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

**TOWN OF EASTCHESTER**  
TRANSCRIPT OF  
EASTCHESTER ZONING BOARD OF APPEALS  
NOVEMBER 10, 2016  
**BUILDING AND PLANNING DEPARTMENT**  
..... X

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

**B E F O R E:**

ALAN PILLA, CHAIRMAN  
JOSEPH MILLER, MEMBER  
MICHAEL CAHALIN, MEMBER  
PETER NURZIA, MEMBER

**P R E S E N T:**

MARGARET UHLE, DIRECTOR OF PLANNING  
MICHAEL VERNON, ASSISTANT PLANNER  
JAY KING, BUILDING INSPECTOR  
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 - 11/10/16

When I call your matter, you will let me know you're here so that we can get started with yours and we'll move on to the next matter. If no one answers, then it's obvious that you're not here.

Next item, as noted as a term and condition to your application, matters that are on first time are not decided. That's in conformity with the practice of most of the towns and villages in the county and also smart practice that the board gets to hear your application, any opinion on the matter, and get to ruminate and make a decision. So I mention that because we do not meet in December. So any new matter on tonight will not be decided until January the earliest.

While we're on the calendar issue -- ah, I take back everything I said about the vote. We'll get to that in a second. But anyway, the calendar will be printed shortly for next year's ZBA meetings.

So amending my statement about the vote, we now have a four member board, and you will still have the right to decide whether you

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EASTCHESTER ZBA - 11/10/16  
THE CHAIRMAN: Good evening. Welcome to the town of Eastchester Zoning Board of Appeals meeting for November, November 10th, 2016. We start our meeting with the Pledge of Allegiance, so please rise.  
(Whereupon the Pledge of Allegiance was said.)  
THE CHAIRMAN: Okay. I usually start our meeting with some procedural notes. I'm going to add a couple of other procedural notes due to the composition of the Board, but let's start with the fact that we observe Robert's rules of order for those who care.  
Additionally, we have a three member board tonight, which means those matters that are on for resolution must receive a three/nothing vote. A two/one vote is a denial and a one/two or a zero/three is also a denial. So those matters that are on for resolution, I'm going to call the roll in a moment, and I'll ask those who are present for the resolution whether they want to proceed, those who are not here we are going to proceed to resolution, and new business is new business.

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EASTCHESTER ZBA - 11/10/16  
want to proceed. Let's start for with the roll call.  
On for resolution, the first matter, 16-54, 15 Roy Place; are you ready to proceed to resolution? Okay.  
Number 2, 16-55, 38 Longview Drive; Mr. Iannacito, are you ready to proceed to resolution?  
MR. IANNACITO: Yes.  
THE CHAIRMAN: Okay. Number 3, 16-59, 64 Lyons Road; are you a ready to proceed to resolution?  
MS. UHLE: Again, just to clarify, now that there's a four member board, it has to be at least a three/one, a two/two is considered a denial. You may have said that previously, but I'm not sure.  
THE CHAIRMAN: What she said. Okay. Now, new business, 16-62, 15 Summit Street; are you ready to proceed? Okay. Very efficient. We have multiple people for things. We can have a small number of people and accomplish a lot of things.  
16-50 Cooked & Company; Mr. Iannacito,

