

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

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER
..... X

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

..... X

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

B E F O R E:

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

P R E S E N T:

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

♀

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

EASTCHESTER ZBA - 2/10/15

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

DINA M. MORGAN, REPORTER

♀

1
2

EASTCHESTER ZBA - 2/10/15

watching on television that in conjunction with
Page 2

3 the condition imposed on applications for the
4 last couple of years in the Town of
5 Eastchester, and essentially in every other
6 Zoning Board of Appeals in the county,
7 decisions are not made on applications the
8 first time they are heard. So keeping that in
9 mind, anything -- any application that is heard
10 tonight will not be decided upon tonight going
11 forward. Okay.

12 Hello, Mr. Miller.

13 MR. MILLER: Mr. Chairman.

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

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

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

DINA M. MORGAN, REPORTER

♀

4

1 EASTCHESTER ZBA - 2/10/15
2 vote, or you could defer to the next meeting.
3 It's up to you. You need three. A 2-2 is a
4 denial.

5

6

(Discussion from the audience.)

7

8

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

9

10

11

12

13

14

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.

15

16

17

THE CHAIRMAN: Thank you, Ms. Uhle.
Second, 14-63, that's 171 Brook Street. Would
you like to proceed?

18

19

20

21

APPLICANT: Yes.

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

22

23

24

APPLICANT: Yes.

THE CHAIRMAN: Great. Number 4,
15-04, 140 Highland Avenue.

25

APPLICANT: Here.

DINA M. MORGAN, REPORTER

♀

5

1

EASTCHESTER ZBA - 2/10/15

2

THE CHAIRMAN: Proceeding?

3

APPLICANT: Yes.

4

THE CHAIRMAN: Okay. Number 5, 15-05,
1 Corwood Road.

5

6

APPLICANT: Here.
Page 4

7 THE CHAIRMAN: Proceeding?
8 APPLICANT: Yes.
9 THE CHAIRMAN: Okay. Number 6, 15-06,
10 152 Lake Shore Drive North. Okay.
11 Number 7, 15-07, 7 Hunter Drive.
12 Proceeding as well?
13 APPLICANT: Yes.
14 THE CHAIRMAN: Okay. Before we go on
15 to old business, there is a matter of the
16 approval of minutes, and actually I'm going to
17 make a motion to approve the minutes with one
18 modification. In reviewing the minutes, I
19 noticed that they spelled Mr. Iannaci to
20 incorrectly. They spelled it with a Y. We
21 can't have that, otherwise, they will take my
22 Italian decent card away from. I'm going to
23 move to make that one spelling change and then
24 move to adopt and approve the minutes from
25 January 13th, 2015. Is there a second?

DINA M. MORGAN, REPORTER

♀

6

1 EASTCHESTER ZBA - 2/10/15
2 MR. CAHALIN: Second.
3 THE CHAIRMAN: All in favor.
4
5 (All aye.)
6
7 THE CHAIRMAN: The minutes have been
8 approved.

9 Okay. Now, on to old business, 14-59.
 10 Under the new policy, what we are going to do
 11 is I'm going to give you a preamble on this
 12 application, and then we're going to vote on
 13 it. The resolution is going to be part of the
 14 public record.

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

20 One, a proposed front yard setback of
 21 1.66 feet where a minimum of 10 feet is
 22 required, a deficiency of 8.34 feet or 83.4
 23 percent. Number two, a proposed right yard
 24 setback of 0 feet where a minimum of 10 feet is
 25 required, a deficiency of 10 feet or

DINA M. MORGAN, REPORTER

♀

7

1 EASTCHESTER ZBA - 2/10/15
 2 100 percent. Three, a left side yard setback
 3 of 0 feet where a minimum of 10 feet is
 4 required, a deficiency of 10 feet or 100
 5 percent. Four, zero proposed off-street
 6 parking spaces where a minimum of 12 spaces
 7 were required, a deficiency of 12 spaces or
 8 100 percent.

9 So again, I had indicated that we have
 10 the draft resolution prepared, which will be

11 part of the record, which findings are in
12 support of the application, and I make a motion
13 to adopt the resolution. Is there a second?

14 MR. CAHALIN: Mr. Chairman --

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

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

21 MR. MILLER: Second.

22 THE CHAIRMAN: All in favor.

23

24 (All aye.)

25

DINA M. MORGAN, REPORTER

♀

8

1 EASTCHESTER ZBA - 2/10/15

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

5 MR. CAHALIN: Second.

6 THE CHAIRMAN: Okay. All in favor.

7

8 (All aye.)

9

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

12 MR. CAHALIN: Yes.

13 THE CHAIRMAN: Mr. Miller?
14 MR. MILLER: Yes.
15 THE CHAIRMAN: Mr. Nurzia?
16 MR. NURZIA: Even though I was not
17 here at the prior meetings, I just want to
18 state for the record that I am familiar with
19 the files, I've read the files, read the
20 minutes, viewed the property, and I vote yes.
21 THE CHAIRMAN: And I vote yes. The
22 application is passed four nothing. Okay.
23 This is Application 14-63, 171 Brook
24 Street. Before I read the resolution, I'm
25 making a motion to adopt a negative

DINA M. MORGAN, REPORTER

♀

9

1 EASTCHESTER ZBA - 2/10/15
2 decl arati on. Is there a second?
3 MR. MILLER: Second.
4 THE CHAIRMAN: All in favor.
5 MR. MILLER: Aye.
6 MR. NURZIA: Aye.
7 THE CHAIRMAN: Aye.
8 MR. CAHALIN: Nay.
9 THE CHAIRMAN: 3-to-1 negative
10 decl arati on is passed.
11 Okay. This is Application 14-63, 171
12 Brook Street, to convert the basement of an
13 existi ng mixed use bui ldi ng for use as an
14 offi ce space, 468 square feet. The fi rst floor
Page 8

15 remains as office space, and the second floor
16 will remain as a two bedroom apartment.

17 The proposed basement level office
18 requires three additional parking spaces where
19 no new spaces are proposed, nor is there any
20 room on site to provide additional spaces, a
21 deficiency of three spaces or 100 percent.

22 So a draft resolution has been
23 prepared to be part of the record that is in
24 support of the application. I move to adopt
25 the resolution. Is there a second?

DINA M. MORGAN, REPORTER

♀

10

1 EASTCHESTER ZBA - 2/10/15

2

3 (No response.)

4

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

9 MR. CAHALIN: I vote no.

10 THE CHAIRMAN: Mr. Miller?

11 MR. MILLER: I vote no.

12 THE CHAIRMAN: Mr. Nurzia?

13 MR. NURZIA: No.

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

16 Application number 3, 504 New Rochelle
Page 9

17 Road. You can step up, please, and state name
18 and address for the record, please.

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

DINA M. MORGAN, REPORTER

♀

11

1 EASTCHESTER ZBA - 2/10/15

2 we are kind of limited by the site.

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

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

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

15 MS. UHLE: That's correct, yes.

16 THE CHAIRMAN: At this time prior to
17 getting comments or questions from the Board, I
18 believe we're going to have some testimony from

19 our traffic consultant?

