STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

TRANSCRIPT OF
THE ZONING BOARD OF APPEALS MEETING
SEPTEMBER 8, 2015

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

BEFORE: ALAN ZILLA, CHAIRMAN
MARK DE MARCO, MEMBER
JOSEPH MILLER, MEMBER
MICHAEL CABALIN, MEMBER
PETER MARZIA, MEMBER

PRESENT:
MARGARET DUFF, DIRECTOR OF PLANNING
ROBERT FLOUSCO, DEPUTY TOWN ATTORNEY
JAY KIM, BUILDING INSPECTOR

DINA M. MORGAN, REPORTER

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THE CHAIRMAN: If I could have everyone's attention, please. We okay, Gary?
Okay. I would like to welcome everybody to the September 8th, 2015 meeting for the town of Eastchester Zoning Board of Appeals. We would like to start our meeting, as we always do, with the Pledge of Allegiance. Please rise.
(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Before we call tonight's roll, I would like to remind the viewing public that we have on calendar year 2015 two remaining meetings. We have an October meeting and a November meeting. There is no meeting in December. The reason why I'm reminding everyone is that it has been the policy of this Board for the past two years, that applications first time on are not decided. So any application heard in October will not be decided before November the earliest. So a November application will not be decided until January the earliest. Again, that's in conformity with this Board's policy for the past two years and with just about...
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1 approving the minutes for the June 9th, 2015
2 meeting. Is there a motion to approve those
3 minutes?
4
5 MR. CAHALIN: So moved.
6 THE CHAIRMAN: So moved by Mr.
7 Cahalin. Is there a second?
8 MR. DE MARCO: Second.
9 THE CHAIRMAN: By Mr. DeMarco. All in
10 favor.
11 (All aye.)
12 THE CHAIRMAN: The minutes have been
13 approved.
14 MR. DE MARCO: Is there something we
15 could do about the acoustics in here.
16 MS. UHLE: This is a new system, and
17 we're having some difficulty with it.
18 MR. DE MARCO: You think?
19 MS. UHLE: We had a meeting on
20 Thursday night and did bring it to everyone's
21 attention, and I think they're working on it.
22 THE CHAIRMAN: So there will be no
23 singing tonight, okay, Mark?
24 MR. DE MARCO: Got you.
25 THE CHAIRMAN: So first item, 15-08,
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that's 185 Summerfield Street. As part of the
record is a resolution approving the
application. We'll take the vote. Mr.
Cahalin.

MR. CAHALIN: No.
THE CHAIRMAN: Mr. Miller.
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nuzria.
MR. NURZIA: Yes.
THE CHAIRMAN: Mr. DeMarco.
MR. DE MARCO: Yes.
THE CHAIRMAN: And I vote yes. The
application has been approved four to one.
Number 2, 15-34, 22 Maple Street.
That's an application for an area variance to
permit a second story addition to an existing
single family residence. We have a resolution
that is part of the record approving the
application. We'll take the vote. Mr.
Cahalin.

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Miller.
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nuzria.
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MR. NURZIA: Yes.
THE CHAIRMAN: Mr. DeMarco.
MR. DE MARCO: Yes.
THE CHAIRMAN: And I vote yes. That
application has been approved five nothing.
The last item under old business,
15-41, 22 Parkway Circle, an application for an
area variance to permit a second story addition
to an existing single family residence. We
have a resolution in the record approving that
application. Mr. Cahalin.

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Miller.
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nuzria.
MR. NURZIA: Yes.
THE CHAIRMAN: Mr. DeMarco.
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MR. DE MARCO: Yes.

THE CHAIRMAN: I also vote yes. That resolution has been approved five nothing.

Next item under old business, 13-36, 504 New Rochelle Road. Before the applicant makes any comments or additions, just for clarification, the public hearing had previously been closed but it came to the Board's attention that there was an error in filing for public notice. So therefore, I am making a motion to open the public hearing. Is there a second?

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Public hearing is open.

Before we hear from the public, we would like to hear from the applicant on any additional information or any highlights you would like to make. The rest is submitted as a matter of public record.

MS. MARTIN: Good evening, everyone.

My name is Jillian Martin. I am the

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construction manager for the applicant, Chestnut Petroleum. The location we're here to discuss tonight is 504 New Rochelle Road in Bronxville.

Our proposed project renovates the existing convenience store. It takes away the spaces that had previously been used as maintenance bays and service locations that are currently not utilized for that function and will expand the convenience store function into those spaces as well as add additional space to allow for walk-in coolers and additional sales space.

Additionally, there are some changes to the landscaping, as well as improvements to the traffic flow. We are not proposing any changes to the dispensers or the number of fueling locations.

THE CHAIRMAN: Before we open the matter to the public hearing, are there any questions from the Board; Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: From what I understand,

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2  Hillcrest Road as you’re going towards Mount
3  Vernon. These are shrubs that we’ve asked
4  numerous times to be cut back. It’s
5  encroaching into the sidewalk. There’s also
6  garbage there, and it also creates a blind
7  spot. So as our children go down Hillcrest
8  Road to go to the bus stop on the corner, often
9  times cars are coming up and there’s been a lot
10  of close calls. This sidewalk also is a
11  problem in the winter. Regardless of how often
12  we ask them to do so, they fall to shovel the
13  walk. We have also a number of elderly in our
14  community that find themselves having to walk
15  down the street because they fail to shovel
16  their walk.
17  This next picture is basically my view
18  from my kitchen window. You can see that there
19  are garbage cans, old tires, milk crates, a
20  DeCicco’s shopping cart, and there are also
21  cigarette butts and stuff on the floor.
22  Another example of how the owners have failed
23  to maintain this property. I’ve got some other
24  pictures that reinforce my concerns about the
25  failure to, you know, maintain this property,

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2  and I don’t know if I’m correct in assuming
3  that a variance should be earned, and based on,
4  you know, the experience that we’ve had with
5  this organization thus far, you know, I think
6  there certainly needs to be a number of
7  conditions that would need to be met in
8  exchange for approval of a variance.
9  Some of the other concerns that I have
10  is, you know, the dumpsters. I know she said
11  there were some modifications on the
12  enclosures, but I would hope that the dumpsters
13  are going to be enclosed on all four sides,
14  because right now the dumpsters are just kind
15  of at the end of the driveway and you could see
16  that there is garbage always, you know, around
17  that. I prefer to have at least an enclosure
18  so I won’t have to look at that. As I
19  discussed, the landscaping has been an issue.
20  Also, there’s a traffic concern. I read your
21  notes and I also read the reports that were
22  submitted, and I’m not sure if the traffic
23  engineer took into account all of the traffic
24  that goes up and down Hillcrest Road. The
25  Hutch always floods and when it does, Hillcrest

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2  Road becomes the main thoroughfare coming off
3  the Hutch.
4  The other concern that I have about
5  Hillcrest Road is that if we’re going to change
6  the traffic flow where cars will only be
7  allowed to exit onto Hillcrest Road -- I don’t
8  know if you’ve ever been there on any given
9  day -- but when a car comes out of that
10  driveway on Hillcrest Road, they typically are
11  angled and it’s very difficult, if at all
12  possible, for cars coming off of New Rochelle
13  Road to actually go up Hillcrest. I’ve
14  encountered that multiple times during the week
15  when I’m trying to get home and there’s cars
16  just trying to angle their way so they could
17  get onto, you know, New Rochelle Road.
18  The other concern I have also is more
19  on a personal matter about the variance to
20  extend the building five feet back because that
21  means that then the air conditioning units and
22  the mechanicals are going to be five feet
23  closer to my home, and I’m just wondering what
24  allowances or what structures will be created
25  or will be required to minimize the noise that

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2  might come from those air conditioning units.
3  So again, I know that you guys have
4  done your due diligence. I think that we as
5  neighbors that weren’t informed, we have the
6  experience of living there every day and just,
7  you know, appreciate you giving us an
8  opportunity to point some of the things out
9  that may not have been pointed out earlier.
10  Thank you.
11  THE CHAIRMAN: Thank you for your
12  time. Is there anyone else who would like to
13  speak on this application? Please.
14  MR. DECHANSE: Good evening. My name
15  is Mike Dechance. I live at 17 Alta Drive, and
16  my property borders 504 New Rochelle Road as
17  well.
18  First, I would like to just express my
19  disappointment on the lack of notification on
20  something that impacts my property and my
21  community. I thought about this proposal and I
22  looked really deep at it and the question that
23  came to me is: Do we really need another
24  convenience store in our community? The answer
25  that came to mind after thinking about it is,

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"no." We have CVS that just moved in, we have J & G, we have the station store, we have a bagel store, we have a Sunoco Gas Station, a pizza parlor, and then less than a mile you're at Pelham and you're at DeCiccio's Market. So do we really need another convenience store in our area? The answer to me is, "no."

Then I had to think about the traffic in our area. If any of you live in the Chester Heights area, then you know the traffic flow in that area is horrific. It has increased twentyfold since I moved there 27 years ago. We were told that this project would not increase traffic. Thinking about that, I would have a hard time thinking that Chestnut Petroleum is going to invest a hundred thousand plus dollars into a project without having a draw. They're going to want people to come to that station and buy products from their service station. So that is a concern.

Also, there is a concern, as Mr. Urbina said, about the traffic flow in our area, and the town really needs to look at that. You cannot make a left-hand turn into my

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block safely, you have to wait for the light to turn red before you could turn, and you could not make a right-hand turn. You have to wait. They just put up cones now, and it's very difficult to make a turn into our block. I know my neighbors here will attest it's difficult for them to turn into their blocks as well. There's going to be a major accident in our area unless something is done.

