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

MINUTES OF THE
EASTCHESTER ZONING BOARD OF APPEALS
APRIL 14, 2015

..... X

HELD AT: Eastchester Town Hall
40 Mill Road
Eastchester, New York 10709
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
GARRETT BURGER, ASSISTANT PLANNER
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY
JAY KING, BUILDING INSPECTOR

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

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1 EASTCHESTER ZBA - 4/14/15
2 THE CHAIRMAN: Good evening. Welcome
3 to the April 14th, 2015 Zoning Board of Appeals
4 for the Town of Eastchester meeting. If we
5 could start with the Pledge of Allegiance,
6 please.

7 (Whereupon the Pledge of Allegiance
8 was said.)

9 THE CHAIRMAN: Before we take roll
10 call, I just, as I do at every meeting,
11 reaffirm the Board's long-standing policy that
12 applications that are first time on are not
13 decided, in conjunction with just about every
14 other municipality in the County of
15 Westchester. So for the viewing public at
16 home, if you're considering an application, we
17 meet May and June. We do not meet in July and
18 August.

19 Let's start with roll call. We have
20 four items on that are for resolution old
21 business.

22 Number one is 15-06 Lake Shore Drive
23 North. Is there anyone here?

24 (No comments.)

25 THE CHAIRMAN: We'll go to resolution

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1 EASTCHESTER ZBA - 4/14/15
2 any way.

3 Number two, 15-12, 36 Park Avenue;
4 number three, 14-58, that's 221 Hillside Place;
5 and number four, 15-11, 4 Wildway.

6 Now, on the agenda under old business
7 is 15-36, 504 New Rochelle Road. Is an
8 applicant here proceeding? Okay.

9 For new business there is Item 15-18,
10 102 White Road. Is there an applicant here
11 proceeding? Ready to proceed? Okay.

12 On 15-08, that's 185 Summerfield
13 Street, the application. Okay.

14 First, resolution that I have on 132
15 Lake Shore Drive North, which was an
16 application for an area variance to legalize an
17 existing one-story pool house and masonry
18 barbecue and oven, I have a resolution in favor
19 of the application. Is there a second?

20 MR. DE MARCO: Second.

21 THE CHAIRMAN: I'll take roll call.

22 Mr. Cahalin.

23 MR. CAHALIN: Aye.

24 THE CHAIRMAN: Was that a yes, sir?

25 MR. CAHALIN: That's aye.

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2 THE CHAIRMAN: Okay. Mr. Miller.

3 MR. MILLER: Yes.

4 THE CHAIRMAN: Mr. DeMarco.

5 MR. DE MARCO: Yes.
6 THE CHAIRMAN: Mr. Nurzi a.
7 MR. NURZI A: Yes.
8 THE CHAIRMAN: And I vote, yes. The
9 applicati on is approved fi ve nothi ng.
10 MR. CAHALIN: Mr. Chair man?
11 THE CHAIRMAN: Yes.
12 MR. CAHALIN: We need to approve the
13 mi nutes from last month.
14 THE CHAIRMAN: Is there a moti on to
15 approve the mi nutes from the March 10th, 2015
16 meeti ng?
17 MR. MILLER: So moved.
18 THE CHAIRMAN: By Mr. Mi ller.
19 MR. CAHALIN: Second.
20 THE CHAIRMAN: Second by Mr. Cahal in.
21 All in favor.
22 (All aye.)
23 THE CHAIRMAN: Okay. Appli cati on
24 15-12, 36 Park Avenue. Thi s was an applicati on
25 for an area vari ance to permi t a proposed

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2 second story additi on to an existi ng single
3 family resi dence. I have an applicati on that
4 it be marked as part of the record -- a
5 resoluti on -- and I move for that. Is there a
6 second to that moti on?

7 MR. NURZIA: Second.
8 THE CHAIRMAN: Second by Mr. Nurzia.
9 Vote. Mr. DeMarco.
10 MR. DE MARCO: Yes.
11 THE CHAIRMAN: Mr. Nurzia.
12 MR. NURZIA: Yes.
13 THE CHAIRMAN: Mr. Miller.
14 MR. MILLER: Yes.
15 THE CHAIRMAN: Mr. Cahalin.
16 MR. CAHALIN: Yes.
17 THE CHAIRMAN: I vote yes.
18 Application approved five nothing.
19 Okay, 14-58, 221 Hillside Place. This
20 was an application for an area variance to
21 repair and replace an existing steel deck at
22 the rear of a three family residence. I also
23 have a resolution be made part of the record,
24 and I move that this motion in favor be made
25 part of the record. Is there a second?

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2 MR. CAHALIN: I'll second it.
3 THE CHAIRMAN: By Mr. Cahalin. Take a
4 vote. Mr. Cahalin.
5 MR. CAHALIN: Yes.
6 THE CHAIRMAN: Mr. Miller.
7 MR. MILLER: Yes.
8 THE CHAIRMAN: Mr. DeMarco.

9 MR. DE MARCO: Yes.
10 THE CHAIRMAN: Mr. Nurzi a.
11 MR. NURZI A: Yes.
12 THE CHAIRMAN: I vote yes. That
13 applicati on is also approved fi ve-zero.
14 We have a resoluti on, and I make a
15 moti on to have it as part of the record, on 4
16 Wildway in favor of an applicati on for an area
17 vari ance to permit a 36 square foot additi on to
18 an existi ng single fami ly resi dence. Mr.
19 DeMarco.
20 MR. DE MARCO: Yes.
21 THE CHAIRMAN: Mr. Nurzi a.
22 MR. NURZI A: Yes.
23 THE CHAIRMAN: Mr. Cahal i n.
24 MR. CAHALIN: Yes.
25 THE CHAIRMAN: Mr. Mi l l er.

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1 EASTCHESTER ZBA - 4/14/15
2 MR. MILLER: Yes.
3 THE CHAIRMAN: I vote, yes. That
4 applicati on is also approved fi ve nothi ng.
5 Movi ng on to old busi ness, 504 New
6 Rochel l e Road, pl ease.
7 MR. PARKER: Good eveni ng, Scott
8 Parker, wi th the owner.
9 Fi rst, I want to apol ogi ze for not
10 bei ng here l ast month. There was a

11 mi scommunication on who was covering the
12 meeti ng.

