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B E F O R E:

ALAN PILLA, CHAIRMAN
MARK DE MARCO, MEMBER
MICHAEL CAHALIN, MEMBER
PETER NURZIA, MEMBER

P R E S E N T:

MARGARET UHLE, DIRECTOR OF PLANNING
MICHAEL VERNON, ASSISTANT PLANNER
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY

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

DINA M. MORGAN, REPORTER

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EASTCHESTER ZBA - 10/13/16

the county. So if anyone here or anyone at home is contemplating an application, keep in mind that anything that's on tonight will be decided in November the earliest. If you are contemplating something for November, that will not be decided until January the earliest because we do not meet in December.

Secondly, tonight we are a four member board. We have an absentee tonight. There are three items that are on for resolution. When I call the roll, if you're here, you'll say present, if you're not, you're not going to say anything, and I'll ask you if you're going to proceed because you will need a 3-1 vote. A 2-2 vote is a denial. For those new items that are on, I will also see who's here, I'll ask you to proceed, and keep in your mind your application is part of a public record, it's already been reviewed by the board, so you don't have to come up and reread the whole application. You may but it's not either going to hurt or help your application.

So having said all of that, let me call the roll first.

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THE CHAIRMAN: Good evening. Welcome to the town of Eastchester Zoning Board of Appeals meeting for September 13th, 2016. We start our meeting with the Pledge of Allegiance. Please rise.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Okay. I have a couple of a procedural points to go over before we jump into our meeting, the first of which is that the Zoning Board of Appeals meets nine times a year. We meet generally on the second Tuesday of every month, excepting for July, August, and December. This is the only month that we met on a Thursday because of the holiday on Tuesday. I mention that because as a term or a condition to every application, which is printed on your application, that applications are not decided the first time that they're on for several reasons, not the least of which that everything has to be heard tonight and deliberated upon, but also in conformity with good procedure and is the procedure of just about every Zoning Board in

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So for resolutions we have 16-58, 51 Joyce Road.

APPLICANT: Present.

THE CHAIRMAN: Are you ready to proceed to a resolution?

APPLICANT: Yes.

THE CHAIRMAN: Okay. 16-51, 6 York Place. Okay, we're going to proceed to resolution.

16-52, 2 Lorraine Drive. You're ready to proceed to a resolution? Great.

New business, 16-54, 15 Roy Place. Ready to proceed? Great.

16-55, that's 38 Longview Drive. Ready to proceed?

APPLICANT: Yes.

THE CHAIRMAN: Okay. 16-59, 64 Lyons Road. Ready to proceed? Great.

Okay. I make a motion to approve the minutes from the September -- from the -- I'm sorry -- from -- this is October, isn't it?

Our town attorney is here, maybe our town attorney could help me with my calendar. I'm making a motion to approve the minutes from the