Parking. The project called for 14 spaces and from what I see there was an approval for just six. In our area, parking is a premium. I took pictures the other day just to show the Board, people park on our sidewalks. I have a lot of pictures here that I would like to show. People are parking on the sidewalk. If they're proposing six spaces and they have employees working there, where are people going to park? Are they going to park on the sidewalks? Are they going to park and back out -- the proposal is where people back out of spaces, they'll be backing into the sidewalk, and this is what happens now. This happens every day in our community. I'll pass

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the dumpster placement, condenser placements,
al of those things. Where are they going to
move them? At 500 New Rochelle Road I have a
lot of concern about what I see from my
property, and I have pictures here I could show
you. I don't want to see that. I don't want
to see what I see now, and it is a concern.

As Mr. Urbina said, the rear of the
property is not maintained. There are tree
branches and there's one tree hanging over my
property that I have a real concern about.
I've walked down several times to tell the
manager about it, and I hear from nobody. If
that branch comes down, somebody is going to
get hurt and it's going to be on my property.
Questions about what's going to be
removed back there. What are we going to see
from our property lines? Is there going to be
a fence put up? Are there going to be shrubs
put up to hide what's down there?

Soil erosion. My property where it
borders is on a hill, and the soil when it
rains real hard backing up my fence it just
goes down to the hill area. I built it up with
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four by fours and rocks to try to prevent that,
but that is something that needs to be looked
at. If they're coming back five feet and
starting to disturb that soil, it's going to
impact the rear of my property and that needs
to looked at.

In closing, I would like to thank the
Board for listening to my concerns. For me
this proposal raises many questions and there's
not many answers so far. I do not see the
benefit of this project in our community, and
again, I would like to thank you for listening
to me this evening. These are pictures that I
would like the Board to look at. There's too
many to put up, but I've labeled them and you
could see what I'm talking about.

THE CHAIRMAN: Thank you for your
time. Is there anyone else who would like to
speak on this application? Please. Give me
your name and address for the record.

MR. ITRI: My name is William Itri. I
live at 22 Alta Drive in Bronxville. I
apologize for my outburst, but Mike is my
neighbor and his concern about the traffic --
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MR. DE MARCO: All I did was ask him a
simple question. I wasn't attacking him.
Let's keep it going.

MR. ITRI: I apologize. You asked a
question about the parking: Have the police
been notified? Yes. Have they come? No.
Traffic concern where they put the pillars up
so you can't turn into out block anymore.
There's going to be a major accident. The
neighbors have been told cut through the
parking lot. That's not going to solve the
problem. You have more traffic coming up from
New Rochelle Road if put another convenience
store there. CVS is there. As Mike said, we
have many stores in our neighborhood. We don't
need another convenience store. We don't need
more traffic. Pass by there, sit by the
neighborhood around 4, 5:00, and you'll see
what that traffic congestion is like and then
consider whether or not you want to encroach on
other people's properties to bring things
closer and increase the traffic there. We do
have kids, we do have older people that live in
the neighborhood, you can't get across that
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street. It's dangerous.

THE CHAIRMAN: Thank you. Yes,
please.

MR. CAVALIERE: Good evening,
everyone. My name is Mike Cavaliere. I reside
at 23 Alta Drive. I wanted to share some of my
concerns. Many of the concerns are similar to
my neighbors. One big difference between them
and I is I have a very young family, and I'm
sure you guys know there's a park across the
street, and I think the biggest concern here
today is the congestion. It just continues and
continues and continues. It is true people do
dpark on the sidewalk. Maybe not right in front
of that proposed project, but definitely that
complex there. You have to hang on to your
kid's hands every time you walk, because you
don't know. People are coming in and out.
That holds true for that whole area regardless
of this project. That's a concern. As a new
and new families and young kids are coming in,
we need to be aware of that. Plan for the
worst, hope for the best. We really need to
plan for the worst and make sure that
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structurally and fundamentally it's sound there. I'm not an engineer, traffic flow
engineer by no means but that's something that we should consider.

Parking, again, it's something that is a limited resource, and we need to make sure that there is adequate parking if this passes or not.

Lastly, is the quality of life. Do the benefits outweigh the concerns that we're voicing today for this new project. Thank you four your time.

THE CHAIRMAN: Thank you.

MR. MILLER: Sir, can I ask you a question just from living there; was there more traffic or less traffic or is there more traffic now that there's a CVS -- let me phrase this correctly. Before the CVS there was a supermarket, which was pretty heavily trafficked from living in the general area; is there more traffic now or less traffic now that there is a CVS?

MR. CAVALIERE: To be frank with you, I just recently moved in. Regardless, though, DINA M. MORGAN, REPORTER

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it's more than I had expected, and I've done my homework, my research. I lived in the community for six, seven years away from there. You park your car, you look a little weird, but hey, you see the traffic flow and you see all this, but when you're actually living there 24/7, it's a lot.

MR. MILLER: I understand.

MR. CAVALIERE: So I can't answer your question because I don't know, but what I see today is there's a lot of traffic funneling into a very, very small one road, and I'm assuming the investors want to maximize their ROI and you need more foot traffic, you need more people. Do the benefits outweigh the negatives? I don't know.

MR. MILLER: Okay.

THE CHAIRMAN: Anything else, Mr. Miller?

THE CHAIRMAN: Thank you for your time. Is there anyone that would like to speak on this application? Please.

MS. BALINT: Hello. I'm Joyce Balint.

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1 say repetition is the mother of learning, let 2 me say it again: We do not need another 3 convenience store. If there was a modos, that 4 should be it. I realize in talking to my 5 friend John, who really understands the 6 technical aspects of what you do, that maybe 7 this isn't the forum for it, but I think you 8 need to hear that.

9 Go right down the list. Have any of 10 you ever been down there during the day in 11 Chester Heights? I assume you have. If you 12 haven't, you should go there. Why? Traffic 13 comes off the Cross County and comes down that 14 road. Why do they do that? Because it's all 15 backed up going down the Hutch. If you've ever 16 done it, you'll see the backup. We get the 17 overflow. The police are there all the time 18 doing a great job because people are running 19 stop lights, stop signs. There's now even a 20 space where you go you have to cram into one 21 lane. Traffic, congestion, trash. Let's talk 22 about trash for a second. Not your purview.

23 We have people dumping garbage in front of the 24 Chester Heights Bakery on a Sunday night into

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1 I want to make sure -- I'll say it one 2 more time: A bagel place, a bakery, Gordy's, J 3 & G, the Greek restaurant, a pizza place, now 4 CVS, how many more convenience places could you 5 want in a three block area? None is the 6 answer. Zero. Okay. That's why we should 7 shoot this down. Besides the fact, in talking 8 to my friend John, these are some serious 9 variances here. I mean, you got not one, you 10 got four variances to deal with here. That's a 11 lot of action I think.

12 I would like you to very seriously 13 consider what you heard here and hear that. I 14 will be more than happy to bring a lot more 15 people here and a bigger petition to vote this 16 down when it gets there.

17 I have one question: What is the 18 process going forward here? Apparently there 19 was an error in the filing, as you said 20 earlier, about a public hearing; what happens 21 next?

22 THE CHAIRMAN: I'm not clear what your 23 question is. What do you mean, what is the 24 process going forward?

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1 the early morning hours when there's no trash 2 pickup after Friday; right? It was a dumping 3 ground. Where is that coming from? We don't 4 know. What do we do about it? I called Tony. 5 I suggested to him we take the garbage can away 6 for two weeks and let's see what happens.

7 Guess what? It went away. Simple solution to 8 an ongoing problem, okay.

9 We don't need another convenience 10 store. Pizza places, J & G, CVS now has all 11 the milk and anything else you could want. I 12 get these people what they're trying to do. I 13 understand from a businessman what they're 14 trying to do. The maintenance business has 15 gone away. They want to go into the 16 convenience business. We don't need. People 17 used to walk to the C-Town, that's why, and had 18 the parking in the back in answer to your 19 question about, you know, the traffic. It's 20 not kind of a non-issue would be the best way 21 to say. We get all this overflow of traffic.

22 We don't need more traffic. We don't need 23 people pulling in and out of there, okay. We 24 just don't need it.

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MR. CARROLL: Well, that was my concern in terms of the public being aware that this was the meeting to be held for the public to be heard. Usually it's earlier than now; right?

THE CHAIRMAN: And to further, I guess, amplify what I'm saying, there is another part to this, which Mrs. Uhle was going to comment on but I will, and that is this is really for our tribunal we're only hearing the area variances, the variance in parking, which is deficient as it is but they're changing the parking, and the addition of this convenience structure. The use is as of right and all these issues about 24/7 and garbage and all these other things are not pertinent for this Board. All we're really hearing is the issue of whether these variances, which are things that vary in the law, they're deficient and that's why it comes before our tribunal, are acceptable to the board. So that's really all we're hearing. These things, of course, are part of your public opinion, they may or may not be true, about whether it's a 24/7 and all.

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MR. CARROLL: Just clarify the last part. Who, if it's not you then, who is the other audience to hear the part that we're talking about?

THE CHAIRMAN: There are other tribunals. There is Architectural Review and there's Planning. There are two other boards.

MR. CARROLL: That go after this is done? After your piece is done, then it moves on to them?

THE CHAIRMAN: Actually, sometimes it's simultaneous, and in this instance there was an application with another board, which is where it was discovered by Mrs. Uhle that notice wasn't properly provided, and Mrs. Uhle was the one who acted upon that. We've had the public hearing open on this application for many months.

