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

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

..... X

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

B E F O R E:

ALAN PILLA, CHAIRMAN
MARK DE MARCO, MEMBER
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
GARRETT BURGER, ASSISTANT PLANNER

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

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EASTCHESTER ZBA - 3/10/15

THE CHAIRMAN: Good evening. I'm going to call to order the March 10, 2015, Town of Eastchester Zoning Board of Appeals meeting. We would like to start the meeting with the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: We have three items on for resolution tonight, two items for more information, and three items of new business. I'm going to call the roll, and I'm going to ask that if you are here for the application, just let me know whether you're proceeding.

So the first item under old business, 15-04, 140 Highland Avenue. Okay.

Number two, 15-05, 1 Corwood Road, which is on for resolution.

Number three, 15-07, 7 Hunter Drive. Okay.

Item number four, 13-36, 504 New Rochelle Road. Is there anyone here that is going to be proceeding? Margaret, did you hear

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EASTCHESTER ZBA - 3/10/15

anything from the applicant?
Page 2

3 MS. UHLE: Yes. I had understood that
4 they would be here. Hopefully, they are on
5 their way.
6 THE CHAIRMAN: If needed, I'll push
7 that off to make sure that we don't have our
8 traffic expert come back at another time.
9 Super. Thank you.
10 Number five, 15-06, 132 Lake Shore
11 Drive North. Proceeding. Okay.
12 Under new business, 15-36, Park
13 Avenue. Proceeding. Okay.
14 Seven, 14-58, 221 Hillside Place.
15 Proceeding. Okay.
16 Number eight, 15-11, 4 Wild Way.
17 Proceeding on the application. Okay. Thank
18 you.
19 Before we start our agenda, is there a
20 motion to approve the minutes from the February
21 10th, 2015 meeting?
22 MR. CAHALIN: So moved.
23 THE CHAIRMAN: Moved by Mr. Cahalin.
24 Is there a second?
25 MR. MILLER: Second.

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1 EASTCHESTER ZBA - 3/10/15
2 THE CHAIRMAN: Mr. Miller just under
3 the wire. All in favor.
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(All aye.)

THE CHAIRMAN: Application 15-04, this is 140 Highland Avenue. This is an application for an area variance to legalize an existing deck. I have a resolution, and I'm making a motion to make that resolution part of the record in favor of the application. Is there a second?

MR. Nurzia: Second.

THE CHAIRMAN: I'll take the vote.
Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: And I vote yes. The resolution passes five nothing. The

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EASTCHESTER ZBA - 3/10/15
application has been approved.
Old business number two, 1 Corwood Road. This was an application for an area variance to permit a 19,331 square foot building where the minimum was 20,000 square
Page 4

7 feet. I similarly have a motion to have a
8 resolution into the record. Is there a second?
9 MR. CAHALIN: I'll second.
10 THE CHAIRMAN: By Mr. Cahalin. I'll
11 take the vote. We'll start with Mr. DeMarco.
12 MR. DE MARCO: Yes.
13 THE CHAIRMAN: Mr. Nurzia.
14 MR. NURZIA: Yes.
15 THE CHAIRMAN: Mr. Miller.
16 MR. MILLER: Yes.
17 THE CHAIRMAN: Mr. Cahalin.
18 MR. CAHALIN: Yes.
19 THE CHAIRMAN: And I vote yes.
20 MS. UHLE: We may want to clarify that
21 these resolutions have been drafted in favor.
22 THE CHAIRMAN: Yes. What she said.
23 MS. UHLE: In favor of the application
24 in both cases.
25 THE CHAIRMAN: Of course. We're a

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1 EASTCHESTER ZBA - 3/10/15
2 very accommodating Board, what else would it
3 be?
4 Application 15-07, 7 Hunter Drive. I
5 have a resolution in favor, and I am making a
6 motion to have this adopted as part of the
7 record. Is there a second.
8 MR. MILLER: Second.
Page 5

9 THE CHAIRMAN: By Mr. Miller. Let's
10 take a vote. Mr. Cahalin.
11 MR. CAHALIN: Yes.
12 THE CHAIRMAN: Mr. Miller.
13 MR. MILLER: Yes.
14 THE CHAIRMAN: Mr. Nurzia.
15 MR. NURZIA: Yes.
16 THE CHAIRMAN: Mr. DeMarco.
17 MR. DE MARCO: Yes.
18 THE CHAIRMAN: And I vote yes.
19 Application has been approved five to nothing.
20 Moving on to number four, 504 New
21 Rochelle Road. I haven't seen anyone else come
22 in, so, I'm sorry, we'll put it over and we'll
23 move on to 15-06, 132 Lake Shore Drive North.
24 Mr. Iannacito.
25 MR. IANNACITO: Good evening. My name

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1 EASTCHESTER ZBA - 3/10/15
2 is John Iannacito. I'm an architect, and I'm
3 representing Mr. and Mrs. Lugo (Ph.) this
4 evening, the owners of the single family
5 residence. Based on the comments that we
6 received at the February 10th Zoning Board
7 meeting, we are proposing to remove the
8 existing walkway along the left side of the
9 property. The removal of this walkway will
10 result in a 689 square foot net decrease to the
Page 6

11 total impervious surfaces, and will eliminate
12 the need for the impervious surface coverage
13 area variance.