20 MS. UHLE: Yes.

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

24 MR. GREALY: Good evening. Philip
25 Grealy, Maser Consulting, traffic consultants.

DINA M. MORGAN, REPORTER

♀

12

1 EASTCHESTER ZBA - 2/10/15

2 The site plan that's before you, we
3 had reviewed an earlier version of this. We
4 had presented to the Board a letter back in
5 October 2014. That letter outlined several
6 items in terms of with the increased usage of
7 the site what kind of additional traffic that
8 you may see at the driveways, and then we went
9 on to various comparisons. As part of that
10 initial letter, we actually went out and
11 counted the current generation at the site.
12 The site has four fuel pumps, eight field
13 positions, and it has a small food mart. Very
14 limited. The service bays are not operating,
15 and they've been, I guess, not operating for
16 quite awhile. What we had presented in our
17 initial letter was kind of a breakdown of how
18 much traffic is generated today, which varies
19 morning or afternoon, and peaks somewhere
20 between mid-forty to mid-fifty vehicles total.

21 That's total entering and exiting about evenly
22 split. If the facility was reoccupied, which I
23 guess that is some question that that cannot
24 happen because of the time that has elapsed, if
25 you reoccupy the service bays, there would be

DINA M. MORGAN, REPORTER

‡

13

1 EASTCHESTER ZBA - 2/10/15
2 some additional traffic generated by that. So
3 we tried to lay out what it generates today
4 based on actual counts, what it would have
5 generated when it was operating as a service
6 facility, and then two other scenarios:
7 Traffic generation if there was no expansion to
8 the building size, and then what the proposal,
9 which I believe was about 840 square foot total
10 addition to the building size -- how much
11 additional traffic that would result in.

12 So the next thing we then looked at
13 was parking and circulation and the movements
14 that occur on the site, and we had several
15 concerns that we had outlined. Just for your
16 bearings here, this is New Rochelle Road, the
17 part where the plaza is right next door here
18 has an exiting driveway, which is controlled by
19 the traffic signal. This is Hillcrest Road
20 here, and right now you have the driveway,
21 another driveway, and then the driveway out to
22 Hillcrest. So one of the problems we saw was

23 the multiple turning moves that occurred on New
24 Rochelle Road. Of course you have very heavy
25 traffic volume there existing.

DINA M. MORGAN, REPORTER

♀

14

1 EASTCHESTER ZBA - 2/10/15

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

20 We also tried to narrow up the
21 driveway on Hillcrest slightly, that's what's
22 reflected here, and shift it a little bit away
23 from the intersection. The applicant did close
24 this driveway off. They added some additional

25 landscaping in this area. But the problem

DI NA M. MORGAN, REPORTER

♀

15

1 EASTCHESTER ZBA - 2/10/15
2 with -- our original recommendation was to make
3 this a one way so that no traffic would be
4 exiting here, because you have a lot going on
5 right at that intersection. And, again, the
6 plaza next door is controlled by the traffic
7 light, but when you exit the gas station today
8 it's not controlled by the signal. So we were
9 trying to create a one way circulation, have
10 traffic exit out onto Hillcrest further away
11 from the light, give more opportunity for
12 people to make movements, etcetera.

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

23 The applicant's engineer had indicated
24 to us that they couldn't make this one way
25 entry because of people being kind of trapped

DINA M. MORGAN, REPORTER

♀

16

1 EASTCHESTER ZBA - 2/10/15
2 at the pumps and not being able to get out. So
3 they maintain this as a two way flow. Our
4 recommendati on still would be possibly to limit
5 this to right turns only, because once you
6 start crossing the traffi c on New Rochelle
7 Road, it creates problems.

8 We also asked the applicant to provide
9 information on the deli very vehi cles and how
10 they would ci rcul ate through the si te. We di d
11 not receive that. We di d receive some
12 information that provided the di recti ons of how
13 the deli veries arrive at the si te and how they
14 ci rcul ate to get i nto the property. So that's
15 still an open i tem i n terms of, you know,
16 showi ng the vehi cle tracks.

17 The other areas that we had concerns
18 were relative to the number of parking spaces.
19 They were able to get a few more spaces i n here
20 by goi ng wi th the angled parki ng. They ended
21 up wi th -- i t's sti ll a shortfai ll relative to
22 the number of spaces on si te. So I thi nk, you
23 know, they made i mprovements to what was
24 ori gi nally presented. There would be more
25 traffi c generati on wi th the change, and the

DINA M. MORGAN, REPORTER

♀

1 EASTCHESTER ZBA - 2/10/15
2 i ncreased use of the convenience store would
3 result i n more turning moves out on New
4 Rochelle Road and coming out of Hillcrest. The
5 bigger issues are really the circulation.
6 While they've done a good job of trying to
7 clean it up, it's still a very tight site.

8 I think our most recent memo, which we
9 provided to the Board and applicants engineer,
10 February 4th, outlines what I just summarized
11 here. I'll be happy to answer any other
12 questions relative to that.

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

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

DINA M. MORGAN, REPORTER

1
2 5:30 if -- I would hope they would never
3 schedule a delivery at 5:30 with the Cross
4 County Parkway emptying out at that time or
5 even 3:00 with Mount Vernon High School, which
6 is not that far away. I just have a real
7 problem with the radius. I'll modify what I
8 said, you know, it's five pounds of potatoes in
9 a two pound bag, that's what we're looking at
10 here, and I don't think it could sustain what
11 they want to do. I appreciate what they want
12 to do, but the land mass isn't there to
13 accomplish this. Even if, you know, they were
14 to take -- is it possible to take the addition
15 away? Do you need the addition, I wonder? Do
16 you need that to make the money? Is that
17 really where the money is coming in or are you
18 selling gas, you know, or is it a combination
19 of both, you can't do one without the other?
20 So I don't know if that's feasible, because
21 that may give you another parking space which
22 you could move up, and then maybe clear out the
23 driveway for some turning.
24 Those are my concerns. I'm very
25 troubled by the application. I'm still not

DINA M. MORGAN, REPORTER

♀

19

1 EASTCHESTER ZBA - 2/10/15
2 sold.

3 MR. GREALY: I think the applicant
4 would have to answer financials.

5 MR. CAHALIN: Yes, absolutely.

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

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

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

DINA M. MORGAN, REPORTER

♀

20

1 EASTCHESTER ZBA - 2/10/15
2 discontinue for a certain period of time, they
3 are no longer permitted to use those service
4 bays. So they would have to seek a use

5 variance to use the service bays to service
6 vehicles again. So that's not one of their
7 options actually.

8 THE CHAIRMAN: Thank you. Mr. Miller,
9 any questions for Mr. Grealy?

10 MR. MILLER: My principal issue has
11 always been the parking. I'm in and out of
12 that Mobil Station constantly, because I drive
13 past it in the morning. If you put seven -- I
14 think it's seven or eight -- how many do you
15 have there?

16 MR. PARKER: Five.

17 MR. MILLER: My personal view, if you
18 put five cars in there, you just completely
19 eliminate the ability to move around, and that
20 place does get kind of crazy at times. Then
21 you've got -- you know, I've been there when
22 Mount Vernon High School gets out and those
23 kids are -- there's a lot of kids walking past
24 the exit and entrance points. Then you throw
25 in CVS where people are trying to get across.