13 That being said, what we've done, and
14 I think this was in the submission package that
15 actually you got before the last meeting but we
16 weren't here to discuss it with you, is after
17 further concerns about a parking spot over in
18 that area, we did remove one parking spot there
19 and move it to that area. So we did not reduce
20 it by another parking spot. We did move the
21 one that was closest to the road that there was
22 a concern with backing out into the entrance.

23 Other than that, we removed the
24 propane storage due to some comments on it
25 being illegal in the town.

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2 Other than that, we haven't changed
3 anything since the last submission.

4 THE CHAIRMAN: Okay. The public
5 hearing has been closed on this issue. So I
6 would like to get comments or questions from
7 the Board. Mr. Cahalin.

8 MR. CAHALIN: My only comment is, you
9 know, I think the applicant has done a good job
10 with our direction and done everything we asked
11 him to do. I was at the site again this week,
12 and it's a tough site, there is no question

13 about it, but I wonder what other use would we
14 put at this site? You're not going to put a
15 restaurant, you're not going to put a Hallmark
16 card store, you're not going to put something
17 like that there. So the way I weigh it is, is
18 this the highest and best use? I don't know.
19 It could be. I think the site improvements
20 will definitely help. Is it nirvana? By no
21 stretch of the imagination. I think they've
22 done the best job they possibly could do with
23 this site from where we started three or
24 four months ago, and that's my final comment.

25 THE CHAIRMAN: Thank you, Mr. Cahalin.

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2 Mr. Miller.
3 MR. MILLER: Yes. I have actually
4 been to the site five times this week, trumping
5 Mr. Cahalin.
6 MR. CAHALIN: Sorry.
7 MR. MILLER: So I think I know this as
8 well.
9 MR. PARKER: We appreciate that. Did
10 you buy stuff?
11 MR. MILLER: I'm sorry.
12 MR. PARKER: Did you buy anything?
13 MR. MILLER: Yes, coffee. But what I
14 did see surprisingly, was I actually saw a

15 truck putting gas in -- one of your service
16 trucks putting gas into there, and I didn't
17 realize how tight that actually was. So I do
18 actually want a comment from our engineer on
19 that, because I saw the dynamics of how that
20 truck had to position itself, and then how that
21 might affect somebody trying to get out of one
22 of those parking spots and get around, which
23 I'm assuming you figured out already, getting
24 around, and it was very tight.

25 I was impressed, to be honest with

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1 EASTCHESTER ZBA - 4/14/15
2 you, that you eliminated one of those parking,
3 spots because that was one of my concerns
4 coming in there that I've expressed. I like
5 that you have two additional spots -- you moved
6 the two additional spots to the other side, but
7 I still have that little concern after
8 seeing -- a bigger concern after seeing that
9 truck. Everything else I'm pretty much
10 satisfied with at this point. I just want to
11 get some comments from the engineer on that.

12 THE CHAIRMAN: Sure, why not.

13 MR. GREALY: Good evening. Philip
14 Greal y, Maser Consul ti ng.

15 The appl icant had provi ded turni ng
16 di agrams. We' ve seen the del i veries. It is

17 tight. Some of those spaces are difficult to
18 get out of when the vehicle is making the
19 delivery. I think, in general, people tend to
20 avoid when a delivery is being made. I don't
21 know if the applicant has any control of times
22 of deliveries. There are stations where the
23 fuel deliveries can be limited -- from their
24 operation standpoint, they don't want the fuel
25 deliveries during the busiest time period, so I

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1 EASTCHESTER ZBA - 4/14/15
2 think they have a good handle on that, but that
3 is something the Board could ask or recommend.
4 Clearly, the improvements that have been made
5 in response to the different memos and the
6 comments from the Board have gone a long way to
7 improve circulation patterns, but it is tight
8 when a fuel delivery is being made.

9 THE CHAIRMAN: Mr. Miller, any
10 follow-up with that?

11 MR. MILLER: I guess I'll ask the
12 magic question: In your opinion, to a
13 reasonable degree of engineering certainty, is
14 there sufficient room to move if a truck is
15 there?

16 MR. GREALLY: If the truck is there,
17 you can -- I think there's one space that you
18 can't get out of if the truck is in there

19 making the fuel delivery. The other spaces you
20 can get around. The area near the building
21 where we've cut back the curb line allows
22 traffic to move as good as you're going to
23 move. I think it's a condition that it's as
24 good as it's going to get. Regardless of the
25 expansion, you're going to have kind of the

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2 same situation. I think the changes to the
3 plan make it better for those vehicles,
4 because, you know, as you can see out there
5 today, the vehicles just kind of pull in,
6 especially against the adjacent shopping
7 center. So this will provide a better
8 situation because traffic will flow more
9 orderly, but again, there's, I think, one space
10 there that's going to be difficult.

11 MR. MILLER: Thank you.

12 THE CHAIRMAN: Thank you.

13 MR. MILLER: Do you have a schedule on
14 the deliveries?

15 MR. PARKER: Just to speak on that,
16 the use is going to change. Now it's not as
17 busy, and I don't know if there was actually a
18 car there that was blocked in at the time. If
19 it was, it was probably an employee car,
20 because we tell our driver's obviously not to

21 anger our patrons by blocking them in if
22 they're making a delivery. With increased
23 usage, we will adjust deliveries and we do have
24 control over that. So they will come later at
25 night or at different times, and, like I said,

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1 EASTCHESTER ZBA - 4/14/15
2 we make sure we don't block anybody in.
3 THE CHAIRMAN: Thank you. Mr. Nurzia.
4 MR. NURZIA: The plans as they are
5 right now obviously are better than they were,
6 the ingress and egress and all that. I don't
7 have a comment about that.
8 I guess my question is, now that we're
9 kind of focusing in on some of the other
10 details, there are other variances required.
11 Two of them are the distance from the side lot.
12 I think you need a 40 foot setback to the right
13 where the -- to the right of the proposed
14 addition on the right-hand side there is only
15 something like five and a half feet.
16 MR. PARKER: That's correct.
17 MR. NURZIA: Is there going to be a
18 fence there or is there currently a fence?
19 When you drive by, you really can't see on that
20 corner what's there. What will be there or
21 what's proposed to be there?
22 MR. PARKER: There are no windows on

23 that side of the building. It's going to be
24 sided. We can certainly put a fence there or
25 plantings or something like that, if that's

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2 something that would interested you. If you
3 look toward the back, it just goes straight
4 up -- well, not straight up, but it's a pretty
5 good slope. So they're looking over the
6 station. In the back and side it does come
7 down a little bit. We would certainly be okay
8 with screening it in some way.