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 2 September 13th, 2016 meeting; is there a
 3 second?
 4 MR. CAHALIN: I'll second.
 5 THE CHAIRMAN: Mr. Cahalin. All in
 6 favor.
 7 (All aye.)
 8 THE CHAIRMAN: Let's start with our
 9 resolutions. Firstly, 51 Joyce Road. I make a
 10 motion to make as a part of the public record a
 11 resolution approving this application; is there
 12 a second?
 13 MR. DE MARCO: Second.
 14 THE CHAIRMAN: By Mr. DeMarco. Vote.
 15 Mr. Cahalin.
 16 MR. CAHALIN: Yes.
 17 THE CHAIRMAN: Mr. Nurzia.
 18 MR. NURZIA: Yes.
 19 THE CHAIRMAN: Mr. DeMarco.
 20 MR. DE MARCO: Yes.
 21 THE CHAIRMAN: And I vote yes. That
 22 application has been approved four nothing.
 23 APPLICANT: Thank you.
 24 THE CHAIRMAN: You're welcome.
 25 Number 2, 16-51, 6 York Place. I have
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 2 a resolution which I make a motion to make as
 3 part of the public record a resolution
 4 approving that application.
 5 MR. CAHALIN: I'll second.
 6 THE CHAIRMAN: Thank you, Mr. Cahalin
 7 as a second. Vote. Mr. Cahalin.
 8 MR. CAHALIN: Yes.
 9 THE CHAIRMAN: Mr. Nurzia.
 10 MR. NURZIA: Yes.
 11 THE CHAIRMAN: Mr. DeMarco.
 12 MR. DE MARCO: Yes.
 13 THE CHAIRMAN: And I vote yes. That
 14 application has been approved four nothing.
 15 Last item for resolution I make a
 16 similar motion to make as a part of a public
 17 record the resolution approving that
 18 application; is there a second to that?
 19 MR. CAHALIN: I'll second it.
 20 THE CHAIRMAN: Mr. Cahalin. Now to
 21 the vote.
 22 MR. CAHALIN: I'll vote yes.
 23 THE CHAIRMAN: Mr. Nurzia.
 24 MR. NURZIA: Yes.
 25 THE CHAIRMAN: Mr. DeMarco.
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1 EASTCHESTER ZBA - 10/13/16
 2 MR. DE MARCO: Yes.
 3 THE CHAIRMAN: And I vote yes. That
 4 application has been approved four nothing.
 5 You're welcome. Have a good night.
 6 Okay. Moving on. New business.
 7 Application which is -- I'm sorry, this is
 8 number 4, 16-54, 15 Roy Place. This is an
 9 application seeking an area variance to
 10 construct a new pool and spa in the rear yard.
 11 If you may, state your name and address for the
 12 record and proceed.
 13 MR. FAUSTINI: Good evening. My name
 14 is Nicholas Faustini. I'm an architect for Mr.
 15 and Mrs. Cesarini presenting the application
 16 for 15 Roy Place tonight. We're requesting two
 17 area variances.
 18 The first variance would be a rear
 19 yard setback to a pool; 10 feet is required and
 20 5 feet is proposed.
 21 The second variance would be
 22 legalization of a side yard fence that's
 23 currently installed at the right side property
 24 line. That fence is currently 6 feet tall and
 25 4 feet is the maximum allowed. So we are
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 2 proposing to keep the fence as is and are
 3 looking for an area variance for it.
 4 THE CHAIRMAN: At this point, we
 5 generally take questions from the board of the
 6 applicant. So we will start with Mr. Cahalin.
 7 Do you have any questions of this applicant,
 8 Mr. Cahalin?
 9 MR. CAHALIN: Yes, a couple of
 10 questions. I understand that the -- let's
 11 start with the fence. The fence was there when
 12 they bought the house?
 13 MR. FAUSTINI: There was a 6 foot high
 14 fence there before which fell apart, so they
 15 had replaced it as a vinyl fence.
 16 MR. CAHALIN: As a 6 foot fence?
 17 MR. FAUSTINI: At 6 feet high.
 18 MR. CAHALIN: It was installed at 6
 19 feet and they replaced it at 6 feet?
 20 MR. FAUSTINI: Yes.
 21 MR. CAHALIN: So they should have
 22 asked for a variance at that time.
 23 MR. FAUSTINI: They just had assumed
 24 that it would be fine, and it became knowledge
 25 at this point when we submitted an application
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 2 for the pool variance that this was an issue.
 3 MR. CAHALIN: Okay. Second is, it's a
 4 big ask. You want 50 percent. You're
 5 asking -- it's supposed to be 10, you're asking
 6 for 5. I mean, has there been any
 7 consideration, you know, to lower the patio,
 8 take 5 feet off the patio? It's still a
 9 tremendous patio.

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

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

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

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

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

9 THE CHAIRMAN: Thank you, Mr. Cahalin.
 10 Mr. Nurzia?

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

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

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

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

21 THE CHAIRMAN: Thank you, Mr. Nurzia.
 22 Mr. DeMarco?

23 MR. DE MARCO: No questions.

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

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 2 application to a public hearing; is there a
 3 second?

