STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
TOWN OF EASTCHESTER  

TRANSCEPT OF TOWN OF EASTCHESTER  
ZONING BOARD OF APPEALS MEETING  
FEBRUARY 10, 2015  

HELD AT: Eastchester Town Hall  
40 Mill Road  
Eastchester, New York 10709  
February 10, 2015  7:00 p.m.  

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

PRESENT:  
MARGARET UHLE, DIRECTOR OF PLANNING  
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY  
JAY KING, BUILDING INSPECTOR  

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

DINA M. MORGAN, REPORTER  

Page 1
THE CHAIRMAN: Good evening. I would like to welcome everyone to the February 10th, 2015 Town of Eastchester Zoning Board of Appeals meeting. Before we call to order, I would like everyone to stand, and we'll start with the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Before I call the roll, I would like to start the meeting by introducing and welcoming a new board member, Peter Nurzia. On behalf of the Board, we are glad to have you and volunteering for community service.

MR. NURZIA: Thank you.

THE CHAIRMAN: We hope this doesn't fall under the category of no good deed goes unpunished. Thank you.

MR. NURZIA: You're welcome. Thank you.

THE CHAIRMAN: Before we call the roll, I generally remind the public and public watching on television that in conjunction with
the condition imposed on applications for the
last couple of years in the Town of
Eastchester, and essentially in every other
Zoning Board of Appeals in the county,

decisions are not made on applications the
first time they are heard. So keeping that in
mind, anything -- any application that is heard
tonight will not be decided upon tonight going
forward. Okay.

Hello, Mr. Miller.

MR. MILLER: Mr. Chairman.

THE CHAIRMAN: Okay. So what I'm
going to do is call the roll, and I'm going to
ask if you're -- well, if you're not here you
won't not be able to reply, but I would ask for
a reply that there is someone here proceeding
on behalf of the application, and on two
applications I'm going to ask you another
question, which we'll get to now.

Application 1, which is 14-59, 233
Main Street, is there somebody here?

Okay. We are a four member board,
which we're going to read a resolution and

DINA M. MORGAN, REPORTER
(Discussion from the audience.)

THE CHAIRMAN: He will be. Thank you, Mr. Iannacito.

MS. UHLE: I just want to clarify one other thing: The 2-2 is a denial, and then there is a waiting period before somebody could re-apply for the variance again. So there are consequences to that.

THE CHAIRMAN: Thank you, Ms. Uhle.

Second, 14-63, that's 171 Brook Street. Would you like to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. Next, number 3, 13-36, 504 New Rochelle Road; is the applicant here?

APPLICANT: Yes.


APPLICANT: Here.
THE CHAIRMAN: Proceeding?
APPLICANT: Yes.


APPLICANT: Yes.

THE CHAIRMAN: Okay. Before we go on to old business, there is a matter of the approval of minutes, and actually I'm going to make a motion to approve the minutes with one modification. In reviewing the minutes, I noticed that they spelled Mr. Iannacito incorrectly. They spelled it with a Y. We can't have that, otherwise, they will take my Italian decent card away from. I'm going to move to make that one spelling change and then move to adopt and approve the minutes from January 13th, 2015. Is there a second?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

MR. CAHALIN: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: The minutes have been approved.
Okay. Now, on to old business, 14-59.

Under the new policy, what we are going to do is I'm going to give you a preamble on this application, and then we're going to vote on it. The resolution is going to be part of the public record.

This is Application 14-59, 233 Main Street, for area variances to permit additions and alterations to an existing mixed use building on a 3,072 square foot, 25 foot wide lot with:

One, a proposed front yard setback of 1.66 feet where a minimum of 10 feet is required, a deficiency of 8.34 feet or 83.4 percent. Number two, a proposed right yard setback of 0 feet where a minimum of 10 feet is required, a deficiency of 10 feet or 100 percent. Three, a left side yard setback of 0 feet where a minimum of 10 feet is required, a deficiency of 10 feet or 100 percent. Four, zero proposed off-street parking spaces where a minimum of 12 spaces were required, a deficiency of 12 spaces or 100 percent.

So again, I had indicated that we have the draft resolution prepared, which will be
part of the record, which findings are in support of the application, and I make a motion to adopt the resolution. Is there a second?

MR. CAHALIN: Mr. Chairman --

MS. UHLE: Before you do that, I was going to say you need to do a negative declaration. If you could squeeze that in.

THE CHAIRMAN: As I said, before that we're going to make a motion it adopt a negative declaration. Is there a second?

MR. MILLER: Second.

THE CHAIRMAN: All in favor.

(All aye.)

DINA M. MORGAN, REPORTER

THE CHAIRMAN: Okay. Now let's move on to my motion to adopt this resolution. Is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Okay. All in favor.

(All aye.)

THE CHAIRMAN: Okay. Now, voting on the resolution. Mr. Cahalin?

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Miller?
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: Even though I was not here at the prior meetings, I just want to state for the record that I am familiar with the files, I've read the files, read the minutes, viewed the property, and I vote yes.
THE CHAIRMAN: And I vote yes. The application is passed four nothing. Okay.
This is Application 14-63, 171 Brook Street. Before I read the resolution, I'm making a motion to adopt a negative declaration. Is there a second?
MR. MILLER: Second.
THE CHAIRMAN: All in favor.
MR. MILLER: Aye.
MR. NURZIA: Aye.
THE CHAIRMAN: Aye.
MR. CAHALIN: Nay.
THE CHAIRMAN: 3-to-1 negative declaration is passed.
Okay. This is Application 14-63, 171 Brook Street, to convert the basement of an existing mixed use building for use as an office space, 468 square feet. The first floor
remains as office space, and the second floor
will remain as a two bedroom apartment.
The proposed basement level office
requires three additional parking spaces where
no new spaces are proposed, nor is there any
room on site to provide additional spaces, a
deficiency of three spaces or 100 percent.
So a draft resolution has been
prepared to be part of the record that is in
support of the application. I move to adopt
the resolution. Is there a second?

DINA M. MORGAN, REPORTER

(No response.)

THE CHAIRMAN: Okay. There is no
second. Then the resolution is not part of the
record, and we will vote on the application.
Mr. Cahalin?

MR. CAHALIN: I vote no.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: I vote no.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: I'm a yes. The
application has been denied 3-1.

Application number 3, 504 New Rochelle
Page 9
Road. You can step up, please, and state name and address for the record, please.

MR. PARKER: Scott Parker, 536 Main Street, New Paltz, New York. I represent the owner of the property, the Mobil Station at 504 New Rochelle Road. We had been here once before. What we're looking to do is convert an existing service station to a convenience store. We are using the existing building, so

DIANA M. MORGAN, REPORTER

we are kind of limited by the site.

Last time we were here -- this is just the elevation of the building. Last time we were here, we were asked to work with the town's consultants, and our site engineers have done so, gone back and forth, and we think we've done the best we can with this small site.

We're here to answer any questions and see where we're at.

THE CHAIRMAN: Ms. Uhle, just to refresh my recollection, the public hearing is still open?

MS. UHLE: That's correct, yes.

THE CHAIRMAN: At this time prior to getting comments or questions from the Board, I believe we're going to have some testimony from
our traffic consultant?

MS. UHLE: Yes.

THE CHAIRMAN: Okay. So I think at this time it may be a good idea to have our traffic consultant. Thank you. Good evening.