MR. CARROLL: Obviously they haven't abided with -- done what you wanted them to do yet if you've been talking to them for some time; am I correct in that assumption?

THE CHAIRMAN: No. Actually, they modified their application several times. The Board had many comments and many concerns. The Board still has many comments and many concerns, but we want to give everybody an opportunity to run out every ground ball.

Okay?

MR. CARROLL: Okay.

THE CHAIRMAN: Anything further?

MR. CARROLL: That's it.

THE CHAIRMAN: Thank you for your time.

Mrs. Uhle, do you want to add anything to that.

MS. UHLE: I was just going to follow-up with what you said. When you close the public hearing here, then it will go before the Architectural Review Board. That meeting was noticed and we allowed them to proceed before the Architectural Review Board only because I got comments that people were concerned that they didn't have an ability to comment on the application. So I didn't want to withdraw it from the agenda when people were finally noticed about it. So we allowed it to proceed before the ARB but will not allow it to proceed anywhere else until this process before the Zoning Board is completed.

If the application is approved or modified in some way that it can continue, then it will go back to the Architectural Review Board to address the aesthetic issues related to the character of the architecture, related to the character of all the enclosures, even for the rooftop, the fencing, that kind of thing, and then to the Planning Board also to kind of continue that review of the property maintenance issues, landscape issues, lighting issues, that kind of thing.

The Planning Board, as part of their special permit review, does have the authority to limit the hours of operation. They specifically have that authority. The applicant is aware of that, and the applicant is aware that there are concerns with regard to a potential 24 hour operation. The Planning Board explicitly has the authority to limit the
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2 hours of operation.
3 THE CHAIRMAN: Thank you.
4 MR. TUDISCO: Also, I just want to add
5 to that potentially the Planning Board, when
6 you had referred, Mr. Chairman, to other
7 bodies, other boards, with site plan approval
8 there are from time to time conditions that are
9 imposed by the Planning Board in terms of
10 screening, plantings, various aesthetic parts
11 of the property and the project. So there is
12 another review process where issues that were
13 raised tonight that are not appropriate before
14 this particular board will be raised and will
15 get to be addressed.
16 THE CHAIRMAN: Thank you, counsel.
17 Okay. Is there anyone else who would like to
18 be heard on this application? Please. Please
19 come up and state your name and address and say
20 whatever you would like within reason.
21 MS. CRISCO: Hi. I'm Ginny Crisco,
22 and I live at 85 Lockwood Avenue. I understand
23 that you don't address the issues of traffic
24 and the usage of the building but --
25 THE CHAIRMAN: I'm sorry to interrupt

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2 commercial property or does it favor
3 residential property? I would argue that these
4 two residents should be given the priority.
5 That their quality of life is far more
6 important than putting a convenience store --
7 not the convenience store but expanding the
8 building itself. So I would argue that you say
9 "no" to the expansion, because the private
10 citizens should get a priority and their rights
11 should be uppermost in your decision. Thank
12 you.
13 THE CHAIRMAN: Thank you for your
14 time.
15 MS. EAGLE: My name is Lorraine Eagle.
16 I live at 26 Alta Drive. The only question I had
17 was: Is there going to be another open forum
18 so that other residents can speak their mind
19 after this one?
20 THE CHAIRMAN: This is the open forum
21 right now.
22 MS. EAGLE: This is the only one. So
23 if there are any changes or anything like that,
24 no one will know.
25 THE CHAIRMAN: There are no changes.

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2 This is the application. Everyone here is
3 speaking on this application. There will be no
4 further application.
5 MS. UHLE: But there is a possibility
6 you would keep the public hearing open?
7 THE CHAIRMAN: Correct.
8 MR. TUDISCO: Can I clarify that?
9 MS. UHLE: Actually, the Board may
10 decide tonight to keep the public hearing open
11 for next month, which would give people an
12 opportunity to come next month to comment.
13 Also, when it appears before the Architectural
14 Review Board and the Planning Board, those will
15 also be public hearings.
16 MS. EAGLE: Are they posted?
17 MS. UHLE: There are two things:
18 People within a 200 foot radius of the property
19 receive mailings. There is also on one day
20 something is posted in the newspaper. We
21 always post the agendas prior to the weekend
22 before the meeting. So this agenda I think was
23 posted on last Friday. It's also listed on the
24 town's cable channels. You're welcome to call
25 the Building and Planning Department just to

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see when it's on the agenda as well. Everyone
within a 200 foot radius will be notified under
any circumstances.

MS. EAGLE: I just want to add, anyone
who is voting on this should really come to
Chester Heights, spend the day, and see the
amount of traffic especially, as someone
brought up, when the Hutch is backed up it
comes in. I mean, it's horrendous. There is
absolutely no need to add anything else into
Chester Heights to bring in more traffic. I
just can't see any need for it. I'm there
37 years. We've done well with what's there
now and to infringe on the Hillcrest Road, I
lived on Hillcrest Road before we bought the
house on Alta Drive, coming in and out of that
making the right it's awful.

I just think if you want the element
of Eastchester to stay in the level of
Eastchester, I think you should really second
guess the whole thing because you're going to
bring in an awful lot of mess at awful
different times of the night. Our town is very
small and it closes down and it's very quaint

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and very quiet, and we really don't need a lot
of riffraff coming in at 11:00 at night to get
gas or whatever. That's just my personal
opinion.

I mean, I'm on the way out of this
situation. You know, we're living there, my
kids are all grown and out of the house, and I
think you're ruining a good neighborhood to put
in for one company that wants to make more
money. That's fine, everybody wants to make
more money but don't ruin all the community's
lives for this one endeavor.

THE CHAIRMAN: Thank you for your
time. Please. Then you next, sir.

MR. BOYER: Hello. I'm Keith Boyer.

I live at 2 Archer Drive. I'm directly on New
Rochelle Road. I can see the Mobil station
from my living room, my bedroom. I hear the
noise. This is a residential neighborhood.

First, I've lived there for 27 years.

The first big change in the neighborhood came
when they put up that big overhang over the gas
pumps. That wasn't really necessary. They
didn't do it at the Sunoco station. So I don't

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see why that was done.

The existing traffic is terrible.

Today there was a backup off the exit. I'm
talking off of the Cross County coming
eastbound it was backed up. There had to be 25
cars. You couldn't make the right-hand turn.
The columns that they put up only made the
situation worse because there's nowhere for the
cars to go. You had to go into one lane.

A little history. I think that
20 years ago there was a deli where the
cleaners is, it was called Eat at the Heights,
and there was a lot of people coming from Mount
Vernon High School, and I think at that time
they closed the Mount Vernon campus to stop all
the traffic. A convenience store is only going
to be another draw from Mount Vernon High
School. Right now crime is, I think, fairly
low in the neighborhood. I think in the past
two years the Mobil station has had a robbery
at least twice. If that thing were open
24 hours, I just see it leading to problems.

Also, there would be a lot of traffic.

My house, again, is on the corner of Archer

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2 because there have been -- just for the record,
3 how many hearings prior to this at the Zoning
4 Board? Somebody.
5 MS. UHLE: I think officially three
6 and one the applicant didn't show up. So you
7 discussed it at four different meetings.
8 MR. MAGLIANO: This is the fifth time
9 it's been before the Zoning Board, but the
10 public has not been a part of it up until now.
11 THE CHAIRMAN: Actually, the public
12 has been a part of it each time.
13 MR. MAGLIANO: They have?
14 THE CHAIRMAN: Sure.
15 MR. MAGLIANO: I thought they were not
16 notified.
17 THE CHAIRMAN: Some people were not
18 notified, that's why it was re-notified. Hold
19 on a minute. We're not going to do this.
20 Everyone, including the Board. We're not going
21 to do this. We're going to conduct this
22 meeting properly. So you'll speak up here if
23 you want to speak. Everyone has been given an
24 opportunity. I'm just clarifying. Continue.
25 MR. MAGLIANO: Okay. Where I was
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2 going was the fact that I have not -- I heard
3 about this meeting an hour ago for the record
4 again. I did not have a chance to read the
5 zoning code, which I would have done had I had
6 enough time to do it. It's been 15 years, so I
7 don't have that good a memory. The point is, I
8 didn't hear a presentation tonight. I have no
9 idea how this whole thing winds up being a
10 hardship to Chestnut Petroleum. Is there a
11 record someplace of where the hardship lies?
12 THE CHAIRMAN: The application and
13 every document including the minutes are all
14 part of the public regard.
15 MR. MAGLIANO: Have you presented a
16 hardship? Excuse me may I address the --
17 THE CHAIRMAN: No. They're all part
18 of the public record.
19 MR. MAGLIANO: A hardship case has
20 been presented?
THE CHAIRMAN: The entire test has
22 been presented to the Board.
23 MS. UHLE: For area variances there is
24 no longer -- it's been quite a few years since
25 a case where any kind of financial hardship is
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2 required. That's not a requirement for area
3 variances.
4 THE CHAIRMAN: That would be a for a
5 use variance.
6 MS. UHLE: It's for a use variance.
7 MR. MAGLIANO: Okay. So we haven't
8 heard the case for improving the profitability
9 of this station, we heard something else. So
10 there are minutes available. Are the minutes
11 still taken verbatim?
12 MS. UHLE: Yes. They're transcripts.
13 MR. MAGLIANO: So there's a record. I
14 go to the Building Department for them?
15 MS. UHLE: Yes. Well, they're
16 available on the website, but you could also
17 come to my department to view any of the
18 drawings, and the minutes are posted on the
19 website, as are the agendas.
20 MR. MAGLIANO: They go back two years
21 when this first started? I notice this is
22 Application 13-36 or something like that, which
23 means it was 2013; right?
24 MS. UHLE: I believe that's when the
25 applicant submitted the application to us. It
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MR. MILLER: The traffic engineer is here.