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

7 (All aye.)

8 THE CHAIRMAN: Okay. Is there anyone
 9 here that would like to be heard on this
 10 application?

11 (No comments.)

12 THE CHAIRMAN: Seeing nobody, I'll
 13 make a motion to close the public hearing; is
 14 there a second?

15 MR. CAHALIN: I'll second that.

16 THE CHAIRMAN: Mr. Cahalin again. All
 17 in favor.

18 (All aye.)

19 THE CHAIRMAN: Okay. Well, I'm
 20 obligated to go pass through the board again.
 21 Mr. DeMarco, do you have anything?

22 MR. DE MARCO: Same as before.

23 THE CHAIRMAN: Mr. Nurzia?

24 MR. NURZIA: No further questions.

25 THE CHAIRMAN: Mr. Cahalin?

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1 EASTCHESTER ZBA - 10/13/16
 2 MR. CAHALIN: Spoke my piece.
 3 THE CHAIRMAN: And I don't have
 4 anything on this actually. I appreciate your
 5 presentation, and I am going to make another
 6 motion to close this application and come back
 7 for resolution at our next; is there a second
 8 to my motion?

9 MR. FAUSTINI: I'm sorry, I just
 10 wanted to add one thing.

11 THE CHAIRMAN: I'm sorry. You're
 12 getting in the way of Robert's rules of order
 13 here. Go ahead.

14 MR. FAUSTINI: We do have a letter in
 15 favor of the application from one of the
 16 neighbors. If you would like me to hand it in
 17 this evening, I can.

18 THE CHAIRMAN: Sure, why not. Make it
 19 part of the public record.

20 MR. FAUSTINI: Okay. Should I just --

21 THE CHAIRMAN: Please.

22 MR. FAUSTINI: And this is from the
 23 neighbor at 10 Roy Place.

24 THE CHAIRMAN: Very secretive in an
 25 envelope. I like it.

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1 EASTCHESTER ZBA - 10/13/16
 2 MR. CAHALIN: Is it a secret?
 3 THE CHAIRMAN: Yes, it's a secret.
 4 I'll pass it around. It's a neighbor not
 5 having an objection to the application.
 6 While the board is reading it -- this
 7 is the problem when you give attorneys an
 8 opportunity to continue to speak it's always
 9 bad, but actually, it's not bad -- as our
 10 attorney has explained to us, we consider
 11 community comments and we're not to be bound by
 12 the parties who may be most affected by it, but
 13 we do pay attention to community comments.
 14 Seeing that there's no one here speaking
 15 against this application and seeing that you
 16 have something for the application, certainly
 17 supports your application, let's put it that
 18 way.

19 MR. FAUSTINI: Thank you.

20 THE CHAIRMAN: So I appreciate that,
 21 and it overrides interrupting my Robert's rules
 22 of order meeting motion. So I'll go back to my
 23 motion, which is that we will adjourn and come
 24 back for resolution at the next meeting; is
 25 there a second to that?

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 2 MR. NURZIA: Second.
 3 THE CHAIRMAN: Mr. Nurzia. All in
 4 favor.

5 (All aye.)

6 THE CHAIRMAN: Thank you for your
 7 presentation.

8 MR. FAUSTINI: Thank you very much.
 9 Have a good evening.

10 THE CHAIRMAN: Okay. Yes.

11 MS. UHLE: The next meeting is also on
 12 Thursday, it's November 10th, because of
 13 Election Day. So I just want to remind
 14 everybody, including residents. We did have
 15 someone that showed up on Tuesday for the
 16 meeting.

17 THE CHAIRMAN: I might as well also
 18 point out that all of our meetings are noticed
 19 before the calendar year is up for the next
 20 year and that they're all a matter of public
 21 record. Thank you, Mrs. Uhle, and thank you
 22 again.