MR. GREALLY: Good evening. Philip Grealy, Maser Consulting, traffic consultants.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

The site plan that's before you, we had reviewed an earlier version of this. We had presented to the Board a letter back in October 2014. That letter outlined several items in terms of with the increased usage of the site what kind of additional traffic that you may see at the driveways, and then we went on to various comparisons. As part of that initial letter, we actually went out and counted the current generation at the site. The site has four fuel pumps, eight field positions, and it has a small food mart. Very limited. The service bays are not operating, and they've been, I guess, not operating for quite awhile. What we had presented in our initial letter was kind of a breakdown of how much traffic is generated today, which varies morning or afternoon, and peaks somewhere between mid-forty to mid-fifty vehicles total.
That's total entering and exiting about evenly split. If the facility was reoccupied, which I guess that is some question that that cannot happen because of the time that has elapsed, if you reoccupy the service bays, there would be

DINA M. MORGAN, REPORTER

some additional traffic generated by that. So we tried to lay out what it generates today based on actual counts, what it would have generated when it was operating as a service facility, and then two other scenarios: Traffic generation if there was no expansion to the building size, and then what the proposal, which I believe was about 840 square foot total addition to the building size -- how much additional traffic that would result in.

So the next thing we then looked at was parking and circulation and the movements that occur on the site, and we had several concerns that we had outlined. Just for your bearings here, this is New Rochelle Road, the part where the plaza is right next door here has an exiting driveway, which is controlled by the traffic signal. This is Hillcrest Road here, and right now you have the driveway, another driveway, and then the driveway out to Hillcrest. So one of the problems we saw was
the multiple turning moves that occurred on New Rochelle Road. Of course you have very heavy traffic volume there existing.

DINA M. MORGAN, REPORTER

With this type of use, you know, we talk about additional traffic generation, we're not talking new trips, but it's people turning in and out. So even though most of those vehicles are already present on the roadway, when you change the use or you increase the use, you're going to end up with more turning moves. So what we tried to do was work with the applicant's engineer to see what could be done to improve circulation. On the initial plan, there were parking spaces here shown that were perpendicular parking spaces, which did not have enough room to exit when anyone was at the pump islands. So we went to angled parking, because with angled parking you could have a narrower lane width to back out into, and to try to create some sort of a circulation pattern for improving one way circulation.

We also tried to narrow up the driveway on Hillcrest slightly, that's what's reflected here, and shift it a little bit away from the intersection. The applicant did close this driveway off. They added some additional
landscaping in this area. But the problem

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

with -- our original recommendation was to make
this a one way so that no traffic would be
exiting here, because you have a lot going on
right at that intersection. And, again, the
plaza next door is controlled by the traffic
light, but when you exit the gas station today
it's not controlled by the signal. So we were
trying to create a one way circulation, have
traffic exit out onto Hillcrest further away
from the light, give more opportunity for
people to make movements, etcetera.

A couple of the other areas of concern
were as part of the -- they're showing a
sidewalk around the building here. When a
vehicle is parked at the pump, there was not
enough room for another vehicle to bypass. So
we were concerned with that. What they've done
is they cut back the sidewalk area to allow
that, and they would have to do some other
striping and signing details for that to work
properly.

The applicant's engineer had indicated
to us that they couldn't make this one way
entry because of people being kind of trapped
EASTCHESTER ZBA - 2/10/15

at the pumps and not being able to get out. So they maintain this as a two way flow. Our recommendation still would be possibly to limit this to right turns only, because once you start crossing the traffic on New Rochelle Road, it creates problems.

We also asked the applicant to provide information on the delivery vehicles and how they would circulate through the site. We did not receive that. We did receive some information that provided the directions of how the deliveries arrive at the site and how they circulate to get into the property. So that's still an open item in terms of, you know, showing the vehicle tracks.

The other areas that we had concerns were relative to the number of parking spaces. They were able to get a few more spaces in here by going with the angled parking. They ended up with -- it's still a shortfall relative to the number of spaces on site. So I think, you know, they made improvements to what was originally presented. There would be more traffic generation with the change, and the
increased use of the convenience store would result in more turning moves out on New Rochelle Road and coming out of Hillcrest. The bigger issues are really the circulation. While they've done a good job of trying to clean it up, it's still a very tight site. I think our most recent memo, which we provided to the Board and applicants' engineer, February 4th, outlines what I just summarized here. I'll be happy to answer any other questions relative to that.

THE CHAIRMAN: Mr. Cahalin, do you have any questions or comments on this?

MR. CAHALIN: Well, from the first pass I think -- I appreciate the applicant -- the angled parking, but I just still have a problem with the movements of the vehicles. Even backing out if there's a car at one end of the pump, is that person going to be able to back out of the spot? And then if someone is coming in and they're backing out, they got to turn around. Not to mention, they sent us a whole bunch of information on the tankers, that's all well and good, but, you know, at

DINA M. MORGAN, REPORTER
5:30 if -- I would hope they would never schedule a delivery at 5:30 with the Cross County Parkway emptying out at that time or even 3:00 with Mount Vernon High School, which is not that far away. I just have a real problem with the radius. I'll modify what I said, you know, it's five pounds of potatoes in a two pound bag, that's what we're looking at here, and I don't think it could sustain what they want to do. I appreciate what they want to do, but the land mass isn't there to accomplish this. Even if, you know, they were to take -- is it possible to take the addition away? Do you need the addition, I wonder? Do you need that to make the money? Is that really where the money is coming in or are you selling gas, you know, or is it a combination of both, you can't do one without the other? So I don't know if that's feasible, because that may give you another parking space which you could move up, and then maybe clear out the driveway for some turning.

Those are my concerns. I'm very troubled by the application. I'm still not sold.

DINA M. MORGAN, REPORTER
MR. GREALY: I think the applicant would have to answer financials.

MR. CAHALIN: Yes, absolutely.

MR. GREALY: Clearly, once you start increasing square footage, your parking demand increases, it cuts down on the circulation. Again, it's a tight site.

MR. CAHALIN: I mean, I understand the bays aren't working, there is no more money in mechanics because the cars are all electronic basically. You got to plug it into a computer. So I understand why the bays aren't operating anymore, you know, you can't find a good mechanic. To switch to a minimart seems to be what's going on, but I'm just conflicted by the site. I think the site just doesn't support this much change. That's my comments, Mr. Chairman.

MS UHLE: I just want to clarify one thing. Service stations are -- all of the service stations in town except for off of Garth Road are considered non-conforming uses. So once activities in those service bays

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

discontinue for a certain period of time, they are no longer permitted to use those service bays. So they would have to seek a use
v a r i a n c e t o u s e t h e s e r v i c e b a y s t o s e r v i c e
v e h i c l e s a g a i n. S o t h a t ' s n o t o n e o f t h e i r
o p t i o n s a c t u a l l y.

T H E C H A I R M A N: T h a n k y o u. M r. M i l l e r,

a n y q u e s t i o n s f o r M r. G r e a l y?

M R. M I L L E R: M y p r i n c i p a l i s s u e h a s
a l w a y s b e e n t h e p a r k i n g. I ' m i n a n d o u t o f
t h a t M o b i l S t a t i o n c o n s t a n t l y, b e c a u s e I d r i v e
p a s t i t i n t h e m o r n i n g. I f y o u p u t s e v e n -- I
t h i n k i t ' s s e v e n o r e i g h t -- h o w m a n y d o y o u
h a v e t h e r e?

