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1 The county. So if anyone here or anyone at 2 home is contemplating an application, keep in 3 mind that anything that's on tonight will be 4 decided in November the earliest. If you are 5 contemplating something for November, that will 6 not be decided until January the earliest 7 because we do not meet in December.
8
9 Secondly, tonight we are a four member 10 board. We have an absentee tonight. There are 11 three items that are on for resolution. When I 12 call the roll, if you're here, you'll say 13 present, if you're not, you're not going to say 14 anything, and I'll ask you if you're going to 15 proceed because you will need a 3-1 vote. A 16 2-2 vote is a denial. For those new items that 17 are on, I will also see who's here, I'll ask 18 you to proceed, and keep in your mind your 19 application is part of a public record, it's 20 already been reviewed by the board, so you 21 don't have to come up and reread the whole 22 application. You may but it's not either going 23 to hurt or help your application.
24 So having said all of that, let me 25 call the roll first.

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September 13th, 2016 meeting; is there a second?

MR. CAHALIN: I'll second.
THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Let's start with our resolutions. Firstly, 51 Joyce Road. I make a motion to make as a part of the public record a resolution approving this application; is there a second?

MR. DE MARCO: Second.
THE CHAIRMAN: By Mr. DeMarco. Vote.
Mr. Cahalin.

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.
THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.
THE CHAIRMAN: And I vote yes. That application has been approved four nothing.

APPLICANT: Thank you.
THE CHAIRMAN: You're welcome.
Number 2, 16-51, 6 York Place. I have

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a resolution which I make a motion to make as part of the public record a resolution approving that application.

MR. CAHALIN: I'll second.
THE CHAIRMAN: Thank you, Mr. Cahalin as a second. Vote. Mr. Cahalin.

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.
THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.
THE CHAIRMAN: And I vote yes. That application has been approved four nothing.

Last item for resolution I make a similar motion to make as a part of a public record the resolution approving that application; is there a second to that? Mr. Cahalin: I'll second it.
THE CHAIRMAN: Mr. Cahalin. Now to the vote.

MR. CAHALIN: I'll vote yes.
THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.
THE CHAIRMAN: Mr. DeMarco.

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MR. DE MARCO: Yes.
THE CHAIRMAN: And I vote yes. That application has been approved four nothing.
You're welcome. Have a good night.

Application which is -- I'm sorry, this is number 4, 16-54, 15 Roy Place. This is an application seeking an area variance to construct a new pool and spa in the rear yard.
If you may, state your name and address for the record and proceed.

MR. FAUSTINI: Good evening. My name is Nicholas Faustini. I'm an architect for Mr. and Mrs. Cesarini presenting the application for 15 Roy Place tonight. We're requesting two area variances.
The first variance would be a rear yard setback to a pool; 10 feet is required and 5 feet is proposed.
The second variance would be legalization of a side yard fence that's currently installed at the right side property line. That fence is currently 6 feet tall and 4 feet is the maximum allowed. So we are

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proposing to keep the fence as is and are looking for an area variance for it.

THE CHAIRMAN: At this point, we generally take questions from the board of the applicant. So we will start with Mr. Cahalin.
Do you have any questions of this applicant, Mr. Cahalin?

MR. CAHALIN: Yes, a couple of questions. I understand that the -- let's start with the fence. The fence was there when they bought the house?

MR. FAUSTINI: There was a 6 foot high fence there before which fell apart, so they had replaced it as a vinyl fence.

MR. CAHALIN: As a 6 foot fence?
MR. FAUSTINI: At 6 feet high.

MR. CAHALIN: It was installed at 6 feet and they replaced it at 6 feet?

MR. FAUSTINI: Yes.

MR. CAHALIN: So they should have asked for a variance at that time.

MR. FAUSTINI: They just had assumed that it would be fine, and it became knowledge at this point when we submitted an application.

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for the pool variance that this was an issue.

MR. CAHALIN: Okay. Second is, it's a
big ask. You want 50 percent. You're
asking -- it's supposed to be 10, you're asking
for 5. I mean, has there been any
consideration, you know, to lower the patio,
take 5 feet off the patio? It's still a
tremendous patio.

MR. FAUSTINI: Not necessarily
tremendous. I agree it is larger, but it's
comfortable for the family as an exterior
dining space. It's --

MR. CAHALIN: I know, I saw it. Like
I said, it's fine. Usually you could avoid the
variance by cutting 5 feet off the patio and
still not have much of a difference, as I see
it.