14 So the revised application as
15 presented this evening will require two area
16 variances. The first will be for a side yard
17 setback to the existing pool house, and the
18 second is for a side yard setback to the
19 existing masonry barbecue. Thank you.

20 THE CHAIRMAN: Thank you. Any further
21 commentary from the Board? Mr. Cahalin, any
22 comments or questions?

23 MR. CAHALIN: Yes, actually I do.
24 John, if I understand, the walkway is going to
25 be replaced with grass?

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2 MR. IANNACITO: Yes.

3 MR. CAHALIN: My other comment: The
4 more I looked at these plans -- that barbecue,
5 can you do anything with it, because that
6 variance -- the pool house I understand, but
7 even when I visited the site, between the pool
8 house and the barbecue it's very tight, very,
9 very tight. Is there any way some of it can be
10 removed or pushed back? There's plenty of land
11 back there.

12 MR. IANNACITO: As it sits today, it's
Page 7

13 a masonry structure.

14 MR. CAHALIN: I know. With an oven
15 and everything else. I don't know which came
16 first, the barbecue or the pool house?

17 MR. DE MARCO: What about the chicken
18 or the egg?

19 MR. CAHALIN: Exactly. If they built
20 the barbecue first, I understand why the pool
21 house is so close, but if they put the pool
22 house first and then they put the barbecue
23 there deliberately --

24 MR. IANNACITO: Well, I would think it
25 would be the barbecue came first, because the

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2 pool house has a full kitchen in the pool
3 house. I think it would make sense that the
4 barbecue came first.

5 MR. CAHALIN: I just have a problem
6 with the variance for that piece. I'm okay
7 with the pool house.

8 MR. IANNACITO: Without dismantling
9 the entire barbecue, I think it would be very
10 difficult to move it. It is cemented. It's on
11 cement block.

12 MR. CAHALIN: I know what is. I saw
13 it. I could appreciate it. I just think
14 you're asking for too much and the home owner

15 is asking for too much on that variance.
16 That's my opinion.

17 MR. IANNACITO: They inherited this.
18 They bought the house this way.

19 MR. CAHALIN: I don't know what the
20 solution is. I'm hard pressed to approve that
21 variance, to vote in favor of that variance. I
22 get the pool house. I was hoping maybe they
23 could push it back or they could do something
24 with it.

25 MR. IANNACITO: Well, we tried to

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1 EASTCHESTER ZBA - 3/10/15
2 accommodate the Board based on the comments we
3 had received at the last meeting where we
4 understand that the impervious surface was
5 already non-conforming before the pool house
6 and the barbecue were even built, and in order
7 to alleviate the need for that variance we
8 reduced it substantially.

9 MR. CAHALIN: Absolutely. That's
10 great for the impervious surface and stuff like
11 that. Still, if you visit the property and
12 walk back there, it's tight. It's really
13 tight. It's just --

14 MR. DE MARCO: You know what, it must
15 really be tight for Mr. Cahalin to object to a
16 barbecue.

17 MR. CAHALIN: Exactly. Exactly.

18 MR. IANNACITO: I think that space in
19 that corner of the property is used basically
20 in the summertime when they're using the pool.
21 It is backing up to the Lake Isle property.
22 It's lower than all the shrubs that are --
23 there are plantings along that property line
24 that really screen the entire property from the
25 neighboring property. Along that whole side

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1 EASTCHESTER ZBA - 3/10/15

2 here there are tall -- and you probably don't
3 even see the pool house from there.

4 MR. CAHALIN: The Chairman wanted any
5 other comments, that's my comment. Everybody
6 else may disagree with me, and that's fine, but
7 that's where I am.

8 MR. IANNACITO: The height of the
9 barbecue is actually 66 inches without the
10 little chimney at the pizza oven.

11 MR. CAHALIN: It's a pretty good size
12 structure, there's no question about that.

13 MR. IANNACITO: Well, six feet is --
14 it's not a huge structure. I understand it's
15 close to the property line.

16 THE CHAIRMAN: Thank you, Mr. Cahalin.
17 Mr. Miller, do you have any comments or
18 questions?

19 MR. MILLER: No, no questions.
20 THE CHAIRMAN: Mr. Nurzia?
21 MR. NURZIA: No questions, no
22 comments.
23 THE CHAIRMAN: Mr. DeMarco?
24 MR. DE MARCO: Did you say pizza oven?
25 MR. IANNACITO: There is a pizza oven

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2 in this little area here and a built-in
3 barbecue.
4 MR. DE MARCO: Nothing further.
5 THE CHAIRMAN: As I see it, my focus
6 at the last meeting was the nature of the
7 impervious surface and the substantiality of
8 that variance request, and I think you've, at
9 least for my concerns, met them with the
10 transformation and removal of those -- of that
11 pavement. So to me it's not a problem. It's
12 fairly straightforward at this juncture.
13 Seeing that the public hearing was
14 closed and no further questions or comments, is
15 there a motion to set this down for a
16 resolution or vote at the next meeting?
17 MR. DE MARCO: So moved.
18 THE CHAIRMAN: So moved by Mr.
19 DeMarco. Is there a second?
20 MR. MILLER: Second.

21 THE CHAIRMAN: All in favor.

22

23 (All aye.)