9 THE CHAIRMAN: Anything further?

10 MR. NURZIA: No.

11 THE CHAIRMAN: Mr. DeMarco?

12 MR. DE MARCO: No questions.

13 THE CHAIRMAN: My only comment was,
14 and my focus actually was on the changes that
15 you've made to the circulation, although I had
16 the same concern that Mr. Miller had at times
17 when you're having a delivery, that really is
18 going to be more of an effect on your business
19 because of the new use that you're going to
20 have as, I'll call it a convenience store, if
21 people can't come and park, they're just not
22 going to come and park. So it's not going to
23 create any issue for anyone other than the
24 people who are there at that time.

25

So at this juncture I don't have any

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EASTCHESTER ZBA - 4/14/15

2

further concerns or questions. The only

3

question I do have is, Mrs. Uhle, if -- there

4

was some conversation about maybe further

5

screening. Would that be something that would

6

be an issue with planning?

7

MS. UHLE: I actually was just going

8

to say, I think there are two issues that the

9

Planning Board could look into in a little more

10

detail was this discussion with regard to snow

11

removal, and partially I was going to defer

12

that to the Planning Board because I wanted to

13

talk to the Highway Superintendent about that

14

as well in terms of where that snow could or

15

should be taken, that kind of thing. Anything

16

with regard to the landscaping and fencing, we

17

could ask the Planning Board to look into that

18

in more detail.

19

THE CHAIRMAN: On our behalf I see no

20

reason to prolong the application, and I think

21

at this point we're ready for a resolution at

22

the next meeting.

23

MS. UHLE: Okay.

24

THE CHAIRMAN: Okay. Do you have

25

anything to add, anything further?

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2 MR. PARKER: I don't. Thank you very
3 much for your time. I apologize for not being
4 here last month. Should we attend next month?

5 THE CHAIRMAN: It's up to you. It's
6 going to be down for a resolution.

7 MR. PARKER: Okay.

8 THE CHAIRMAN: Okay. The one thing I
9 do want to comment for the public as well, as
10 you can see, the four resolutions we had
11 earlier there were no applicants on behalf. If
12 there is a board that has less than five
13 members, a vote -- you're required to have 3-1,
14 a 2-2 would be a denial. Of course, a three
15 man board would mean you need three nothing.
16 So I think it's important for applicants to
17 keep that into consideration. If they don't
18 attend, they don't have the option of saying we
19 want to wait. Of course, we have great
20 attendance records here, so you generally don't
21 have to worry. Thank you for your time.

22 MR. PARKER: Thank you for your time.

23 MR. TUDISCO: Do you need a motion to
24 adjourn for resolution?

25 THE CHAIRMAN: We haven't been. As

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1 EASTCHESTER ZBA - 4/14/15
2 our attorney, what do you think?
3 MR. TUDISCO: It doesn't hurt. I
4 think it's neater.
5 THE CHAIRMAN: So we'll move to
6 adjourn for resolution at our next board
7 meeting. Is there a second?
8 MR. CAHALIN: Second.
9 THE CHAIRMAN: Mr. Cahalin. All in
10 favor.
11 (All aye.)
12 THE CHAIRMAN: Moving on to new
13 business, Item 15-18, 102 White Road. Is the
14 applicant here to proceed? Thank you.
15 MS. UHLE: Garrett provided some
16 additional photographs so you have a better
17 sense of what the driveway would look like in
18 relation to the adjacent driveway.
19 MR. JUNCAJ: Good evening. My name is
20 Vasel Juncaj, owner of 102 White Road. First
21 time here. As we go along with the project for
22 my house, I find out I would like to widen my
23 driveway a little bit in order to have -- I
24 would like to have room to park two cars
25 parallel, and what we have there is like 9 feet

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2 3, 4 inches, and we would like to ask for a
3 setback on my neighbor's side. As we know, the
4 setback is 3 feet, but that's not enough. If
5 we just go an extra 3 feet for the setback,
6 then that's not enough for what I'm asking.
7 That would not be enough to park two cars in my
8 driveway. I'm asking for an additional
9 16 inches, I believe, as per drawings there. We
10 still want to keep 1 foot nothing, like plain
11 earth, and then my retaining wall of 8 inches.
12 It's going to be about 20 inches from the
13 borderline.

14 I did speak to my neighbor before I
15 came here, obviously. I did speak to him and
16 ask his permission actually to see if that's
17 okay to do it, and if he's okay with it, and he
18 was completely fine with my action.

19 THE CHAIRMAN: Okay. We have your
20 submission, and we've reviewed it.

21 So at this moment, I would like to ask
22 the board members if they have any questions or
23 comments. Mr. DeMarco?

24 MR. DE MARCO: Nothing.

25 THE CHAIRMAN: Mr. Nurzia?

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1 EASTCHESTER ZBA - 4/14/15
2 MR. NURZIA: No questions. No

3 concerns.
4 THE CHAIRMAN: Mr. Miller?
5 MR. MILLER: No questions. No
6 concerns.
7 THE CHAIRMAN: Mr. Cahalin?
8 MR. CAHALIN: No questions.
9 THE CHAIRMAN: I'll hold my questions
10 and comments until after the public has their
11 opportunity to be heard.
12 Is there a motion to open the public
13 hearing?
14 MR. MILLER: So moved.
15 THE CHAIRMAN: By Mr. Miller. Is
16 there a second?
17 MR. CAHALIN: Second.
18 THE CHAIRMAN: By Mr. Cahalin. All in
19 favor.
20 (All aye.)
21 THE CHAIRMAN: Would anybody like to
22 speak on behalf of or against this application?
23 (No comments.)
24 THE CHAIRMAN: Seeing nobody, is there
25 a motion close the public hearing?