M R. P A R K E R: F i v e.

M R. M I L L E R: M y p e r s o n a l v i e w, i f y o u
p u t f i v e c a r s i n t h e r e, y o u j u s t c o m p l e t e l y
e l i m i n a t e t h e a b i l i t y t o m o v e a r o u n d, a n d t h a t
p l a c e d o e s g e t k i n d o f c r a z y a t t i m e s. T h e n
y o u ' v e g o t -- y o u k n o w, I ' v e b e e n t h e r e w h e n
M o u n t V e r n o n H i g h S c h o o l g e t s o u t a n d t h o s e
k i d s a r e -- t h e r ' s a l o t o f k i d s w a l k i n g p a s t
t h e e x i t a n d e n t r a n c e p o i n t s. T h e n y o u t h r o w
i n C V S w h e r e p e o p l e a r e t r y i n g t o g e t a c r o s s.

D I N A M. M O R G A N, R E P O R T E R

E A S T C H E S T E R Z B A - 2/10/15

I t ' s j u s t c r a z y. Q u i t e h o n e s t l y, i t ' s c r a z y.
I t ' s n o t a c o i n c i d e n c e t h a t t h e r e ' s a l w a y s a n
E a s t c h e s t e r P o l i c e c a r p a r k e d r i g h t n e a r b y
t h e r e t o t r y t o k e e p t h i n g s u n d e r c o n t r o l, a n d
y o u d o h a v e p e o p l e s p e e d i n g t o g e t o n t o t h e
Cross County. I mean, I go through it, so.

More of my biggest problem is the parking --

MR. CAHALIN: You're not speeding though.

MR. MILLER: Not me.

MR. GREALY: I think when you see people parking there today, it's just kind of a free for all. What we were trying to is create some semblance of a circulation pattern. Unfortunately, they're saying that they can't make this one way, because that really helps in terms of angled parking and maneuverability.

In terms of cutting the turning radius, you're right, once you have a vehicle parked at the pump, you know, if he's not at the pump exactly, that vehicle would have to wait. The idea was to try to just improve as best we could, but it is very tight, and the angled parking does help because at least you have a defined pattern. But again, we were trying to eliminate this because there's a lot of turning moves happening right in this vicinity.

MR. CAHALIN: I notice on the plans also the crosswalk you said would be realigned.

I mean, who has to approve that?
MR. GREALLY: What we were looking at was because it comes right into where the driveway is today, so that would have to be modified and approved together with the police department and, you know -- right now the complication is this exit from the plaza next door is on the signal control, and then right now the pedestrian indication is right in this vicinity. So the idea was that if we were to able to move it here, once this traffic was stopped, vehicles could make a left turn in here without crossing the crosswalk.

MR. CAHALIN: Okay.

MR. GREALLY: Again, it's trying to clean up a situation that's a little complicated to deal with.

THE CHAIRMAN: Mr. Nurzia, anything?

DIANA M. MORGAN, REPORTER

MR. NURZIA: I have a concern about the entrance and exit. You wanted it or your suggestion was to have it just one way ingress right by the traffic crosswalk.

MR. GREALLY: Right.

MR. NURZIA: The applicant wanted to keep it as a two way. My concern is, and I think you mentioned it before, but any car, if they keep it two way, making a left turn, is
making a left turn right at that crosswalk, but isn't there a double yellow line so any car coming out making a left, aren't they crossing ---

MR. GREALLY: Right now the double yellow is back behind the crosswalk. So, you know, I think the idea that we had was bring all left turners out onto Hillcrest because you have better site distance, you're away from the traffic signal, you don't have the complication with the driveway traffic coming out next door. So that was the whole idea behind trying to make this a one way, cleaner circulation pattern just to eliminate that. I think the concern that they had was that people that

DINA M. MORGAN, REPORTER

arrived at the pumps and they're facing that direction, then they're kind of trapped. Well, yeah, they are, but I would still try to eliminate that movement, because it creates more problems on New Rochelle Road and the traffic flow that's there.

MR. NURZIA: Actually, I just have one other comment. The concern was raised already about a fuel delivery, how and when and where a fuel truck would park. My question is follow-up not so much with a fuel delivery, but
if it was expanded to the addition 800 and some odd feet, now you've got delivery trucks coming however times a day, a week, whatever that is -- I don't know if that's been addressed -- where would they park? Given the fact that I think it would double the amount of cars, where would they park, and how often are these delivery trucks coming?

MR. GREALY: I think what the applicant has indicated is that the deliveries would be made in this area. With the increased square footage, you're going to end up with more box truck types, van deliveries. They typically try to schedule them off hours, but, again, you don't have control over that, and if you're moving more product out, you're going to have, by nature, more deliveries. But, again, that was one of the reasons we wanted the turn interactions not just for future vehicles but to show if these spaces are occupied how the deliveries would take place. I think the concept was that this is the area where they would do their loading and unloading. Again, it's using the space that's really a parking space also.

THE CHAIRMAN: Mr. Nurzia, anything
else?

MR. NURZIA: No further questions.

THE CHAIRMAN: Mr. Grealy, in listening to your testimony and the questions from the Board and comments, it seems like the main concern here and the only concern is the circulation. This parcel is non-conforming as it relates to parking, whether it's six spots or five spots. Is it possible that less could be more, meaning to improve circulation maybe we have less parking? Because this is a hit

DINA M. MORGAN, REPORTER

and run type situation, now we're not using the bays, it's going to be a minimart, you come in, you get your things, you get out. Would that help circulation with less spots?

MR. GREALY: I think fewer spots would have the circulation, but by nature of the convenience end of things, where are people going to go? You know, they're going to pull in, and if you don't have the spaces marked, then they're going to be just pulling in in a vacant area of the site. I think --

THE CHAIRMAN: What I mean is, you would mark the spots, you would change maybe the landscaping and maybe have less spots.

MR. GREALY: Well, I think in this
case, you know, fewer spots you're going to end up with -- I think the number of vehicles that are going to come in are going to be the same. If there's not parking for them, then where do they go? So I think the problem areas, the tightest spots are right near the pump aisles. These spaces -- if you didn't have to deal with a vehicle parked here, these spaces are pretty easy getting in and out and you could circulate. So I think it's really the pump isle issue. So, again, it may come down to the financials with the applicant. Do you put -- do you cut back on your fueling to get more product sold in the convenience store? I don't know.

THE CHAIRMAN: Well, I guess to be more specific and less in theory, the last spot closest to the parking -- correct -- you're backing up almost onto the public road and there could be people pulling in and just thinking about, you know, I'm in a hurry so I'm going to get in and out, but if that were my mother, we would need a traffic cop in about a month to get her in and out, and it would be a disaster. So maybe not having that spot is better.
MR. GREALY: I think -- I agree with you. We were trying to see the spaces that could be done based on the expansion. Maybe if you don't expand the building, just improve the convenience store -- again, I don't know the applicant's -- what they could do in the space that's there, but if you worked within the footprint, cut down the square footage, eliminate that parking space, now your total number of parking spaces needed is less because you have less square footage. So it's not just one piece, not just eliminate parking, you have to look at what is the need for the expansion of the building, number one, and could the building even be smaller, and, therefore, you would have less of a parking requirement, and then you could do a better job with landscaping, maybe get a better -- even more of an angle on these spaces, and then still be able to create some sort of semblance of a one way circulation pattern. It's a tight site.