24

25 THE CHAIRMAN: Thank you.

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1 EASTCHESTER ZBA - 3/10/15

2 MR. IANNACITO: Thank you.

3 THE CHAIRMAN: Ms. Uhle, I'm going to
4 move on to new business and hold the 504 New
5 Rochelle Road. We will hear from our traffic
6 expert at the end even if the applicant is not
7 here, and we'll move it from there.

8 On new business, six, 15-12, 36 Park
9 Avenue. If you could come up.

10 MR. IANNACITO: I'm here. Thank you.
11 Good evening, again. My name is John
12 Iannacito, an architect, and I'm representing
13 Mr. Alfredo Mariano this evening, who is with
14 me.

15 THE CHAIRMAN: Thank you. We have the
16 application, and you don't need to review it.
17 We've all reviewed the submission and the five
18 part test, and we know this is an application
19 for a second story addition to an existing
20 single family residence. If you could
21 highlight anything in the application you think
22 the Board should be focused on.

23 MR. IANNACITO: We're constructing the
24 second story additions at the existing one
25 story portions of the building at the front,

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1 EASTCHESTER ZBA - 3/10/15
2 the rear, and the side of the building. There
3 will be no increase to the existing footprint
4 of the building and no increase to the
5 impervious surfaces on the property, both of
6 which are conforming today. The additions will
7 result in an 855 square foot increase to the
8 total floor area of the house and will be in
9 conformance with the current zoning
10 requirements.

11 The three variances that we are
12 requesting are all existing non-conforming
13 conditions. The existing and proposed front
14 yard setback is 10.9 feet where a 30 foot
15 setback is required; the second is for the
16 first side yard setback where the proposed and
17 the existing is 4.5 feet and the required is 8
18 feet; and the third variance is for a second
19 side yard where the existing and proposed is
20 6.03 feet, where 9 is required, a deficiency of
21 2.97 feet. So we're increasing the degree of
22 non-conformity as far as the mass of the
23 structure goes but not the distances away from
24 the property line. The impervious surfaces

25 will be conforming, floor area will be

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2 conforming, building coverage will be
3 conforming.

4 THE CHAIRMAN: Thank you. Before we
5 hear from the public, I would like to get any
6 questions or comments from the board. Mr.
7 DeMarco?

8 MR. DE MARCO: Nothing.

9 THE CHAIRMAN: Mr. Nurzia?

10 MR. NURZIA: No questions.

11 THE CHAIRMAN: Mr. Miller?

12 MR. MILLER: None.

13 THE CHAIRMAN: Mr. Cahalin?

14 MR. CAHALIN: None.

15 THE CHAIRMAN: I don't have anything
16 at this moment. It's fairly straightforward to
17 me. All you're doing is really working on an
18 elevation here, everything else is existing.

19 Having said that, is there a motion to
20 open the public hearing?

21 MR. CAHALIN: So moved.

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

24 MR. MILLER: Second.

25 THE CHAIRMAN: By Mr. Miller. All in

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1 EASTCHESTER ZBA - 3/10/15

2 favor.

3

4 (Aye.)

5

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

8

9 (No comments.)

10

11 THE CHAIRMAN: Seeing nobody, I will
12 move to close the public hearing on this. Is
13 there a second?

14 MR. MILLER: Second.

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

17

18 (All aye.)

19

20 THE CHAIRMAN: Back to the Board.
21 We'll do a pass even though I don't think
22 anyone has any comments. Mr. DeMarco?

23 MR. DE MARCO: Still nothing.

24 THE CHAIRMAN: Mr. Nurzia?

25 MR. NURZIA: No.

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1 EASTCHESTER ZBA - 3/10/15
2 THE CHAIRMAN: Mr. Miller?
3 MR. MILLER: No.
4 THE CHAIRMAN: Mr. Cahalin?
5 MR. CAHALIN: No.
6 THE CHAIRMAN: I have nothing. So I
7 will move to have a resolution and a vote at
8 the next meeting on this application. Is there
9 a second to that?
10 MR. CAHALIN: I'll second that.
11 THE CHAIRMAN: Mr. Cahalin. All in
12 favor.
13
14 (All aye.)
15
16 THE CHAIRMAN: Thank you, Mr.
17 Iannacito.
18 MR. IANNACITO: Thank you. Have a
19 nice evening.
20 THE CHAIRMAN: You too. Number seven,
21 14-58, 221 Hillside Place. You can come up and
22 state your name.
23 MR. WOODRUFF: Good evening, Mr.
24 Chairman. My name is John Woodruff, and I'm
25 the architect for Boshana Nikoloski (Ph.). I'm

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2 representing her to legalize a concrete deck at
3 the rear of their three family house. The deck
4 is about 12 foot by 16 foot, it's at the back
5 of the property. Initially we filed an
6 application to repair it. That's what
7 triggered this. Once we filed with the
8 Building Department, we searched the old
9 records, and there was no record at all of the
10 steel deck at the rear of the house. It's in
11 really bad shape. The way that the property
12 sets up -- I don't know if you visited the
13 property or not -- but there is a long driveway
14 on the right side of the property which goes
15 down into an asphalt yard and then you sort of
16 turn around and come into the garages. Those
17 garages are used by the tenants, and the fact
18 that they have the elevated -- I guess the
19 photos will show a little better -- the fact
20 that the steel deck is elevated allows the cars
21 to turn around and make a U-turn and come back
22 out, face front as they go back out onto
23 Hillside.

