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1 application, we meet nine times a year, we do
2 not meet July, we do not meet August, we do not
3 meet December, so you may want to take that
4 into consideration as well.
5 Okay. Roll call. On for resolution,
6 15 Summit Street, number 1, 16-62. Ready to
7 proceed? Okay.
8 Number 2, 16-60, Cooked & Company, 134
9 Garth Road, ready to proceed to resolution?
10 MR. JANNAČITO: Yes.
11 THE CHAIRMAN: Okay. Number 3, 16-65,
12 8 Park Drive, ready to proceed to resolution?
13 Okay.
14 For new business, number 4, 16-68, 17
15 Deerfield Avenue, is the applicant here? Okay.
16 You're ready to proceed?
17 APPLICANT: Yes.
18 THE CHAIRMAN: Okay. Number 5, 17-41,
19 4 Grayrock Road, applicant ready to proceed?
20 APPLICANT: Yes.
21 THE CHAIRMAN: Last item on tonight is
22 number 6, 16-13, this is the Rogliano
23 subdivision. Anybody? Okay. Well, it's not
24 going to be marked off the calendar but once
25
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MR. DE MARCO: Yes.

THE CHAIRMAN: And I vote yes. The application has been approved five nothing.

Matter number 2, 16-60 Cooked & Company, 134 Garth Road. Similarly, I have a resolution and I make a motion to adopt -- an approval to adopt it as part of the record; is there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. To the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: And I vote yes. It's been approved five nothing.

Item number 3, 16-65, 80 Park Drive. I have a motion to adopt a resolution approving this application. Is there a second to my motion.

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MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. To the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: 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 five nothing.

Moving on, 17 Deerfield Avenue. While you're setting up, even though we know who you are, you'll give us your name and address for the record. Just to remind applicants, except for those matters that have complexity to them, some basic applications I always tell the applicant that the matter is a matter of public record, that it's been reviewed by the board, you're not obligated to read the whole application, you can highlight it. This is an area variance to construct a first story addition and a new portico to the rear of the residence. Go ahead.

MR. IANNACITO: Good evening and happy new year to everyone. My name is John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. Pink this evening, the owners of the subject property.

We are proposing additions and alterations to the existing single family residence located at 17 Deerfield Avenue. The proposed scope of work will include a one story addition and a new entry portico at the side of the existing residence. The addition is highlighted in black and the new portico in yellow.

Quickly go through the plans. Here we have the addition, which will be a new mud room, and the new portico at the side yard. Here is the exterior elevation showing the new addition and portico.

We are requesting two area variances this evening. The first is for a gross floor area. The allowable floor area for this lot is 3,151.7 square feet, the existing floor area is currently non-conforming at 3,520.5 square feet.

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2 feet, and we will be increasing this floor area by 45 square feet to 3565.5 square feet. The proposed floor area will be 413.8 square feet more than the allowable or 13.1 percent.

The second variance is for the distance between the principal building and the portico, the new portico. The proposed separation distance is 7.96 feet and the allowable or the required is 10 feet, a deficiency of 2.0 feet or 20.4 percent.

Thank you for your time and I'm happy to answer any questions you may have.

THE CHAIRMAN: As a reminder procedurally what we generally do for those new applicants is at this moment we have the board ask any questions of the applicant and we will generally open the matter to a public hearing and then the applicant can sum up and the board will have an opportunity to both ask questions and make comments. The reason why I'm going over our Robert rules of order, etcetera, is that I overlooked something. So I need to the board to second a motion I'm going to make, because I failed to make a motion to adopt a
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negative declaration on the Cooked & Company application. So I make a motion to adopt a negative declaration; is there a second to my motion?

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

(All aye.)
THE CHAIRMAN: We’re back to your application now. You reminded me. Thank you.

So, board, questions of the applicant;

Mr. Cahalin, any questions?

MR. CAHALIN: None.
THE CHAIRMAN: Mr. Miller?
MR. MILLER: None.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: I have no questions, no comments.

THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: Nothing.

THE CHAIRMAN: I have no questions at this time. I do have a motion to open this matter to a public hearing; is there a second to my motion?

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MR. DE MARCO: Second.
THE CHAIRMAN: By Mr. DeMarco. All in favor.

(All aye.)
THE CHAIRMAN: Would anyone like to be heard from the public on this application?

No comments.

THE CHAIRMAN: Seeing no one, I make an application -- I’m sorry, a motion to close this matter to the public hearing; is there a second?