MR. MAGLIANO: Thank you very much. Thank you. Okay. If you drive to the Mobil station and try and pull into those parking -- I significantly seriously suggest that you try this, because one of the things I'm sure you've done is gone to the Mobil station and inspected it and seen what it looks like and how the conditions are as part of your review of the application. I suggest you drive there at a moderately busy time and try and park as it is now in any one of the spots there, in particular, the two that are shown -- in particular, these two spots. Try and park in one of those spots without holding up traffic up to California Road practically as you do so. So we may be looking at six parking spots but, in fact, there's really probably only four that are usable, which will get me into the rest of it.

Some other comments. I sympathize with the adjacency to the adjacent homeowners. This is already too close to them, and these

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variances will put this whole operation even closer to them, which is a significant detriment to the neighborhood, which I believe is a test in the zoning code. We talked about congestion. I'll review the minutes, because I presume there will be another meeting. I don't presume anything. I'm hoping there will be another meeting where we can comment and then I will have been able to review the minutes of the meeting to understand how this hardship is not self-created.

Last but not least, with variances of 57 percent, 86 percent, 72 percent, and 22.3 percent, I consider this a very substantial set of variances both in terms of the adjacencies and the parking. So frankly, I can't see how you could approve this application. Thanks.

THE CHAIRMAN: Thank you for your time.

Is there anyone else from the public that wants to be heard?

(No comments.)

THE CHAIRMAN: From here I'm going to have the applicant make any comments or any

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not adding a use that it is not currently
presently there. We are expanding it in order
to better serve the community that we reside in
and that we pay taxes in and that we are here

to serve. So we are looking not necessarily to
increase sales and increase foot traffic and
bring more people to our store, we are also
looking to better serve the community that we
reside within. We're looking to enhance the
experience of the community of those that
already stop and frequent out station so they
have more selection, so they have the ability
to buy things that they need while they're
already stopped to get gas.

Currently, the station is open from 6
a.m. to 11 p.m. We always would like to go
24/7 in order to better serve our communities
in emergency situations. There are security
features included in all of our stores. There
are cameras, monitors, video surveillance
equipment. We do have the ability to add
buzzers at the front door after certain hours
if needed in order to better serve our
community and understanding the concerns of the
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community and the police department. In this
particular case, they're already serving beer
and you could already buy it there. I'm not
particularly understanding of the town codes
for alcohol sales, but I believe you could buy
it until the store closes at 11 p.m.

THE CHAIRMAN: If I may interrupt you,
you're free to comment in closing as you like,
but maybe your comments should be directed to
the parking and side and rear setback issues,
which are really what's before us.

MS. MARTIN: Sure. One of the setback
issues was the 5.5 feet that typically would be
considered -- it would be a minimum of 40 feet
required. That particular deficiency is
located where I'm going to point.

MS. UHLE: Jillian, I think it's
almost easier can you do it showing the
rendered plan?

MS. MARTIN: Sure.

MS. UHLE: I think it's easier to see.

The proposed expansion is what's rendered a
little bit darker there.

MS. MARTIN: Okay. I'll point again.

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In that particular area where we're proposing
5.5 feet to the property line, the use on the
other side of that property although is zoned
as a one family residence district is not
currently utilized as such. There's currently
the strip mall with the pizza place and some
other type stores in there, which I believe
most of which operate until 7 to 10 p.m.
depending on the store.

The other setback is the one directly
behind the store. Currently, there is a
trailer parked back there, which I know we've
seen pictures of tonight. That trailer would
be removed. It's currently used I believe for
storage, which will now be enclosed within the
building. So those issues will go away. It
will bring the building a little bit further
back, but again, it takes away that other use.
So with that it's kind of a give and take. It
will look a lot nicer than it does at the
moment. We have done what we can as far as
making sure those enclosures and things will be
cognizant of the community around it.

THE CHAIRMAN: Anything further?

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MS. MARTIN: I believe that is all I
have at the moment. The only other thing that
I have is that the crosswalk has been adjusted
per the requirements and the comments of the
board. We have made sure that there is
adequate lighting for the foot traffic. I know
that's a concern as well for the site flow. I
will refer to the traffic consultant for all of
those questions.

THE CHAIRMAN: I thank you for your
time. So the way the Board is going to proceed
is as follows: The Board will make any
comments they would like on the application
since the application is complete, and then we
are going do decide whether to keep the public
hearing open or closed.

So usually I reserve my comments for
last, but I will make my comments first so we
could crystalize at least the way I see this
application. In all my years on the board,
I've never singled anyone out, but the woman in
blue who made that presentation; to such a
complicated application, it was the most on
point public comment I have ever had. I'm only

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saying that because when I say what I say, I
don't want you to go home and say, he stole
everything I said.

We've worked on this application for
many months. The parking issue for me was
never a problem of the actual area variance,
but the reorganization of the parking, and when
the applicant changed that parking several
times, it kind of worked. My major issue is
with increasing an already non-conforming
structure closer to people who live there.
Again, I'm only saying that because I don't
want you to go home and say I stole all your
ideas, but that is the problem I have with this
application. I am not deciding right now,
naturally, and I want the Board to be heard and
make their commentary, but again, it's the
structure and pushing it into a residential
area more than it already is.

Mr. Cahalin, any comments, please?

MR. CAHALIN: This application,
unfortunately, when it first came on, the Board
has worked the plans with this applicant over
three months from the original plans. These

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are tremendously different from what was
presented. We talked about the curb cuts, we
talked about the landscaping. We actually took
a parking spot away to put landscaping in. We
all live here, and I go to every single
property myself. I can speak for myself only.
I go out, I walk around, I spend time at the
property, I go there different times, okay. So
as far as Chester Heights, I'm very familiar
with the neighborhood. I've walked those
streets back there when I used to campaign and
they're terrible to walk because of the hills,

I'll tell you the truth, but it's a lovely
neighborhood. I've always enjoyed it. My kids
played on the field across the street. It was
always difficult getting the kids there and
out. So I'm very familiar with the
neighborhood and what's going on there. Look
at me, I frequent the Chester Heights Bakery
for Christ's sake. So you know I'm there.

MR. DE MARCO: You're kidding me.

MR. CAHALIN: You're surprised. One

of my favorite in town. That said, we don't
take these things lightly, but you have to

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way we apply it? Sometimes you will and
sometimes you won't, but that's our job is to
take the law and look at it and does this make
sense for the town versus the alternative to
have a vacancy, to have something else go on,
to change things. So I don't know. For months
and months we've struggled with this. We had
them change the layout. We had them take
spaces and put things and gas storage and all
kind of crazy things. The sidewalk, they
wanted it bigger, we told them to make it
smaller.

It's unfortunate that the public
wasn't notified and you weren't here to hear
all the goings on. I understand completely
what you're about. I understand what your
concerns are, okay. I get it. We will balance
that out the best way we can, but we have
individual votes here. We hear you, we'll take
that into consideration about, but we have a
balancing test by law that we have to deal
with, and we'll all vote our own way. So
that's where it's going to go at some point,
Mr. Chairman. That's all I have to say.

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MR. MILLER: I don't want to make this
go longer --
THE CHAIRMAN: I'm just kidding. I'm
kidding you.
MR. MILLER: First, to answer, if
you're going to ask me, yes, keep the public
hearing open.
THE CHAIRMAN: Thank you.
MR. MILLER: My biggest fear here, and
we all now I had a big issue with the parking,
I had a big issue with the traffic. So I have
a request for Mr. Chairman to let our traffic
engineer share some of his thoughts since I
think that's a large fear of the community.
That's my request.
THE CHAIRMAN: Granted. Mr. Nurzia.
MR. NURZIA: One of the things that I
considered personally when we voted on this a
couple of meetings ago was obviously the
factors that we're supposed to look at. Just
to follow up on some of the comments, we hear
what you're saying, but we have to focus in on
certain things that are just pertinent to the
Zoning Board. One of the factors is the

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THE CHAIRMAN: Thank you for your
time. One other quick question: Would you be
inclined to leave the public hearing open or
closed?

MR. CAHALIN: In this particular
instance, I would be inclined to leave the
public hearing open only because I think that
the people that showed up tonight had the
opportunity and time to come. There may be
other people. I'm sure these people are going
to go back to their neighbors and say, hey, you
really should get involved, you should really
let them know how you feel about that. The
more information we get --

THE CHAIRMAN: So that's a yes?

MR. CAHALIN: I don't think it hurts
us. Look, we spent two years on Summerfield,
so what's another month or two on this project.

THE CHAIRMAN: Mr. Miller, keeping in
mind the Matt Harvey is pitching, the Yankees
are a half game out, and Venus and Serena
Williams are playing, what are your thoughts?

MR. CAHALIN: If the Rangers were on,
we would be moving it along.