24 We need a rear yard variance. We have
25 22 feet where 24 is required, and then the big

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1 EASTCHESTER ZBA - 3/10/15
2 variance we're looking for is a side yard

3 variance. We're only 2 feet from the property
4 line where 6 is required. We're hoping to
5 build it back in the same location. There is a
6 logistic problem with this steel deck so there
7 is kind of a hardship for us because the tenant
8 on the first floor uses that primarily as their
9 yard. That really is their space they get to
10 use for barbecuing and entertaining, and we
11 need to keep the area down below where the
12 garages are clear so cars could come in and
13 park. As you know, there is a parking problem
14 on that street, so the parking is very
15 valuable.

16 We don't know how long this has been
17 there. I have an old survey from 1980, so it's
18 been about 35 years that it has been there. As
19 you can see from that the photos, that upper
20 right-hand corner photo does show a lot of rot.
21 It's very dangerous. You can't even go out on
22 the deck now.

23 In terms of the criteria for an area
24 variance, I don't feel it's detrimental to the
25 neighborhood. It's in the back of the house,

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2 not seen from the street, been there for a long
3 time. We're not creating anymore impervious
4 surface. Environmentally I don't think there

5 would be a big impact. We had examined as many
6 options as we can to redesign this within the
7 current zoning. It is virtually impossible for
8 us to maintain the in and out of the garages
9 and to have a way the tenant can come back down
10 to the yard, so we're hoping if we could stay
11 in the same location.

12 Self-created: I don't know how long
13 Ms. Nikoloski has owned the house, but I'm sure
14 since 1980 it's been there. I did find the
15 original -- I'll put this up here so it could
16 be seen -- this we found from Mr. King at the
17 building department. This was a copy of the
18 old, original plans from the house, it's a
19 little hard to see, but you could see what was
20 there originally, it was just window across the
21 back and then the garages were always there,
22 and then someone must have added the steel deck
23 at some point from 1980 back.

24 What else can I tell you? Like I
25 said, it's all non-combustible materials. We

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1 EASTCHESTER ZBA - 3/10/15
2 build is the same way in the same fashion in
3 the same location. We actually would reuse the
4 same columns and really just, you know, rebuild
5 what's up above.

6 THE CHAIRMAN: Sure. Thank you for

7 the synopsis. Again, your application is part
8 of the record, and the tests have been reviewed
9 by the Board members.

10 So before we have any public hearing
11 on this matter, I would like to ask the Board
12 if they have any questions or comments. Mr.
13 Cahalin?

14 MR. CAHALIN: No.

15 THE CHAIRMAN: Mr. Miller?

16 MR. MILLER: None.

17 THE CHAIRMAN: Mr. Nurzia?

18 MR. NURZIA: No questions.

19 THE CHAIRMAN: Mr. DeMarco?

20 MR. DE MARCO: No.

21 THE CHAIRMAN: I have only one
22 question: Is that also a means of ingress and
23 egress for that tenant?

24 MR. WOODRUFF: Correct. I forgot to
25 mention that. That is their means of egress to

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1 EASTCHESTER ZBA - 3/10/15

2 the back yard.

3 THE CHAIRMAN: Great. It's also a
4 safety issue.

5 MR. WOODRUFF: It's a safety issue.
6 Really we just want to have that maintained for
7 that first floor tenant.

8 THE CHAIRMAN: Thank you.

9 MR. MILLER: Is that their only means
10 of ingress and egress?

11 MR. WOODRUFF: No. They could go out
12 through the front of the house as well, but it
13 is one of the means of egress. At one point or
14 another, there was another door on the side of
15 the house which was closed up, so right now
16 it's their second means, which is necessary.

17 THE CHAIRMAN: Having heard that, I
18 would like to make a motion to open the public
19 hearing. Is there a second to my motion?

20 MR. NURZIA: Second.

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

23

24 (All aye.)

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2 THE CHAIRMAN: Is there anyone from
3 the public that wants to be heard on this
4 issue?

5

6 (No comments.)

7

8 THE CHAIRMAN: Seeing nobody, I'll
9 make the motion to close the public hearing.
10 Is there a second?

11 MR. CAHALIN: I'll second that.

12 THE CHAIRMAN: Mr. Cahalin. All in
13 favor.

14
15 (All aye.)

16
17 THE CHAIRMAN: Okay. I'm compelled by
18 my obligation as Chairman to ask: Is there any
19 comments or questions; Mr. DeMarco?

20 MR. DE MARCO: No.

21 THE CHAIRMAN: Mr. Nurzia?

22 MR. NURZIA: No.

23 THE CHAIRMAN: Mr. Miller?

24 MR. MILLER: Yes, I actually have a
25 question.

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1 EASTCHESTER ZBA - 3/10/15

2 THE CHAIRMAN: Great.

3 MR. MILLER: Looking at the upper
4 left-hand photograph, is that deck somewhat
5 serving as a fire exit also?

6 MR. WOODRUFF: Correct. What happens
7 is -- I think you can see -- oh, I didn't show
8 the fire escape here -- what happens is this
9 fire escape comes just clear of the deck. It's
10 confusing from some of those pictures, but at
11 some point someone could come down that fire
12 escape and then reach over and get on the deck

13 from the second floor. So it does help a
14 little in terms of fire escape.