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1 EASTCHESTER ZBA - 4/14/15
2 MR. CAHALIN: So moved.
3 THE CHAIRMAN: By Mr. Cahalin. Is
4 there a second?

5 MR. MILLER: Second.
6 THE CHAIRMAN: By Mr. Miller. All in
7 favor.
8 (All aye.)
9 THE CHAIRMAN: I think I know the
10 answer, but let's go back to the Board. Any
11 questions or comments, Mr. DeMarco?
12 MR. DE MARCO: No.
13 THE CHAIRMAN: Mr. Nurzia.
14 MR. NURZIA: No.
15 THE CHAIRMAN: Mr. Miller?
16 MR. MILLER: No.
17 THE CHAIRMAN: Mr. Cahalin?
18 MR. CAHALIN: No.
19 THE CHAIRMAN: I think it's a very
20 straightforward application. I have none. I'm
21 going to make a motion to adjourn for a
22 resolution at our next board meeting. Is there
23 a second to that motion?
24 MR. MILLER: Second.
25 THE CHAIRMAN: Second by Mr. Miller.

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2 All in favor.
3 (All aye.)
4 THE CHAIRMAN: Thank you for your
5 application.
6 MR. JUNCAJ: Thank you so much.

7 THE CHAIRMAN: Final item on our
8 agenda tonight, 15-08, 185 Summerfield Street.
9 MR. DIBBINI: Good evening, Board. My
10 name is James Dibbini, 570 Yonkers Avenue,
11 Yonkers, New York on behalf of the applicant,
12 185 Summerfield, Inc. I'm also here with the
13 owner, the architect, Tom Haynes, and our
14 parking study was done by James Garofalo with
15 Tim Miller Associates, and it's correct you
16 don't have a copy of the parking study. I do
17 have these copies here. I would like to hand
18 them out if it's an appropriate time now. I
19 understand that you can't review them now, but
20 I figured I would give them to the entire
21 board.

22 THE CHAIRMAN: Yes, you should right
23 now.

24 MR. DIBBINI: How many copies would
25 the Board need, one for each?

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1 EASTCHESTER ZBA - 4/14/15
2 THE CHAIRMAN: Five, yes. Thank you.
3 MR. DIBBINI: This is an application
4 to your Honorable Board for an appeal from the
5 determination the Town of Eastchester's
6 Building Department made on February 10th,
7 2015. The relevant sections of the Zoning Code
8 cited in the Notice of Denial is Section 13D of

9 the Eastchester Zoning Law, which requires one
10 parking space for each 200 square feet of
11 office use, and one parking space for each 150
12 square feet of food service establishment.

13 The property is located at 185
14 Summerfield Street, as indicated earlier, and
15 is located in an RB zone, retail business
16 district. The building was built in the
17 1950's, and the property consists of a two
18 story building with a driveway and three door
19 garage located behind the building.

20 The applicant bought the property last
21 year with the hopes of turning the first floor
22 into a small Italian bistro and keeping the
23 second floor as office space. Currently, the
24 second floor is being rented out as office
25 space, but the first floor is vacant.

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2 It has been one of the applicant's
3 goal to open up a small Italian restaurant
4 focused on high quality, traditional dishes.
5 Additionally, he wants to open this bistro in
6 Eastchester, because he grew up in Eastchester.

7 The applicant's bistro would be
8 considered a Type 1 food service establishment
9 and have seating for up to 39 guests. Also, it
10 will be managed by a local experienced chef who

11 runs the popular 805 Bistro in Scarsdale
12 Village.

13 In order to turn this partially vacant
14 building into a restaurant and renovated office
15 space, the applicant needs to secure a special
16 use permit from the Town of Eastchester's
17 Planning Board in order to operate in an RB
18 zone. We are in the process of obtaining a
19 special use permit and had our first hearing
20 before the Planning Board on February 26th,
21 2015.

22 Additionally, the applicant needs an
23 area variance for 13 parking spaces, and
24 respectfully submits its application requesting
25 that your Honorable Board grant such a

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1 EASTCHESTER ZBA - 4/14/15
2 variance.

3 After going through the required five
4 tests for the area variance and weighing the
5 applicant's and the community's interest, it is
6 our belief the Board will find that granting
7 this variance will be a nice addition to the
8 community and a simple solution to bringing
9 more business and employment opportunities to
10 the Town of Eastchester.

11 First, test one, there is no
12 undesirable change in or a detriment to the

13 character of the neighborhood or nearby
14 properties by granting the area variance. The
15 granting of the requested parking variance will
16 in no way negatively affect the character of
17 the neighborhood or other nearby properties.
18 Instead, permitting such a variance will
19 ultimately improve the Town of Eastchester's
20 community and local economy by bringing in
21 business, employment opportunities, and
22 visitors.

23 The property at 185 Summerfield Street
24 is situated on one of the retail business
25 districts in Eastchester that features

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1 EASTCHESTER ZBA - 4/14/15
2 restaurants and several stores. The
3 applicant's restaurant would not be out of
4 character in this neighborhood. Rather, it
5 would strengthen this part of Eastchester's
6 reputation for having high quality restaurants
7 and a convenient shopping area.

8 Also, there is plenty of metered
9 parking throughout the area to accommodate the
10 small number of guests going to the applicant's
11 restaurant. There are at least 31 metered
12 parking spaces on Summerfield Street. 16 of
13 this metered spots are directly across the
14 street from the subject property, and to the

15 right of our applicant's property there is an
16 additional four parking spaces behind the
17 building.

18 Test two, the benefit sought can only
19 be achieved by an area variance. The benefit
20 sought by the applicant cannot be achieved by
21 any other feasible methods other than the
22 issuance of an area variance by the Zoning
23 Board.

