. I believe today we  
19 require 21 spaces, there are only 12 on site,  
20 but again, with this lesser parking requirement  
21 we're actually reducing the intensity on the  
22 site.

23 We are here tonight because we are also  
24 proposing an addition. That addition will  
25 really just be accessory to the existing uses.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 It's just a garbage room and a basement entrance  
3 access. It's 149 square feet, but it requires  
4 one additional parking space. But again, as we  
5 reduce the intensity by five parking spaces, we  
6 add one, so it's really a reduction of four  
7 parking spaces. But when we do so, it brings us  
8 to the board tonight for a parking variance  
9 looking at the building as a whole from today's  
10 code perspective.

11 So we are here this evening requesting  
12 a variance from the nine additional parking  
13 spaces that are required and we have an existing  
14 12.

15 THE CHAIRMAN: Thank you for your  
16 presentation. Since you're now a veteran of  
17 these proceedings, you know what's coming next.  
18 Questions.

19 We'll start to the right. Mr. Nurzia,  
20 any questions?

21 MR. NURZIA: Same type of question on  
22 parking. Behind the building there is a public  
23 parking lot. I don't know if that allows like  
24 overnight parking or anything like that, but if  
25 you could just clarify that.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 MR. FAUSTINI: Behind the building?  
 3 MS. UHLE: You mean the library parking  
 4 lot.  
 5 MR. NURZIA: Yes, the library lot.  
 6 MR. FAUSTINI: I'm not sure if it  
 7 permits overnight parking, to be honest.  
 8 THE CHAIRMAN: Mrs. Uhle, would you  
 9 now?  
 10 MS. UHLE: There may be permit parking  
 11 that is allowed for, but I'm not sure how many  
 12 spaces are available.  
 13 MR. CAHALIN: Quite a few are taken, I  
 14 can tell you that.  
 15 MR. FAUSTINI: There is a parking lot  
 16 directly behind our property.  
 17 MR. NURZIA: I wasn't referring to  
 18 that. I mean the public lot by the library.  
 19 MR. FAUSTINI: So the parking lot  
 20 directly behind ours I believe is privately  
 21 owned. It belongs to Oakridge. The one that's  
 22 further away in front of Montefiore and in front  
 23 of the library I understand is public parking,  
 24 but I'm not sure if they allow overnight  
 25 parking.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 MR. CAHALIN: They do. People park  
 3 their cars overnight there. Sometimes permit,  
 4 sometimes, let's just say, patrons of the local  
 5 establishments choose to keep their cars there.  
 6 THE CHAIRMAN: We can't have this cross  
 7 talk because we'll never get this with the  
 8 stenographer. They'll never know who's  
 9 speaking. Mr. Cahalin, you can continue of  
 10 course.  
 11 MR. CAHALIN: I'm done.  
 12 MR. NURZIA: No more questions.  
 13 THE CHAIRMAN: I went to Catholic  
 14 school, this is all about order and substance  
 15 here.  
 16 MR. NURZIA: No other questions.  
 17 THE CHAIRMAN: Okay. Mr. Miller?  
 18 MR. MILLER: No questions. Just the  
 19 addition, that's for ADA purposes?  
 20 MR. FAUSTINI: We're adding an  
 21 accessible ramp and a rear lobby to connect the  
 22 back of the building to the front of the  
 23 building, and it also provides ADA access to the  
 24 two retail spaces where none is provided now.  
 25 MR. MILLER: No further questions.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 THE CHAIRMAN: Mr. Cahalin?  
 3 MR. CAHALIN: No elevator in this  
 4 building; correct?  
 5 MR. FAUSTINI: No elevator.  
 6 MR. CAHALIN: Okay. I actually agree  
 7 that there would be enough parking in this  
 8 particular configuration for what's he's  
 9 suggesting.  
 10 THE CHAIRMAN: I have nothing at this  
 11 time. I make a motion to open this matter to  
 12 the public for a public hearing; is there a  
 13 second?  
 14 MR. CAHALIN: I'll second.  
 15 THE CHAIRMAN: Mr. Cahalin. All in  
 16 favor.  
 17 (All aye.)  
 18 THE CHAIRMAN: Would anyone like to be  
 19 heard on this application?  
 20 (No comments.)  
 21 THE CHAIRMAN: Seeing nobody, I make a  
 22 motion to close the public hearing on this  
 23 matter.  
 24 MR. CAHALIN: I'll second that too.  
 25 THE CHAIRMAN: Mr. Cahalin. All in