15 MR. MILLER: Okay. Thank you.

16 THE CHAIRMAN: Anything else, Mr.
17 Miller?

18 MR. MILLER: No. I can't see closer
19 to --

20 MR. WOODRUFF: For the people at home,
21 this is the fire escape in this corner he's
22 talking about. If I was coming down that fire
23 escape, I could leap over on this and save
24 myself another 8 or 9 feet of the drop.

25 MR. MILLER: Or conversely you could

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1 EASTCHESTER ZBA - 3/10/15
2 jump from the deck onto that, if necessary.

3 MR. WOODRUFF: Exactly. Exactly
4 right.

5 MR. MILLER: I'm finished.

6 THE CHAIRMAN: Mr. Cahalin?

7 MR. CAHALIN: No.

8 THE CHAIRMAN: Okay. My comment,
9 which I made earlier and supporting Mr.
10 Miller's questioning, to me in addition to the
11 merits of your application it also serves as a
12 means of safety for ingress and egress for that
13 tenant. So I certainly -- it's a
14 straightforward application. I have no problem

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15 with your application.
16 So is there a motion to have this
17 application heard for resolution and vote at
18 the next meeting?
19 MR. MILLER: So moved.
20 THE CHAIRMAN: Move by Mr. Miller. Is
21 there a second?
22 MR. DE MARCO: Second.
23 THE CHAIRMAN: Mr. DeMarco. All in
24 favor.
25

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1 EASTCHESTER ZBA - 3/10/15
2 (All aye.)
3
4 THE CHAIRMAN: Thank you.
5 MR. WOODRUFF: Thank you, Mr.
6 Chairman.
7 THE CHAIRMAN: Application number 8,
8 15-11 4 Wild Way. While you're setting up,
9 I'll just, for the public, I'll make a note
10 that this is an area variance to permit a 36
11 square foot addition to an existing single
12 family residence. We have your submission. If
13 you could state your name for the record.
14 MR. YESTADT: My name is Rick Yestadt,
15 architect. This is a project for -- we're
16 asking for a variance for a small area on the

17 corner of the house, which the existing roof
18 already exists and this serves as a porch or
19 a -- not really a porch, but it's a covered
20 entry to the rear of the house at this time.
21 What the client would like to do is capture
22 that square footage for the kitchen renovation
23 and to expand the size of the kitchen.

24 It's a variance that is 10.3 feet from
25 the property line where 14 is required, and as

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1 EASTCHESTER ZBA - 3/10/15

2 I stated, the roof already exists, so it's a
3 relatively minor addition and variance, and
4 we're asking for the Board's consideration.

5 THE CHAIRMAN: Thank you. Thank you
6 for your time. Okay. I could take a pass at
7 the Board. Any questions or comments Mr.
8 Cahalin?

9 MR. CAHALIN: No.

10 THE CHAIRMAN: Mr. Miller?

11 MR. MILLER: No.

12 THE CHAIRMAN: Mr. Nurzia?

13 MR. NURZIA: I just want to confirm,
14 all you're doing is just enclosing that open
15 space, that's basically the gist of it?

16 MR. YESTADT: Yes.

17 MR. NURZIA: That's it.

18 THE CHAIRMAN: Mr. DeMarco?

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19 MR. DE MARCO: Nothing.
20 THE CHAIRMAN: I have nothing, but I
21 do have an application -- a resolution to open
22 the public hearing. Is there a second to my
23 motion?
24 MR. CAHALIN: Second.
25 THE CHAIRMAN: All in favor.

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1 EASTCHESTER ZBA - 3/10/15
2
3 (All aye.)
4 THE CHAIRMAN: Seeing nobody here to
5 speak on behalf of or against this application,
6 is there a motion to close the public hearing?
7 MR. MILLER: So moved.
8 THE CHAIRMAN: Moved by Mr. Miller.
9 Is there a second?
10 MR. CAHALIN: Second.
11 THE CHAIRMAN: By Mr. Cahalin. All in
12 favor.
13
14 (All aye.)
15
16 THE CHAIRMAN: Board members. Mr.
17 Cahalin, anything further?
18 MR. CAHALIN: No.
19 THE CHAIRMAN: Mr. Miller?
20 MR. MILLER: No.

21 THE CHAIRMAN: Mr. Nurzia, anything?
22 MR. NURZIA: No.
23 THE CHAIRMAN: Mr. DeMarco?
24 MR. DE MARCO: Nothing.
25 THE CHAIRMAN: I have nothing. We

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1 EASTCHESTER ZBA - 3/10/15
2 don't vote on the most meritorious application
3 of all time, but it would be in the running if
4 we did have such a vote. So I'm going to move
5 to put this off for a resolution and vote at
6 the next meeting. Is there a second to my
7 application?
8 MR. MILLER: Second.
9 THE CHAIRMAN: By Mr. Miller. All in
10 favor.
11
12 (All Aye.)
13
14 THE CHAIRMAN: Thank you. Last item
15 for tonight is going to be 504 New Rochelle
16 Road. Seeing that the applicant is not here,
17 we're going to hear from our traffic expert,
18 we'll have questions or comments, and we'll
19 take it from there. I'm sorry you had to wait
20 this time.
21 MR. GREALY: Good evening, Mr.
22 Chairman, members of the Board. Philip Grealy,

23 Mazur Consulting, professional engineer and
24 principal with the firm.

25 We had reviewed the previous plans and

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1 EASTCHESTER ZBA - 3/10/15
2 presented our comments to the Board at the last
3 meeting. We had a letter from October 2014,
4 October 27th, which outlined several comments
5 in terms of additional traffic generation, some
6 recommendations in terms of the plan to improve
7 circulation, parking, access.