MR. FAUSTINI: Well, if you have,
let's say, a standard size table with two
chairs, six people dining on the outside, you
are pretty close to the pool's edge at that
point at 11 feet. They would like to continue
to have a dining space on the exterior, so
that's why we proposed to keep the patio at the

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exterior of the pool, so the actual interior
dimension of the pool is 10.9 feet, which is a
small in-ground pool, it's not large by any
means, so in order to actually accommodate that
type of setback without, let's say, removing
the patio, I kind of consider it as a -- I'm
sorry -- I consider it kind of like an existing
condition that they're dealing with, not really
self-created in that way. I understand it
could be taken different ways of course. My
position is that it was not self-created. In
order to reduce that 5 feet, then they would be
taking away from that existing patio as the
previous board member had requested.

MR. NURZIA: Actually, I don't have
any other questions. You lost me when I was
reading this. I understand your comments. I
don't know if I agree with it, but I understand
your comments.

THE CHAIRMAN: Thank you, Mr. Nurzia.

Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: I have nothing at this
time, but I do have a motion to open this

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same size it currently is. We are also trying
to mitigate the setback by putting some
evergreen screening. There is quite a bit of
evergreen screening now, we just wanted to add
some more to offset that setback requirement.

MR. CAHALIN: That's all I have, Mr.
Chairman.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Nurzia?

MR. NURZIA: Actually, he asked the
question I was going to ask you. My other
point was, when I was reading your notes about
the five part test, you lost me on the
self-created aspect, number 5. You said it's
not self-created. So I'm not sure if that was
a typo or not. I understand the fence, that's
a different story. Just walk me through that,
because I'm not sure if that's a typo or you're
actually saying that it's not a self-created
issue.

MR. FAUSTINI: Well, just looking at
the patio being an existing condition. In
order to have an in-ground pool the size that
they are looking for, 12.9 feet, which is

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MR. CAHALIN: Spoke my piece.
THE CHAIRMAN: And I don’t have anything on this actually. I appreciate your presentation, and I am going to make another motion to close this application and come back for resolution at our next; is there a second to my motion?
MR. FAUSTINI: I’m sorry, I just wanted to add one thing.
MR. FAUSTINI: We do have a letter in favor of the application from one of the neighbors. If you would like me to hand it in this evening, I can.
THE CHAIRMAN: Sure, why not. Make it part of the public record.
MR. FAUSTINI: Okay. Should I just --
THE CHAIRMAN: Please.
MR. FAUSTINI: And this is from the neighbor at 10 Roy Place.
THE CHAIRMAN: Very secretive in an envelope. I like it.

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I'm sorry? I have no questions.

MR. NURZIA: I have no questions.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Nothing.

THE CHAIRMAN: I don't have anything either, but I make a motion to open this application to a public hearing; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone like to be heard on this application?

(No comments.)

THE CHAIRMAN: Okay. Seeing nobody, I will make a motion to close this application to a --

MR. CAHALIN: I'll second that as well.

THE CHAIRMAN: Mr. Cahalin makes a second. All in favor.

(All aye.)

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THE CHAIRMAN: Once again, my obligation to ask; we've gone past questions, now about comments. Mr. DeMarco?

MR. DE MARCO: No questions or comments.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No, sir.

THE CHAIRMAN: Questions or comments, Mr. Cahalin?

MR. CAHALIN: Nothing.

THE CHAIRMAN: It's a very straightforward application. I have nothing. So I move to adjourn this application for resolution at the next board meeting; is there a second?

MR. DE MARCO: Second.

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

(All aye.)

THE CHAIRMAN: Thank you, Mr. Iannacito.

MR. IANNACITO: Thank you. Take care.

THE CHAIRMAN: Okay. Our last item for tonight, number 6, 16-59, 64 Lyons Road.

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THE CHAIRMAN: Okay. Having one person in the audience who's part of the application, I assume you don't want to be heard and seeing no one else coming up, I'm going to make a motion to close the public hearing portion of this application; is there a second?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. All in favor.

(All aye.)

THE CHAIRMAN: Any questions or comments?

MR. CAHALIN: No, none.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: It's a very straightforward application. In addition, the variance is quite di minimus at 3.89 percent. So I move to adjourn this application for resolution at the next board meeting; is there a second?

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MR. CAHALIN: Second that.

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

(All aye.)

THE CHAIRMAN: Thank you very much.

MR. ALIBERTI: Thank you. Good evening.

THE CHAIRMAN: Having no further business before us, I'm going to make a motion to close our meeting and see everyone in November; is there a second to that?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

(MEETING ADJOURNED.)

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CERTIFICATION

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

I, DINA M. MORGAN, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:

That the above transcript was taken from a videotape of the actual hearing. I was not present for such hearing. The videotape was taken and transcribed by me to the best of my ability.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of November, 2016.

DINA M. MORGAN
Court Reporter

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