24 Test three, the requested variance is
25 not substantial. The requested parking

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1 EASTCHESTER ZBA - 4/14/15
2 variance is not substantial in comparison to
3 the neighborhood, the planned size of the
4 bistro and office spaces, and the amount of
5 metered parking spaces available in the area.
6 The property is situated in a retail business
7 district that is set up to accommodate
8 businesses and their patrons.

9 Test four, the proposed variance will
10 not have an adverse effect or impact on the
11 physical or environmental conditions in the
12 neighborhood. There are no environmental
13 issues or safety standards that will be
14 breached. The applicant's property is already
15 in existence and will not be changing the site
16 of the property.

17 Finally, test five, the alleged
18 difficulty was not self-created. The applicant
19 is not culpable of a self-created difficulty
20 because he comes before he made any illegal
21 improvements and comes before this Board with
22 clean hands.

23 The applicant seeks your Honorable
24 Board's approval for a parking variance in
25 order to turn this building into a small bistro

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1 EASTCHESTER ZBA - 4/14/15
2 with existing office space on the second floor.

3 I would be happy to take any questions
4 the Board may have. Also, again, I indicated
5 we have Tim Miller firm here regarding the
6 parking study and also the architect and the
7 owner, of course.

8 THE CHAIRMAN: Okay. Thank you for
9 your application. Let's start with questions
10 or comments from the Board. Mr. Cahalin?

11 MR. CAHALIN: I've got a few. How
12 many employees are going to be on staff at peak
13 times?

14 MR. DIBBINI: Do you mind if I bring
15 up the owner to confirm that?

16 MR. CAHALIN: Whoever can answer the
17 question.

18 MR. DIBBINI: My client has told me

19 that roughly eight employees at peak time.

20 MR. CAHALIN: That's kitchen staff and
21 wait staff?

22 MR. DIBBINI: Yes.

23 MR. CAHALIN: So eight at any one
24 time. So how many does the owner think are
25 going to drive to that location and need

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1 EASTCHESTER ZBA - 4/14/15

2 parking?

3 MR. DIBBINI: I'm not sure they have
4 an answer to that, but we have inquired with
5 the town with respect to obtaining permit
6 parking. We understand that there may be
7 waiting list for that. So we would be
8 interested in getting on the waiting list.

9 MR. CAHALIN: That's wonderful, but
10 that doesn't help your situation. Unless we
11 have permits to give you, how are you going to
12 accommodate your staff?

13 MR. DIBBINI: I'm not sure that they
14 would all be driving in, quite frankly.

15 MR. CAHALIN: That's what I asked
16 first. How many do you anticipate will be
17 coming to the location by car; is it going to
18 be two, four, six, all eight people?

19 MR. DIBBINI: I don't think it would
20 be all eight. A lot of times with the kitchen

21 staff I don't think they own cars, and the wait
22 staff would be in the same position, using
23 public transportation, sharing rides.

24 MR. CAHALIN: That was one question
25 that I had. Let's see. If I read the proposal

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1 EASTCHESTER ZBA - 4/14/15
2 correctly, this is going to be 39 seats?

3 MR. DIBBINI: Yes.

4 MR. CAHALIN: So there will be no --
5 will it be available for party use?

6 MR. DIBBINI: It would only
7 accommodate 39 people, so there would not be
8 any catering.

9 MR. CAHALIN: If it was a private
10 party, they could close the restaurant?

11 MR. DIBBINI: And accommodate the 39
12 seats, yes. They would not go over that
13 number.

14 MR. CAHALIN: Okay. That was another
15 question. I think that the variance at
16 76 percent is pretty substantial. I read your
17 submission and I heard what you said, which was
18 in your submission. I don't know how you could
19 get around that 76 percent is not substantial.
20 You do have the Fish Gourmet right there.
21 That's right on the corner. That's going to be
22 using -- although your food may be different

23 than their food, it's going to be compete --
24 the parking spaces are going to compete. When
25 I visited the site, you know, all but like

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1 EASTCHESTER ZBA - 4/14/15
2 seven or eight spots were full and that was
3 after 6:00 on a weekday. I can't imagine those
4 spots to be available on a Friday or Saturday
5 night. I haven't had the time to go look at
6 it, but I will this weekend to see what's going
7 on in the evening and how many spots are really
8 available.

9 Will the hours that you're going to be
10 open conflict with the office space or overlap
11 at all?

12 MR. DIBBINI: I don't think there will
13 be much overlap with the office space. The
14 office is pretty much 9 to 5.

15 MR. CAHALIN: The restaurant is going
16 to be open just for dinner or also for lunch?

17 MR. DIBBINI: It would be 11 to 11.

18 MR. CAHALIN: There is almost a half a
19 day of overlap. So where are the people that
20 are working in the office supposed to -- are
21 they also walking to work? Are we to believe
22 that?

23 MR. DIBBINI: No, I don't think
24 they're walking to work.

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MR. CAHALIN: I'm going to stop there,

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1 EASTCHESTER ZBA - 4/14/15
2 Mr. Chairman. That's all I have right now.
3 THE CHAIRMAN: Thank you, Mr. Cahalin.
4 Mr. Miller?
5 MR. MILLER: No, I'll reserve for
6 later, if that's okay with you.
7 THE CHAIRMAN: That's fine. Mr.
8 Nurzia?
9 MR. NURZIA: Yes, I have a question.
10 Thumbing through the parking analysis here,
11 which, unfortunately, we didn't get it until a
12 few moments ago, but here I see there are
13 comments about the Eastchester Fish Gourmet,
14 the parking that they utilize on the street at
15 certain times. Obviously when they're open,
16 there is usage there. So how is your timing
17 going to conflict or be in conjunction with the
18 Eastchester Fish Gourmet? I guess that's my
19 main concern right now.
20 MR. DIBBINI: I think the times would
21 probably be similar, but if I could call up
22 James Garofalo, the author of that document,
23 maybe he could answer your question a little
24 more succinctly.
25 MR. GAROFALO: As far a conflict with