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 favor.  
 3 (All aye.)  
 4 THE CHAIRMAN: Okay. Mr. Nurzia, any  
 5 questions or comments?  
 6 MR. NURZIA: No questions or comments.  
 7 THE CHAIRMAN: Mr. Miller?  
 8 MR. MILLER: I have no comments or  
 9 questions except for -- this has nothing to do  
 10 with your application -- you're going to fix  
 11 that parking lot, I assume?  
 12 MR. FAUSTINI: Yes. We're going to  
 13 re-stripe the parking lot.  
 14 THE CHAIRMAN: You, personally. He  
 15 wants you out there fixing it yourself.  
 16 MR. FAUSTINI: I'll try my best, but it  
 17 will probably be a contractor.  
 18 THE CHAIRMAN: Anything else, Mr.  
 19 Miller?  
 20 MR. MILLER: No, that was it.  
 21 THE CHAIRMAN: Mr. Cahalin?  
 22 MR. CAHALIN: I said my piece.  
 23 THE CHAIRMAN: As far as I'm concerned,  
 24 it's a fairly straightforward application, and  
 25 the applicant seems to making a strong argument

**DINA M. MORGAN, REPORTER**

EASTCHESTER ZBA - 6/12/18

1 EASTCHESTER ZBA - 6/12/18  
2 for the five part test.  
3 I make a motion to adjourn this matter  
4 for resolution at the next meeting; is there a  
5 second?

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

9 (All aye.)  
10 MS. UHLE: I'm going to make one quick  
11 comment.

12 THE CHAIRMAN: Please.

13 MS. UHLE: They are only here because  
14 of that rear addition, and it's just because of  
15 the rear addition that creates the need for the  
16 area variance. So they will likely be getting  
17 permits to do some improvements to the building  
18 other than the addition. So when you see them  
19 working out there, I don't want anyone to think  
20 they're being presumptuous, they could do that  
21 as of right simply by getting building permits.  
22 They obviously can't construct the rear  
23 addition.

24 THE CHAIRMAN: All aspects are legal  
25 non-conforming at this point?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 EASTCHESTER ZBA - 6/12/18  
2 MS. UHLE: Yes. If you were to deny  
3 the variance, they would just not build the rear  
4 addition, but they would still be able to  
5 renovate the building. So they will be getting  
6 permits to do that over the summer, I believe.

7 THE CHAIRMAN: Okay. Thank you and  
8 thank you.

9 MR. FAUSTINI: Thank you very much.

10 THE CHAIRMAN: Okay. Final matter on  
11 the calendar, number 12, 18-20, Siwanoy Country  
12 Club.

13 While the applicant is setting up, this  
14 is an area variance to construct a new golf  
15 service building.

16 MS. CHIOCCHIO: Good evening. For the  
17 record, my name is Lucia Chiochio with Cuddy &  
18 Feder, and we represent Siwanoy Country Club.  
19 I'm joined by David Cecil, who's the COO and  
20 general manager of Siwanoy Country Club; James  
21 Rogers, Rogers McCagg, the architects; along  
22 with Zac Pearson from Insite Engineering who are  
23 the engineers for the project.

24 We're here seeking an area variance for  
25 height for an accessory building that's part of

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 EASTCHESTER ZBA - 6/12/18  
2 some proposed site plan amendments to the  
3 Siwanoy Country Club. In a minute, I'll turn it  
4 over to James Rogers just to quickly run through  
5 the proposal. The site plan amendments include  
6 upgrades and addition to the clubhouse; no  
7 variances are required for that proposal. In  
8 the area that is now the golf bag storage  
9 building is proposed as golf services building,  
10 and that building will have golf training  
11 facilities, a small fitness room, a locker room,  
12 storage for golf carts in the basements of the  
13 building, and that's the building that requires  
14 an area variance because it is considered an  
15 accessory structure on this property. The  
16 property is located and classified in the R-20  
17 residential zoning district. The club is an  
18 existing non-conforming use. So this proposed  
19 new building is an accessory building and is  
20 subject to the R-20 area and bulk requirements.

21 The other proposed changes include a  
22 new golf bag storage building where the pro shop  
23 is located now, some additional landscaping, and  
24 additional parking area as part of the proposed  
25 plan. So the proposed site plan amendments are

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 6/12/18

1 EASTCHESTER ZBA - 6/12/18  
2 all concentrated in that area. The property  
3 itself is about 115 acres, so this is a very  
4 small area that they're proposing their  
5 improvements. Siwanoy has been there over a  
6 hundred years, hence it's the existing  
7 non-conforming use.