DINA M. MORGAN, REPORTER

♀

21

1 EASTCHESTER ZBA - 2/10/15
2 It's just crazy. Quite honestly, it's crazy.
3 It's not a coincidence that there's always an
4 Eastchester Police car parked right nearby
5 there to try to keep things under control, and
6 you do have people speeding to get onto the

7 Cross County. I mean, I go through it, so.
8 More of my biggest problem is the
9 parking --
10 MR. CAHALIN: You're not speeding
11 though.
12 MR. MILLER: Not me.
13 MR. GREALY: I think when you see
14 people parking there today, it's just kind of a
15 free for all. What we were trying to is create
16 some semblance of a circulation pattern.
17 Unfortunately, they're saying that they can't
18 make this one way, because that really helps in
19 terms of angled parking and maneuverability.
20 In terms of cutting the turning radius, you're
21 right, once you have a vehicle parked at the
22 pump, you know, if he's not at the pump
23 exactly, that vehicle would have to wait. The
24 idea was to try to just improve as best we
25 could, but it is very tight, and the angled

DI NA M. MORGAN, REPORTER

♀

22

1 EASTCHESTER ZBA - 2/10/15
2 parking does help because at least you have a
3 defined pattern. But again, we were trying to
4 eliminate this because there's a lot of turning
5 moves happening right in this vicinity.
6 MR. CAHALIN: I notice on the plans
7 also the crosswalk you said would be realigned.
8 I mean, who has to approve that?

9 MR. GREALY: What we were looking at
10 was because it comes right into where the
11 driveway is today, so that would have to be
12 modified and approved together with the police
13 department and, you know -- right now the
14 complication is this exit from the plaza next
15 door is on the signal control, and then right
16 now the pedestrian indication is right in this
17 vicinity. So the idea was that if we were to
18 able to move it here, once this traffic was
19 stopped, vehicles could make a left turn in
20 here without crossing the crosswalk.

21 MR. CAHALIN: Okay.

22 MR. GREALY: Again, it's trying to
23 clean up a situation that's a little
24 complicated to deal with.

25 THE CHAIRMAN: Mr. Nurzia, anything?

DI NA M. MORGAN, REPORTER

♀

23

1 EASTCHESTER ZBA - 2/10/15

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

6 MR. GREALY: Right.

7 MR. NURZIA: The applicant wanted to
8 keep it as a two way. My concern is, and I
9 think you mentioned it before, but any car, if
10 they keep it two way, making a left turn, is

11 making a left turn right at that crosswalk, but
12 isn't there a double yellow line so any car
13 coming out making a left, aren't they
14 crossing --

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

DI NA M. MORGAN, REPORTER

♀

24

1 EASTCHESTER ZBA - 2/10/15
2 arrived at the pumps and they're facing that
3 direction, then they're kind of trapped. Well,
4 yeah, they are, but I would still try to
5 eliminate that movement, because it creates
6 more problems on New Rochelle Road and the
7 traffic flow that's there.

8 MR. NURZIA: Actually, I just have one
9 other comment. The concern was raised already
10 about a fuel delivery, how and when and where a
11 fuel truck would park. My question is
12 follow-up not so much with a fuel delivery, but

13 if it was expanded to the addition 800 and some
14 odd feet, now you've got delivery trucks coming
15 however times a day, a week, whatever that
16 is -- I don't know if that's been addressed --
17 where would they park? Given the fact that I
18 think it would double the amount of cars, where
19 would they park, and how often are these
20 delivery trucks coming?

21 MR. GREALY: I think what the
22 applicant has indicated is that the deliveries
23 would be made in this area. With the increased
24 square footage, you're going to end up with
25 more box truck types, van deliveries. They

DI NA M. MORGAN, REPORTER

♀

25

1 EASTCHESTER ZBA - 2/10/15
2 typically try to schedule them off hours, but,
3 again, you don't have control over that, and if
4 you're moving more product out, you're going to
5 have, by nature, more deliveries. But, again,
6 that was one of the reasons we wanted the turn
7 interactions not just for future vehicles but
8 to show if these spaces are occupied how the
9 deliveries would take place. I think the
10 concept was that this is the area where they
11 would do their loading and unloading. Again,
12 it's using the space that's really a parking
13 space also.

14 THE CHAIRMAN: Mr. Nurzia, anything

15 else?

16 MR. NURZIA: No further questions.

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

DINA M. MORGAN, REPORTER

♀

26

1 EASTCHESTER ZBA - 2/10/15
2 and run type situation, now we're not using the
3 bays, it's going to be a minimart, you come in,
4 you get your things, you get out. Would that
5 help circulation with less spots?

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

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

16 MR. GREALY: Well, I think in this

17 case, you know, fewer spots you're going to end
18 up with -- I think the number of vehicles that
19 are going to come in are going to be the same.
20 If there's not parking for them, then where do
21 they go? So I think the problem areas, the
22 tightest spots are right near the pump aisles.
23 These spaces -- if you didn't have to deal with
24 a vehicle parked here, these spaces are pretty
25 easy getting in and out and you could

DINA M. MORGAN, REPORTER

♀

27

1 EASTCHESTER ZBA - 2/10/15
2 circulate. So I think it's really the pump
3 isle issue. So, again, it may come down to the
4 financials with the applicant. Do you put --
5 do you cut back on your fueling to get more
6 product sold in the convenience store? I don't
7 know.

8 THE CHAIRMAN: Well, I guess to be
9 more specific and less in theory, the last spot
10 closest to the parking -- correct -- you're
11 backing up almost onto the public road and
12 there could be people pulling in and just
13 thinking about, you know, I'm in a hurry so I'm
14 going to get in and out, but if that were my
15 mother, we would need a traffic cop in about a
16 month to get her in and out, and it would be a
17 disaster. So maybe not having that spot is
18 better.

19 MR. GREALY: I think -- I agree with
20 you. We were trying to see the spaces that
21 could be done based on the expansion. Maybe if
22 you don't expand the building, just improve the
23 convenience store -- again, I don't know the
24 applicant's -- what they could do in the space
25 that's there, but if you worked within the

DINA M. MORGAN, REPORTER

†

28

1 EASTCHESTER ZBA - 2/10/15
2 footprint, cut down the square footage,
3 eliminate that parking space, now your total
4 number of parking spaces needed is less because
5 you have less square footage. So it's not just
6 one piece, not just eliminate parking, you have
7 to look at what is the need for the expansion
8 of the building, number one, and could the
9 building even be smaller, and, therefore, you
10 would have less of a parking requirement, and
11 then you could do a better job with
12 landscaping, maybe get a better -- even more of
13 an angle on these spaces, and then still be
14 able to create some sort of semblance of a one
15 way circulation pattern. It's a tight site.

16 We were trying to guide the applicant
17 to improve what they came in with. Again, it's
18 really a question of how much additional
19 traffic and parking would be needed based on
20 the expansion of the building.

21 THE CHAIRMAN: Thank you, Mr. Grealy.

22 Would you mind sticking around just for the

23 public --

24 MR. GREALY: Absolutely.

25 THE CHAIRMAN: -- portion, and perhaps

DINA M. MORGAN, REPORTER

♀

29

1 EASTCHESTER ZBA - 2/10/15

2 the applicant will be back up, and we'll be

3 done with that end of it, but perhaps we may

4 need you again. It was very informative.

5 Thank you.

6 The public hearing portion of this

7 application is still open. Is there anyone

8 that wants to be heard on this application in

9 the public?

10

11 (No comments.)

12

13 THE CHAIRMAN: Seeing nobody, I make

14 an application to close the public hearing.

15 MR. MILLER: So moved.

16 THE CHAIRMAN: Is there a second?

17 MR. CAHALIN: I'll second.

18 THE CHAIRMAN: All in favor.

19

20 (All aye.)

21

22 THE CHAIRMAN: If the applicant would

23 like to come back up now and address some of
24 the comments.

25 MR. PARKER: I'll start with the

DINA M. MORGAN, REPORTER

♀

30

1 EASTCHESTER ZBA - 2/10/15
2 expansion of the building. We're not talking
3 5, 6000 square feet. The current building is
4 1300 square feet. We're talking about bringing
5 it up to a little over 2000. That's not an
6 enormous building. 1300 square feet doesn't
7 give us what we need in order to make the
8 project worth it, honestly.