MR. MILLER: Second.
THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)
THE CHAIRMAN: Okay. Mr. Iannacito, do you want to add anything to your application?

MR. IANNACITO: No, not at this time.
THE CHAIRMAN: Okay. I’m bound by duty to ask even though I think I know the answer, Mr. Cahalin, any questions or comments?

MR. CAHALIN: None.
THE CHAIRMAN: Mr. Miller?

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MS. UHLE: I think you should wait until after you finish the public hearing.
THE CHAIRMAN: Thank you. Okay, Kids Corner, you’re on.

MR. VARIAN: Mr. Chair, we expect our client, the principal, to arrive shortly.
Might it be possible to alter the agenda and have her on after what was number 3?
THE CHAIRMAN: It could except I don’t believe number 3 is here yet either. So why don’t we do this --

MR. VARIAN: I’ll proceed.
THE CHAIRMAN: It won’t prejudice you application. Why don’t you proceed until the point at which you feel that it’s necessary for them to be here. We could have a short adjournment. Give us your name, please.

MR. VARIAN: Very well. Good evening,

Mr. Chairman, members of the ZBA, Madam Director, and Counsel. My name is Gregory Varian, attorney for the applicant. With me tonight is the architect currently, Theresa Beyer, and hopefully Ivy Tilson, the principal officer, manager of Kids Corner Day Care.

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For those of you who were on this
board in 2010, you may recall or presentation
for a special permit to allow Ivy to operate
the current commercial day care facility at 777
White Plains Road. This will replace that
facility.

Before Ivy hopefully arrives and
reviews the specifics of the proposed day care
facility, the number of children, traffic,
parking, access to the local park, I would like
to spend just a minute to expand upon the
zoning analysis, the, quote, tests for area
variances which was submitted by the architect,
that's the five part balancing test, of course,
required by state law. This is the major
distinction from our application for a
commercial day care facility seven years ago.
Namely, that application for significantly less
interior space did not require a variance
because the lot size was substantially larger,
something in the neighborhood of 178,000 square
feet. I don't know why this cut off exists in
the ordinance as to the three classifications
of day care, as to lot size, why a 15,000

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square foot minimum is relevant. There doesn't
appear to be any logical relationship to the
size of the site, especially where there are
multiple users, as is the case and maybe became
the case after the law was enacted. That being
said, I believe the applicant satisfies the
burden for an area variance.

As to the special permit aspect,
maybe, Theresa, we'll let you start until Ivy
arrives.

THE CHAIRMAN: Thank you, counselor.
MS. BEYER: So the proposed day care
is located on Grayrock Road near where it turns
around and intersects Garth Road. So this was
all currently a gym or a fitness center which
required, in fact, a lot more parking and held
a lot more people. Just the aerobic room
supposedly could hold as many as a hundred
people at a time. So we are currently
proposing a day care that could have as many as
I think it's eighty kids and 19 adults. In
probability what usually happens is that's what
we propose and the state then cuts it down. So
we never know exactly what it is, but at least

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1. Grayrock Road that the kids will be walked to,
2. they will be put in strollers that hold six
3. kids at a time or buggies is what she calls
4. them, and the teachers walk them down about two
5. classes at a time so there are never more than
6. 20 kids on the playground at a time. The kids
7. don't have to actually do the walking, the
8. teachers do the walking. Since they are
9. required to go and they have to provide
10. documentation to the state that they have done
11. this, you know, you don't have to worry that
12. they'll think it's too much trouble because
13. they're required to do it.
14. 
15. As far as what we're planning to do to
16. the building, it's all interior work, replace
17. the awning with an awning that says the day
18. care, and we're going to improve, at least from
19. the inside, this fire exit, but the facade will
20. stay exactly the same as it is now. This end
21. is basement level, this end comes out and has
22. windows.
23. 
24. So we addressed the fact that we're
25. under size in terms of the site size, but the
daycare itself has 8,000 square feet. We

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1. convenient for them, they'll be able to walk.
2. If you want to bring this over. The
3. day care is here, this is the commercial part
4. of Garth Road, the apartments start here, the
5. playground is down here at Essex Place here,
6. and basically they'll walk down the sidewalk
7. here, it's 8 to 10 feet wide, and cross the
8. street, which in the middle of the day doesn't
9. have much traffic at all, and the playground
10. here is quite large, larger than any playground
11. that --
12. 
13. We went over a little bit about how
14. the day works but if you want to talk about
15. that in a little more detail --
16. MR. VARIAN: Or maybe open it up to
17. questions.
18. 
19. THE CHAIRMAN: It's entirely up the
20. applicant. Whatever you would like to do. If
21. you want to supplement it, that's fine.
22. 
23. MS. TILLMAN: I could speak to the
24. application a little bit.
25. 
26. THE CHAIRMAN: Please.
27. 
28. MS. TILLMAN: We're currently on --
29. 
30. MS. UHLE: Ivy, can you turn the