8 The applicant resubmitted a set of
9 plans. We commented on those in February.
10 There were still some concerns that we had.
11 The applicant was concerned about changing the
12 driveway to New Rochelle Road to become one
13 way, so the previous plan maintained this as a
14 two-way driveway. They did close off the other
15 curb cut here, and improved the access out to
16 Hillcrest. At the meeting, we discussed that
17 in terms of circulation some of the problems.
18 The applicant said he would go back and look at
19 the one-way circulation so that this would be
20 an entry only driveway. They modified their
21 plans to accommodate that. So the traffic flow
22 is one way throughout the site. Traffic would
23 enter here.

24 The other area of changes, one of the

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parking spaces -- there was an additional

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1 EASTCHESTER ZBA - 3/10/15
2 parking space here that backed up very close to
3 the sidewalk; that was eliminated. The
4 planting area here was increased. The space
5 that they lost here, they modified the curb
6 line on this side of the building, and before
7 they only had one space, they now have two
8 spaces in there. So they eliminated one space
9 here, added a space on this side of the
10 building, on the east side of the building.

11 In terms of the other comments we had,
12 they had provided a description of the truck
13 deliveries to the site for the fueling
14 deliveries, which use Lockwood to Franklin
15 around to Parkway Place and enter in. Their
16 directions were actually backwards, but they
17 corrected those. And then we had also
18 requested in October to get a truck turning
19 diagram, so they provided that. The truck
20 turning diagram shows their delivery vehicle
21 entering here, driving between the pumps,
22 that's where they would fuel, deliver the fuel,
23 and then exit out onto Hillcrest. In order to
24 accommodate that, they slightly increased the
25 width of the driveway, actually brought it back

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1 EASTCHESTER ZBA - 3/10/15
2 closer to what the existing width is. However,
3 if you look at the plan, the existing driveway
4 was shifted a little bit further to the south
5 to create this landscaped area. So compared to
6 existing conditions, the driveway is about the
7 same width, it's just shifted slightly so that
8 we could get some additional distance away from
9 New Rochelle Road and also to create this
10 planting area.

11 In terms of this particular plan, we
12 asked the applicant to just show -- to give a
13 feel of when vehicles are parked at the pumps
14 how the circulation would work. As you can see
15 here, there's approximately 23 feet at this
16 point to the pump island, so I think if a
17 vehicle did extend beyond here, somebody pulled
18 in to get gas and wasn't, you know, paying
19 attention, there would still be room for a
20 vehicle to circulate around. That's what we
21 wanted to try to see, if all the pump islands
22 were full, how traffic would flow. It is a
23 tight site, but I think the applicant has tried
24 to do the best he can to do that.

25 The previous version of the plan had

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1 EASTCHESTER ZBA - 3/10/15
2 already incorporated along this area cutting
3 the sidewalk area back so that when a vehicle
4 was parked at the fueling position, there would
5 be enough room for another vehicle to circulate
6 past them.

7 So I think those were the major
8 points. In response to our comments, the most
9 important was, I think, that they were able to
10 do the one-way circulation. There was a
11 concern raised by the applicant that, you know,
12 if a vehicle came in, you know, would he be
13 trapped, but there is enough room if the
14 vehicle came in off of Hillcrest, fueled and
15 then came back out to follow the path, there is
16 enough room to maneuver there. Of course there
17 would be "do not enter" and "one way" signs,
18 which are shown on the plan here.

19 One of the other modifications, which
20 was in the earlier version of their plan, was
21 to shift the crosswalk location so it wouldn't
22 be in the middle of the driveway where vehicles
23 are attempting to turn in. That also was
24 beneficial, because traffic exiting from the
25 adjacent shopping center is under the signal

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2 control. As you remember, this driveway was
3 never under the control of the signal, but the
4 shopping center exit here is under the signal
5 control, and by having the crosswalk there it's
6 a better location for visibility for people
7 exiting the shopping center to see the
8 pedestrians.

9 I believe those are the major changes
10 to address our comments and the Board's
11 comments, and at this time we have no
12 additional comments on the plans.

13 THE CHAIRMAN: Okay. Thank you for
14 your further testimony, and if we can keep you
15 up here just one more minute, we have some
16 questions and comments from the Board.

17 Mr. Cahalin?

18 MR. CAHALIN: No. I think they did
19 exactly what we asked them to do. They took
20 out the spot, they relocated it. Everything we
21 talked about at the last meeting somehow was
22 able to be achieved. It now flows, has a flow,
23 as opposed to when we first got it there was no
24 flow. There was no -- the two-way driveway and
25 all that other stuff. It's not an ideal

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1 EASTCHESTER ZBA - 3/10/15
2 location for this type of thing, but they did
3 do a good job answering our questions and

4 getting it onto the site, to be fair to them.
5 THE CHAIRMAN: Thank you, Mr. Cahalin.
6 Mr. Miller?
7 MR. MILLER: I give the applicant
8 credit for doing what we asked them to do and
9 make the modifications, but as I stated at the
10 last meeting, it's, in my view, too small. To
11 accomplish what they want to accomplish with
12 parking the cars, with cars moving in and out,
13 I, personally, don't think that there is enough
14 space there to do it. I think it's too tight.
15 I think you're asking for trouble. I've been
16 there at least another 15 times since our last
17 meeting, and I attempted to park diagonally,
18 and I just don't think if you park the cars
19 diagonally you have the sufficient space -- I
20 mean, I'm obviously not criticizing you -- I'm
21 saying, I don't think there is sufficient space
22 to accomplish what they want to accomplish. If
23 you try and make that left turn closest to the
24 bays, you go in and you try to make that left
25 turn with a car already at the pump, it becomes

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1 EASTCHESTER ZBA - 3/10/15
2 extremely difficult to get around and then
3 past, and then you got people walking out of
4 the convenience store, you're driving right
5 into their path. To me it's a problem.