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

23 The site is what it is now. We
24 don't -- the additions to the building are not

25 bringing into the parking lot. They're going

DINA M. MORGAN, REPORTER

♀

31

1 EASTCHESTER ZBA - 2/10/15
2 away from -- they're going into currently
3 vegetated areas in the back. It's not making
4 the site any less spacious. You know, these
5 additions are what makes it financially -- you
6 know, makes financial sense for us to even do
7 this project. As Margaret says, we can't have
8 service bays anymore unless we go for a permit.
9 I think that most people would rather not have,
10 you know, a service station. I mean, they're
11 mostly dirty and, you know, most people like
12 when we take something -- I don't have an
13 existing picture of it, but you see the
14 elevation and obviously we're going through
15 planning and architectural review if we get
16 past this stage, but it's going to be a
17 building that's going to look a lot better than
18 what's there.

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

1 EASTCHESTER ZBA - 2/10/15
2 get out. You're actually causing more traffic
3 on the site, I would think, rather than let
4 these guys just escape and get out of there.
5 The bottom line is, people are only going to
6 come if it's convenient. If they get in there
7 and they can't get out, they're going to stop
8 coming and we're not going to have as much
9 business, and the problem is going to solve
10 itself.

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

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

24 MR. CAHALIN: No. I spoke my piece.

25 THE CHAIRMAN: Mr. Miller?

1 EASTCHESTER ZBA - 2/10/15
2 MR. MILLER: No.
3 THE CHAIRMAN: Mr. Nurzia?
4 MR. NURZIA: Yes. I just have a
5 question. You mentioned your goal was to have
6 any cars at that particular pump be able to
7 exit --
8 MR. PARKER: Just as an example.
9 MR. NURZIA: But you mentioned that if
10 it's trapped, and then the exit is just off
11 of -- I think it's Hillside is the side road --
12 but didn't you cut the curb right in front of
13 the store?
14 MR. PARKER: We did. You could get
15 from here back around if someone was parked
16 there, and that's why we did cut that. You
17 certainly could do that, but it makes more
18 traffic around the site, and I would think we
19 would want -- you know -- or if there is a
20 compromise where we do no left turn out of
21 here. Like I said, if this is what makes the
22 project happen -- it doesn't make sense for us
23 to operate the station the way it is now.
24 You'll see that our application date is 2013
25 from when we originally started doing this.

DI NA M. MORGAN, REPORTER

♀

2 The reason that we haven't had anybody in those
3 bays is because we've been hoping to do some
4 work on the station. Now with this grandfather
5 long gone, it's -- we're kind of getting in a
6 hard spot here as to what to do with the
7 station.

8 THE CHAIRMAN: Well, for me, something
9 in the latter part of your presentation was
10 something I was alluding to earlier, and that
11 is that -- and I'm not so concerned about the
12 issue of the parking, because if you're driving
13 past and there is nowhere to park, you're not
14 coming in. So my major concern is the
15 circulation. You also commented that if it's
16 going to make the application pass. I think
17 ultimately whether you're going to amend your
18 application is obviously up to you. We can
19 eventually vote on your application as you
20 presented it, but the Board, which is really at
21 this juncture four independent people giving
22 you their thoughts, seem to be thinking that
23 the problem here is not volume but circulation.
24 At least two of the Board members seem to be
25 very concerned about two way right where the

DI NA M. MORGAN, REPORTER

♀

35

1 EASTCHESTER ZBA - 2/10/15
2 parking is, and I could see people backing up
3 into public roadway, and also going the wrong

4 way because they want to go in the other
5 direction, and it's going to make that very --
6 the circulation a problem there. Again, it's
7 entirely up to you as to how you may want to
8 amend your application. You worked hard on
9 this. I think traffic flow that is one way in
10 each direction to me makes more sense, and,
11 again, I'm not so constricted by the number of
12 spots.

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

16 MR. CAHALIN: It's not so much the
17 parking. It's the in and out. You got four
18 pumps and, you know, if we have a gas crisis
19 again, it gets nuts. I mean, people are going
20 every which direction to get to the pump to get
21 their gas. I get that. It's just so tiny.
22 That's my concern. The parking is the parking.
23 I understand you need the space to make money,
24 but, you know -- if we had 10 more feet to the
25 sidewalk, it would definitely help, but we

DINA M. MORGAN, REPORTER

♀

36

1 EASTCHESTER ZBA - 2/10/15

2 don't.

3 THE CHAIRMAN: Margaret -- Ms. Uhle --
4 I'm sorry -- as a point of order, do we have to
5 re-notice for the public hearing if the

6 applicant changes any portion of its
7 application?

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

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

25 MS. UHLE: There's not really, I don't

DINA M. MORGAN, REPORTER

♀

37

1 EASTCHESTER ZBA - 2/10/15
2 think, very much new information that will be
3 presented other than some minor redesign.

4 MR. CAHALIN: That's up to the
5 applicant though.

6 THE CHAIRMAN: So what are your
7 thoughts on making some minor modifications to

8 the flow direction?
9 MR. PARKER: We're not abandoning the
10 project. I mean, we need to do something with
11 the site. We don't want it to sit there and go
12 downhill. Our engineer will speak to the
13 traffic consultant again and see if we could
14 figure something out with that entrance. As
15 far as removing that last spot, I'll leave that
16 up to the experts. I don't know --
17 THE CHAIRMAN: Mr. Grealy, would you
18 mind being heard again on this issue, if you
19 don't mind?
20 So just to recap, the concern being
21 the circulation and my commentary being
22 sometimes maybe less is more, is there any way
23 you can envision -- and I'm not asking you to
24 do that now -- getting a more, I guess,
25 appropriate traffic flow that also creates less

DINA M. MORGAN, REPORTER

♀

38

1 EASTCHESTER ZBA - 2/10/15
2 turning and other issues that create delay?
3 MR. GREALY: I think where we started
4 from was trying to make this one way, and that
5 would help tremendously for two reasons:
6 Number one is: If this is one way, I don't
7 have to worry about competing vehicles. As you
8 suggested, if this space was eliminated now,
9 even if this vehicle is pulling out and someone

10 came in, there's room to move around him.
11 Maybe you could get a space back over in this
12 corner. The idea was try to get some
13 landscaping, but maybe you beef up this
14 landscaping. So I think if we can get to a one
15 way circulation pattern, I think -- that was
16 our original recommendation. That helps
17 tremendously in terms of cutting down on
18 conflicts. While you may circulate more on
19 site, what we're trying to avoid is the
20 conflicts out on New Rochelle Road. So that's
21 where we were coming from in terms of the one
22 way circulation pattern. The applicant did cut
23 this back, so under normal circumstances when
24 someone is at the pump there is room to get by.
25 I think people that go here will get used to

DINA M. MORGAN, REPORTER

♀

39

1 EASTCHESTER ZBA - 2/10/15
2 it. It's not a station where you get a lot of
3 transient business. It's really local business
4 people or people that come off the parkway on
5 their way to their job that maybe stop in. If
6 the applicant can make this one way, I think
7 that goes along way. We could work at cleaning
8 this up. As you said, if the spaces aren't
9 there, maybe people won't stop. Also, people
10 tend to park at the pumps now. They may stop,
11 get gas, and go in. So you may get more of

12 that on this site where people actually park at
13 the pump, fill up, and then go into the store.
14 So I think in the busy times maybe the
15 shortfall on parking is somehow addressed with
16 the spaces at the pump and at the same time you
17 get a better circulation pattern.