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1. actually have about 1,200 square feet of indoor
2. play area here. Here's Ivy so she can explain
3. the rest, but we do have this indoor play area.
4. 
5. As far as the pick ups and drop offs
6. shall be supervised by a parent or adult, we
7. explained how that worked. The facility won't
8. operate before 7 a.m. or after 9 p.m. The
9. playground is on Garth Road, and I believe you
10. have the map that will show you exactly where
11. it is. Bathroom and cooking facilities shall
12. be provided. We have two bathrooms that are
13. existing from the locker rooms of the former
14. gym and also an existing handicapped bathroom
15. that we're going to reuse. We don't have
16. cooking facilities because we actually have
17. catering done, but we do have a warming oven
18. and a kitchenette here that people can warm up
19. their food. Parking spaces, there are 10
20. spaces in the garage provided by the landlord
21. that will be used by the employees, and then
22. the rest of the parking is on the street. I
23. think half, you said, of your employees take
24. the bus and a lot of parents actually live on
25. Garth Road so this will actually be more

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1. microphone on.
2. Can I just interrupt one minute --
3. THE CHAIRMAN: Yes, please.
4. 
5. MS. UHLE: -- because Ivy missed the
6. presentation? They did do a good job of
7. explaining the area variance and the special
8. permit requirements, but I do think you do an
9. excellent job of explaining how you operate and
10. also how you're going to get the kids from the
11. daycare center down to the park and where
12. parents are going to park.
13. 
14. MR. TUDISCO: Just identify yourself.
15. 
16. MS. RENTZ: Ivy Rentz. So we
17. currently are located at 777 White Plains Road.
18. We've been there a little over almost four
19. years now. Originally, when we came before the
20. board at that location, we wanted 80 children.
21. As you know, the state comes in and makes the
22. final determination, so we were knocked down to
23. 70. I think today we're proposing 90, but
24. that's not dependent on us. The state will
25. then give me the number based on a lot of

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are actually physically in the building. The
more of them, the lesser the number. The older
children they give us a little bit more leeway
because they can walk and get themselves out of
the building safely.

So right now what we're proposing is
to use this space, and we would be getting the
children from the daycare to the park using our
buggies. I do this in Mamaroneck. I've been
in Mamaroneck about 11 years. We use the
doesn't have space on the property to put a playground,
and so, the children are transported to the
local park each and every day, and we've done
this 10 years straight without incidents, and
we take a lot of safety precautions with the
children. One of the things we always do is
the staff has to check the playground before we
enter the park, meaning is there any broken
glass or anything like that, we can't allow the
children to go into the park. If there is
anything that looks like it may be dangerous,
we can't let the children go into the park. So
there are things that permit us not to enter.

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it was many, many years ago, I was doing that
day care, and that was his suggestion because
he didn't like that indoor play space that's
attached to that day care. He said, that's not
really considered outdoor space because three
of the walls are enclosed, it's not open. So
it was his suggestion that we put the public
park in that application. So I'm almost sure
that this is the same. We're like literally
across the street from them.

Then how we transport the kids is we
never take out more than a classroom to two
classrooms. The infant classrooms are 6
children in each classroom, the toddlers are
16, the pre-K is -- 13 or 14?

FEMALE SPEAKER: I think it's 14.

MS. RENTZ: 14. We never go past that
number. Typically we take one class out at a
time. So the buggies look like this. I don't
know if you guys could see it. I have copies.
I could give it to you guys.

MR. TUDISCO: Do you want to attach
the picture to the board?

MS. RENTZ: Can you guys see it?

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the public park. If there is an issue, we do
let the town know that there is maybe some very
dangerous hazards or whatever.

The state says that we can use a
public playground. The code that's from the
state, I can send you guys copies of that, I
didn't realize it was all of you guys, but it's
in 4.813 (sic.) building and equipment and
it's very general, it just says: A readily
accessible outdoor play space which is adequate
for active play must be provided. Outdoor
space may include public parks, school yards or
public play areas. A written diagram -- so
what they require for me is I then give them a
diagram of the park, where the exits are, if we
need to exit the park, how it's fenced in, if
it's multiple fences, the travel distance of
where we start and where we end, and they will
approve that.