6 MS. UHLE: Could I make one comment?

7 THE CHAIRMAN: Please, Ms. Uhl e.

8 MS. UHLE: I'm a little concerned with
9 having this discussion without the applicant
10 here to respond. I think it's nice for Mr.
11 Grealy to kind of fill you in on his work, but
12 I think we're going to need the applicant to
13 come back to hear and respond to some of these
14 comments.

15 THE CHAIRMAN: I appreciate your
16 comment. I do want to hear from the Board,
17 because my take on this, being an agent on
18 behalf of the Board actually, at some point we
19 can't save the applicant from themselves, and
20 the Board and our expert seem to be having more
21 interest and input in this application than the
22 applicant. Again, I'm not here to scold the
23 applicant -- maybe it's my Catholic school
24 education -- and I don't know what happened,
25 but the applicant is not even here to further

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1 EASTCHESTER ZBA - 3/10/15
2 defend this application. So I want to hear
3 from -- I appreciate your comment -- I'm going
4 to hear from the Board, and I'm going to leave
5 this open. I will not be taking the resolution
6 to close this for a decision so that the
7 applicant can be heard so we can further help

8 this applicant.

9 MR. TUDISCO: I would suggest that if
10 you are going to have the applicant come back
11 on a later date, the concerns that have been
12 raised by Mr. Miller, any of the concerns that
13 the Board members have, I think we should
14 somehow memorialize them, and they be put to
15 applicant so he can address them when he does
16 come in.

17 MS. UHLE: They will be in the
18 transcript. So we'll forward the transcript to
19 them.

20 THE CHAIRMAN: Thank you. As our
21 attorney, thank you.

22 Mr. DeMarco, any questions or
23 comments?

24 MR. DE MARCO: Nothing.

25 THE CHAIRMAN: Mr. Nurzia?

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1 EASTCHESTER ZBA - 3/10/15

2 MR. NURZIA: My only comment, I think
3 just echoing the other Board members, is that
4 the revisions are what we wanted him to revise,
5 so that's been addressed, but given the fact
6 that what they project as the volume with these
7 changes, are these diagrams where you've got
8 four cars and a certain number of cars parked
9 for pumping gas, is that realistic? I would

10 I like to get some classification on the timing
11 and volume.

12 MR. GREALLY: I think in terms of
13 traffic generation numbers, right now this site
14 without any other changes is generating between
15 20 and 30 vehicles entering and the same number
16 exiting in a one-hour period, because we did
17 actual counts just to see what is being
18 generated. When you add in the additional
19 square footage for the convenience store
20 expansion basically and the fueling will remain
21 the same, those numbers will almost double in
22 certain peak hours, okay, assuming that people
23 can get in and out and there's parking, okay.
24 I believe those numbers may be a little high.
25 If I'm driving by and I don't see a space, I'm

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1 EASTCHESTER ZBA - 3/10/15
2 not going to go in. So the numbers that we
3 presented in our October 27th are assuming
4 there's enough parking, that when I drive I
5 come in, that's the type of increase in turning
6 movement. The purpose of these changes were to
7 make sure when those turning movements
8 occurred, that we would have some order to the
9 property. So I think the diagrams here in
10 terms of every one of these spaces being filled
11 is, you know, worst case scenario. The reason

12 we asked the applicant to show them was so we
13 can get a dimension in terms of being able to
14 circulate on the site. In terms of our traffic
15 projections, they would even be higher if every
16 one of these spaces were filled for the entire
17 period, okay.

18 So I don't know if that answered your
19 question, but I think the idea is to just
20 demonstrate if a car was parked in a certain
21 spot and -- part of the problem here today is
22 it's a free for all because nothing is really
23 cleanly marked over here. I think that's what
24 the focus was, and what we asked the applicant
25 was to try to bring some order to what goes on

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1 EASTCHESTER ZBA - 3/10/15
2 here. It's a tight site, there's no question,
3 but we were looking at trying to get the
4 applicant to improve the circulation, and I
5 think that's what they attempted to do with
6 this plan in terms of addressing the comments.

7 So there will be increased traffic. I
8 think it may be somewhat self-monitoring
9 because of the site and the size of it and the
10 ability to move in and out. But again, we
11 based our projections -- we based our existing
12 numbers on what we counted as actuals, and then
13 the projections are standard projections per

14 square foot of convenience at a gas station,
15 and they could be somewhat self-limiting in
16 this particular case.

17 THE CHAIRMAN: Thank you. Do you have
18 something else, Mr. Miller?

19 MR. MILLER: I just had a follow-up
20 question, practical question. Maybe we're
21 going to get these winters all the time, I have
22 no idea, but if you went there right now --

23 MR. GREALY: You can't park because
24 the snow is there.

25 MR. MILLER: You can't park, you can't

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1 EASTCHESTER ZBA - 3/10/15
2 move, you can't do anything that's how tight
3 that space is.