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Plains. On New Rochelle Road, which is --
Chester Heights is a beautiful neighborhood --
there are two service stations, there's a small
little strip mall with the restaurant, the
dell, the stationary store, and there's a
bakery on the corner, there's a bagel store.
There are all sorts of commercial spots along
New Rochelle Road. To the gentleman who sat on
this Board for 15 years or 15 years ago in that
chair, what was this Board doing when it was
approving all of those commercial
establishments along 22 and New Rochelle Road?
Now when people are coming before the
Board seeking to improve or change or seeking
variances to those commercial establishments,
the neighborhood comes out in droves and
opposes it, and I understand why but those
places are there. They have been there longer
than most of us can remember or I certainly can
remember. They were here before I moved into
town. Now we're stuck with them, and the
applicants are coming for improvements.
Sometimes these improvements are good for the
community and at times they are bad for the

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community and that's what we're here to decide.
First of all, whether it's a proper
application, whether the tests have been met,
but there's a service station on that corner
and it's across from your house, right down the
block, we understand that, and it abuts your
property where you recently moved into, we
understand, but they've been there. They were
there, I'm assuming, when you moved in, when
you were looking. They were there, and we're
stuck with them, and now the application comes
before us and we're asked to make a decision.
We do hear everything you say and we take it
all into consideration, but it's not as if this
is an application to construct a service
station that hasn't been there before. So
that's what our job is and that's what we're
trying to do properly.

(Speaking from the audience.)
THE CHAIRMAN: Hold on a minute.

Please. Absolutely not. Absolutely not.
MR. MAGLIANO: He made a comment to
me.

THE CHAIRMAN: He was not making a

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   2. not apply to yelling fire in a crowded theater
   3. and you're not going to say whatever you want in this tribunal.
   4. 
   5. So I'll give you an opportunity to
   6. speak. I am now going to make a motion to have
   7. the public hearing remain open, but I hope when
   8. people come back they'll act a little more
   9. dignified and in a manner in which it is
   10. deserved in this tribunal. So I make a motion
   11. to leave the public hearing open. Is there a
   12. second?

   MR. MILLER: Mr. Chairman, if I may --

   THE CHAIRMAN: We will have Mr. Grealy
   15. speak at the next meeting. Is there a second?

   MR. DE MARCO: Second.

   THE CHAIRMAN: All in favor.

   (All aye.)

   THE CHAIRMAN: Thank you. Next,


   MR. CAHALIN: Can you please leave

   22. quietly.

   THE CHAIRMAN: Mr. Iannacito, are you

   24. ready to proceed? Restore the dignity to this

   proceeding, please.

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   2. MR. IANNACITO: Good evening.
   3. THE CHAIRMAN: Thank you.
   4. MR. IANNACITO: My name is John
   5. Iannacito. I'm an architect, and I'm
   6. representing Mrs. Nancy Rothenberg this
   7. evening, the owner of Studio B Dance Center.
   8. She's with me this evening.
   9. 
   10. We are proposing alterations and a
   11. change of use to the existing structure located
   12. at 277 White Plains Road. Here is the survey
   13. of the property. It is completely developed
   14. and it sits at the intersection of White Plains
   15. Road, Prospect Avenue, and Waverly Place.
   16. 
   17. The proposed scope of work will
   18. include first and second story interior
   19. alterations with a change of use from an office
   20. space to a dance studio. We're also proposing
   21. some minor facade alterations, including
   22. relocation of windows and the addition of a new
   23. entry ramp to make the lower level handicap
   24. accessible.
   25. 
   26. The existing property is currently
   27. non-conforming with respect to the front
   28. setback, the rear setback, and both side

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   2. setbacks. It is also non-conforming with
   3. respect to the number of off-street parking
   4. spaces. The proposed changes will create an
   5. increase to the existing non-conforming
   6. parking, and we are requesting an area variance
   7. for the off-street parking spaces.
   8. 
   9. The existing offices are currently
   10. non-conforming -- the parking for the office is
   11. currently non-conforming with a total of 12
   12. spaces required and zero provided, a deficiency
   13. of 12 or a hundred percent. The change in use
   14. to the dance studio will increase the required
   15. parking by eight spaces to a total required of
   16. 20 spaces where zero will be provided, a
   17. deficiency of 20 spaces and a hundred percent.
   18. 
   19. The existing dance studio is currently
   20. located across the street across on Prospect
   21. Avenue in this location, here and it will be
   22. relocated to the new subject property here.
   23. The existing dance center currently has no
   24. on-street parking, and the available parking on
   25. the streets meets the needs of the dance studio
   26. today. There are permit and metered parking on
   27. all adjacent streets in the area. The dance

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parking, and it is a substantial amount of
spaces, but since it's a current condition and
if there is no real problem with it, then I
think we should allow the application to go
forward.

THE CHAIRMAN: Tonight two firsts; a
gold star for an architect and a gold star for
a public speaker. How about that?

MR. IANNACITO: Thank you.

THE CHAIRMAN: Mr. Miller, any
questions?

MR. MILLER: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Yes, I just have one
question. My daughters have probably gone to
your dance studio in the past, so just stating
that for the record. I know at one point my
daughters actually went to a birthday party
when it was further down --

MS. ROTHENBERG: 375?

MR. NURZIA: Yes, 375 White Plains
Road. My question is this: I'm not sure if
you still have birthday parties and that kind
of thing, but if you have a birthday party now

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showing how many parking spaces are throughout
this. I walked around with my cellphone and
just took pictures of like each street and how
many spaces there are.

MR. DE MARCO: Isn't that Mr.
Iannacito's job?

THE CHAIRMAN: Anything further, Mr.
Nurzia?

MR. NURZIA: No, that was it.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: I just have a small
question. Who gets to park at the permit spots
and how do you get one of these permits?

MS. ROTHENBERG: Right now my landlord
has the three spots and then I acquired one
myself, so my teachers park there. Some of the
teachers come at night. So they come after 7
and they only teach like an hour or two at
night. They come around 7:00 for the 7 to 8:00
class. When I purchased the building at 277,
it comes with three spaces. So I will have
three different numbered spaces, but I will have four
just like I have now.

MR. IANNACITO: She's going to

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you're getting 15, 20, 30 kids showing up all
at one time, is it that going to overwhelm the
on-street parking at that particular time?

MS. ROTHENBERG: That's a great
question. Usually we have three classes
like right now -- we're actually in our 20th
year, the dance studio, and we've been at this
location for about four or five years now, and
we have a Saturday class at 10:30 and we have
three studios running at once, so we haven't
had a problem having three studios run at once,
but when we do a birthday party that's the only
thing that's going on at the studio. So then
you have two empty classrooms and just one
birthday party going. It actually is pretty
good. Our birthday parties are done Saturdays
around 2:30 in the afternoon, so Kumon is
closed as well as most of the businesses in the
area, and a lot of our parties are also done on
Sundays as well. So again, we do a lot of
birthday parties when everything else is
closed. So it's not like after school at 3:30
or something like that. I don't know if you
need these. I actually have some pictures

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Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Anything further from the Board; Mr. Cahalin?

MR. CAHALIN: I said my piece.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: My only comment is I'm waiting for you to develop a method that people can improve their dance skills without actually having to show up in practice. Can you work on that?

MS. ROTHENBERG: Absolutely.

THE CHAIRMAN: It's a very straightforward application and basic. So I make a motion to adjourn the application for resolution at the next meeting. Is there a second?

MR. DE MARCO: Second.

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

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MR. DE MARCO: He's here.

MR. COTUGNO: I only met the son and the wife.

The Gagliardi bought the property in 1977. They had a survey done and it showed the addition. They were paying taxes on the addition. So the attorney who helped them close had no idea that that addition never had a building permit. We're here tonight to legalize it, and it's a little too close to the garage. The rule is 10 feet in this R-5 zone and we have six foot four inches. Obviously, we can't cut off the corner of the building. It's only that one corner that is really close to the garage, 6.4. It's a one story structure. It's well shrubbed, it's well landscaped, it's fenced-in the property. The garage is made out of concrete block. It's fireproof. One of the reason why the code requires a separation is fire spreading, but it won't spread to the garage.

THE CHAIRMAN: Thank you, Mr. Cotugno.

From the Board, are there any questions on this application; Mr. Cahalin?

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MR. CAHALIN: I wish you would start at the other end sometimes, but no.

THE CHAIRMAN: I will next time.

Right now nothing. Mr. Miller?

MR. MILLER: I have none.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No, no questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: I have no questions.

It's fairly straightforward. So then I make a motion to open the public hearing. Is there a second?

MR. MILLER: Second.

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

(All aye.)

(No comments.)

THE CHAIRMAN: Seeing no one is there a motion to close the public hearing.

MR. CAHALIN: So moved.

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

MR. MILLER: Second.

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THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: I'm obligated to ask, are there any critique, comments, questions of the Board; Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: I have nothing.

Therefore, I will make a motion to close the application and come back to read a resolution at the next meeting. Is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Thank you, Mr. Cotugno.

I think you're on deck, aren't you?

MR. COTUGNO: Yes.

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THE CHAIRMAN: 79 Maple Street.

Again, we have your submission. We reviewed it. If you would like to give us any highlights.

MR. COTUGNO: Yes. The homeowner, my client, Noel, is stepping up here. They bought the property three years ago. At that time, there was a 20 foot wide easement for the commercial property on White Plains Road and that easement was made part of this property.

As part of that easement, there was always a 22 foot wide curb cut. So we're not asking for a second curb cut, we're asking to leave the one that's there and put in a paved driveway rather than grass or asphalt.