I have preliminarily asked Joe Romano,
who is the head of the New York State Office of
Children and Family Services for the safety and
fire, he had -- the day care that's across the
street now, I don't know if you guys remember

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THE CHAIRMAN: Also, if you attach it,
it will be close up for the television
audience.

MS. RENTZ: So that's a buggy and the
buggy holds 6 children at a time. We have 3
buggies. We push the children so that they're
safe and they don't, you know, wander off.

That back road street, I walked it, and there's
not a lot of traffic during the day. We try to
take the children out between 9:30 and 2
because we don't want to interfere with the
children coming home from school that use the
public playground. At 3:00 there tends to be a
lot of kids, depending on what time of year it
is, that want to use the playground. We try
not to be outside when they're outside and we
try to go outside once the traffic has died
down for kids getting picked up and buses and
things like that. So it's typically between
9:30 and 10:00 and they spend about 30 minutes.

The state requires 15. I'm sorry, I'm getting
distracted. The state requires 15 minutes
minimally for the children to be outside every
day weather permitting.

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Then I think the last thing I wanted to talk about was the actual drop off. So we are a daycare facility. In Westchester you have two types of childcare facilities. One is like a nursery school. Nursery school typically are children that are 2.9 to 3 to 5 years of age and they usually come at the same time. So the school day is like a regular school day, either 9 to 12 and then 1 to 3 or 9 to 3 all day. We don't operate like that. We operate from 7 in the morning to 6:30 and we do a staggered drop off and a staggered pick up.

I have a sample, because we track the children manually and we track them also in our attendance system as to how they arrive to school. This would be the actual kids transitioning over to this new location.

So if I start at the bottom -- I'll start at the top. The first child arrives at 7:14, the next child arrived at 7:36, the next child at 8:17, and two more came at 8:17. Then at 8:38 we had one more kid, 8:26 we had three kids. So they come in like 3 to 5 kids at a time with a 5 to 10 minute difference.

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THE CHAIRMAN: Would anyone from the public like to be heard on this application? Please, come forward, state your name and address for the record and speak freely.
MS. ANDERSON: Hi. Good evening. I'm Marion Anderson, and I'm the owner and director of Cornerstone Children's Center, which is on the corner of Garth Road and Grayrock. I'm literally diagonally across. We currently 104 children. We've been there since 2010, licensed by the Office of Children and Family Services in the same way. So naturally as a business owner I do have a concern about a competing business coming in, but I also have concerns about parking, traffic, density of small children, evacuation, and just the safety. My experience on Garth Road is, A, some days there's allowed parking and some days there's not allowed parking in the morning. So drop off and pick up is between 7 and 9 in our center and pick up is at the end of the day any time between 3 and 6:30. Sometimes parents are able to find spaces, sometimes they're not. Sometimes our staff are

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able to find parking spaces, sometimes they're not. We have quite a few parents that walk from Garth Road but we also have quite a few parents that are driving, parking, coming in, leaving, and coming back. Difficulty, much more difficult at the end of the day, 5:30, 6:30 because the residents all start coming back home at the end of the day.
When this location was a gym, there was a real problem with the parking. They had valet parking and people would stop, they would park the cars for people, and there was never any parking.
It is a very fast thoroughfare and one of the things that's concerning is along Grayrock there are a series of garage doors for all of the apartments that go in there. So there are active driveways constantly all day long on that road. Our children do go to that park at the end of Garth Road. They go down Garth Road, however, not going past the driveways. One of the issues with the park is also that they do not have accessible bathrooms during the day. The bathrooms are open by the

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town for the ball games but not during the day for the kids. So that's also another issue. Biggest piece for me is evacuation. We're required to do fire drills once a month, and we're required to have two means of egress. We're also required to have a place that we are able to go to in the event that we can't go back to our building, a fire, something that we can't go back. The traffic, some days there are days that we do have to call the police to monitor the corners because the traffic goes through, people don't stop at the stop signs so it's very dangerous. Also, school buses coming through.
So I just wanted to bring my perspective here, A, as a business owner, but B, about the increased traffic with another 80 children on top of the 104 that are right there on that corner. There is a dance studio along the side that they double park along Grayrock Road also, and then additionally with the restaurant on the corner we have a lot of traffic going into Garth Road.
Other than that, I think that was