4 MR. GREALY: One of the things, and
5 I'm not representing the applicant, I'm just
6 looking at it from a practical standpoint, and
7 we've done this in other municipalities where
8 one of the requirements of the site plan is,
9 because there is no snow storage area on this
10 plan -- there's very -- I mean, if you look at
11 the landscaped areas, yeah, there's a little
12 bit of area, but you don't want to be ruining
13 your landscape every season, and I don't know
14 if the town has ever done this before, but
15 there are municipalities that put a requirement

16 that within X number of hours of the snow fall,
17 that the snow has to be removed from the site.
18 They actually have to get someone to come in
19 and they truck it out. This is done on tight
20 sites. I've had it done in some retail
21 shopping center sites where they've actually
22 made that a stipulation. So it is a problem
23 out there, absolutely, after a winter like this
24 especially noticeable, and that's one way to
25 deal with that.

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1 EASTCHESTER ZBA - 3/10/15
2 THE CHAIRMAN: Okay. Mr. Miller, is
3 that it?
4 MR. MILLER: That's sufficient.
5 THE CHAIRMAN: I have two comments and
6 they may seem opposed to each other, so I'll
7 try to be clear on them. My problem with the
8 application was in the manner in which it's
9 been processed from the beginning, and
10 something a teacher once said to me years ago,
11 I can't care more about this than you do. It
12 seems like the Board is trying to help this
13 applicant, which is what we do, but -- so that
14 dovetails with a comment that's going to sound
15 completely the opposite, and that is that this
16 plan is now substantially better than it was,
17 and the issue, for me, the issue of parking is

18 a non-issue, because if there is no parking,
19 people are not coming in. If there is no room
20 at the bays, people are not going to come and
21 get gas, they're going to keep driving. If
22 there's no parking, they're not going to come
23 in and they're not going to buy because there
24 is nowhere for them to idle. Having an
25 appropriate traffic flow is going to prevent

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1 EASTCHESTER ZBA - 3/10/15
2 the chaos that currently exists now. So I
3 think what we've helped the applicant along
4 with is actually superior to what exists in
5 terms of the traffic flow.
6 Again, I'm just commenting for the
7 public and giving my point of view at this
8 juncture in the application, but, Ms. Uhle, I
9 guess in conjunction with your commentary I
10 think what I would like to do is make an
11 application simply to adjourn this application
12 to the next meeting. Procedurally the public
13 hearing was closed. Now, because there's been
14 new or different information, do we have to
15 re-hear and do they have to re-notice?
16 MS. UHLE: I think this is just a
17 simple modification to the plan that was
18 discussed, so I don't think you would have to
19 re-notice the public hearing. If you wanted to

20 do that, you could. The applicant would have
21 to post it in the newspaper and notify
22 neighbors within a 200 foot radius. I don't
23 think the changes were substantial that were
24 made to the plan, and they were in specific
25 response to modifications that you wanted to

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1 EASTCHESTER ZBA - 3/10/15
2 have made. I definitely think the applicant
3 has to be here next month, and I believe Mr.
4 Grealy should be back as well, because there
5 needs to be some dialogue potentially between
6 the applicant and Mr. Grealy. So it's up to
7 you if you would like to request that the
8 applicant re-notice a public hearing again.

9 THE CHAIRMAN: Our attorney, what do
10 you think?

11 MR. TUDISCO: I think that's a call
12 that you have to make. Certainly, it's always
13 safer to notice another public hearing, but
14 based upon this, this was a direct response,
15 it's not like the applicant is bringing in
16 additional information. I don't know if there
17 was public comment before. It's really your
18 call, Mr. Chairman.

19 THE CHAIRMAN: Okay. Well, then if
20 it's my call, I'm going to say that we don't
21 need to re-notice the public hearing based on

22 the facts on the ground, and that is no one has
23 come here. We haven't had, to my memory, many
24 or any commentary, and all of this information,
25 including our expert testimony, has been on the

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1 EASTCHESTER ZBA - 3/10/15

2 record.

3 MS. UHLE: And there really hasn't
4 been new information provided. There's been
5 modest changes to the plan, but there hasn't
6 been new information provided. I think you're
7 fine.

8 THE CHAIRMAN: Okay. So do I have an
9 application to adjourn this application to our
10 next meeting?

11 MR. CAHALIN: I'll take a --

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

14 MR. NURZIA: Second.

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

17
18 (All aye.)

19
20 THE CHAIRMAN: Thank you for your
21 testimony tonight and your time. I'm sorry you
22 have to come back again.

23 Okay. Is there an application to
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24 close the meeting today -- is there a motion?
25 MR. CAHALIN: A motion, yes, I will

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1 EASTCHESTER ZBA - 3/10/15
2 make a motion to adjourn.
3 THE CHAIRMAN: And is there a second
4 to adjourn?
5 MR. DE MARCO: Second.
6 THE CHAIRMAN: All in favor.
7
8 (All aye.)
9
10 THE CHAIRMAN: Good evening,
11 everybody.
12
13
14 (MEETING ADJOURNED.)
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C E R T I F I C A T I O N

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 20th day of March, 2015.

DINA M. MORGAN
Court Reporter

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