We were trying to guide the applicant to improve what they came in with. Again, it's really a question of how much additional traffic and parking would be needed based on the expansion of the building.
THE CHAIRMAN: Thank you, Mr. Grealy.
Would you mind sticking around just for the public --

MR. GREALY: Absolutely.

THE CHAIRMAN: -- portion, and perhaps

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15
the applicant will be back up, and we'll be
done with that end of it, but perhaps we may
need you again. It was very informative.

Thank you.

The public hearing portion of this application is still open. Is there anyone
that wants to be heard on this application in the public?

(No comments.)

THE CHAIRMAN: Seeing nobody, I make an application to close the public hearing.

MR. MILLER: So moved.
THE CHAIRMAN: Is there a second?

MR. CAHALIN: I'll second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: If the applicant would
like to come back up now and address some of the comments.

MR. PARKER: I'll start with the expansion of the building. We're not talking 5,600 square feet. The current building is 1,300 square feet. We're talking about bringing it up to a little over 2,000. That's not an enormous building. 1,300 square feet doesn't give us what we need in order to make the project worth it, honestly.

When we talk about size versus deliveries and things like that, really the reason why we have this size, this is all a walk-in cooler. That's all storage space, so we don't have to have deliveries every day. We have storage. We schedule our deliveries for off hours. We've owned this station now for over three years -- actually, a little over three years, actually a little over four years, and we figured out through operations when we should and shouldn't have delivery trucks come in, when we should and shouldn't have tankers come in. We're not bringing tankers in during rush hour, honestly.

The site is what it is now. We don't -- the additions to the building are not
brining into the parking lot. They're going

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

away from -- they're going into currently
vegetated areas in the back. It's not making
the site any less spacious. You know, these
additions are what makes it financially -- you
know, makes financial sense for us to even do
this project. As Margaret says, we can't have
service bays anymore unless we go for a permit.
I think that most people would rather not have,
you know, a service station. I mean, they're
mostly dirty and, you know, most people like
when we take something -- I don't have an
existing picture of it, but you see the
elevation and obviously we're going through
planning and architectural review if we get
past this stage, but it's going to be a
building that's going to look a lot better than
what's there.

As far as this in and out here, if
you're parked right here at this gas pump -- if
that's a deal breaker and we need to make that
entrance only, if that's what it all comes down
to then, fine. I mean, it's just convenience
for somebody parked here to not have to
circulate all the way back around the site to
EASTCHESTER ZBA - 2/10/15

got out. You're actually causing more traffic on the site, I would think, rather than let these guys just escape and get out of there. The bottom line is, people are only going to come if it's convenient. If they get in there and they can't get out, they're going to stop coming and we're not going to have as much business, and the problem is going to solve itself.

We typically do a lot of these small lots throughout Westchester County, throughout north Jersey, throughout western Connecticut, the same kind of thing where we're limited with what we've got. We bought a piece of property, that's all we have, we can't get any bigger obviously. So we do this a lot, and the customers, you know, they decide whether it's worth it for them to come. If it's hard for them to get in and out, they don't come, and the problem solves itself.

THE CHAIRMAN: Mr. Cahalin, do you have anything to add; any questions?

MR. CAHALIN: No. I spoke my piece.

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

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Yes. I just have a question. You mentioned your goal was to have any cars at that particular pump be able to exit --

MR. PARKER: Just as an example.

MR. NURZIA: But you mentioned that if it's trapped, and then the exit is just off of -- I think it's Hillside is the side road -- but didn't you cut the curb right in front of the store?

MR. PARKER: We did. You could get from here back around if someone was parked there, and that's why we did cut that. You certainly could do that, but it makes more traffic around the site, and I would think we would want -- you know -- or if there is a compromise where we do no left turn out of here. Like I said, if this is what makes the project happen -- it doesn't make sense for us to operate the station the way it is now. You'll see that our application date is 2013 from when we originally started doing this.
The reason that we haven't had anybody in those bays is because we've been hoping to do some work on the station. Now with this grandfather long gone, it's -- we're kind of getting in a hard spot here as to what to do with the station.

THE CHAIRMAN: Well, for me, something in the latter part of your presentation was something I was alluding to earlier, and that is that -- and I'm not so concerned about the issue of the parking, because if you're driving past and there is nowhere to park, you're not coming in. So my major concern is the circulation. You also commented that if it's going to make the application pass, I think ultimately whether you're going to amend your application is obviously up to you. We can eventually vote on your application as you presented it, but the Board, which is really at this juncture four independent people giving you their thoughts, seem to be thinking that the problem here is not volume but circulation. At least two of the Board members seem to be very concerned about two way right where the parking is, and I could see people backing up into public roadway, and also going the wrong...
way because they want to go in the other
direction, and it's going to make that very --
the circulation a problem there. Again, it's
entirely up to you as to how you may want to
amend your application. You worked hard on
this. I think traffic flow that is one way in
each direction to me makes more sense, and,
again, I'm not so constricted by the number of
spots.

Does any other Board member have a
feeling on that or a comment? It shouldn't be
a feeling, a comment.

MR. CAHALIN: It's not so much the
parking. It's the in and out. You got four
pumps and, you know, if we have a gas crisis
again, it gets nuts. I mean, people are going
every which direction to get to the pump to get
their gas. I get that. It's just so tiny.

That's my concern. The parking is the parking.
I understand you need the space to make money,
but, you know -- if we had 10 more feet to the
sidewalk, it would definitely help, but we
applicant changes any portion of its application?

MS. UHLE: If you were going to reopen the public hearing, it would need to be re-noticed. So if you think you want to continue to take public comments, then you should open it up now, but I think minor modifications are okay. So if you think the plan is going to be changed significantly or enough so that you want the public to be able to comment on it, then I would right now vote to reopen the public hearing because then that's done on the record. You can't just vote to open it at the next, otherwise, the applicant would need to --

THE CHAIRMAN: That was my procedural question. I don't believe we need to reopen the public hearing, because I think we're talking about minor modifications.

MS. UHLE: There's not really, I don't
the flow direction?

MR. PARKER: We're not abandoning the project. I mean, we need to do something with the site. We don't want it to sit there and go downhill. Our engineer will speak to the traffic consultant again and see if we could figure something out with that entrance. As far as removing that last spot, I'll leave that up to the experts. I don't know --

THE CHAIRMAN: Mr. Grealy, would you mind being heard again on this issue, if you don't mind?

So just to recap, the concern being the circulation and my commentary being sometimes maybe less is more, is there any way you can envision -- and I'm not asking you to do that now -- getting a more, I guess, appropriate traffic flow that also creates less turning and other issues that create delay?

MR. GREALY: I think where we started from was trying to make this one way, and that would help tremendously for two reasons: Number one is: If this is one way, I don't have to worry about competing vehicles. As you suggested, if this space was eliminated now, even if this vehicle is pulling out and someone
came in, there's room to move around him. Maybe you could get a space back over in this corner. The idea was try to get some landscaping, but maybe you beef up this landscaping. So I think if we can get to a one way circulation pattern, I think -- that was our original recommendation. That helps tremendously in terms of cutting down on conflicts. While you may circulate more on site, what we're trying to avoid is the conflicts out on New Rochelle Road. So that's where we were coming from in terms of the one way circulation pattern. The applicant did cut this back, so under normal circumstances when someone is at the pump there is room to get by. I think people that go here will get used to it. It's not a station where you get a lot of transient business. It's really local business people or people that come off the parkway on their way to their job that maybe stop in. If the applicant can make this one way, I think that goes along way. We could work at cleaning this up. As you said, if the spaces aren't there, maybe people won't stop. Also, people tend to park at the pumps now. They may stop, get gas, and go in. So you may get more of
that on this site where people actually park at the pump, fill up, and then go into the store. So I think in the busy times maybe the shortfall on parking is somehow addressed with the spaces at the pump and at the same time you get a better circulation pattern.