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pretty much what I wanted to bring to your attention.
THE CHAIRMAN: Thank you for your time and your input.
MS. ANDERSON: Thank you.
THE CHAIRMAN: Would anyone else like to be heard on this application?
(No comments.)
THE CHAIRMAN: Okay. I have, actually, a question of the applicant, maybe of the counsel while we proceed here. In line with what the public commentary was, ordinarily issues of traffic and many of the items that were brought up by the applicant are, of course, of great concern to the board, but as a point of order I would like to know if all of those items are covered by the New York State sanctioning of your location.
MS. RENTZ: So the fire drills, the safety, them coming to look at how we get the children to the park, they observe all of these things. They sit with us. I've been licensed in Westchester for almost 15 years, I have multiple facilities, I have multiple licenses,

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and that's part of being licensed.

THE CHAIRMAN: Right.

MS. RENTZ: You have to show how your program works, not just that you met the requirements. They also monitor how your program operates, fire drills. If it's state, we've had our licensure watch us actually do a fire drill, how we evacuate the children, where they're going.

THE CHAIRMAN: Well, procedurally you did a good job laying out how your business operates. What I'm driving at, and, Mrs. Uhle, maybe you can weigh in, is that we would ordinarily ask when an issue is raised about, let's say, traffic or your bringing buggies by an active driveway, we would ask for maybe our expert to come in, give us a traffic study or something like that. My point specifically is of those items, traffic, density, evacuation, are all of those part of the sanctioning process that New York State puts you through?

MS. RENTZ: Well, everything except for the actual parking, unless there's a complaint, you know, if a parent says, we're going to leave…

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having difficulty accessing the building. But this particular business is a lot lesser use than the business that was previously there where you have a continuous population of people coming in, whatever the number they can hold you have that. They have created a greater traffic than I do. We don't have that. We have -- just like she just said, she has a certain time that she drops off. I don't cut my drop off. Parents can drop off as they need to drop off. I don't have, like, you have to drop off before 9:00. So my drop off is a little more staggered. If you look, you see there are parents dropping off well after 9:00.

Then my employees -- she said her employees have difficulty parking, we have on-site parking. We 18 employees, about 9 of them take public transportation. So we looked at all of that, considered all of that when we decided to look at the location, and we also have parents that live on Garth Road too. So out of the 100 percent of the children that we have there, 65 percent of the children live in either Scarsdale or Eastchester, 25 percent of our

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parents live on Garth Road.

THE CHAIRMAN: Okay, thank you.

MR. VARIAN: If I could just add --

THE CHAIRMAN: Please.

MR. VARIAN: -- That the parking requirement for the gym use is significantly greater than the parking requirement for a commercial daycare, and it's logical that someone going to a gym is parking for a minimum of 20 minutes to a half hour, whereas here they're parking to get their kid registered and then they're freeing up that parking space.

It's a much different traffic pattern, a much different parking problem. As Ivy noted, we have on-site parking for the employees that's greater than probably the usage by the number of employees that exist.

THE CHAIRMAN: Thank you, counselor. So I'm going to defer to our attorney and also to the head of planning and zoning, that my concern here is that we're at the point now where there is no one else from the public being heard and if we're going to be asking the applicant to supplement their application for

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certain information, I'm going to leave the public hearing open. If not, and the issues that we've discussed that have been raised are going to be superseded by New York State's control of this issue, then we could close the public hearing and adjourn for a resolution.

So I'm going to take guidance from our attorney on this.

MR. TUDISCO: I think there are a number of issues since it has been raised about transporting the children some distance to the play facility.

THE CHAIRMAN: Okay.

MR. TUDISCO: I think one issue has been raised about parking. Another issue potentially that the Board may want to look into or get more information on is the safety aspect of the driveways and you may want to get the Police Department to weigh in on that, or if state requirements and/or county requirements -- based upon how they're funded -- you may need to get some type of certification that the plan fits within the

requirements of New York State and/or

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Westchester County. I think if it's a safety issue, the Police Department can and should weigh in on it.
I think parking is just a total other issue completely. If the Board feels as if they would like to see a parking study, that's something that the Board can ask for certainly. I think some of the issues here have been raised more along the line of safety or permissiveness I guess. I think that in terms of whether or not they are meeting the requirements, that is something that could be, I think, addressed with subsequent information.
THE CHAIRMAN: Fair enough. So then I'm going to ask the board also for their input.
MR. TUDISCO: Did you have any thoughts on that, Margaret?
MS. UHLE: Yes.
THE CHAIRMAN: Please, Mrs. Uhle.
MS. UHLE: One thing I wanted to clarify, because I do think it's in the application and the applicant said that, you have 10 designated spaces; correct?