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

23 MR. GREALY: And if they could show us
24 the turning diagrams for not only the fuel
25 truck but also for the delivery vehicles, that

DINA M. MORGAN, REPORTER

♀

40

1 EASTCHESTER ZBA - 2/10/15
2 would be helpful. We relayed that to the
3 applicant's engineer, we just haven't received
4 anything yet.

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

7 MR. PARKER: On the tanker, the reason
8 that we didn't submit anything is because they
9 do it different ways depending on the time of
10 day, where they're coming from, which terminal.
11 Sometimes they do it in the middle of the
12 night. They pull in and then when they're
13 done, they back out and they go. If they have

14 smaller trucks, they're able to circulate
15 through the site between the two dispensers and
16 back out. We can certainly give you, you know,
17 some options, but the only reason we didn't
18 submit it is because I actually, personally,
19 spoke to several drivers that have been
20 delivering to the site for years just to get
21 their take on it.

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

25 Next application is 140 Highland

DINA M. MORGAN, REPORTER

♀

41

1 EASTCHESTER ZBA - 2/10/15
2 Avenue. If you could state your name and
3 address, please, for the record.

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

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

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

15 THE CHAIRMAN: Please do. Great.

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

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

DINA M. MORGAN, REPORTER

♀

42

1 EASTCHESTER ZBA - 2/10/15
2 have any questions or comments?

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

6 MS. D' AVERSA: We just closed in
7 January.

8 MR. NURZIA: That's the only question
9 I had.

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

12 MR. MILLER: No.

13 THE CHAIRMAN: Mr. Cahalin?

14 MR. CAHALIN: Absolutely nothing.

15 THE CHAIRMAN: I'm going to reserve my
16 comments for later. So having no further
17 comments, do I have a motion to open the public

18 hearing?
19 MR. MILLER: So moved.
20 THE CHAIRMAN: By Mr. Miller. Is
21 there a second?
22 MR. CAHALIN: I'll second then.
23 THE CHAIRMAN: Mr. Cahalin. All in
24 favor.
25

DINA M. MORGAN, REPORTER

♀

43

1 EASTCHESTER ZBA - 2/10/15
2 (All aye.)
3
4 THE CHAIRMAN: Does anyone from the
5 public want to be heard on this application?
6
7 (No comments.)
8
9 THE CHAIRMAN: Seeing no one come
10 forward, is there a motion to close public
11 hearing?
12 MR. MILLER: So moved.
13 THE CHAIRMAN: By Mr. Miller. Is
14 there a second?
15 MR. CAHALIN: I'll second again.
16 THE CHAIRMAN: By Mr. Cahalin. All in
17 favor.
18
19 (All aye.)

20

21 THE CHAIRMAN: Back to the Board.
22 Anything, Mr. Cahalin?

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

25 THE CHAIRMAN: What's ludicrous?

DINA M. MORGAN, REPORTER

♀

44

1 EASTCHESTER ZBA - 2/10/15

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

5 THE CHAIRMAN: Ah, complimentary. Mr.
6 Miller?

7 MR. MILLER: No.

8 THE CHAIRMAN: Mr. Nurzia?

9 MR. NURZIA: No questions. No
10 comments.

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

15 MR. CAHALIN: I'll second that.

16 THE CHAIRMAN: All in favor.

17

18 (All aye.)

19

20 THE CHAIRMAN: Thank you.

21 MS. D' AVERSA: Thank you.

22 THE CHAIRMAN: Okay. 1 Corwood Road.
23 MR. COLANGELO: Good evening. John
24 Colangelo, 211 South Ridge Street, Rye Brook,
25 New York.

DINA M. MORGAN, REPORTER

♀

45

1 EASTCHESTER ZBA - 2/10/15
2 THE CHAIRMAN: Good evening, Mr.
3 Colangelo.
4 MR. COLANGELO: This is a
5 straightforward application. Very simply.
6 This is a non-conforming lot. The applicant is
7 the purchaser of the lot. We are in contract
8 with the seller, who is the adjoining property
9 owner right here. The lot was created, I
10 believe, in the 1940's. It's a prior
11 non-conforming lot. It was an R-5 zone at the
12 time. The zone was changed in the Fifties to
13 an R-20 zone, which it is right now.
14 The property size is 19,331 feet; it
15 requires 20,000 square feet; a 3.3 percent
16 deficiency. So it's a minor variance. It
17 really isn't a large variance. It's consistent
18 with the other lots in the area. If I may, we
19 have a map of similarly situated lots in the
20 area, which are similar size. There is an R-15
21 zone, which is right across the street. This
22 is the R-20 here. As you can see, it's not
23 inconsistent with the lots in the area.

24 What we propose is the construction of
25 a single family house. There would be no

DINA M. MORGAN, REPORTER

♀

46

1 EASTCHESTER ZBA - 2/10/15
2 further variances required. The building
3 envelope is consistent -- and I'll turn this
4 around. I have a copy of this for the Board
5 members so you could have a copy of that. The
6 building envelope is more than sufficient to
7 build a single family house consistent with the
8 lots in the area. So it will not be out of
9 character in the neighborhood. The seller's
10 property, as you can see, is a prior
11 non-conforming lot. So we can't take more
12 property from her lot to create -- to make this
13 conforming, because it will make her more
14 non-conforming. So it would create more of a
15 deficiency there.

16 It is submitted that the requested
17 variance is not substantial, and that it will
18 not be out of character in the neighborhood.
19 It will comply with all of the zoning
20 requirements. It's a pretty simple
21 application. I can amplify the criteria
22 responses that we submitted to you, if you so
23 desire; otherwise, I will submit to the Board
24 the balancing test that you're going to be
25 following through here: That the benefit to

DINA M. MORGAN, REPORTER

47

1 EASTCHESTER ZBA - 2/10/15
2 the applicant outweighs any detriment to the
3 adjoining property owners.
4 THE CHAIRMAN: Thank you, Mr.
5 Colangelo. See if any of the Board has any
6 comments or questions. Mr. Cahalin?
7 MR. CAHALIN: Since this is a corner
8 lot, I'm just curious what side is the front
9 door going to be on?
10 MR. COLANGELO: Excuse me.
11 MR. CAHALIN: What side is the front
12 door going to be on; do you know yet?
13 MR. COLANGELO: Corwood.
14 MR. CAHALIN: So you're going to have
15 your front lot on Corwood?
16 MR. COLANGELO: Yes.
17 THE CHAIRMAN: Are you concerned about
18 trick-or-treating?
19 MR. CAHALIN: No. Actually, we had
20 other situations in town with corner lots and
21 how they designate it. In fact, on Highland
22 Avenue, if you remember, we had a poor
23 gentleman who had to come for multiple
24 variances when he wanted to install a
25 generator, simply because he put the front door

♀

48

1 EASTCHESTER ZBA - 2/10/15
2 on the wrong side of the street. So think
3 about it. No joke.

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

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

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

20 MR. MILLER: No questions.

21 THE CHAIRMAN: Mr. Nurzia?

22 MR. NURZIA: Yes, actually, just one
23 question. I think I know the answer to the
24 question, but in the memo that we have prepared
25 by Ms. Uhle it mentions regarding the question

♀

1 EASTCHESTER ZBA - 2/10/15
2 of lot merger and one point states that there
3 does not appear to be any accessory structure,
4 but there is, I think, a shed in the far corner
5 of the property. So if you could just clarify
6 if that's on a permanent foundation. I don't
7 think it is, but if you could just clarify
8 that.