One of the reasons why he wants this second driveway is last year he hired me to construct a very large single car garage and that garage is for his vehicle. Noel is in the construction business, he's a concrete mason, and he is going to plan to park his vehicle in that large garage. The driveway on the right side or the east side of the house is private but it's contiguous with the neighbor's

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1 legal? As far as I know, the town code is --
2 THE CHAIRMAN: Mr. Cahalin is asking
3 you if they're legal, the retaining walls.
4 MR. COTUGNO: We got a building
5 permit. He didn't build them exactly according
6 to the plans, but he's going to modify them so
7 that they will match the plans and match the
8 code and not go to the Planning Board. We have
9 an option, we can go to the Planning Board, but
10 that was never the case. I think he got
11 carried away. He works at night or whatever --
12 no, he can't work at night. He complained
13 because he can't work on Saturdays, he can't
14 work at night so he has to take off time from
15 work in order to maintain the regulations for
16 the time you're allowed to work in Eastchester.
17 I told him to move to Scarsdale, because they
18 allow you to work on Saturdays in Scarsdale.
19 THE CHAIRMAN: Then he wouldn't have
20 the pleasure of being before this Board. Mrs.
21 Uhle, do you want to add something to this?
22 MS. UHLE: No, just to clarify with
23 regard to follow-up to Mr. Cahalin. There was
24 a permit issued. The walls were shown on the
25

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1 plans as being four feet tall. I believe
2 they're closer to seven feet tall in certain
3 locations. Anything over six feet tall
4 requires a Planning Board approval. I'm kind
5 of confused why they constructed the walls
6 before they got the variance for the parking
7 area, because they sort of carved out a parking
8 area.
9 MR. COTUGNO: The walls were part of a
10 whole regrading. He added fill in the back
11 yard.
12 MS. UHLE: So if the variance is
13 denied, what will you do with that space now?
14 MR. COTUGNO: Grass. It will still be
15 an entrance to the side of the house, but it
16 will be grass not gravel.
17 MS. UHLE: Either the applicant is
18 going to have to make a decision whether they
19 want to go to the Planning Board to get the
20 higher walls approved or whether they're going
21 to reduce them below six feet. If they're
22 below six feet, they do not need Planning Board
23 approval.
24 MR. COTUGNO: Correct.
25

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1 THE CHAIRMAN: Thank you for the
2 clarification. Mr. Cahalin, do you want to
3 follow-up anything further?
4 MR. CAHALIN: No. I would like a
5 better submission. In my opinion, this
6 submission is horrible. Those pictures aren't
7 representative of the property, and I think,
8 you know, this is not the work you usually
9 submit for some reason. I'm a little bit
10 annoyed because to me when I go visit the site
11 that's not what I see. That's my comment.
12 THE CHAIRMAN: Mr. Miller?
13 MR. MILLER: I, unfortunately, did not
14 get to see this site this time around, so I
15 can't comment on whether the photographs are
16 representative, but I'm certainly going to
17 defer to Mr. Cahalin. If he's saying that it's
18 not, then I'm going to request an additional
19 submission in line with Mr. Cahalin's comments.
20 THE CHAIRMAN: I'll reserve my
21 commentary. I'm making a motion to open the
22 public hearing. Is there a second?
23 MR. MILLER: Second.
24

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1 plans favor.
2 (All aye.)
3 THE CHAIRMAN: Is there anyone that
4 would like to be heard on this application?
5 (No comments.)
6 THE CHAIRMAN: Okay. Well, in light
7 of the request of the Board, I think I am now
8 going to make a motion to leave the public
9 hearing open and have the application
10 supplemented next meeting. Is there a second?
11 MR. CAHALIN: Second.
12 THE CHAIRMAN: All in favor.
13 (All aye.)
14 THE CHAIRMAN: Mr. Cotugno, the public
15 hearing will remain open and we'll ask for some
16 supplementary material on that issue.
17 MS. UHLE: John, I think the
18 photographs just need to be taken from across
19 the street so you really see the relationship
20 of the driveway to the adjacent property and
21 maybe step back a little bit. Some of them are
22 taken from the yard. It's just confusing.
23 MR. COTUGNO: I'm sorry, I'm having
24 trouble hearing you.
25

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MS. UHLE: I said I think you need to step back across the street and take photos that really show the proposed driveway in context with the adjacent property and in context with the property as a whole. I think some of the photographs are just confusing to understand.

MR. COTUGNO: Of the two driveways?

MS. UHLE: Of the two driveways, yes.


THE CHAIRMAN: Thank you. We'll see you at the next meeting, but we're going to see you next on Application 10, 15-45, 152 Summerfield Street.

On this application, we do have the submission and you do not need to repeat your answer to the five part test, but because there is some complexity to this application, you may want to just summarize it for the public, please.

MR. COTUGNO: Well, in general the application is for an existing three story, five dwelling unit, one bedroom apartments, and the proposal is to finish the basement and 

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create a sixth apartment. Right now the parking is haphazard and that's one of the variances. Most of the variances are related to parking. A property with this amount of units would require nine parking spaces, eight now existing, one additional one for the one additional one bedroom dwelling unit. Again, there is a detached garage in the rear that's not really a two car garage, but it works out perfect for a handicapped parking space, which is required in any multifamily home. Then we have three additional parking spaces, one of which is in the front yard, which, again, exists today, that's where people park, but that does require a variance because you're not allowed to park in the front yard.

One of the other variances, on a multifamily property the aisle to get into the garage or to get into the other parking spaces are supposed to be 12 feet wide. What we have today and what we're proposing is 10 feet wide.

The size of the parking spaces themselves are legitimate according to town code.

The other variance that we need, 

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what's lacking now and which will be lacking is a landscape buffer zone. We cannot provide that and the parking. There will be no parking or no aisle if we provided the landscaped parking area.

I think that's the variances that we're asking for.

THE CHAIRMAN: Thank you, Mr. Cotugno.

So I'm going to ask the Board to limit this round to questions, because I think there may be some public commentary, and then we can comment on it later on.

So Mr. DeMarco, do you have any questions of this applicant?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: Mr. Nurzia, any questions?

MR. NURZIA: Yes, I have one. In your statement of points, 9, you mention that the municipal lot right next to this property is underutilized. How did you draw that conclusion; what's your backup on that?

MR. COTUGNO: Excuse me.

MR. NURZIA: You mentioned that the

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other questions.

Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller, anything?

MR. MILLER: No questions.

THE CHAIRMAN: Any questions, Mr. Cahalin?

MR. CAHALIN: Not at this time.

THE CHAIRMAN: I don't have any questions at this time, but I do have a motion to open the public hearing. Is there a second?

MR. CAHALIN: Second.

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

(All aye.)

THE CHAIRMAN: Does anyone want to come forward and speak on this application?

Please.

MR. SWEENEY: Good evening. Frank Sweeney, 22 Lakeview Avenue. 45 year resident of the north end. Summerfield seems to be a very, very busy street, which we all can attest to. I

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don't know how much more room we need on the street for parking. I know there's a substantial amount of variances that are required for this piece of property. You can see across the street that may be gone over time that will become Summerfield Gardens, but now even tonight we have a new restaurant at the top of the hill that's going to require 14 additional spaces. My question to you is: Where do we go from here? It has now become a land mine of passing through streets on Dunwoodie both right and left, and the street is really not equipped to handle through traffic.

What we have here is whether the existing apartment is in use now. Having a single family home with five single owners or five single renters is somewhat unique in that area right now. Most of it is commercial, as you're probably well aware, and we're just going to extend it one more leap to have one more apartment in an area that I think is probably overdeveloped and underutilized as far as its capability to handle traffic and the

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2 area. My concern is always the safety issue, traffic safety issue. I don't see any significant detail on any sort of traffic safety issues or anything like that. So perhaps you could go into that a little more when we have an opportunity?

8 THE CHAIRMAN: Okay. I'll make a note to that. Mr. DeMarco?

10 MR. DE MARCO: Nothing, thank you.

11 THE CHAIRMAN: Mr. Nurzia?

12 MR. NURZIA: No, no questions or comments.

14 THE CHAIRMAN: So before I comment, perhaps you could answer Mr. Miller's comment about the traffic concerns that Mr. Miller has.

17 MR. COTUGNO: Again, five tenants there now and the four vehicles, perhaps there will be a fifth vehicle as a result of this. Most of them don't park on the property. I believe three do now, and it's never been a problem. I can't see it getting much worse by having one possible vehicle. Again, the demand for housing is great. This guy has people knocking on his door day and night, single

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2 mothers, whatever, they need a place to live. That's why he's doing it. He want to make money, of course, but there's a need for it, and some of them don't have vehicles.

6 MR. MILLER: I don't see how that addresses my question.

8 MR. COTUGNO: About traffic?

9 MR. MILLER: The traffic issues.

10 Whether this is going to make it worse, not affect it?

12 MR. COTUGNO: I don't think it's going to have a major impact adding one possible person, one possible person with a baby. I don't see how it's going to greatly affect one way or the other. Again, the people who do work there, some of them park in that municipal lot. It's vacant at night. They walk right across, right from that lot to hear.

20 MR. MILLER: I have to be honest, every application we've had for a parking variance in that area for the past three -- three or four -- have come to us with traffic studies. I mean, off the top of my head, we had one tonight we approved who had a traffic

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THE CHAIRMAN: Sure. Well, that comment was made earlier. Mr. Cotugno has been before this Board many times and I'm sure he will take that under advisement. I think the major concern of the Board appears to be traffic, and I think addressing that issue and some of the other comments that the Board made may be a good idea.

My commentary is similar in line with the Board, although I would like to just make one comment. In my tenure as Chairman, we've had four applications on Summerfield and I believe it's batting 500. We've had two denials and two approvals. So I'm not sure about the perception that Summerfield has become somewhat of a free for all, but to me every application rests on their own merits and I think this application needs some teeth as to how this future variance or variances are going to affect the neighborhood traffic wise. I think that would be a good idea.

I would make motion to leave the public hearing open. Is there a second to that motion?

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MR. MILLER: Second.

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

(All aye.)

MS. UHLE: Could I just make one comment?

THE CHAIRMAN: Yes, Mrs. Uhle, please.