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1 EASTCHESTER ZBA - 4/14/15
2 the Fish Gourmet, there will be some conflict.
3 They're open for lunch on Thursday and Friday.
4 The study looks at Friday. That's a Friday in
5 Lent, so it was expected that that Friday would
6 be an extreme case. We also looked at a
7 Saturday, and looked at from 12 to 8, figuring
8 that that's going to be the time where you're
9 going to have the most customers, and yes,
10 there would be some conflict in the customers.
11 In this whole area, I looked at the parking lot
12 here on White Plains, the parking lot here over
13 at Ackerman, Dunwoodie and Brook Street, as
14 well as looking at the on-street parking in
15 these areas, and what happens is during the day
16 you have these offices and the auto repair
17 filling these spaces up and when they do have
18 lunch, which is not the full afternoon but
19 partial afternoon, many of these spaces also
20 get used, and these are used. What's going to
21 happen is their customers will basically take
22 some spaces and the size of the area that's
23 parked heavily will increase slightly. There
24 is a tremendous amount of spaces here, there
25 are some spaces here and some here, but not a

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1 EASTCHESTER ZBA - 4/14/15
2 lot. Later on in the afternoon when the
3 offices clear out and the auto shop is done
4 working on their cars, these spaces become
5 available when the fish market and this
6 restaurant would need more spaces, so what
7 happens is the fish market's parking begins to
8 move down the hill, and what would happen is
9 that area that's covered would basically expand
10 in terms of customer parking. So the customers
11 for the two stores would be mixing in here.
12 But in this whole area there's a tremendous
13 amount of parking not only for customers, but
14 there is long term parking here, which is
15 virtually empty, and there's long term parking
16 over here. This is a little closer. There's
17 no sidewalks here. It's uphill.

18 (Indicating.)

19 MR. CAHALIN: What's the distance
20 between the Dunwoodie lot and the location of
21 the restaurant, approximately?

22 MR. GAROFALO: That's like half --
23 it's a half a block.

24 MR. CAHALIN: A half a block?

25 MR. GAROFALO: Yes. The Dunwoodie lot

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2 is right here on the corner.

3 MR. CAHALIN: I don't think it's a
4 half a block. I would say it's closer to an
5 eighth of a mile, and it's uphill if you're
6 going to the restaurant. After you've eaten,
7 going downhill is a great thing, but going to
8 the restaurant that's going to be a tough hike.

9 MR. GAROFALO: This would be more for
10 employees of either the office or -- because
11 this is 12 hour parking. This is also -- they
12 have 12 hour parking over here also. This is a
13 flatter, nicer walk with the sidewalk, and
14 there's a pedestrian crossing signal here, so
15 it's very easy for pedestrians to traverse that
16 route. With the parking on Brook Street, more
17 likely they would go through the lot, although
18 they certainly have the option of taking the
19 sidewalk and going around.

20 THE CHAIRMAN: Mr. Nurzia?

21 MR. NURZIA: Thank you for the
22 explanation. The other question I had, and I
23 guess it's really maybe for both of you, and
24 you may or may not know the answer at this
25 point, but is there going to be takeout

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1 EASTCHESTER ZBA - 4/14/15
2 service? If you have takeout service and
3 somebody just wants to stop in, quickly get

4 something and hit the road, if there are no
5 spots right in front of the restaurant, where
6 do they go? Somebody is not going to, in my
7 opinion, park an eighth of a mile away or a
8 block away for something that's very quick? So
9 how do you handle that type of situation?

10 MR. DIBBINI: At this point, they are
11 intending on takeout service, but it's
12 curbside. So someone from the restaurant would
13 come out and deliver to the patron who pulled
14 up at that time.

15 MR. NURZIA: Okay.

16 THE CHAIRMAN: Anything further?

17 MR. NURZIA: No.

18 THE CHAIRMAN: Thank you, Mr. Nurzia.
19 Mr. DeMarco?

20 MR. DE MARCO: No, nothing.

21 THE CHAIRMAN: I would reserve my
22 comments until later. Is there a motion to
23 open the application to a public hearing?

24 MR. DE MARCO: So moved.

25 THE CHAIRMAN: By Mr. DeMarco. Is

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1 EASTCHESTER ZBA - 4/14/15

2 there a second?

3 MR. NURZIA: Second.

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

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(All aye.)

THE CHAIRMAN: Please step up, name and address for the record.

MR. ROSS: Good evening. My name is Rick Ross, the owner of Eastchester Fish Gourmet.

I don't like to see empty stores in the area, it doesn't really help the business, but I've been a merchant for 35 plus years here, and there is a problem with parking. It's a big problem. The police department now is putting permit spots where the meters are because there is such a problem.

Just a couple of things. The office building at 200 Summerfield rents the parking lot across the street because there is such a problem with parking. That building is also right next to the -- the parking is right next to 185 Summerfield. If you go down Summerfield at any time of the day, you notice it's a very

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EASTCHESTER ZBA - 4/14/15
congested area. There's a lot of times
bottlenecks on Summerfield. We're really
surprised no one has been injured on
Summerfield because of congestion.

The other issue that is very important
is, the new senior citizen housing that's going

8 to be going in at the bottom of Summerfield is
9 going to create more traffic on Summerfield.
10 This is something, you know, Summerfield is so
11 overcrowded that, you know, I think to have
12 another restaurant in the area would make
13 parking very difficult for not just Eastchester
14 Fish Gourmet, but for all the other businesses,
15 because we all have the stores along White
16 Plains Road that we all use the Summerfield
17 area.

18 So, you know, with this in mind, I
19 think there could be better use for that store.
20 That's all I have to say. Thank you.

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

23 MR. SWEENEY: Good evening. Frank
24 Sweeney, 22 Lakeview Avenue, representing the
25 North Eastchester Civic Association.