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

14 (Indicating.)

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

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

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

24 THE CHAIRMAN: Okay. I reserve my
25 comments until after the public hearing. Do I

DI NA M. MORGAN, REPORTER

♀

1 EASTCHESTER ZBA - 2/10/15

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

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

♀

51

1
2
3

EASTCHESTER ZBA - 2/10/15

(All aye.)

4 THE CHAIRMAN: Back to the Board. Mr.
5 Cahalin, anything further?
6 MR. CAHALIN: Nothing further.
7 THE CHAIRMAN: Mr. Miller?
8 MR. MILLER: No.
9 THE CHAIRMAN: Mr. Nurzia?
10 MR. NURZIA: No.
11 THE CHAIRMAN: My only comment is
12 that, as Mr. Colangelo stated, it's a di
13 minimis percentage of a variance, and it is
14 very much in conformity with the neighborhood.
15 I have absolutely no problem with the
16 application. So I will make a motion to come
17 back and read an excerpt of a resolution to be
18 voted upon at the next meeting. Is there a
19 second?
20 MR. CAHALIN: I second that.
21 THE CHAIRMAN: Mr. Cahalin. All in
22 favor.
23
24 (All aye.)
25

DINA M. MORGAN, REPORTER

♀

52

1 EASTCHESTER ZBA - 2/10/15
2 THE CHAIRMAN: The next application is
3 152 Lake Shore Drive.
4 MR. CAHALIN: 132.
5 THE CHAIRMAN: 132. Sorry.

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

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

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

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

21 We are requesting variances to
22 legalize an existing one story pool house and
23 an existing masonry barbeque located in the
24 rear yard of the existing property. Mr. and
25 Mrs. Lugo purchased the residence from Mr. and

DINA M. MORGAN, REPORTER

♀

53

1 EASTCHESTER ZBA - 2/10/15
2 Aloia in December of 2014. During the title
3 search process, it was discovered that the pool
4 house and the barbeque were both constructed
5 without proper permits some time between 2001
6 and 2010 by an owner who owned it at that time.
7 It wasn't by Mr. and Mrs. Aloia, and it wasn't

021015ZB.txt
by Mr. and Mrs. Lugo.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DINA M. MORGAN, REPORTER

♀

54

1
2
3
4
5
6
7
8
9

EASTCHESTER ZBA - 2/10/15
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.

10 THE CHAIRMAN: Thank you, Mr.
11 Iannacito. At this time I would like to take
12 questions or comments from the Board. Mr.
13 Cahalin?

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

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

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

DINA M. MORGAN, REPORTER

♀

55

1 EASTCHESTER ZBA - 2/10/15
2 existing owner, you know, it's not their fault,
3 and then if it's not the prior owner's fault,
4 then whose fault is it that this was allowed to
5 happen? We're asked to solve a problem today
6 that really is an issue; the impervious
7 surface. I mean, you have a di mi ni mi s
8 variance on the 2.69 and you -- you know, fine,
9 but to me the biggest issue on this property is
10 impervious surface calculation. It's bad.

11 MR. IANNACITO: A lot of the

12 impervious surfaces that did occur on this
13 property probably occurred during the Eighties.
14 We have surveys on file that show a lot of
15 coverages, and the impervious surface
16 requirements were not in existence, I believe,
17 in the Eighties.

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

20 MR. IANNACITO: Maybe even 2000.

21 MR. CAHALIN: Yes, 2000. I think we
22 started really in 2003, 2004.

23 MS. UHLE: We continuously reduced the
24 permitted amount of impervious surface. But
25 that being said, prior to fairly recently

DINA M. MORGAN, REPORTER

♀

56

1 EASTCHESTER ZBA - 2/10/15
2 permits weren't even required for patios. So
3 there was no way to really track impervious
4 surfaces until fairly recently.

5 MR. CAHALIN: Right, but there's still
6 a concern -- like I said, it's absolutely
7 gorgeous. It's just the lot is completely
8 covered. And it's a big lot. You're not
9 kidding. It's a huge lot. My concern is, you
10 know, do we penalize this applicant for
11 something they had nothing to do with except
12 buying a beautiful property? I'm really -- I
13 don't know which way to go with this, because

14 do we set a trend? It's okay to make this
15 type -- this is a big mistake, you know, from a
16 numbers standpoint. I'm not saying from an
17 aesthetic beauty -- it's absolutely gorgeous,
18 there's no question about it, back there.

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

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

DINA M. MORGAN, REPORTER

♀

57

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

8 THE CHAIRMAN: Thank you, Mr. Cahalin.
9 Mr. Miller?

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

14 MR. IANNACITO: There's not much.

15 MR. MILLER: Any. We've been pretty

16 strict when it comes to the impervious surface
17 space. I mean, I understand your client
18 inherited this, but they inherited it, and we
19 can't just ignore it.

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

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

DINA M. MORGAN, REPORTER

†

58

1 EASTCHESTER ZBA - 2/10/15

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

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

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

10 MR. CAHALIN: That's a personal
11 decision.

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

16 MR. CAHALIN: Yes, it's all pavers.
17 It's gorgeous.

18 MR. IANNACITO: This is a space that's
19 not usable here right now. So if it was green
20 space back here, I don't think that would
21 really be a major deficit to this property. So
22 I'll speak to the owners of about it if that's
23 something that's going to help.

24 MR. MILLER: I think it would benefit
25 your application in my mind if you found some

DINA M. MORGAN, REPORTER

♀

59

1 EASTCHESTER ZBA - 2/10/15
2 pervious surface space.

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

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

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

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

13 MR. NURZIA: Walking to the back yard,
14 it's actually a secluded back yard on a
15 secluded end of the street, so I'm not sure if
16 my concerns are the same as the prior members,
17 but my comment is more of a question that may
18 be directed to the legal department. You've
19 got two structures -- two items that actually

20 encroach on which I believe are the golf
21 course, you got a portion of a walkway that
22 encroaches about 9 feet, and then you got a
23 Bocce court in the far end, there's a walkway,
24 little bridge to get to it. So I'm not sure if
25 that is something we need to get addressed or

DINA M. MORGAN, REPORTER

♀

60

1 EASTCHESTER ZBA - 2/10/15

2 if it's important to this.

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

17 MR. NURZIA: Okay. No further
18 questions.

19 THE CHAIRMAN: I'm going to reserve my
20 comments or questions until a little bit later
21 on.

021015ZB.txt
22 So having said that, is there a motion
23 to open the public hearing?
24 MR. CAHALIN: So moved.
25 THE CHAIRMAN: By Mr. Cahalin. Is

DI NA M. MORGAN, REPORTER

61

†
1 EASTCHESTER ZBA - 2/10/15
2 there a second?
3 MR. NURZIA: Second.
4 THE CHAIRMAN: By Mr. Nurzia. All in
5 favor.
6
7 (All aye.)
8
9 THE CHAIRMAN: Would anyone like to
10 come forth and speak on this application?
11
12 (No comments.)
13
14 THE CHAIRMAN: Seeing nobody, is there
15 a motion to close the public hearing?
16 MR. MILLER: So moved.
17 THE CHAIRMAN: By Mr. Miller.
18 MR. CAHALIN: Second.
19 THE CHAIRMAN: Second by Mr. Cahalin.
20 All in favor.
21
22 (All aye.)
23

021015ZB.txt
24 THE CHAIRMAN: Okay. Back to the
25 Board. Mr. Nurzia, anything further?