23 Okay. Item number 5, 16-55, that's 38
 24 Longview Drive. While you're setting up, this
 25 is an application seeking an area variance to

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1 EASTCHESTER ZBA - 10/13/16
 2 relocate an existing gazebo. I'll ask you to
 3 state your name even though we know who you
 4 are.

5 MR. IANNACITO: Good evening. My name
 6 is John Iannacito. I'm an architect, and I'm
 7 representing Mr. and Mrs. Ahern this evening,
 8 the owners of the subject property.

9 We are proposing to relocate an
 10 existing gazebo in the rear yard. The existing
 11 gazebo here is highlighted in yellow. The
 12 existing gazebo is currently considered an
 13 accessory structure and has a setback of 5 feet
 14 from the rear property line. We are relocating
 15 the existing gazebo and attaching it to an
 16 existing wood deck at the rear of the property
 17 and increasing the rear yard setback to
 18 13.5 feet. The relocated gazebo will require a
 19 19 foot setback, and we are requesting a
 20 variance for the proposed 13.5, which is
 21 deficient by 5.5 feet. Thank you.

22 THE CHAIRMAN: Thank you, Mr.
 23 Iannacito. We will now get to the question
 24 part of your application. Mr. DeMarco?

25 MR. DE MARCO: What's your name again,

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 2 I'm sorry? I have no questions.
 3 THE CHAIRMAN: Mr. Nurzia?
 4 MR. NURZIA: I have no questions.
 5 THE CHAIRMAN: Mr. Cahalin?
 6 MR. CAHALIN: Nothing.
 7 THE CHAIRMAN: I don't have anything
 8 either, but I make a motion to open this
 9 application to a public hearing; is there a
 10 second?
 11 MR. CAHALIN: Second.
 12 THE CHAIRMAN: Mr. Cahalin. All in
 13 favor.
 14 (All aye.)
 15 THE CHAIRMAN: Would anyone like to be
 16 heard on this application?
 17 (No comments.)
 18 THE CHAIRMAN: Okay. Seeing nobody, I
 19 will make a motion to close this application
 20 to a --
 21 MR. CAHALIN: I'll second that as
 22 well.
 23 THE CHAIRMAN: Mr. Cahalin makes a
 24 second. All in favor.
 25 (All aye.)

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 2 THE CHAIRMAN: Once again, my
 3 obligation to ask; we've gone past questions,
 4 now about comments. Mr. DeMarco?
 5 MR. DE MARCO: No questions or
 6 comments.
 7 THE CHAIRMAN: Mr. Nurzia?
 8 MR. NURZIA: No, sir.
 9 THE CHAIRMAN: Questions or comments,
 10 Mr. Cahalin?
 11 MR. CAHALIN: Nothing.
 12 THE CHAIRMAN: It's a very
 13 straightforward application. I have nothing.
 14 So I move to adjourn this application
 15 for resolution at the next board meeting; is
 16 there a second?
 17 MR. DE MARCO: Second.
 18 THE CHAIRMAN: By Mr. DeMarco. All in
 19 favor.
 20 (All aye.)
 21 THE CHAIRMAN: Thank you, Mr.
 22 Iannacito.
 23 MR. IANNACITO: Thank you. Take care.
 24 THE CHAIRMAN: Okay. Our last item
 25 for tonight, number 6, 16-59, 64 Lyons Road.

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 2 While you're setting, I'll let the
 3 public know that this is a request for an area
 4 variance to enlarge an existing driveway from
 5 10 feet wide to 20 feet wide. The application
 6 really centers around the issue of impervious
 7 surface.
 8 MR. ALIBERTI: Yes. Good evening. My
 9 name is Sebastian Aliberti, and I reside at 64
 10 Lyons Road.
 11 We're just applying for a variance to
 12 expand our driveway from 10 feet to 20 feet.
 13 The only issue we had was with impervious
 14 surfaces that we exceeded by 96 square feet.
 15 We did put some dry wells already underground
 16 to capture any of the runoff water.
 17 THE CHAIRMAN: Okay. Thank you. Any
 18 questions, Mr. Cahalin?
 19 MR. CAHALIN: No.
 20 THE CHAIRMAN: Mr. Nurzia?
 21 MR. NURZIA: I just want to clarify,
 22 you already put in the dry wells or are you
 23 planning to put in the dry wells?
 24 MR. ALIBERTI: The impervious question
 25 came up after we've already put the dry wells