THE CHAIRMAN: Thank you, Mr. Grealy. So I would ask that the applicant submit prior to the next meeting, modifications, as you as you see fit, to the plan, and we continue this application at the next meeting.

MR. GREALY: And if they could show us the turning diagrams for not only the fuel truck but also for the delivery vehicles, that would be helpful. We relayed that to the applicant's engineer, we just haven't received anything yet.

THE CHAIRMAN: Thank you, Mr. Grealy. Would the applicant like to speak?

MR. PARKER: On the tanker, the reason that we didn't submit anything is because they do it different ways depending on the time of day, where they're coming from, which terminal. Sometimes they do it in the middle of the night. They pull in and then when they're done, they back out and they go. If they have
smaller trucks, they're able to circulate through the site between the two dispensers and back out. We can certainly give you, you know, some options, but the only reason we didn't submit it is because I actually, personally, spoke to several drivers that have been delivering to the site for years just to get their take on it.

THE CHAIRMAN: Wonderful. Thank you, Mr. Grealy. Thank you for your presentation. We'll see you at the next meeting.

Next application is 140 Highland

---

EASTCHESTER ZBA - 2/10/15

If you could state your name and address, please, for the record.

MS. D'AVERSA: Good evening. My name is Teresa D'Aversa, and I live at 14 Highland Avenue.

THE CHAIRMAN: Good evening. So this is an area variance to legalize an existing deck. You don't need to reread your application. We all read your submission. I ask you if you have anything you would like to highlight or anything that is new or different?

MS. D'AVERSA: No. I could put up the survey to briefly go over it again.

THE CHAIRMAN: Please do. Great.
MS. D’AVERSA: So the area in question is just this one corner right there. So again, it should be 19 feet minimum and we’re at 17.2. Because of the angle of the rear yard, it’s just that one corner that’s affected. It’s about a 2 foot square area. So without the variance, the only other option would be to cut the deck, which seems not --

THE CHAIRMAN: Okay. Some questions or comments from the Board? Mr. Nurzia, do you have any questions or comments?

MR. NURZIA: The only question is, if you could just confirm, I think you just bought the house; is that correct?

MS. D’AVERSA: We just closed in January.

MR. NURZIA: That’s the only question I had.

THE CHAIRMAN: Mr. Miller, any questions or comments?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Absolutely nothing.

THE CHAIRMAN: I’m going to reserve my comments for later. So having no further comments, do I have a motion to open the public
hearing?

MR. MILLER: So moved.

THE CHAIRMAN: By Mr. Miller. Is there a second?

MR. CAHALIN: I'll second then.

THE CHAIRMAN: Mr. Cahalin. All in favor.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

(All aye.)

THE CHAIRMAN: Does anyone from the public want to be heard on this application?

(No comments.)

THE CHAIRMAN: Seeing no one come forward, is there a motion to close public hearing?

MR. MILLER: So moved.

THE CHAIRMAN: By Mr. Miller. Is there a second?

MR. CAHALIN: I'll second again.

THE CHAIRMAN: By Mr. Cahalin. All in favor.

(All aye.)
THE CHAIRMAN: Back to the Board.
Anything, Mr. Cahalin?

MR. CAHALIN: It's just ludicrous, that's all.

THE CHAIRMAN: What's ludicrous?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

MR. CAHALIN: This application is so straightforward. I wish they were all like this.

THE CHAIRMAN: Ah, complimentary. Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions. No comments.

THE CHAIRMAN: I have nothing either. I make the motion to come back and read an excerpt from a resolution and vote at the next meeting. Is there a second?

MR. CAHALIN: I'll second that.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

MS. D'AVERSA: Thank you.
THE CHAIRMAN: Okay. 1 Corwood Road.

MR. COLANGELO: Good evening, Mr. Colangelo.

Mr. Colangelo, 211 South Ridge Street, Rye Brook, New York.

THE CHAIRMAN: Good evening, Mr. Colangelo.

MR. COLANGELO: This is a straightforward application. Very simply. This is a non-conforming lot. The applicant is the purchaser of the lot. We are in contract with the seller, who is the adjoining property owner right here. The lot was created, I believe, in the 1940's. It's a prior non-conforming lot. It was an R-5 zone at the time. The zone was changed in the Fifties to an R-20 zone, which it is right now.

The property size is 19,331 feet; it requires 20,000 square feet; a 3.3 percent deficiency. So it's a minor variance. It really isn't a large variance. It's consistent with the other lots in the area. If I may, we have a map of similarly situated lots in the area, which are similar size. There is an R-15 zone, which is right across the street. This is the R-20 here. As you can see, it's not inconsistent with the lots in the area.
What we propose is the construction of a single family house. There would be no further variances required. The building envelope is consistent -- and I'll turn this around. I have a copy of this for the Board members so you could have a copy of that. The building envelope is more than sufficient to build a single family house consistent with the lots in the area. So it will not be out of character in the neighborhood. The seller's property, as you can see, is a prior non-conforming lot. So we can't take more property from her lot to create -- to make this conforming, because it will make her more non-conforming. So it would create more of a deficiency there.

It is submitted that the requested variance is not substantial, and that it will not be out of character in the neighborhood. It will comply with all of the zoning requirements. It's a pretty simple application. I can amplify the criteria responses that we submitted to you, if you so desire; otherwise, I will submit to the Board the balancing test that you're going to be following through here: That the benefit to
EASTCHESTER ZBA - 2/10/15

the applicant outweighs any detriment to the
adjoining property owners.

THE CHAIRMAN: Thank you, Mr. Colangelo. See if any of the Board has any
comments or questions. Mr. Cahalin?

MR. CAHALIN: Since this is a corner
lot, I'm just curious what side is the front
door going to be on?

MR. COLANGELO: Excuse me.

MR. CAHALIN: What side is the front
door going to be on; do you know yet?

MR. COLANGELO: Corwood.

MR. CAHALIN: So you're going to have
your front lot on Corwood?

MR. COLANGELO: Yes.

THE CHAIRMAN: Are you concerned about

trick-or-treating?

MR. CAHALIN: No. Actually, we had
other situations in town with corner lots and
how they designate it. In fact, on Highland
Avenue, if you remember, we had a poor
gentleman who had to come for multiple
variances when he wanted to install a
generator, simply because he put the front door
on the wrong side of the street. So think about it. No joke.

THE CHAIRMAN: Thank you, Mr. Cahalin. Any other questions or comments?

MR. CAHALIN: As long as they're going to keep it within the neighborhood and don't go crazy, I'm happy to see it developed. It's a pretty area. That neighborhood has gone through several changes over the last 10 years. Beautiful homes over there. I'm sure they're going to do something keeping in character. It's just funny how Corwood comes up and then California continues and the house style changes. So I'm interested to see what the final result is, but I'm sure it will be an improvement to a vacant lot is always nice.