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1 EASTCHESTER ZBA - 11/10/16  
 2 are you ready to proceed?  
 3 MR. IANNACITO: Yes.  
 4 THE CHAIRMAN: Number 6, 16-65 and  
 5 that's 80 Park Drive; ready to proceed? Okay.  
 6 We have adjourned number 7 -- not  
 7 we -- the applicant has adjourned number 7,  
 8 16-50, that's 760 White Plains Road.  
 9 So before we go and dip into the  
 10 resolutions, I make a motion to approve the  
 11 minutes from the October 13th, 2016 meeting; is  
 12 there a second?  
 13 MR. CAHALIN: I'll second.  
 14 THE CHAIRMAN: Mr. Cahalin. All in  
 15 favor.  
 16 MR. NURZIA: Aye.  
 17 THE CHAIRMAN: Aye.  
 18 MR. CAHALIN: Aye.  
 19 MR. MILLER: I abstain.  
 20 THE CHAIRMAN: Abstention by Mr.  
 21 Miller. Still approved but abstention by Mr.  
 22 Miller.  
 23 Okay, 16-54, 15 Roy Place. I make a  
 24 motion to have a resolution marked as part of  
 25 the record approving the application; is there  
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1 EASTCHESTER ZBA - 11/10/16  
 2 a second to my motion?  
 3 MR. NURZIA: Second.  
 4 THE CHAIRMAN: Mr. Nurzia. Let's take  
 5 the vote. Mr. Nurzia.  
 6 MR. NURZIA: Yes.  
 7 THE CHAIRMAN: Mr. Miller.  
 8 MR. MILLER: Yes.  
 9 THE CHAIRMAN: Mr. Cahalin.  
 10 MR. CAHALIN: No.  
 11 THE CHAIRMAN: I vote yes. The  
 12 application has been approved three to one.  
 13 Number 2, 16-55, 38 Longview Drive, I  
 14 make a similar motion to have a resolution that  
 15 I have right here marked as part of the record  
 16 approving the application; is there a second to  
 17 my motion?  
 18 MR. MILLER: Second.  
 19 THE CHAIRMAN: Mr. Miller. Take the  
 20 vote. Mr. Nurzia.  
 21 MR. NURZIA: Yes.  
 22 THE CHAIRMAN: Mr. Miller.  
 23 MR. MILLER: Yes.  
 24 THE CHAIRMAN: Mr. Cahalin.  
 25 MR. CAHALIN: Yes.  
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1 EASTCHESTER ZBA - 11/10/16  
 2 THE CHAIRMAN: And I vote yes. That  
 3 application has been approved four/nothing.  
 4 Number 3, 16-59, 64 Lyons Road. My  
 5 motion is to have as part of the record a  
 6 resolution approving that application; is there  
 7 a second?  
 8 MR. NURZIA: Second.  
 9 THE CHAIRMAN: Mr. Nurzia. Okay, Mr.  
 10 Nurzia, your vote.  
 11 MR. NURZIA: Yes.  
 12 THE CHAIRMAN: Mr. Miller.  
 13 MR. MILLER: Yes.  
 14 THE CHAIRMAN: Mr. Cahalin.  
 15 MR. CAHALIN: Yes.  
 16 THE CHAIRMAN: And I vote yes. That  
 17 application is approved four/nothing.  
 18 Now, getting on to new business, I  
 19 didn't make this procedural note, just so that  
 20 you know, all new applications are part of the  
 21 public record and the board has reviewed them.  
 22 So as you're setting up, I will give a summary  
 23 of what your application is. You don't need to  
 24 read the entire application into the record.  
 25 If you feel you want to, you can. If you want  
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1 EASTCHESTER ZBA - 11/10/16  
 2 to highlight some points, that's fine. It will  
 3 neither benefit or be a detriment to your  
 4 application.  
 5 So starting with 16-62, 15 Summit  
 6 Street, come up, state your name and address  
 7 for the record. While you're getting ready,  
 8 I'll just mention this is an area variance to  
 9 construct a second story addition over an  
 10 existing garage.  
 11 MR. FAUSTINI: Good evening. My name  
 12 is Nicholas Faustini. I'm presenting the  
 13 application for John Cotugno, who couldn't make  
 14 it here tonight.  
 15 This is a single family home addition  
 16 for the Hagers. There is an existing garage  
 17 attached to the back of the property -- the  
 18 back of the house, I'm sorry, and we're  
 19 proposing to convert that garage to a kitchen,  
 20 family room area, and then build a second floor  
 21 bedroom addition above it.  
 22 It is currently non-conforming at the  
 23 rear yard and side yard setback. The rear yard  
 24 is 22 feet and the side yard is 5.6 feet.  
 25 We're not looking to increase -- we're not  
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1 EASTCHESTER ZBA - 11/10/16  
 2 looking to reduce those setbacks, we're looking  
 3 to maintain them as they are. Again, it's just  
 4 a first floor conversion and second floor  
 5 addition.  
 6 THE CHAIRMAN: Thank you. At this  
 7 time, we usually reserve time for the board to  
 8 ask any questions, and then the board will come  
 9 back later with questions and comments. So  
 10 we'll start with any questions; Mr. Nurzia?  
 11 MR. NURZIA: No questions.  
 12 THE CHAIRMAN: Mr. Miller?  
 13 MR. MILLER: None at this time.  
 14 THE CHAIRMAN: Mr. Cahalin?  
 15 MR. CAHALIN: No.  
 16 THE CHAIRMAN: I'll reserve my  
 17 questions as well.  
 18 So I make a motion to open this  
 19 application to the public for a open hearing;  
 20 is there a second to my motion?  
 21 MR. CAHALIN: Second.  
 22 THE CHAIRMAN: Mr. Cahalin. All in  
 23 favor.  
 24 (All aye.)  
 25 THE CHAIRMAN: Okay. Would anyone  
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1 EASTCHESTER ZBA - 11/10/16  
 2 like to be heard on this application?  
 3 (No comments.)  
 4 THE CHAIRMAN: Okay. Seeing no one, I  
 5 make a motion to close the public hearing; is  
 6 there a second?  
 7 MR. MILLER: Second.  
 8 THE CHAIRMAN: Mr. Miller. All in  
 9 favor.  
 10 (All aye.)  
 11 THE CHAIRMAN: Okay. So as I'm  
 12 obligated to ask, questions or comments, Mr.  
 13 Cahalin?  
 14 MR. CAHALIN: None.  
 15 THE CHAIRMAN: Mr. Miller?  
 16 MR. MILLER: None.  
 17 THE CHAIRMAN: Mr. Nurzia?  
 18 MR. NURZIA: None.  
 19 THE CHAIRMAN: I'm just going to say  
 20 it's a very straightforward application and  
 21 it's an already legal non-conforming so you're  
 22 not increasing the setback at all. So, again,  
 23 I think it's a basic straightforward  
 24 application.  
 25 I make a motion to adjourn this  
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1 EASTCHESTER ZBA - 11/10/16  
 2 application for resolution at the next meeting;  
 3 is there a second?  
 4 MR. CAHALIN: I'll second.  
 5 THE CHAIRMAN: Mr. Cahalin. All in  
 6 favor.  
 7 (All aye.)  
 8 THE CHAIRMAN: Thank you.  
 9 MR. FAUSTINI: Thank you very much.  
 10 Have a good evening.  
 11 THE CHAIRMAN: Next item, 15-60, this  
 12 is 134 Garth Road.  
 13 While you're setting up, this is an  
 14 area variance to permit no parking spaces where  
 15 one additional parking space is required on a  
 16 Garth Road business. I think we know who you  
 17 are, but state your name and address for the  
 18 record just in case you're an imposter.  
 19 MR. IANNACITO: Good evening. My name  
 20 is John Iannacito. I'm an architect, and I'm  
 21 representing Mr. Herb Lindstrom this evening,  
 22 the owner of Cooked & Company.  
 23 We are proposing interior alterations  
 24 and expansion of the existing Type I food  
 25 service establishment located at 134 Garth  
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1 EASTCHESTER ZBA - 11/10/16  
 2 Road.  
 3 The proposed scope of work will  
 4 include expansion of an existing restaurant  
 5 into an adjacent tenant space, which was  
 6 previously used as a dental office. So on the  
 7 plan here I've highlighted in pink the existing  
 8 restaurant and then in yellow the existing  
 9 dental office space. The proposed expansion  
 10 will increase the floor area of the restaurant  
 11 from 1,038 square feet to 2,049 square feet, an  
 12 increase of 1,011 square feet.  
 13 This application was presented to the  
 14 Planning Board on October 27th for preliminary  
 15 review to amend the existing special permit and  
 16 also to get a referral to come in front of the  
 17 board tonight for an area variance.  
 18 The existing property is currently  
 19 non-conforming with respect to the following  
 20 zoning requirements:  
 21 The front yard, rear yard, and both  
 22 side yards are non-conforming and will not be  
 23 changed.  
 24 The building coverage is  
 25 non-conforming and will not be changed.  
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EASTCHESTER ZBA - 11/10/16