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MS. RENTZ: We could just go down Garth Road. We just did that because it's in the front. If that's an issue, we could go Garth Road. I just felt like when I did the walk myself, that the walk, when I did it, there were less people or anything on the street down the Grayrock side.
MR. DE MARCO: You went downhill.
MS. RENTZ: Our staff has on vests, we have stop signs. We're not just wheeling the

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kids past the garage. We actually stop and make sure it's safe for the children to cross.
MR. DE MARCO: If necessary, you could just swing around and go down Garth Road.
MS. RENTZ: Just go down Garth Road.
With had the police come at even at the site that we are right now, and that's also part of the Building Department giving us permission. It's not just one piece. It's the zoning, then I got to get the building inspection. That building inspection piece comes from the Fire Department coming out.
THE CHAIRMAN: Well, that's what we're trying to narrow down here.
MS. RENTZ: That comes with all of that.
THE CHAIRMAN: Go ahead, Mrs. Uhle.
MS. UHLE: The Fire Department, as the applicant said, gets involved in the review of all commercial applications. They obviously have meet all New York State building code requirements, they have to meet the state licensing requirements. So I guess my point is, if you have a concern about traffic,

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parking, or safety, I would just be very
precise in what your question is who you're
asking and why.

THE CHAIRMAN: Fair enough. Thank you
for your input. So I would like to hear the
Board on this and then we'll make a
determination.

Mr. DeMarco, do you have any
commentary on that other than your commentary
earlier?

MR. DE MARCO: No, no thank you.

THE CHAIRMAN: Other than asking the
applicant to go downhill?

MR. DE MARCO: No. She chose to go
downhill, I choose to go past the deli and
Chinese restaurant.

THE CHAIRMAN: Mr. Nurzia, anything?
MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?
MR. MILLER: No questions.

THE CHAIRMAN: Mr. Cahalin?
MR. CAHALIN: None.

THE CHAIRMAN: Again, my concern was
strictly procedural. If New York State's
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overview of your business is going to be
tighter, we're really here to hear a special
permit. I'm not here to tell you how to run
your business or how a business is run. With
the public commentary about issues of safety,
traffic, and all these other things, again, I
want to tell Board to voice their opinion.

They've voiced their opinion. Mrs. Uhle has
added, as well as our counselor. It doesn't
appear to me that the Board seems to need any
information, so I am going to make a motion to
close the public hearing; is there a second?

MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. All in
favor.

(All aye.)

THE CHAIRMAN: Okay. I'm also going
to make a motion to adjourn this matter for a
resolution at the next meeting; is there a
second to that motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in
favor.

(All aye.)

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here right across the -- halfway down our subdivision.

Is there any other questions or do you want me to go more into detail?

THE CHAIRMAN: Is there anything further that the applicant wants to bring forward? If not, procedural what we generally do is the Board would ask questions of the applicant, then there would be a public hearing, and then the Board would have questions and comments.

So is there anything else you want to supplement this with.

MR. SALERNO: Good evening, members of the Board, Rocco Salerno, attorney for the applicant.

I've already submitted a memorandum addressing the five prong test, and I won't belabor the issue. I'm just going to run through the test quickly.

With respect to the character of the neighborhood, the applicant seeks only dimensional variances to construct four new single family residences where three presently exist.

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exist. There will be a net gain of two houses. There will be absolutely no change to the residential character of the neighborhood. Granted, the applicants propose to construct homes on smaller lots than are permitted in this zone; however, these smaller lots are more in keeping with what's presently existing. 22 and 24 Water Street, as Eliot said, are dissected by the R-5/R-10 zone. Nearly all the properties to the east and west of 22 and 24 Water Street are in an R-5 zone. In addition, to the east of 42 Stewart Place is an R-7.5 zone. Looking at the tax map, although we do not have the benefit of surveys of any of these properties except our own, most of the homes are constructed on less than 7500 square feet in the R-7.5 zone. In addition, as they presently exist, the lot at 24 Water Street is non-conforming and substandard and the lot at 42 Stewart Place is three times what is required in that zone. So the proposed subdivision will render the properties more in keeping with the surrounding properties.

With respect to an alternative method,

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the applicants seek to construct four new homes where three presently exist, and the applicants simply seek the best use of their property while, again, rendering the property more in keeping with the existing character of the neighborhood.