8 So with that, I'll turn it over to  
9 James, he'll run through the plans quickly, and  
10 then I'll talk about the area variance.

11 MR. ROGERS: Good evening. My name is  
12 James Rogers. I represent Siwanoy Country Club  
13 as their architect. This application obviously  
14 is about variances for the golf services  
15 building. I thought it would be helpful to very  
16 quickly go through the scope of the clubhouse  
17 changes. I'll dispense with that if you would  
18 rather have me just go directly to the subject  
19 at hand, but it might help you to understand the  
20 full context of the project.

21 THE CHAIRMAN: It's entirely up to. I  
22 don't want to persuade you or dissuade you.

23 MR. ROGERS: This is the entire site  
24 plan. The golf services building is over here  
25 to the left, the main clubhouse here, about a 25

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 6/12/18

2 - 26,000 footprint addition to the clubhouse  
3 itself, otherwise all interior alterations and  
4 renovations. As I said, the existing cart barn  
5 and bag storage building is here, the golf  
6 services building and new building is covering  
7 that footprint and adding about a thousand  
8 square feet to that footprint.

9 I'll very quickly show you -- I'll only  
10 use this plan. Additions in this area,  
11 additions in this area, expanded terraces  
12 overlooking the 18th green and the practice  
13 green, and a major reconfiguration of the  
14 interior. Kitchen will be on two levels, main  
15 level and in the basement; second floor  
16 improvements; and there is a small area of third  
17 floor space over this locker room which is also  
18 being renovated. I won't bother to go through  
19 those plans in detail.

20 I'll quickly show you one rendering.  
21 If you're familiar with the building, it has a  
22 very distinctive architecture. Our goal is to  
23 build on the imagery of that architecture.  
24 We're not trying to create new visual language  
25 at all. This represents a significant expansion

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 of the grill room towards the putting green,  
3 we're continuing the imagery of the existing  
4 building over here, very different type of  
5 original architecture on the right-hand side of  
6 the drawing, we're also building on that. It so  
7 happens this building has been built up over  
8 years, has many different styles of architecture  
9 and we're trying to make sense out of all of  
10 that, but the last thing we want to do is  
11 introduce yet another style of architecture, and  
12 we think we successfully honored the imagery of  
13 the original building. That's the scope of the  
14 clubhouse work.

15 The golf services building itself,  
16 which is the building in question, you can see  
17 here this dotted line represents the footprint  
18 of the existing building. Where we are closest  
19 to the property line, this is not getting any  
20 closer than -- the new building is not getting  
21 any closer than the building is today. This is  
22 the main level plan. It contains the pro shop,  
23 three golf training bays for use year round,  
24 indoor training bays, a small area with a  
25 putting green and so on.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 The lower level that you see here is  
3 accessible by ramp. This is the cart storage  
4 area, as well as general storage for the pro  
5 shop and other golf related uses. You could see  
6 the ramp here it takes carts up and back from  
7 the golf staging area. On the third level, two  
8 levels above -- the second level above grade --  
9 the level I just showed you is in the  
10 basement -- this is a fitness area with two  
11 small locker rooms, men's and women's locker  
12 rooms. All of this area facing out over the  
13 practice T is an open fitness area. This is  
14 probably the fastest growing area of club  
15 expansion that we've seen in our practice.

16 Four of the elevations of the building  
17 are here, but I think most helpful for you is to  
18 show you a rendering of the portion of the  
19 building which sort of faces the main part of  
20 the campus. We're trying to keep it attractive,  
21 appropriate architecture but understated as  
22 compared to the architecture of the main  
23 clubhouse.

24 So that's the overall view and  
25 explanation of the plans and appearance of this

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18

2 building. I would be happy to answer any  
3 questions.

4 THE CHAIRMAN: Mr. Cahalin, do you have  
5 any questions?

6 MR. CAHALIN: Yes. I just got to get  
7 it straight in my mind; the existing facility  
8 that was put up about 10 years ago, I was on the  
9 board when that was done, that's remaining; is  
10 that correct? That's still staying there? Off  
11 of California Road by the stables there's a  
12 building down there that, I guess, keeps the  
13 lawn mowers and all that other stuff.