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1 EASTCHESTER ZBA - 4/14/15
2 Rick has kind of indicated already
3 that on the south side of Summerfield those
4 current meters are going to be converted to
5 permit parking. So from 8 in the morning to at
6 least 6 in the evening, those 12 or 14 spots
7 directly across from the restaurant will not be
8 available. I don't know if you can picture it,
9 but basically directly across the street

10 there's currently about 14 meters that are
11 going to be changed into metered parking, and
12 this is going to have a direct impact not only
13 on the Eastchester Gourmet, but anybody else on
14 that street. I know you've traveled that
15 street many times. It's an absolute nightmare,
16 because nothing can get through there. Now, I
17 know there's a lot of auto body shops that make
18 their living repairing cars, but they also make
19 a living parking or double parking their cars
20 on the street. It's very, very tough in terms
21 of our ability to manage it, as well as enforce
22 it. If you're going to have another 39 clients
23 coming to a restaurant, let's cut it in half,
24 they come in twos, it's another 16, 32 -- I
25 don't know how many times they're going to turn

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1 EASTCHESTER ZBA - 4/14/15
2 the restaurant over in the evening, but maybe
3 it's another 50 cars. There's not 50 spaces in
4 any of the lots, in any of the meters, or in
5 any of the permit spaces.
6 I'm not trying to put the restaurant
7 down in terms of its capability to make a
8 living, but the idea is that we're trying to
9 jamb too much in too little space, and then
10 what we have is we have an aftermath of what do
11 we do. We already have a crunch on the police

12 department, because we got so many enforcement
13 i ssues on our books right now i t's almost
14 i mpossible to have them out there seven by 24.

15 That's my comments. I appreciate
16 your thoughts and wisdom, but concern with the
17 street level of just the volume of traffic
18 that's going to be created. That's all. Thank
19 you.

20 THE CHAIRMAN: Thank you for your
21 time.

22 MR. GALANEK: Good evening, Charlie
23 Galanek, 21 Potter Place, Scarsdale.

24 One comment on the takeout service.
25 If any of you, which I know you have, been in

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1 EASTCHESTER ZBA - 4/14/15
2 any establishment like a restaurant that has a
3 takeout service, an example would be Outback
4 right here in Yonkers, even though they have
5 two runners, people drop off people to get in a
6 restaurant, out of a restaurant. If there's a
7 delay with the order, cars just park there and
8 then there's a backup of traffic going in to
9 just picking up something. So it sounds great
10 that you're going to have someone bringing
11 something out to the car. If it was just
12 simply at a window, you take it in and take it
13 out real quick, that would be nice, but reality

14 it's not going to happen.

15 Now, for parking, we're all town
16 members, we're all town people, we all know
17 what's going on in this town with parking. I
18 mean, you have businesses that are all around
19 town, and they don't have enough parking for
20 their employees. Now, in the north end, we
21 have cars that are going from Brook Street
22 parking all the way up to Lakeview Avenue.
23 Some have signs for no parking, some have signs
24 with restricted parking, some have no signs
25 whatsoever, and that's where the employees

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1 EASTCHESTER ZBA - 4/14/15
2 park, especially if there's no restrictions,
3 because they have to park, and they don't want
4 to park in some place where they have to move
5 it two or four hours later.

6 As it was brought out that the
7 municipal lot is just a throw stone away, it
8 was brought out that it's not, and it's
9 downhill. Reality of life, do you think people
10 are going to do that? We can't get people when
11 they're playing in Dunwoodie park to go down
12 there on level ground, yet you're going to have
13 customers to that? Of course not.

14 Reality of life is we can't keep on
15 rubber stamping things and when you don't have

16 enough, you're going to say, we have enough.
17 It's just you can't to it anymore. We can't to
18 it anymore. The town is getting too big, too
19 many things. We're getting overcrowded. If we
20 had maybe a municipal parking lot, you know,
21 where we could put multiple cars, that might be
22 a big question to the problems that we have,
23 but we don't have that. We're not a city like
24 White Plains or Yonkers.
25 I'm asking you to really think twice

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1 EASTCHESTER ZBA - 4/14/15
2 before you approve anything that goes over what
3 the town code says, 1.2 cars per space, per
4 movement of a parking lot, and not go backwards
5 but go forward. Thank you.
6 THE CHAIRMAN: Thank you for your
7 time. Anyone else want to be heard on this
8 application?
9 (No comments.)
10 THE CHAIRMAN: Ms. Uhle, as a matter
11 of procedure, I'm going to leave -- I'm going
12 to allow the applicant to reply to all of that,
13 but I'm also going to leave the public hearing
14 open because the parking study that has been
15 performed by the applicant hasn't been
16 available to the public. I think the board
17 members need to digest that there may be more

18 public conversation on it, and also our traffic
19 and parking expert will have an opportunity to
20 review and come back at the next meeting and
21 speak on it. So I'm going to keep the public
22 hearing open on this matter.

23 Now, if the applicant would like to
24 reply to anything that was said at the public
25 hearing.

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1 EASTCHESTER ZBA - 4/14/15

2 MR. DIBBINI: I would just like to
3 thank the public for participating and giving
4 their comments. We appreciate that. I also
5 welcome the opportunity to meet with any one of
6 them to see if there is some way we could find
7 a resolution to their concerns.

8 What I would also like to say is ask
9 the Board to review the traffic study report,
10 which I think really takes a comprehensive
11 approach to the entire parking situation, and
12 it was done methodically and done by a firm
13 that's been in the business a long time doing
14 these types of studies, and I'm sure the Board
15 is going to take time to do it and may engage
16 their own study to do the same and then really
17 make a decision based on sound facts and
18 statistics instead of just, you know, some
19 opinions that indicate a general overcrowding

20 si tuati on.

21 THE CHAIRMAN: Thank you.

22 MS. UHLE: Can I ask a questi on?

23 THE CHAIRMAN: Of course.

24 MS. UHLE: I know Mr. Garofal o

25 responded to some questi ons, but would you like

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1 EASTCHESTER ZBA - 4/14/15

2 him to actually present his findings in his
3 report at this point, or do you want to wait
4 and be able to read it and have our traffic
5 engineer read it first?