With respect to whether the variances are substantial, there are several, some of which are substantial. But again, I respectfully request that the Board consider the surrounding properties, what's presently existing. For that matter, as was mentioned earlier, if the property was located in an R-5 zone, I don't think any of these variances would be required.

As to whether the difficulty was self-created -- I'm sorry -- with respect to the adverse impact or effect on surrounding properties or the neighborhood, the addition of two more homes -- again, there's three presently, they'll be five when the project is completed should we get the approvals -- will have an effect on existing sanitary sewer.

storm water management, public water supply, public water supply,
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MS. UHLE: Yes.

THE CHAIRMAN: That sounds like a comment, although you did ask who did the chart.

MR. CAHALIN: The chart is excellent. Here's the thing, the cul-de-sac is definitely a change in the character of the neighborhood. It's not there now. You drive down Water Street, you get to the end, you got to turn around. So I read the stuff about the Fire Department being concerned with the turning radius and not being able to have any street parking, which is justified.

The front yard and rear setbacks and stuff like that, you know, and the effective square that's in there, those are all things that -- the effective square especially, it's imaginary, you can't see it, it's not going to show up anywhere, so, you know, that's one thing I'm not really concerning myself with. The thing that gets me the most is the side yard setbacks on all of these homes. To me when you build this out you're going to be on top of each other. An 8 foot setback between

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agree. I'm just saying that if this were an R-5 zone, and a good portion of this property is in an R-5 zone, the setbacks that we are proposing comply with the R-5.

MR. CAHALIN: Okay.

THE CHAIRMAN: Anything else?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller, anything?

MR. MILLER: No. Actually, I did pick up also on the issue that Mike picked up also.

I realize you could be in a different zone and you're splitting and everything, but, unfortunately, you have to figure out how to make it work and that is an issue for me. I know you were talking about four houses instead of five. If you did the four, would you have a bigger area between the two houses?

MR. SALERNO: We would have larger area for each lot, but I think we would have the same problem with the setback requirements because they're going to be pie shaped lots by virtue of the cul-de-sac.

MR. SENOR: If I may. On a cul-de-sac the lines are sort of radial, they spread out

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properties is, to me, you know, not enough. I mean, you look at -- we should learn from what happened at Apple Court. Those properties are on top of each other. They're huge properties and they're side by side. I would wonder if these variances could be at a minimum of 10 feet for the first side and second yard setbacks to give it some room. Is there anything else you guys have considered to maybe space them out a little bit? To me, that's the most serious variance on this page.

MR. SALERNO: Can I respond to that?

THE CHAIRMAN: Please.

MR. SALERNO: Mr. Cahalin, I do understand what you're saying; however, again, what we're proposing conforms to the R-5 zone.

MR. CAHALIN: But you're in an R-10.

MR. SALERNO: Immediately to the east and immediately to the west these houses have the same setbacks that we're proposing, if not less than what we're proposing.

MR. CAHALIN: It doesn't mean I have to agree with them.

MR. SALERNO: No, you don't have to

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less lot, we would only be gaining one lot, and at that point it becomes, you know, not economical. The extra lot is essentially paying, you know, for the road construction.

MR. SALERNO: I would like to remind the Board that we plan to demolish two of the existing residences, which are somewhat of an eyesore.

MR. SENOR: And are currently non-conforming.

MR. SALERNO: Also at considerable expense to demolish and remove those properties, those homes.

THE CHAIRMAN: Thank you, counselor.

Mr. Nurzia, any follow-up?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing, thanks.

THE CHAIRMAN: I'll reserve my comments.

I have a motion to open this matter to a public hearing; is there a second to my motion?

MR. MILLER: Second.

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THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

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

Please come forward, state your name and address for the record, and speak freely.

MR. DELLARMI: Good evening. My name is Chris Dellarmit. I'm the homeowner at 21 Water Street directly across the street from this location. I've lived there at that location since 1965.

I do expect that this would be a big job, a lot of work, a big construction job. I just wanted to say that the two houses that presently exist there now I do agree are in disrepair, and I think overall this could -- will result in an improvement in that location. So I just wanted to state that for the record.

I'm sure it's going to be a big job and it's going to be difficult to get through, there will be a lot of dirt in the road and so on, but I just wanted to state that for the record.

Thank you.

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concerned that they may need retaining walls in
order to get the grades to work. Those retain
walls, the way that it's designed right now,
would have to be within the town right-of-way
and you're not permitted to do that. You can't
get a variance for that either. You're just
not permitted to build retaining walls in the
town right-of-way.