DI NA M. MORGAN, REPORTER

♀

62

1 EASTCHESTER ZBA - 2/10/15
2 MR. NURZIA: No further questions.
3 THE CHAIRMAN: Mr. Miller?
4 MR. MILLER: No.
5 THE CHAIRMAN: Mr. Cahalin?
6 MR. CAHALIN: I spoke my piece.
7 THE CHAIRMAN: Well, I have two
8 comments: Firstly, as it relates to the
9 as-built structures, it seems that the people
10 who would be most affected by these as-built
11 structures are not here to complain about it,
12 and so my focus is square, as the other Board
13 members are, on the impervious surface, because
14 I'm not inclined or concerned about how we're
15 going to remedy an application or are we
16 penalizing them, I'm just focused on this
17 application and how we could, perhaps, tweak it
18 to make that impervious surface issue a
19 non-concern. And by the way, Mr. Nurzia, your
20 point was very well taken about those
21 structures on the premises, because they are
22 changing the impervious surface area even
23 though they're not factored in to this
24 application.
25 So I would like to see the applicant

DINA M. MORGAN, REPORTER

♀

63

1 EASTCHESTER ZBA - 2/10/15
2 make some modifications, and I think you
3 smartly stated that perhaps it would save them
4 money rather than putting in a dry well, which
5 also, by the way, you know, over time they stop
6 operating, they get clogged if they're not
7 cleaned out. So perhaps changing the
8 topography a bit would benefit the impervious
9 surface coverage, minimize the amount of the
10 impervious surface and make this palatable.

11 Would the applicant consider that?

12 MR. IANNACITO: I'll speak to the
13 homeowners about reducing -- both the existing
14 homeowners and the previous homeowners to see
15 how we could reduce the amount of impervious
16 coverage.

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

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

♀

1 EASTCHESTER ZBA - 2/10/15
2 MR. CAHALIN: I'll second that.
3 THE CHAIRMAN: By Mr. Cahalin. All in
4 favor.
5
6 (All aye.)
7
8 MS. UHLE: Could I just try to clarify
9 something?
10 THE CHAIRMAN: Please.
11 MS. UHLE: So with regard to the
12 structures that you're trying to legalize, the
13 pool house and the barbeque, that is what's
14 increasing the -- how much impervious surface
15 did you say that is?
16 MR. IANNACITO: 487 square feet.
17 MS. UHLE: So what you're thinking
18 about eliminating is only 478.
19 MR. IANNACITO: Right. Then at that
20 point the existing doesn't change.
21 MS. UHLE: You're not increasing it.
22 Okay. The only thing that I want to point out
23 is -- and I understand what everyone is
24 saying -- but if they eliminate 400 and some
25 other square feet somewhere else on the

DINA M. MORGAN, REPORTER

♀

1 EASTCHESTER ZBA - 2/10/15
2 property, I'm not sure what significant --
3 other than the fact that they're not going to
4 have to put in dry wells and that you won't
5 need that one variance, you'll just need that
6 two variances, you'll still have this entire
7 situation. It will just be now some impervious
8 surfaces from the front will be eliminated.
9 You'll still have an 87 foot wide rear yard. I
10 just wanted to make you understand --

11 MR. CAHALIN: I think we understand.

12 MS. UHLE: Okay. All right.

13 MR. CAHALIN: I don't know --

14 MS. UHLE: Do you understand my point
15 though?

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

18 MS. UHLE: I don't think it's going to
19 make a difference, other than in principal to
20 an extent, which is not to say that that's not
21 a wrong thing to say. It's not like all a
22 sudden there's going to be a lot more open
23 space on the property. We're not talking about
24 the full extent of the variance, we're only
25 talking about 400 square feet.

DINA M. MORGAN, REPORTER

♀

66

1 EASTCHESTER ZBA - 2/10/15
2 THE CHAIRMAN: And I think the point
Page 61

3 is nuanced because of what Mr. Iannaci to said,
4 and that is that it could also help the
5 homeowners by eliminating the installation of a
6 dry well, which has to be -- has to have an
7 excavation and it's work.

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

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

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

DINA M. MORGAN, REPORTER

♀

67

1 EASTCHESTER ZBA - 2/10/15
2 concerned about eliminating impervious surface,
3 because, as we've seen from lack of
4 participation from the public, that the people

5 that are most affected by the as-built
6 structures or the impervious surface haven't
7 complained about it. So we're not hearing
8 about water runoff and other issues. So what
9 we're doing is looking to make sure that
10 municipal compliance gives the best possible
11 chance for the issue which concerns the Board
12 the most to not be an issue. Okay. Thank you
13 very much.

14 The last application for the evening
15 is 7 Hunter Drive.

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

21 The proposed scope of work will
22 include the construction of a two story
23 addition at the front of the residence, second
24 story addition over the existing footprint, and
25 a pergola over an existing patio area, and then

DINA M. MORGAN, REPORTER

♀

68

1 EASTCHESTER ZBA - 2/10/15
2 the construction of a new in-ground pool with a
3 patio.

4 I'll just go through the plans real
5 quickly just to show where the alterations are
6 occurring.

7 THE CHAIRMAN: Thank you.
8 MR. IANNACITO: Here on the first
9 floor we have the addition and alterations at
10 the front portion of the house, and the
11 reconfiguration of an existing living room,
12 dining room and expansion of a dining room and
13 new living room and new entrance hall and a new
14 powder room. The addition on the second floor
15 will include a new master suite, which will
16 include a master bedroom, master bath, a
17 sitting room and a couple of walk-in closets
18 with a new balcony looking down at the entrance
19 hall and back down to the existing bedroom wing
20 of the split level home.

21 Here we have the proposed front
22 elevation showing the two story addition and
23 the addition above the first story. The right
24 side view showing the two story addition. Here
25 is the rear showing the second story addition

DINA M. MORGAN, REPORTER

♀

69

1 EASTCHESTER ZBA - 2/10/15
2 over existing, the roof pergola over the
3 existing patio, and on the left side really not
4 much of a change except you see some portion of
5 the second story beyond and the roof pergola
6 off to the side here.

7 So the proposed additions and
8 alterations will create a couple of

9 non-conforming conditions, and we're requesting
10 a few area variances this evening.

11 The first would be for the total gross
12 floor area, where the proposed floor area is
13 4,982 square feet and the required is 4,314, an
14 increase of 668 square feet. The second is for
15 the total impervious surfaces, where the
16 proposed is 6,605 square feet and the required
17 5,728 square feet, an increase of 877 square
18 feet. The third is for a side yard setback to
19 the pool equipment, which will be located in
20 the rear corner here. The proposed setback is
21 5 feet and the required is 12 feet, a
22 deficiency of 7 feet. The fourth variance is
23 for the rear yard setback to the pool
24 equipment, where the proposed is also 5 feet
25 and the required is 12 feet.

DINA M. MORGAN, REPORTER

♀

70

1 EASTCHESTER ZBA - 2/10/15

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

10 The proposed building coverage will be
Page 65

11 in conformance with the zoning law, and the
12 proposed massing will be in keeping with the
13 scale and the character of the neighboring
14 properties.

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

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

23 THE CHAIRMAN: Thank you, Mr.
24 Iannacito. Questions or comments from the
25 Board? Mr. Miller?

DINA M. MORGAN, REPORTER

♀

71

1 EASTCHESTER ZBA - 2/10/15

2 MR. MILLER: None at this time.

3 THE CHAIRMAN: Mr. Nurzia?

4 MR. NURZIA: I have one comment on the
5 impervious coverage. I'm just looking at the
6 pool, and on one side of the pool there's patio
7 coverage that is exactly 5.81 feet extending
8 out. On the other side of pool facing the lot
9 line it extends almost to the lot line. What
10 was the reason behind that?