THE CHAIRMAN: Thank you, Mr. Cahalin. Mr. Miller, any questions or comments?

MR. MILLER: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Yes, actually, just one question. I think I know the answer to the question, but in the memo that we have prepared by Ms. Uhle it mentions regarding the question
of lot merger and one point states that there does not appear to be any accessory structure, but there is, I think, a shed in the far corner of the property. So if you could just clarify if that's on a permanent foundation. I don't think it is, but if you could just clarify that.

MR. COLANGELO: From what I understand, it's to be removed. It's not a permanent structure. It's a temporary structure. It's just a storage shed. This will be vacant. You're referring to this?

(Indicating.)

MR. NURZIA: Yes. That would be the shed in that far corner.

MR. COLANGELO: This will all be removed, and it's not a permanent structure.

As I mentioned before, the lot was created when it was an R-5 zone, so the point can be made that it is a prior non-conforming lot, just like the owner's lot is a prior non-conforming lot.

THE CHAIRMAN: Okay. I reserve my comments until after the public hearing. Do I...
hear a motion to open the public hearing?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. Is there a second?

MR. MILLER: Second.

THE CHAIRMAN: By Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Public hearing is open. Does anyone want to come forward and speak on this application?

(No comments.)

THE CHAIRMAN: Okay. Seeing nobody, is there a motion to close the public hearing?

MR. CAHALIN: I'll make that motion.

THE CHAIRMAN: Mr. Cahalin.

MR. MILLER: Second.

THE CHAIRMAN: By Mr. Miller. All in favor.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

(All aye.)
THE CHAIRMAN: Back to the Board. Mr. Cahalin, anything further?

MR. CAHALIN: Nothing further.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: My only comment is that, as Mr. Colangelo stated, it's a di minimis percentage of a variance, and it is very much in conformity with the neighborhood. I have absolutely no problem with the application. So I will make a motion to come back and read an excerpt of a resolution to be voted upon at the next meeting. Is there a second?

MR. CAHALIN: I second that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

THE CHAIRMAN: The next application is 152 Lake Shore Drive.

MR. CAHALIN: 132.

I'll state your name for the record for you: Mr. Iannacito. We'll make sure we're clear from here on in. Iannacito.

MS. UHLE: Except you know that's not how you pronounce it?

THE CHAIRMAN: Correct. I'm bastardizing the Italian pronunciation, but for accuracy we will do that.

MR. IANNACITO: Good evening, Board members. My name is John Iannacito. I'm an architect, and I'm representing, quote, the current owner and the previous owner on this application. The current owners are Mr. and Mrs. Alberto Lugo (Ph.), and the previous owners were Mr. and Mrs. Mario Aloia.

We are requesting variances to legalize an existing one story pool house and an existing masonry barbeque located in the rear yard of the existing property. Mr. and Mrs. Lugo purchased the residence from Mr. and Mrs. Aloia in December of 2014. During the title search process, it was discovered that the pool house and the barbeque were both constructed without proper permits some time between 2001 and 2010 by an owner who owned it at that time. It wasn't by Mr. and Mrs. Aloia, and it wasn't
by Mr. and Mrs. Lugo.

THE CHAIRMAN: Title company's got problems.

MR. IANNACITO: Excuse me.

THE CHAIRMAN: Title company's got issues. That's terrible.

MR. IANNACITO: So we're requesting three variances this evening. One is for the side yard setback to the accessory structure, the pool house, where 12 is required and the existing is 9.31, a deficiency of 2.69 feet or 22.4 percent; the second variance is the side yard setback to the barbeque structure where the existing is 3.19 and the required is 12 feet, a deficiency of 8.81 feet or 73.4 percent; and the third variance is for a total impervious surface coverage where the barbeque and the pool house are increasing the coverage by 487 square feet. The existing coverage on this lot is already non-conforming at 16,593 where the required is 11,464. So our increase of 487 represents a 2.9 percent increase in the total coverage on the lot. We will be also installing dry wells to take care of that increase in the runoff and that increase in impervious surfaces at this point.
THE CHAIRMAN: Thank you, Mr. Iannacito. At this time I would like to take questions or comments from the Board. Mr. Cahalin? 

MR. CAHALIN: Yeah. I mean, I don't know where to start. It's a beautiful property. The back yard is absolutely gorgeous. It's just I feel on this one they squeezed so much into it that, you know, there's no room.

MR. IANNACITO: It's max'd out.

MR. CAHALIN: It's such a gorgeous area. That neighborhood is beautiful. If that's the owner's taste, that's the owner's taste, I get it, but my concern is that the green space doesn't exist, and, you know, the

DINA M. MORGAN, REPORTER
impervious surfaces that did occur on this property probably occurred during the Eighties. We have surveys on file that show a lot of coverages, and the impervious surface requirements were not in existence, I believe, in the Eighties.

MR. CAHALIN: No, that's a Nineties phenomenon and prior.

MR. IANNACITTO: Maybe even 2000.


MS. UHLE: We continuously reduced the permitted amount of impervious surface. But that being said, prior to fairly recently...
do we set a trend? It's okay to make this
type -- this is a big mistake, you know, from a
numbers standpoint. I'm not saying from an
aesthetic beauty -- it's absolutely gorgeous,
there's no question about it, back there.

MR. IANNACITO: But the impervious
surfaces, those two features that we're here
for tonight we're adding a minimal amount.

MR. CAHALIN: But I can't look at
that. I have to look at the whole picture,
John. It's the whole picture. Because if you
remove the pool house, it's a different back

DIANA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15
yard, right, because that path is narrow. It's
very narrow. If that pool house wasn't there
or even if they took 200 square feet off the
pool house, it changes it dramatically. So do
we, you know -- I don't know. Let's see where
this goes. That's where I'm at, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: As I stare at the back
yard on my phone here, I have to reiterate what
Mike says: I don't see any green space, to be
honest with you.

MR. IANNACITO: There's not much.

MR. MILLER: Any. We've been pretty
strict when it comes to the impervious surface space. I mean, I understand your client inherited this, but they inherited it, and we can't just ignore it.

MR. IANNACITO: I mean, I can go back to them and ask if they would be willing to remove some impervious surface somewhere.

MR. MILLER: We've suggested that in the past, that they find ways to find space during this process. So from my perspective,

DINA M. MORGAN, REPORTER

I'm a little hung up -- actually, I'm a lot hung up on the fact that there is no green space in that back yard.

MR. CAHALIN: Well, you got the golf course, that's what you're looking at there. It's beautiful there. That's your green space.

MR. MILLER: I would like some green space in the back yard.

MR. CAHALIN: That's a personal decision.

MR. IANNACITO: There is some green space here. It does get a little tight back here, and all of this area back here is paved with pavers.

MR. CAHALIN: Yes, it's all pavers. It's gorgeous.
MR. IANNACITTO: This is a space that's not usable here right now. So if it was green space back here, I don't think that would really be a major deficit to this property. So I'll speak to the owners of about it if that's something that's going to help.

MR. MILLER: I think it would benefit your application in my mind if you found some pervious surface space.

MR. IANNACITTO: At the end of the day, if they remove the 500 square feet of surface, they don't have to put any new dry wells in.

MR. CAHALIN: Correct. There's a cost benefit to that them too.

MR. IANNACITTO: I don't know if that helps the previous owner or -- you know, I'm not sure how --

MR. CAHALIN: I hope there's money put in escrow.