MS. UHLE: I think it's fine to ask the applicant for additional information with regard to traffic, but I'm fairly certain that the traffic engineer is going to say one additional unit is not going to create a significant adverse impact to the neighborhood. So I don't think you should give the impression that that's the only concern that you have or that's the major concern unless it is, because I think there are other issues with regard to just the overall density on the site and that kind of thing. Even though you're asking for a traffic engineer to comment on this, I don't think it's going to warrant much of a study. I think they're going to say it's one new unit with potentially one new car.

THE CHAIRMAN: Fair enough. I think

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THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I have none. I make a motion to open the public hearing. Is there a second?

MR. CAHALIN: Second.

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

(All aye.)

THE CHAIRMAN: Does anyone want to speak on this application?

(NO comments.)

MR. CAHALIN: I make a motion to close the public hearing.

MR. MILLER: Second that.

THE CHAIRMAN: Okay. That was quick. We have a fast motion by Mr. Cahalin and fast Miller came up too. So we're going to say that motion has been approved. All in favor.

(All aye.)

THE CHAIRMAN: Okay. The Board anything else; Mr. Cahalin?

MR. CAHALIN: Nothing.

THE CHAIRMAN: Mr. Miller?

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MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: Application is fairly straightforward to me. I make a motion to adjourn the application and come back to a read resolution at the next meeting. Is there a second to that motion?

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Thank you for your time.

MR. BAISI: Thank you. Good evening.

THE CHAIRMAN: Application 12, 15-54, 79 White Road. State your name and address for the record, please.

MR. CIRINO: Hi. My name is Ray Cirino, 79 White Road, Scarsdale, Eastchester. I'm just looking to have basically kind of a spa pool delivered, which is in one piece. No

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1. Just so I'm clear, there is nothing physically
2. forcing you to put it five feet closer to the
3. boundary line?

5. MR. CIRINO: No.
6. MR. MILLER: It's just a convenience
7. issue to put it closer?
8. MR. CIRINO: To me aesthetically it
9. would give me a little more backyard to look at
10. on the right side of it rather than just put it
11. right in the middle. I think I showed some
12. pictures and I'm limited to the space that I
13. have. I just wanted to keep it a little
14. closer. I have some retaining walls back
15. there, so it will be three foot towards the
16. back wall and three on the side and there's
17. still a couple more feet to the side yard. The
18. back goes way back, so I'll still be 10 feet
19. from the house. So I'd get an engineer --
20. Margaret had explained to me -- to stake it out
21. and make sure it's exactly the way it's
22. supposed to be, but I did want to get it closer
23. to the left side of the yard versus the 10
24. feet. That's why I need the variance.
25. MR. MILLER: I'm assuming there's some

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1. filter or something?
2. MR. CIRINO: Oh, yeah, there's filters
3. and, you know, there's chemicals you put in.
4. It's clean. There's a cover that goes on it
5. that locks down. My yard has a six foot fence.
6. MR. MILLER: I'm assuming there is
7. some type of noise that the filter makes?
8. MR. CIRINO: It doesn't make any
9. noise. It's quiet as can be.
10. MR. MILLER: The pool makes no noise
11. whatsoever?
13. MR. CIRINO: No.
14. MR. MILLER: Okay. No further
15. questions.
16. THE CHAIRMAN: Mr. Cahalin, any
17. questions, any comments?
18. MR. CAHALIN: Well, you failed to
19. mention that we did get a submission from an
20. adjacent neighbor.
21. THE CHAIRMAN: Well, it's part of the
22. public record. If you want to highlight it,
23. you may.
24. MR. CAHALIN: I just want to go on
25. record to make sure that everybody knows in the

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He already has a hot tub spa on a porch on the second floor which is opposite my mother's bedroom window which she now has to keep closed all the time with the windows closed, the curtains closed so she doesn't have to hear the noise from the hot spa. Now he wants to put a pool five feet away from her house. Now, if I were going to buy a house, one of the things I would consider is that my neighbor has a pool five feet away from my property line. I'm sure most of you -- I know anybody here -- wouldn't be thrilled about having a pool five feet away from their property line. He has little children. They make a lot of noise. I'm sure if they're in a pool, they're going to make a lot of noise. Also, they're going to invite friends over, that's going to cause more traffic. White Road is a very small, little street. The houses are all close together. It's a nice, quiet block. Now he wants to put this pool here. It's going to cause a lot of noise from the kids. My mother is not going to be able to sit outside anymore because she's going to hear noise all the time from

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Splashing is another issue. Five feet away from the house splashing in the pool, ruining her shrubs, ruining her grass with the chlorine. There's a lot of issues, and we're very opposed to this. It's not a requirement that he needs, it's not an extra room, it's a luxury item. He's got plenty of property. If he has to have the pool, which I think is ridiculous because it is a small piece of property, follow the law. 10 feet is required, do it 10 feet. Why does he have to move it? For his convenience. The heck with my mother, she doesn't count. He'll have it nice and then he'll have a little land.

I'm definitely opposed to this, and I think you should not even let him have a pool.

I'm sorry, I'm upset about this, because I'm upset for my mother. My mother has lived there 40 years, it's been nice and quiet, and now all of a sudden he wants to put a pool five feet from her house. It's just not nice.

THE CHAIRMAN: This question doesn't diminish the value of what you said, I

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appreciate everything you said, just for the record is there a reason why mom couldn't be here?

MS. FACENTE: My mother is 90 years old.

THE CHAIRMAN: That's what I wanted to know. Thank you very much.

MS. FACENTE: Thank you.

THE CHAIRMAN: Would anyone else like to speak on this? Please come up.

MS. TYNER: Hello. My name is Joanne Tyner. I live at 73 White Road, two doors down from Ray and next door to Linda's mother.

I also have a plan of the actual house, which I feel is incorrect to a degree because there was an extension put on this house a number of years ago, and they extended it 14 feet into the property line and 28 feet, but they also put a lower deck area, which I have a picture of. I don't know if you want me to put it on the board.

THE CHAIRMAN: Please.

MS. TYNER: It extended the house to that 14 -- an additional 14 and 8 feet long. I

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have pictures that were taken from my property line. So it was 50 feet, and here is the upper deck, here is the hot tub, the porch area. I also have pictures of the pool that's being put in. I did go around -- the surrounding area the demographics has changed. I've been there 70 years and on. It was my parents' house and my grandparents built the house across the street. So I'm very familiar with the area and how it's changed. It's young and old. There are seniors in that area, me being one of them --

MR. DE MARCO: No.

MS. TYNER: -- but some of them are 90 years old. The next door neighbors and also the neighbors abutting the property on Johnson Avenue -- on Johnson Street are also 90 years old. Each one of the neighbors I went to them today, they're familiar with this, they couldn't make it. I even offered to drive them here but they are ill. They're both in their nineties. They were also opposed to the variance.

Now, I understand that this is a pool

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that can be put in, but also at 146 Locust
Avenue there was a pool with a variance and
there is considerable noise from the kids in
that pool, and I'm a hundred feet away.
They're 50 feet away. Another pool 50 feet
away with kids is also excruciating the
noise. I'm sorry, but that's what I would
like, a denial of the variance. I know that a
pool can be put in, but I would also like to
see it not be put in.
THE CHAIRMAN: Thank you for your
13 time.
MS. TYNER: Thank you.
THE CHAIRMAN: Does anyone else want
16 to be heard on this application? Anybody else?
(No comments.)
MS. TYNER: May I make one other
19 comment?
THE CHAIRMAN: Please.
MS. TYNER: I think it's a quality of
22 life issue for the noise.
THE CHAIRMAN: Thank you for your
24 time. Seeing no one further, I make a motion
to close the public hearing. Is there a
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Mr. Cirino, would you
like to answer, please?
MR. DE MARCO: There is no hole
excavation with this thing being put in? I'm
just curious.
MR. CIRINO: There are two options.
You could either put a slab of concrete the
exact same size, 15 by 8, or you could put
these spa pads which are just about an inch
thick and somehow they interlock and you just
take the grass out, get some sand, level it,
put them down, put it on, that's it. The
electric goes underground, hooks up and makes
no noise at all.
MR. DE MARCO: Okay. Thank you.
MR. MILLER: How high is it? It sits
on the ground, so it's five feet in the air?
MR. CIRINO: Uh-huh.
THE CHAIRMAN: Anything further from
21 anyone?
MR. MILLER: No.
THE CHAIRMAN: Thank you for your
24 time, Mr. Cirino. Mr. DeMarco, do you have
anything further?
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Second?
MR. CAHALIN: Second.
THE CHAIRMAN: Second by Mr. Cahalin.
All in favor.
(All aye.)
THE CHAIRMAN: Board, any further
commentary; Mr. Cahalin?
MR. CAHALIN: No.
THE CHAIRMAN: Mr. Miller?
MR. MILLER: No, but I think it should
be said, and Ms. Uhle correct me, we can't
prohibit him from having a pool if it's within
the required zoning?
MS. UHLE: That's correct. If you
don't grant the variance, we have no discretion
in terms of granting a permit if it meets all
the other setback requirements. So he could
have a pool under any circumstances.
THE CHAIRMAN: Thank you. Mr. Nuzzia?
MR. NURZIA: No, no other comments.
THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: I just have one
question. Do you have to dig a hole to put
this thing in?
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I'm kind of perplexed
and it's me and not you. It's a spa that's
about 15 by 8; correct?
MR. CIRINO: Yes.
MR. DE MARCO: And it's about -- did
you say the depth is five feet; correct?
MR. CIRINO: 60 inches, yes.
MR. DE MARCO: At its deepest it's
five feet; is that fair?
MR. CIRINO: Yes.
MR. DE MARCO: And it sits on top of
the yard?
MR. CIRINO: Yes. It just sits on --
if you put a slab of concrete, whatever it may
be, which --
MR. DE MARCO: And you get in by
climbing up a ladder or going up some stairs?
MR. CIRINO: Some steps.
MR. DE MARCO: I'm sorry.
MR. CIRINO: It would be some steps.
MR. DE MARCO: Okay. Kind of like one
of those big blue above-ground pools but you
call it a spa?
MR. CIRINO: Similar, yes, but it's
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1. reviewed it. Actually, that was my only
2. question. I noticed that there were two prior
3. variances that were approved, and you’ve
4. answered the reasons as to why they’ve lapsed
5. and why you’re applying now.
6. So let me ask the Board if anyone has
7. any questions; Mr. Cahalin?
8. MR. CAHALIN: No.
9. THE CHAIRMAN: Mr. Miller?
10. MR. MILLER: No.
11. THE CHAIRMAN: Mr. Nurzia?
12. MR. NURZIA: No.
13. THE CHAIRMAN: Mr. DeMarco?
14. MR. DE MARCO: No.
15. THE CHAIRMAN: And you’ve answered my
16. one question. So I make a motion to open this
17. application for a public hearing. Is there a
18. second?
19. MR. MILLER: Second.
20. THE CHAIRMAN: By Mr. Miller. All in
21. favor.
22. (All aye.)
23. THE CHAIRMAN: Is there anyone here
24. that would like to speak on this application?