So in a memorandum that our engineers
issued to the applicant I think on December 1st
indicated that those were -- there were four
outstanding issues and two of the outstanding
issues were addressed in this most current
application, but those were two that were not
yet addressed. So we need the applicant to
provide additional information to confirm that
the grading will work and that they don't need
additional variances along the cul-de-sac.

The only other thing I would say in
response to Mr. Cahalin's concern or Mr.
Miller's concern is -- and I would be happy to
sit down with the applicant to say how I would
demonstrate this -- but I think they could
demonstrate just very clearly where the R-5

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lots are. I know they've attempted to do that,
but I still think their graphics are kind of
confusing. I think they could demonstrate
where the R-5 lots are existing. Then also
because they have oversized lots, the houses
would still comply with the R-5 requirements
and you actually don't get a big bonus in terms
of your gross floor area when you have an
oversized lot. So it might make board members
feel a little more comfortable if they gave an
analysis of the size of the homes too, because
you see the big lots and you may be assuming
giant houses but you actually don't get that
much of a benefit if you were to say, okay,
you're coming in under the R-5 zoning, then
your houses have to comply with the R-5 zoning.
So you tend to have some kind of smaller houses
on bigger lots. You do get a little bit of a
bonus. I think if that was the concern, the
setback and the scale, I think that, you know,
there might be easy ways to demonstrate that to
be Board so that you feel more comfortable with
it.

THE CHAIRMAN: Also, the applicant is

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certainly cognizant of some of the commentary
that was made by the Board. I had reserved my
comments so I'm just going to add it at this
point before we adjourn, and that is that, you
know, every board member is working through
these applications and they're sounding and
giving comments and asking questions. I look
at this a little bit differently and I look at
it terms of progress. I don't see it so much
as going from three homes to five homes. I
look at as we currently have three homes of
which are dated and there's no or little
financial incentive to try to retrofit 2017
living into old homes with old systems. It
makes more sense to gut, renovate, knock down a
building then to try to add on to these
structures. Younger people, which is not the
speaker, like smaller lots and larger homes.
It's just that simple. I think we need to be
more cognizant of progress in the future.

In addition, it's been a concern,
although it wasn't mentioned here, that every
time we add a home we add children to the
school district. We're also adding to the tax

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data. Families today, it's just a demographic
fact, are having less children. So a five home
subdivision is probably the equivalent in
terms of the demand on the school district,
that a three home subdivision was in 1960. So
I see it a little bit differently in terms of
progress. I'm not saying that I'm for the
application, I'm just saying that these things
have to be considered. These homes are being
built for today's demand, not what we would
like to see the world like. I certainly would
like to play whiffle ball in my backyard, but
I'm 54 and it's inappropriate at this point.

Having said that, we are going to
adjourn unless the applicant wants to add
anything else?

(No comments.)

THE CHAIRMAN: Okay. So we will back
with that additional information. The
applicant could also tweak their application in
light of whatever they've heard today, you
don't have to. The public hearing will remain
open and we will proceed.

MR. SENOR: Thank you.

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THE CHAIRMAN: Thank you.

MR. SALERNO: Just a quick question.

THE CHAIRMAN: That I'm not too old to play whiffle ball?

MR. SALERNO: Excuse me.

THE CHAIRMAN: That I'm not too old to play whiffle ball?

MR. CAHALIN: You're never too old.

MR. SALERNO: I wouldn't play with you.

THE CHAIRMAN: Thank you.

MR. SALERNO: Ms. Uhle mentioned that we should, perhaps, demonstrate the R-5 properties in the immediate area.

MS. UHLE: Yes.

MR. SALERNO: Within what radius of the property?

MS. UHLE: You know what, maybe you could stop by my office or Elliot. Honestly, I'm just looking at the zoning map here and if it were me, I would blow up that zoning map and color everything along Water Street that's zoned R-5 yellow, and that would clearly show all the R-5 lots right there. Just what Elliot

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is outlining there. I think that just graphically would make your point stronger.

Whether they agree with it or not, that's another thing, but I think it would demonstrate that. I think within that you can show based on the R-5 how large the building footprints -- the gross floor area and what the building footprints would likely look like.

MR. SALERNO: Thank you.

THE CHAIRMAN: Thank you, counsel.

I now make a motion to adjourn our meeting until February. Is there a second.

MR. MILLER: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Good evening.

(MEETING ADJOURNED.)

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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 25th day of January, 2017.

DINA M. MORGAN
Court Reporter

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