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 2 in.
 3 MS. UHLE: Actually, the applicant
 4 spoke to our office and said, you know, if I
 5 widen my driveway, what do I need to do. I
 6 think they were doing some other renovations,
 7 and he was reminded that he had to put in storm
 8 water facilities. I don't think he realized
 9 that and he was not told also to check the
 10 impervious surfaces. So he went ahead and put
 11 them in assuming that he could take out a
 12 permit for the driveway, and then we he got to
 13 that point we realized he exceeded impervious
 14 surfaces.
 15 THE CHAIRMAN: Mr. DeMarco?
 16 MR. DE MARCO: I have nothing.
 17 THE CHAIRMAN: And I don't have
 18 anything either. I make a motion to open this
 19 application to a public hearing; is there a
 20 second?
 21
 22 MR. CAHALIN: Second.
 23 THE CHAIRMAN: Mr. Cahalin. All in
 24 favor.
 25 (All aye.)

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1 EASTCHESTER ZBA - 10/13/16
 2 THE CHAIRMAN: Okay. Having one
 3 person in the audience who's part of the
 4 application, I assume you don't want to be
 5 heard and seeing no one else coming up, I'm
 6 going to make a motion to close the public
 7 hearing portion of this application; is there a
 8 second?
 9 MR. NURZIA: Second.
 10 THE CHAIRMAN: Mr. Nurzia. All in
 11 favor.
 12 (All aye.)
 13 THE CHAIRMAN: Any questions or
 14 comments?
 15 MR. CAHALIN: No, none.
 16 THE CHAIRMAN: Mr. Nurzia?
 17 MR. NURZIA: No.
 18 THE CHAIRMAN: Mr. DeMarco?
 19 MR. DE MARCO: No, thank you.
 20 THE CHAIRMAN: It's a very
 21 straightforward application. In addition, the
 22 variance is quite di minimus at 3.89 percent.
 23 So I move to adjourn this application for
 24 resolution at the next board meeting; is there
 25 a second?

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 2 MR. CAHALIN: Second that.
 3 THE CHAIRMAN: By Mr. Cahalin. All in
 4 favor.
 5 (All aye.)
 6 THE CHAIRMAN: Thank you very much.
 7 MR. ALIBERTI: Thank you. Good
 8 evening.
 9 THE CHAIRMAN: Having no further
 10 business before us, I'm going to make a motion
 11 to close our meeting and see everyone in
 12 November; is there a second to that?
 13 MR. DE MARCO: Second.
 14 THE CHAIRMAN: Mr. DeMarco. All in
 15 favor.
 16 (All aye.)
 17
 18 (MEETING ADJOURNED.)
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1 EASTCHESTER ZBA - 10/13/16
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 3 CERTIFICATION
 4
 5 STATE OF NEW YORK)
) Ss.
 6 COUNTY OF WESTCHESTER)
 7
 8 I, DINA M. MORGAN, Court Reporter and
 9 Notary Public within and for the County of
 10 Westchester, State of New York, do hereby
 11 certify:
 12 That the above transcript was taken from
 13 a videotape of the actual hearing. I was not
 14 present for such hearing. The videotape was
 15 taken and transcribed by me to the best of my
 16 ability.
 17 And, I further certify that I am not
 18 related to any of the parties to this action by
 19 blood or marriage, and that I am in no way
 20 interested in the outcome of this matter.
 21 IN WITNESS WHEREOF, I have hereunto set
 22 my hand this 1st day of November, 2016.

Dina M. Morgan
 DINA M. MORGAN
 Court Reporter

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