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by a percentage equal and so I could tell you exactly what that is in a minute. So I think you should make that clear if you would still like that to remain as a condition. So the house would be slightly smaller because you do have a smaller lot, but the building envelope would be what's required otherwise under any circumstances.

THE CHAIRMAN: My assumption is that we would reduce it a numerator and denominator would be the 500 over the -- my dad was a math teacher, so he would be proud of me.

MS. VISCONTI: 2,070, Margaret. MS. UHLE: Yes. Thank you. So 2,300 is otherwise permitted and the reduction was to 2,070 square feet.

THE CHAIRMAN: Does that satisfy your question?

MR. HENDRIE: Yes. I was just curious about that.

THE CHAIRMAN: Anything further, questions or comments?

MR. HENDRIE: No. Thank you.

THE CHAIRMAN: Thank you for your DINA M. MORGAN, REPORTER

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time. Would anyone else like to speak on this application?

(NO comments.)

THE CHAIRMAN: Seeing no one further, I make a motion to close the public hearing.

Is there a second?

MR. NURZIA: Second.

THE CHAIRMAN: By Mr. Nurzia. All favor.

(All aye.)

THE CHAIRMAN: One more pass at the Board. Any comments, Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: And I don't have any. So I'll make a motion to adjourn the application for resolution at the next meeting.

Is there a second?

MR. MILLER: Second.

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to me means more than two. What I could only
find was two, and I took my time and I could
only find two driveways. There's one across
the street and there's one way down two blocks
down. When I went around the block, I couldn't
find anything else. So why would you think
"several" is acceptable to the Board?

MR. SECON: Can I respond with a
diagram?

MR. CAHALIN: Yes, go ahead.
MR. SECON: This street is Mill Road
and this is Interlaken. The yellow square is
the subject, number three, and these three
properties with the red have circular
driveways.

MR. CAHALIN: I saw two. I didn't see
that third one. I could have missed it, but
boy oh boy it didn't look like it was circular
to me. I'm going to go back and check, believe
me.

MR. SECON: Part of the need for the
circular driveway is its proximity to Mill and
the fact that people turn off here quite
quickly, and from a safety point of view it's

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certainly much easier to be forward facing in
the car, and combine that with the fact that
directly next door is a -- I wouldn't call it a
day care center, but it's certainly a house
that has home care for other children. If you
take the combination of people turning quickly
around here and the discharge and pickup of the
children with parents and the need for also a
young family discharging, you know, through not
just groceries but strollers and so forth, it's
really not overreaching to have a circular
driveway in this vicinity.

I would think that it would be
welcome, actually, by the neighbors in terms of
a safety point of view that you're heading face
out in a place that I think is, you know,
potentially a little bit more hazardous than
most.

MS. MCNAMEE: From my point of view,
it's really awkward, as you would know, the
driveway. It's really skinny. Just like when
I'm putting all this money into the house like
in the future, I keep on thinking about the
future and I'm like, well, that driveway is

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myself, we put them up. I would like maybe a
two foot setback, if that's possible, off the
hemlocks with the barrier they presently have.

We also are very concerned about the
drainage coming down the driveway. I heard
somebody mention something about a dry well,
but that area slopes directly down into my
property into my back yard, into our driveways,
and I think that's a consideration that should
be considered and look at.

I think one of my other neighbors has
some other concerns. I'm not sure about the
addition to think it's a patio they're
extending. It's the first I heard of it, so I
ever don't know what's strictly involved with
that.

THE CHAIRMAN: Sure. Well, the
application before us really has to do with the
increase of the impervious surface on the
property, meaning water permeable elements of
the property. The hemlocks, again, it's now on
the homeowner's attention since you brought it
up, but it's not something that's before us to
decide. Our decision really is on the increase

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in area that's not water permeable.

MR. ROHLF: The pervious surface is
what, that's a cement surface?
THE CHAIRMAN: A surface that water
can't penetrate. Did I define that right, Ms.
Uhl?

MR. ROHLF: Water can run off of it
though. It runs off that surface.
THE CHAIRMAN: That's why the
application is here, because they're asking for
more than the law allows them.

MS. UHLE: But they are required to
provide storm water facilities to mitigate the
increase in impervious surfaces. So they are
proposing dry wells that the water will be
directed to.

MR. ROHLF: I hope I won't have a
problem. Thank you for your considerations.

THE CHAIRMAN: Thank you for your
time. Is there anyone else that wants to speak
on this? Sir, come up, please.

MR. SOLANO: Good evening. Robert
Solano, 1 Interlaken. This will be brief.
My concern with the added impervious

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1 speed of the flow of the water, and it also
2 depends on basically the curvature and the
3 slope of the ground. So what we're trying to
4 do and what we're proposing is that there is a
5 concern regulation in terms of rainfall and a
6 25 year storm has a certain interval of storm
7 water over a certain period of time, what we
8 designed for is above that knowing that what we
9 want to do is be good neighbors. We want to
10 intercept the water with catch basins at the
11 top, catch basin at the bottom, and because of
12 the topography we would lead it into the dry
13 wells. The dry wells are essentially chambers
14 that are made of corrugated fiberglass that are
15 hollow, roughly the size of a coffin, and then
16 they're surrounded with gravel. The gravel, of
17 course, has voids, which are more room for the
18 water to infiltrate and seep into the ground.
19 What we did in conjunction with this is a test
20 pit where we dig and we watch how slowly the
21 water goes into the soil so that we can design
22 something that is adequate.
23 What we're trying to do in
24 conjunction -- if you go to the back of the
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1 property, you see it's a very awkward garage,
2 and I don't think it ever really worked
3 properly. While I don't have the benefit of
4 the history of watching people park here over
5 the years, I would be kind of surprised to see
6 if it was fully used. So what we propose to do
7 is to have a carport in the back allowing two
8 cars to basically come under and then basically
9 they'll come like a hammerhead, turn out and
10 over or they come across like this, which would
11 just be really for drop off. There's not going
12 to be parking in the front yard, so we want to
13 allay that concern from the very beginning.
14 The amount that we're over is roughly 440
15 square feet. As of right if we just did the
16 circular driveway, we would be over the size of
17 the patio expansion and a little bit on the
18 back of the curve of the driveway if we wanted
19 to make it fully conform with no variances.
20 THE CHAIRMAN: Which is -- actually if
21 you don't mind me interrupting you -- an
22 important question would be: What exists there
23 now in terms of dry wells and catch basins; are
24 there any?
25
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THE CHAIRMAN: Okay. I have nothing further. I'm sorry -- let me follow Robert's rules. I make a motion to reopen the public hearing. Is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: All in favor.

(All aye.)

ROBERT: I live on 2 Forbes Boulevard. My property is -- by the way, I'm Robert. My property is flat and level, but there is no basement because they always had water problems, from what I understand. So when we had those three 25 year rains in like two years, the water actually did come up through my cement and the garage and stuff like that. So I just want to say the watershed on your property you have to really address it, because there is a tremendous amount of water that --

THE CHAIRMAN: Can you -- so the public can hear what your saying.

ROBERT: There's a lot of bedrock in Eastchester, especially my property. As everyone knows, Eastchester used to be one big golf course. A lot of these houses don't have

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2 basements because -- and they're all built on slabs -- is because the water line is right close to the surface. So when he wants to dig, you're going to find a lot of rock there. When you want to dig, you're going to find that you really have to concentrate, spread out the absorption of the water. I'm not fond of empty 250 gallon tanks because then you get bugs and all that other stuff, but you got to really concentrate on the watershed because there's no ability for the water to go anywhere in that particular part of the block. So I just wanted to say that and make sure he's aware.

THE CHAIRMAN: Thank you for your commentary. Having heard that, does anyone else want to speak on this application? Can we hold on until the meeting is over? Thank you.

I make a motion to re-close the public hearing. Is there a second?

MR. CAHALIN: Second.

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

(All aye.)

THE CHAIRMAN: Then I'm going to make

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CERTIFICATION

STATE OF NEW YORK

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 1st day of October, 2015.

DINA M. MORGAN
Court Reporter

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