11 MR. IANNACITO: The property here is
12 sloping off, sloping down this way, so this

13 will be a retaining wall here. So the actual
14 pool deck here is up about 30 inches above the
15 grass area.

16 MR. NURZIA: Okay. So --

17 MR. IANNACITO: We tried to minimize
18 it here and bring it closer to the property
19 line and have a planting along the property
20 line here to have some lounge chairs along this
21 side.

22 MR. NURZIA: Okay.

23 THE CHAIRMAN: Mr. Cahalin?

24 MR. CAHALIN: I'm curious, John, about
25 the scale, the height of the addition, because,

DINA M. MORGAN, REPORTER

♀

72

1 EASTCHESTER ZBA - 2/10/15

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

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

15 that house which was done recently.

16 MR. CAHALIN: Big additions.

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

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

22 MR. IANNACITO: There are a lot of
23 houses in the neighborhood.

24 MR. CAHALIN: And you gave me two.

25 MR. IANNACITO: That's on Hunter

DINA M. MORGAN, REPORTER

‡

73

1 EASTCHESTER ZBA - 2/10/15

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

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

14 MR. IANNACITO: Those houses were
15 splits and ranches in that neighborhood.

16 MR. CAHALIN: And now, I mean, we've

17 got -- I understand the magnitude when you
18 compare this addition to some of the new
19 buildings, this is tiny, I guess.

20 MR. IANNACITO: Well, in comparison to
21 some of the houses in Lake Isle it's not a very
22 large house.

23 MR. CAHALIN: It's a big house.

24 MR. IANNACITO: Well, if you compare
25 it to some of the houses that are on the lake.

DINA M. MORGAN, REPORTER

♀

74

1 EASTCHESTER ZBA - 2/10/15

2 MR. CAHALIN: Yes, they're big.
3 They're huge. But again, we get back to the,
4 you know -- really again, I guess, why is the
5 pool equipment on the side of the neighbor?

6 MR. IANNACITO: Well, when we looked
7 at the pool equipment, the required setback for
8 the pool equipment is 12 feet.

9 MR. CAHALIN: Right.

10 MR. IANNACITO: So we felt that this
11 area here on the property was a good location,
12 because it's tucked in away from everything
13 else on the property.

14 MR. CAHALIN: Yes, but what about the
15 neighbor?

16 MR. IANNACITO: Well, it's a 5 foot
17 setback, which is something that is pretty
18 standard in a lot of the other zones in

19 Eastchester. On an R-5, R-6 the setback for
20 the equipment is 5 feet. So with 5 feet of
21 planting material around it, it will be
22 screened enough, and the newer equipment is not
23 as loud as it used to be. To pull it away 12
24 feet and then have the pad for the equipment,
25 now you're pulling it almost 14 feet into the

DI NA M. MORGAN, REPORTER

♀

75

1 EASTCHESTER ZBA - 2/10/15
2 yard and everything behind that equipment
3 becomes useless.

4 MR. CAHALIN: Okay. But then we get
5 back to the biggest variance, 877 square feet
6 of impervious surface. That's a lot. You're
7 talking about -- I mean, if I'm reading the
8 calculation, that's almost 60 percent -- you
9 requested a 60 percent variance.

10 MR. IANNACITO: It's a 15 percent
11 variance.

12 MR. CAHALIN: The numbers in my notes
13 say it's 58.3 percent.

14 MR. IANNACITO: That's for the setback
15 on the pool equipment. 15.3 is for the --

16 MS. UHLE: We have 58.3. Let's see
17 what this says.

18 MR. CAHALIN: If it's only 15, I mean,
19 that's great. 58 really scares the crap out of
20 me.

21 MS. UHLE: It's 15.3. He's right.
22 That's a mistake on our agenda. That's a big
23 difference.

24 MR. CAHALIN: I'm less scared. I'm
25 glad I asked that question. I'm still

DINA M. MORGAN, REPORTER

†

76

1 EASTCHESTER ZBA - 2/10/15

2 concerned, but to a lesser degree.

3 THE CHAIRMAN: Concerned not alarmed.

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

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

8 MR. CAHALIN: I'm sure she doesn't
9 want to come under the firing line like you.
10 That's why she's paying you, John.

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

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

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

19 MR. CAHALIN: Exactly.

20 MS. UHLE: I'm sorry, the agenda says
21 58.3, which is taken from the Notice of Denial,
22 but you were right for the setback to the pool

23 equipment. It should have said 15.3 percent.
24 MR. CAHALIN: That's the one thing in
25 the package, I never read the denials, because

DINA M. MORGAN, REPORTER

♀

77

1 EASTCHESTER ZBA - 2/10/15
2 you wouldn't be coming here.
3 MR. IANNACITO: I think I looked at
4 it.
5 MR. CAHALIN: As the Chairman has
6 said, it's a concern, it's not a bell ringer.
7 THE CHAIRMAN: And we'll allow the
8 record to reflect it's 15.3 percent. The Board
9 is all cognizant of that. I'll reserve my
10 comments and questions until later.
11 MR. CAHALIN: I'll shut up now.
12 THE CHAIRMAN: Is there a motion to
13 open the public hearing?
14 MR. CAHALIN: I'll make that motion.
15 THE CHAIRMAN: Mr. Cahalin. Is there
16 a second?
17 MR. MILLER: Second.
18 THE CHAIRMAN: By Mr. Miller. All in
19 favor.
20
21 (All aye.)
22
23 THE CHAIRMAN: Seeing nobody coming
24 forward to speak on behalf of the public, is
Page 72

25 there a motion to close the public hearing?

DI NA M. MORGAN, REPORTER

♀

78

1 EASTCHESTER ZBA - 2/10/15

2 MR. MILLER: So moved.

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

5 MR. CAHALIN: I'll second.

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

8

9 (All aye.)

10

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

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

14 THE CHAIRMAN: Mr. Miller?

15 MR. MILLER: No, I'm good.

16 THE CHAIRMAN: Mr. Nurzia.

17 MR. NURZIA: No questions.

18 THE CHAIRMAN: My commentary was in
19 line with some of the comments I made
20 tonight -- consistent with it any way -- when
21 some of the people that are most affected by
22 structures and elevation and scaling of a home
23 don't attend or -- excuse me -- don't oppose
24 and not showing me that there's a concern, I'm
25 looking for things that maybe are silent things

♀

1 EASTCHESTER ZBA - 2/10/15

2 Like impervious surface.

3

4 (Audio ended)

5

6

7

8 (Audio restarted)

9

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

20 Is there a motion to close the
21 meeting?

22 MR. MILLER: So moved.

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

25 MR. NURZIA: Second.

♀

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

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

♀

C E R T I F I C A T I O N

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

STATE OF NEW YORK)
) Ss.
COUNTY OF WESTCHESTER)

I, DI NA M. MORGAN, Court Reporter and
Notary Public within and for the County of
Westchester, State of New York, do hereby
certi fy:

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
abi lity.

And, I further certi fy that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
i nterested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 2nd day of March, 2015.

DI NA M. MORGAN
Court Reporter

DI NA M. MORGAN, REPORTER

♀

1
2

021015ZB. txt

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

PAGE

CORRECTI ON

DI NA M. MORGAN, REPORTER