MR. NURZIA: Walking to the back yard, it's actually a secluded back yard on a secluded end of the street, so I'm not sure if my concerns are the same as the prior members, but my comment is more of a question that may be directed to the legal department. You've got two structures -- two items that actually
encroach on which I believe are the golf course, you got a portion of a walkway that encroaches about 9 feet, and then you got a Bocce court in the far end, there's a walkway, little bridge to get to it. So I'm not sure if that is something we need to get addressed or

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

if it's important to this.

MR. TUDISCO: I can address that. Ms. Uhle and I have discussed this, Mr. Reda, myself, and the Town Supervisor, and I also met with Mr. Iannacito about that issue. For the purposes of this proceeding, it really doesn't have anything to do with the variances that you're considering. The town is exploring some type of an easement regarding those portions, but it's on the opposite side of the property than the particular features that are up to your review for this proceeding. So I wouldn't concern myself with them for your purposes right now, but they are being addressed by the town's law department.

MR. NURZIA: Okay. No further questions.

THE CHAIRMAN: I'm going to reserve my comments or questions until a little bit later on.
So having said that, is there a motion to open the public hearing?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. Is there a second?

MR. NURZIA: Second.

THE CHAIRMAN: By Mr. Nurzia. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone like to come forth and speak on this application?

(No comments.)

THE CHAIRMAN: Seeing nobody, is there a motion to close the public hearing?

MR. MILLER: So moved.

THE CHAIRMAN: By Mr. Miller.

MR. CAHALIN: Second.

THE CHAIRMAN: Second by Mr. Cahalin. All in favor.

(All aye.)
THE CHAIRMAN: Okay. Back to the Board. Mr. Nurzia, anything further?

MR. NURZIA: No further questions.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: I spoke my piece.

THE CHAIRMAN: Well, I have two comments: Firstly, as it relates to the as-built structures, it seems that the people who would be most affected by these as-built structures are not here to complain about it, and so my focus is square, as the other Board members are, on the impervious surface, because I'm not inclined or concerned about how we're going to remedy an application or are we penalizing them, I'm just focused on this application and how we could, perhaps, tweak it to make that impervious surface issue a non-concern. And by the way, Mr. Nurzia, your point was very well taken about those structures on the premises, because they are changing the impervious surface area even though they're not factored in to this application.

So I would like to see the applicant...
EASTCHESTER ZBA - 2/10/15

make some modifications, and I think you
smartly stated that perhaps it would save them
money rather than putting in a dry well, which
also, by the way, you know, over time they stop
operating, they get clogged if they're not
cleaned out. So perhaps changing the
topography a bit would benefit the impervious
surface coverage, minimize the amount of the
impervious surface and make this palatable.
Would the applicant consider that?
MR. IANNACITO: I'll speak to the
homeowners about reducing -- both the existing
homeowners and the previous homeowners to see
how we could reduce the amount of impervious
coverage.

MR. CAHALIN: I think, John, you're a
creative guy, so I have all faith that you'll
come up with something very nice.

THE CHAIRMAN: If we could work out
the pronunciation of your name, I'm sure this
could work out as well. So I will make a
motion to put this application over for further
modifications to the next meeting. Is there a
second?
MR. CAHALIN: I'll second that.

THE CHAIRMAN: By Mr. Cahalin. All in favor.

(All aye.)

MS. UHLE: Could I just try to clarify something?

THE CHAIRMAN: Please.

MS. UHLE: So with regard to the structures that you're trying to legalize, the pool house and the barbeque, that is what's increasing the -- how much impervious surface did you say that is?

MR. IANNACITO: 487 square feet.

MS. UHLE: So what you're thinking about eliminating is only 478.

MR. IANNACITO: Right. Then at that point the existing doesn't change.

MS. UHLE: You're not increasing it.

Okay. The only thing that I want to point out is -- and I understand what everyone is saying -- but if they eliminate 400 and some other square feet somewhere else on the...
property, I'm not sure what significant --
other than the fact that they're not going to
have to put in dry wells and that you won't
need that one variance, you'll just need that
two variances, you'll still have this entire
situation. It will just be now some impervious
surfaces from the front will be eliminated.
You'll still have an 87 foot wide rear yard. I
just wanted to make you understand --

MR. CAHALIN: I think we understand.

MS. UHLE: Okay. All right.

MR. CAHALIN: I don't know --

MS. UHLE: Do you understand my point

though?

THE CHAIRMAN: Your point is well
taken, Ms. Uhle.

MS. UHLE: I don't think it's going to
make a difference, other than in principal to
an extent, which is not to say that that's not
a wrong thing to say. It's not like all a
sudden there's going to be a lot more open
space on the property. We're not talking about
the full extent of the variance, we're only
talking about 400 square feet.
is nuanced because of what Mr. Iannacito said, and that is that it could also help the homeowners by eliminating the installation of a dry well, which has to be has to have an excavation and it's work.

MS. UHLE: They have plenty of areas to try to remove things, like I'm not sure that circular walkway is really required. So I think there's probably some simple modifications which would address that 400 square feet. I'm just making the point it's not really going to --

MR. CAHALIN: I don't expect to see a big open meadow. I get that. We're not looking for a meadow here.

THE CHAIRMAN: Everyone had a different comment. Coming from my perspective, it wasn't so much the green space in terms of the aesthetics, it's the actual lessening of impervious surfaces. So I -- what's pretty to a homeowner, is pretty to a homeowner. I'm not commenting really or concerned about making it my beautiful or making it green. I'm more

DINA M. MORGAN, REPORTER
that are most affected by the as-built structures or the impervious surface haven't complained about it. So we're not hearing about water runoff and other issues. So what we're doing is looking to make sure that municipal compliance gives the best possible chance for the issue which concerns the Board the most to not be an issue. Okay. Thank you very much.

The last application for the evening is 7 Hunter Drive.

MR. IANNACITO: Good evening, again. I'm representing Mr. and Mrs. Mike Provenzale, the owners of the property, and we're proposing additions and alterations to the existing residence located at 7 Hunter Drive.

The proposed scope of work will include the construction of a two story addition at the front of the residence, second story addition over the existing footprint, and a pergola over an existing patio area, and then...
THE CHAIRMAN: Thank you.

MR. IANNACITO: Here on the first floor we have the addition and alterations at the front portion of the house, and the reconfiguration of an existing living room, dining room and expansion of a dining room and new living room and new entrance hall and a new powder room. The addition on the second floor will include a new master suite, which will include a master bedroom, master bath, a sitting room and a couple of walk-in closets with a new balcony looking down at the entrance hall and back down to the existing bedroom wing of the split level home.

Here we have the proposed front elevation showing the two story addition and the addition above the first story. The right side view showing the two story addition. Here is the rear showing the second story addition over existing, the roof pergola over the existing patio, and on the left side really not much of a change except you see some portion of the second story beyond and the roof pergola off to the side here.

So the proposed additions and alterations will create a couple of
non-conforming conditions, and we're requesting a few area variances this evening.

The first would be for the total gross floor area, where the proposed floor area is 4,982 square feet and the required is 4,314, an increase of 668 square feet. The second is for the total impervious surfaces, where the proposed is 6,605 square feet and the required is 5,728 square feet, an increase of 877 square feet. The third is for a side yard setback to the pool equipment, which will be located in the rear corner here. The proposed setback is 5 feet and the required is 12 feet, a deficiency of 7 feet. The fourth variance is for the rear yard setback to the pool equipment, where the proposed is also 5 feet and the required is 12 feet.