6 THE CHAIRMAN: I think as a matter of
7 procedure we should have our traffic and
8 parking expert review it firstly, let the Board
9 have an opportunity to review, because the
10 presentation, in my judgment, is already in
11 written form and it's just going to be read to
12 us, where at our next meeting, if this is
13 heard, we can also ask questions of the
14 proponent, and I think that would make more
15 sense. Unless you feel -- I don't know if I
16 could trump your opinion, Ms. Uhle.

17 MS. UHLE: I think that the biggest
18 issue obviously is parking, and like the
19 applicant's attorney said, I think it's nice to
20 have the determination made on actual
21 statistics and analysis and there might be some

22 additional analysis that needs to be done. I
23 guess my question is: Did you want to hear
24 this now or did you want to wait until -- I
25 think at some point the applicant should

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1 EASTCHESTER ZBA - 4/14/15
2 present his findings and then at some point our
3 consultant, who happens to be Mr. Grealy here
4 tonight, should be able to respond. I still
5 think they need to present their findings, but
6 I don't know if you want to do that tonight or
7 wait for the next meeting.

8 THE CHAIRMAN: Maybe we should concern
9 ourselves with the person whose opinion we
10 would be most reliant upon, and maybe ask Mr.
11 Grealy if you have a preference in terms of
12 whether you are going to review and reply or
13 whether you would like to hear a presentation
14 tonight and review and reply at a later time,
15 because, for the Board, we're flexible.

16 MR. GREALY: Do you want me to come up
17 to the mic?

18 THE CHAIRMAN: No, that's okay.

19 MR. GREALY: I took a quick look at
20 the parking study. I don't need a
21 presentation. I know Mr. Garofalo. I know one
22 comment that was made by the public, which
23 would have been a comment we would make, is

24 the 152 Summerfield, the senior project --
25 MR. CAHALIN: 155.

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2 MR. GREALY: 155 should be considered,
3 because while they've taking a look at parking
4 conditions in the immediate area and then a
5 bigger area and a bigger area, that would
6 influence it. I think that's something the
7 applicant should -- even before we review and
8 get any other comments -- should get a jump on
9 and look at the studies that were done and make
10 sure that that's addressed. We'll go through
11 it in detail and get comments back to Margaret.
12 That's my initial comment.

13 THE CHAIRMAN: I think to synopsise
14 then, at the next board meeting you can, I
15 guess, crystalize your presentation, which will
16 include any commentary on this future use of
17 the senior residence at Summerfield, and then
18 we can -- you can present and comment at that
19 time. So we'll reserve your presentation to
20 that point.

21 MS. UHLE: One other comment. I'm not
22 sure again because I haven't read your report,
23 whether you are or are not aware what Mr.
24 Sweeney brought up, it is my understanding that
25 metered spaces on Summerfield are now going to

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1 EASTCHESTER ZBA - 4/14/15
2 be changed to permit spaces, which actually
3 could work in favor of or against the
4 applicant, because there may be an opportunity
5 for the applicant to obtain some of those
6 permits, or it may limit the amount of parking.
7 I think we need to have an understanding of the
8 status of those metered parking spaces on
9 Summerfield, because my understanding is those
10 are in transition right as we speak.

11 THE CHAIRMAN: Okay. What do we know
12 about that process at this point?

13 MS. UHLE: I would get in touch with
14 both the town clerk and the police department
15 to understand where that process is.

16 THE CHAIRMAN: Okay. Well, again, in
17 addition to the public having an opportunity to
18 be heard on that and to have knowledge, I think
19 the Board would need to know where that is
20 going.

21 MS. UHLE: That's why I'm asking the
22 two traffic engineers to understand.

23 THE CHAIRMAN: Fair enough. Good.
24 Thank you, Mrs. Uhle. Mr. Miller.

25 MR. MILLER: I don't know if this is

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1 EASTCHESTER ZBA - 4/14/15
2 feasible, because I can't grasp right now if
3 there's any other open lots which would be
4 privately owned in that immediate vicinity, but
5 have you considered trying to get a license
6 from somebody else to use their lot? There are
7 restaurants in town that do that.

8 MR. DIBBINI: We've reached out to
9 some of the neighbors, and we have some
10 discussions that are underway now. Nothing
11 concrete, but we're looking to maybe utilize
12 across the street the office building at night.
13 We would really not have any demand for their
14 parking space being used, and we're trying to
15 work something out with them where we could get
16 use of it in the evenings.

17 THE CHAIRMAN: Anything further?

18 MR. MILLER: No.

19 THE CHAIRMAN: Mr. Cahalin?

20 MR. CAHALIN: No.

21 THE CHAIRMAN: Mr. DeMarco?

22 MR. DE MARCO: No.

23 THE CHAIRMAN: Mr. Nurzia?

24 MR. NURZIA: Actually, yes, just one
25 follow-up question. There is that garage

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1 EASTCHESTER ZBA - 4/14/15
2 behind the building. From the photos it looks
3 like it's just commercial garage, storage
4 space, something like that. Is that an active
5 driveway? Would there be any effect with any
6 usage of that garage with any of the spots
7 behind the building?
8 MR. DIBBINI: The way it's been laid
9 out now is that would be available to
10 accommodate part of the parking.
11 MR. NURZIA: How many parking spots
12 are there?
13 MR. DIBBINI: Four, two in the garage
14 and two outside.
15 MR. NURZIA: Okay. There was an open
16 blacktop spot behind the building before the
17 garage. That will be open?
18 MR. DIBBINI: Right. Correct.
19 MR. NURZIA: Okay. No other
20 questions.
21 THE CHAIRMAN: I have nothing at this
22 time. So seeing that we have no other
23 commentary on this, I'm going to make a motion
24 to adjourn and continue this application at the
25 next board meeting. Is there a second?

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MR. NURZI A: Second.
3 THE COURT: All in favor.
4 (All aye.)
5 THE CHAIRMAN: Thank you.
6 MR. DIBBINI: Thank you.
7 THE CHAIRMAN: Seeing nothing further,
8 I make a motion to close our April 14th, 2015
9 Zoning Board of Appeals meeting. Is there a
10 second?
11 MR. MILLER: Second.
12 THE CHAIRMAN: All in favor.
13 (All aye.)
14
15 (Meeting adjourned.)
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