The parking requirement is non-conforming and the deficiency will be increased by 1 parking space. When we look at the existing restaurant space and calculate that square footage, 1 space per 150 square feet, the requirement is 7 parking spaces. On the dental office when we calculate that with 1 parking space for every 200 square feet, the requirement is 6 spaces. So both spaces combined today require 13 parking spaces and zero are provided. When looking at the combined space of the restaurant at 1 parking space for 150 square feet, the requirement is 14 spaces and zero are provided, increasing 1 parking space. So we're here tonight asking for a variance on an increase of one parking space but a total of 14. Thank you.

THE CHAIRMAN: Thank you for the summary. Very concise and to the point. So it's the board's time to ask questions. Mr. Nurzia?

MR. NURZIA: No questions or comments.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

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EASTCHESTER ZBA - 11/10/16

THE CHAIRMAN: Mr. Miller? MR. MILLER: No. THE CHAIRMAN: Mr. Nurzia? MR. NURZIA: No. THE CHAIRMAN: My only comment is that similar to many businesses on Garth Road where you're a legal non-conforming because of parking space, you will be occupying a space that has the same parking restrictions and requirements and operated. So to me it seems fairly straightforward and I thank you for your application.

I move to adjourn this matter for resolution at the next meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

MR. IANNACITO: Thank you.

THE CHAIRMAN: Last item on our new business for tonight is 16-65, that's 80 Park Drive.

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EASTCHESTER ZBA - 11/10/16

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: I'm going to reserve mine as well. I do have a motion to open this matter open this matter to the public for an open hearing; is there a second?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. All in favor or.