14 MR. ROGERS: That's the maintenance  
15 facility.

16 MR. CAHALIN: That's staying? That's  
17 not being changed?

18 MR. ROGERS: That's not part of this,  
19 no.

20 MR. CAHALIN: Okay, got it. That's  
21 what was throwing me off. Okay. Thank you.  
22 I'm good.

23 THE CHAIRMAN: Mr. Miller, any  
24 questions?

25 MR. MILLER: No.

**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 THE CHAIRMAN: Mr. Nurzia?  
 3 MR. NURZIA: No questions or comments.  
 4 THE CHAIRMAN: I don't have any  
 5 anything either at this time.  
 6 I have a motion to open this matter to  
 7 the public for a public hearing.  
 8 MR. CAHALIN: Second.  
 9 THE CHAIRMAN: Mr. Cahalin, thank you.  
 10 All in favor.  
 11 (All aye.)  
 12 THE CHAIRMAN: Would anyone from the  
 13 public like to be heard on this application?  
 14 (No comments.)  
 15 THE CHAIRMAN: Seeing no one, I make a  
 16 motion to close the public hearing on this  
 17 matter; is there a second?  
 18 MR. MILLER: Second.  
 19 THE CHAIRMAN: Mr. Miller. All favor.  
 20 (All aye.)  
 21 THE CHAIRMAN: Okay. Would the  
 22 applicant like to add anything further before  
 23 the board finalized their questions and  
 24 comments?  
 25 MS. CHIOCCHIO: Just in general in  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 summary with respect to the factors for the area  
 3 variance. If you look at this building as an  
 4 accessory building in the R-20 zone, yes, we  
 5 need a variance for height, and if you look at  
 6 the percentages, it seems like a large number.  
 7 If you actually look at it as a single family  
 8 development, which it could be, this is actually  
 9 shorter or not as tall as a house could be in  
 10 that area, and it meets the setbacks for a  
 11 single family home. So the impact would be  
 12 similar to what you would allow under zoning.  
 13 As you can see from the rendering, it's  
 14 designed as a single family home, so it's  
 15 consistent with the neighborhood. There's a lot  
 16 of screening in that area, it's mature in  
 17 vegetation along Siwanoy Boulevard, so we feel  
 18 that there would be no detrimental impact, and  
 19 it's consistent with the character of the  
 20 neighborhood.  
 21 THE CHAIRMAN: Thank you. Mr. Nurzia?  
 22 MR. NURZIA: No comments.  
 23 THE CHAIRMAN: Mr. Miller?  
 24 MR. MILLER: No. I don't even think  
 25 you could see this from any of the roads that  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 surround the golf course.  
 3 THE CHAIRMAN: Mr. Cahalin?  
 4 MR. CAHALIN: I'm with Mr. Miller.  
 5 THE CHAIRMAN: He is with you, Mr.  
 6 Miller. As far as I'm concerned as it relates  
 7 to the test, you did a better job summarizing  
 8 than I, it seems to me, all of the tests,  
 9 including the character of the neighborhood and  
 10 the really di minimus nature of the requests.  
 11 I do have an application to adjourn  
 12 this matter for resolution at the next meeting;  
 13 is there a second to my motion?  
 14 MR. CAHALIN: Second.  
 15 THE CHAIRMAN: Mr. Cahalin. All in  
 16 favor.  
 17 (All aye.)  
 18 MS. CHIOCCHIO: Thank you for your  
 19 time.  
 20 THE CHAIRMAN: Thank you. Having  
 21 nothing further before us, I'm going to make a  
 22 motion to adjourn our meeting tonight and for  
 23 everyone to have a good summer. Is anyone going  
 24 to support that motion?  
 25 MR. CAHALIN: I will.  
**DINA M. MORGAN, REPORTER**

1 EASTCHESTER ZBA - 6/12/18  
 2 THE CHAIRMAN: Mr. Cahalin. All in  
 3 favor.  
 4 (All aye.)  
 5 THE CHAIRMAN: Thank you.  
 6  
 7 (MEETING ADJOURNED.)  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
**DINA M. MORGAN, REPORTER**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 17th day of August, 2018.

*Dina M. Morgan*  
\_\_\_\_\_  
DINA M. MORGAN  
Court Reporter

DINA M. MORGAN, REPORTER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CORRECTION SHEET

PAGE                    CORRECTION

DINA M. MORGAN, REPORTER