DIANA M. MORGAN, REPORTER

Based on the requested variances, it may seem that it's substantial, but this plan represents what the owners feel they will need to make this house work for them. The increased floor area is required to meet the needs of their family with four children, and the increased coverage is required to create an adequate deck around the pool.

The proposed building coverage will be
in conformance with the zoning law, and the proposed massing will be in keeping with the scale and the character of the neighboring properties.

We'll also be installing dry wells both at the rear of the property and the front of the property to capture all the runoff from the property, and there will be no negative environmental impact on the neighborhood.

Thank you for your time, and if you have any questions, I'll be happy to answer them.

THE CHAIRMAN: Thank you, Mr. Iannacito. Questions or comments from the Board? Mr. Miller?
will be a retaining wall here. So the actual
pool deck here is up about 30 inches above the
glass area.

        MR. NURZIA: Okay. So --
        MR. IANNACITTO: We tried to minimize
it here and bring it closer to the property
line and have a planting along the property
line here to have some lounge chairs along this
side.

        MR. NURZIA: Okay.

        THE CHAIRMAN: Mr. Cahalin?
        MR. CAHALIN: I'm curious, John, about
the scale, the height of the addition, because,

        DINA M. MORGAN, REPORTER

I mean, I looked at the neighborhood, and I
don't necessarily agree with your statement
that the scale would be in keeping with the
neighborhood. They're all split ranches and
they're a certain height.

        MR. IANNACITTO: I think the ones that
have been modified over the years, in recent
years, the one which I worked on, which was 14
Hunter, which we did the same exact -- we did
the second story addition over that portion of
the house. Then there's one further down -- I
forget what the number of that one is -- 26
Hunter, which is a very similar addition on
that house which was done recently.

MR. CAHALIN: Big additions.

MR. IANNACITTO: Those houses have been updated over the last few years, and they're both similar in scale.

MR. CAHALIN: How many houses are in the neighborhood?

MR. IANNACITTO: There are a lot of houses in the neighborhood.

MR. CAHALIN: And you gave me two.

MR. IANNACITTO: That's on Hunter Drive. If you go beyond Hunter, there's the property right behind it that was built, a brand new house, a few years ago. That's a two story house which is similar in scale. So, I mean, we could go -- I only covered the one street, Hunter Drive. I didn't cover everything.

MR. CAHALIN: I'm just concerned about the character of the neighborhood. It's changing for sure, and I guess we're going to have to go with that change maybe, because that's not what that community was set up for.

MR. IANNACITTO: Those houses were splits and ranches in that neighborhood.

MR. CAHALIN: And now, I mean, we've
021015ZB.txt

got -- I understand the magnitude when you com-
pare this addition to some of the new build-
ing, this is tiny, I guess.
MR. IANNACITO: Well, in comparison to some of
the houses in Lake Isle it's not a very large house.
MR. CAHALIN: It's a big house.
MR. IANNACITO: Well, if you compare it to some of
the houses that are on the lake.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

MR. CAHALIN: Yes, they're big. They're huge. But
again, we get back to the, you know -- really again, I
guess, why is the pool equipment on the side of the
neighbor?
MR. IANNACITO: Well, when we looked at the pool
equipment, the required setback for the pool equipment
is 12 feet.
MR. CAHALIN: Right.
MR. IANNACITO: So we felt that this area here on the
property was a good location, because it's tucked in
away from everything else on the property.
MR. CAHALIN: Yes, but what about the neighbor?
MR. IANNACITO: Well, it's a 5 foot setback, which is
something that is pretty standard in a lot of the other
zones in
Eastchester. On an R-5, R-6 the setback for
the equipment is 5 feet. So with 5 feet of
planting material around it, it will be
screened enough, and the newer equipment is not
as loud as it used to be. To pull it away 12
feet and then have the pad for the equipment,
now you're pulling it almost 14 feet into the

DINA M. MORGAN, REPORTER
MS. UHLE: It's 15.3. He's right.

That's a mistake on our agenda. That's a big difference.

MR. CAHALIN: I'm less scared. I'm glad I asked that question. I'm still concerned, but to a lesser degree.

THE CHAIRMAN: Concerned not alarmed.

MR. CAHALIN: Yes, that's a good way of putting it, Alan.

MR. IANNACITO: I have the homeowner with me tonight if she wants to come up --

MR. CAHALIN: I'm sure she doesn't want to come under the firing line like you.

That's why she's paying you, John.

MR. IANNACITO: -- to discuss how we could reduce the amount of impervious coverage.

MR. CAHALIN: When I saw this note, I'm thinking to myself, wow, and then you seemed very calm considering the last application, and I'm saying, boy, he's brave.

MR. IANNACITO: It would have been better to do this one first.

MR. CAHALIN: Exactly.

MS. UHLE: I'm sorry, the agenda says 58.3, which is taken from the Notice of Denial, but you were right for the setback to the pool.
equipment. It should have said 15.3 percent.

MR. CAHALIN: That's the one thing in the package, I never read the denials, because

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

you wouldn't be coming here.

MR. IANNACITO: I think I looked at it.

MR. CAHALIN: As the Chairman has said, it's a concern, it's not a bell ringer.

THE CHAIRMAN: And we'll allow the record to reflect it's 15.3 percent. The Board is all cognizant of that. I'll reserve my comments and questions until later.

MR. CAHALIN: I'll shut up now.

THE CHAIRMAN: Is there a motion to open the public hearing?

MR. CAHALIN: I'll make that motion.

THE CHAIRMAN: Mr. Cahalin. Is there a second?

MR. MILLER: Second.

THE CHAIRMAN: By Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Seeing nobody coming forward to speak on behalf of the public, is...
there a motion to close the public hearing?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 2/10/15

MR. MILLER: So moved.

THE CHAIRMAN: By Mr. Miller under the wire. Is there a second?

MR. CAHALIN: I'll second.

THE CHAIRMAN: By Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Back to the Board. Mr. Cahalin, did you want to add anything further?

MR. CAHALIN: I'm going to be quiet.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No, I'm good.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: No questions.

THE CHAIRMAN: My commentary was in line with some of the comments I made tonight -- consistent with it any way -- when some of the people that are most affected by structures and elevation and scaling of a home don't attend or -- excuse me -- don't oppose and not showing me that there's a concern, I'm looking for things that maybe are silent things
EASTCHESTER ZBA - 2/10/15

like impervious surface.

(Audio ended)

(Audio restarted)

THE CHAIRMAN: Thank you. Before we close our meeting for the February 10th ZBA meeting, I just would like to reiterate that anyone who is considering an application, that we meet nine times a year. We don't meet July, August, and December, and we do not make decisions on applications the first time they are on. So if you're considering an application, take that into consideration. Is there a motion to close the meeting?

MR. MILLER: So moved.

THE CHAIRMAN: By Mr. Miller. Is there a second?

MR. NURZIA: Second.
EASTCHESTER ZBA - 2/10/15

THE CHAIRMAN: By Mr. Nurzia. All in favor.

(All aye.)

THE CHAIRMAN: Good evening.

(Meeting adjourned.)

DINA M. MORGAN, REPORTER
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 2nd day of March, 2015.

DINA M. MORGAN, REPORTER