(All aye.)

THE CHAIRMAN: Would anyone like to be heard?

(No comments.)

THE CHAIRMAN: Seeing no one coming forward, I'll make a motion to close this application to a public hearing; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Okay, one more time for the board. Mr. Cahalin this time?

MR. CAHALIN: No.

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EASTCHESTER ZBA - 11/10/16

While you're setting up, this is an application for area variances to construct a one story vestibule at the front entrance to an existing residence.

MR. IANNACITO: Good evening again. My name is John Iannacito. I'm an architect, and I'm representing Mr. and Mrs. Krestik this evening. Mr. Krestik is with me this evening also. We are proposing a one story addition at the front of the existing residence located at 80 Park Drive.

I've highlighted the addition here on the site plan in yellow. On the floor plan, it will consist of a new entry vestibule with a closet and in here is the front elevation of the one story addition.

We are requesting two area variances on this project this evening. The first is for a front yard setback to the principal building where the proposed is 25 and the required is 30, a deficiency of 5 feet or 16.6 percent; and the second is to the roof overhang where the proposed is 23 feet and the required is 26, a deficiency of 3 feet or 11.5 percent.

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1 EASTCHESTER ZBA - 11/10/16  
 2 Thank you for your time, and I'm happy  
 3 to answer any questions.  
 4 THE CHAIRMAN: Thank you, Mr.  
 5 Iannacito. Questions, Mr. Nurzia?  
 6 MR. NURZIA: No, sir, none.  
 7 THE CHAIRMAN: Mr. Miller?  
 8 MR. MILLER: None.  
 9 THE CHAIRMAN: Mr. Cahalin?  
 10 MR. CAHALIN: I'm the same way.  
 11 THE CHAIRMAN: And I have nothing. I  
 12 have a motion to open the matter to an open  
 13 public hearing; is there a second?  
 14 MR. CAHALIN: So moved.  
 15 THE CHAIRMAN: Mr. Cahalin. All in  
 16 favor.  
 17 (All aye.)  
 18 (No comments.)  
 19 THE CHAIRMAN: Seeing no one  
 20 proceeding forward, I'm going to make a motion  
 21 to close the matter to this public hearing; is  
 22 there a second to that?  
 23 MR. MILLER: Second.  
 24 THE CHAIRMAN: Mr. Miller. All in  
 25 favor.

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1 EASTCHESTER ZBA - 11/10/16  
 2 (All aye.)  
 3 THE CHAIRMAN: Okay. I have to ask  
 4 and I think I know the answer: Mr. Cahalin,  
 5 any questions or comments?  
 6 MR. CAHALIN: Nothing has changed.  
 7 THE CHAIRMAN: Mr. Miller?  
 8 MR. MILLER: I have none.  
 9 THE CHAIRMAN: Mr. Nurzia?  
 10 MR. NURZIA: No.  
 11 THE CHAIRMAN: Since I commented on  
 12 the other two, I feel a little obligated to  
 13 tell you it's a very straightforward  
 14 application, minimal variance request. So I'm  
 15 going to make a motion to adjourn this matter  
 16 for resolution at the next meeting; is there a  
 17 second?  
 18 MR. MILLER: Second.  
 19 THE CHAIRMAN: Mr. Miller. All in  
 20 favor.  
 21 (All aye.)  
 22 THE CHAIRMAN: Mr. Iannacito, thank  
 23 you for your concise presentation.  
 24 MR. IANNACITO: Thank you, and I want  
 25 to wish the board a happy holiday season. I

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1 EASTCHESTER ZBA - 11/10/16  
 2 won't see you until next year.  
 3 THE CHAIRMAN: I didn't think of that.  
 4 Thank you.  
 5 MR. CAHALIN: Thank you, John, you  
 6 too.  
 7 THE CHAIRMAN: Okay. We have the  
 8 adjourned matter, so we are finished. So I  
 9 guess Mr. Iannacito stole all of our thunder to  
 10 wish everyone good holidays, although it didn't  
 11 even occur to me. So thank you for making it  
 12 occur to me. I make a motion to close the  
 13 meeting, and we will see everyone next year; is  
 14 there a second to my motion?  
 15 MR. NURZIA: Second.  
 16 THE CHAIRMAN: Mr. Nurzia. Okay.  
 17 Goodnight.

(MEETING ADJOURNED.)

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1 EASTCHESTER ZBA - 11/10/16  
 2  
 3 C E R T I F I C A T I O N  
 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 7th day of December, 2016.



DINA M. MORGAN  
 Court Reporter  
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CORRECTION SHEET

PAGE

CORRECTION

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