EASTCHESTER ZBA - 5/10/16

THE CHAIRMAN: Welcome to the town of Eastchester Zoning Board of Appeals meeting for May 10th, 2016. We're going to start our meeting with Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was said.)

THE CHAIRMAN: Okay. Before I call the roll, I just, as I do before every meeting, want to remind the viewing public and those who are present that as a condition to applications the practice of this Board actually for many years now is that applications first time on are not decided the night they're heard. They're reviewed, the public has an opportunity to be heard, they're deliberated upon, and then the decision is made at the following meeting at the earliest. We meet nine times a year. We do not meet July, August, and December. So if you're contemplating an application, any application in June will be heard at the earliest in September.

Okay. Now, I'm going to call the roll. Let me know if you're ready to proceed.

I want to make sure every applicant is present.

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EASTCHESTER ZBA - 5/10/16

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

(All aye.)

THE CHAIRMAN: Okay. I now make a motion to adopt a resolution approving the application for a use variance only; is there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: By Mr. Miller. Let's take a 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. The application has been approved five nothing.

Does the counsel like to add anything to this?

MR. STEINMETZ: I want to thank -- Mr. Chairman, members of the board, David Steinmetz from the law firm of Zarin & Steinmetz. I want to thank all of you for your time and your

DINA M. MORGAN, REPORTER

patience that you put in in allowing us to present this, allowing the applicant to amend his application to present a use variance, and at this time I would withdraw the request for the interpretation. There is no need for your board to confront the request for the interpretation in light of the fact that the use variance was granted.

So on behalf of JC Auto and the Casale Family, we thank you all and look forward to remaining a productive member of the Eastchester community.

THE CHAIRMAN: Thank you, counselor.

Have a good evening.

Item number 2, 16-12, 36 Park Avenue.

I make a motion to adopt a resolution approving the application for the area variances; is there a second to my motion?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. Vote: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

DINA M. MORGAN, REPORTER

variance to construct a two story rear addition. While you're getting your visuals together, just to let you know that the board has had an opportunity to review your submission. You don't need to repeat the five part test, but I would like, if you can, if you want to highlight or add anything new or different for the board's consideration.

MS. BEN-HABIB: Okay. My name is Soraya Ben-Habib. I'm the project manager from SJBP Consulting Engineers, and we are proposing to build a two story addition for this house.

So the intent of the project is to create a new family room and a study room and mainly create a family room that is connected to the house. Right now the family room you have to -- is a half story and you have to go through the stairway to the basement to reach your family room. There is no connection to the kitchen, there is no connection to the living space, dining room or family room. So we're going to demolish the family room that is here and the deck, because the deck also is only accessible from the family room, and

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again, it's not -- it doesn't create a unified
home where you can, you know, use your family
room.

So the project will be to add one
family room, which will have that outline, then
the study on the first floor, a deck, and on
the second floor it's one additional bedroom
and one laundry room because laundry rooms on
the ground floor is not practical for the
people that live in the house.

This is a corridor. One of the
requests of the property owner was to have when
you climb up the stair to go to the second
floor in your hallway from the second floor you
have the view of the lot. Because the way the
lot is if you look at this picture, that's the
back yard. The yard is completely open in the
rear because the house behind is almost a full
story or more down. So when you look through
your windows, you're like in the woods, you
don't see any house, and the advantage of that
is there is no impact for the rear property
because it's far, it's higher up, and those
three house (sic) are the only ones that are

DINA M. MORGAN, REPORTER

going to see the addition. From the front you
won't see anything. As you can see, those
three house (sic) are looking over the rear
yard and the volume is about equivalent a
little more than what we're proposing now.

So in terms of impacting the character
of the street or creating space of the house
that is in volume bigger than anything else in
the neighborhood, we're okay. The variance is
only 5 percent, 143 square feet, and we tried
and there is really no way to make it smaller
without depriving -- reducing the space -- I
mean the rooms so much that they have no
meaning and it's not worth it.

THE CHAIRMAN: Okay. Thank you. At
this point, we usually reserve time now for
questions from the board.

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

MR. DE MARCO: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Yes. What you're
requesting is just a little bit over the
maximum allowed, and you were just touching

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 5/10/16

neighborhood and the character of the neighborhood. So just to come and support their request.

THE CHAIRMAN: Thank you for your time. Would anyone else like to be heard on this application?

(No comments.)

THE CHAIRMAN: Seeing no one else, I make a motion to close the public hearing; is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

(All aye.)

THE CHAIRMAN: Okay. Does the board have any further questions or comments; Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No, sir.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

Esposito and Laura D'Ambrosio in connection with their application for an area variance for the property at 6 D'Ambrosio Way, Eastchester, New York, Section 72, Block 3, Lot 6E. The lot is part of a new subdivision. The owners of the subdivision are the D'Ambrosio family, who all live in town, including the parents who are on California Road, the son, daughter, and son and daughter-in-law are also on Highland Avenue next to this property. They have long roots in Eastchester and a record of public service, all of the male members having served on the Eastchester Fire Department or are presently serving.

The property is presently vacant. It's one lot in a seven lot subdivision of new homes on a cul-de-sac. As of this date, two new houses have been completed and are occupied and one is under construction and almost completed. They're about to apply for a C of O for that one. There are plans which have been or are about to be filed for a fourth house. This proposed house on the property will be the fifth new house in the subdivision.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

THE CHAIRMAN: It's a very straightforward application. I have nothing.

I make a motion to adjourn and come back in our next meeting and have a resolution; is there a second to my motion?

MR. NURZIA: Second.

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

(All aye.)

THE CHAIRMAN: Thank you.

MS. BEN-HABIB: Thank you.

THE CHAIRMAN: Okay. Number 5, 16-25. While you're setting up, this is an area variance to construct a new two story residence on a vacant lot.

Counselor, while you're getting ready, again, we have your submission, we reviewed it, so you don't really need to go back over and reread the test unless you want, and if you want to highlight or add or subtract, that's fine.

MR. MARON: Thank you, Mr. Chairman.

Good evening. I'm Les Maron, Maron & Mazzanti. I'm here for the applicant representing Robert.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 5/10/16

and architectural requirements that have been set forth by the town and in all respects as for the setbacks and the location this house conforms with those requirements.

However, based on the experience with marketing and constructing of the first three houses, the D'Ambrosios have learned that purchasers and lenders want to see a slightly bigger house on these particular lots based on the size of the lots. Therefore, they propose to construct the next new house on the property with a total gross square footage -- I'm sorry -- gross floor area of 3,130 square feet where 2,791 is permitted in the R-5 zone. The proposed house complies in all other respects with the requirements of the R-5 zone and, in fact, the lot with a total area of 9,310 feet is almost double the 5,000 minimum required.

I do have -- I'm not certain if a subdivision map was included in your application, but I have copies that I could just hand out this evening. I just highlighted on this map in yellow this particular lot. The houses on the left as you go up D'Ambrosio Way,

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

the three houses -- the first house is an existing house which is still there, then there are the three new houses, and as you go around the corner this is the proposed house highlighted in yellow there. Just so you get a little idea of the location. The dimensions shown on the plans for the subdivision are all greater than the requirements of the R-5 zone.

It also should be noted that except for this gross floor area, the house meets all the standards of even the R-7.5 zone.

Addressing the standards of the New York State Town Law Section 267.B3, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: All of the houses in the subdivision, which is a cul-de-sac, are being constructed by the D'Ambrosios utilizing the same architect. The houses must be constructed in accordance with the design standards that were established by the town Planning Board in connection with the subdivision approval. The proposed variance

DINA M. MORGAN, REPORTER
shall not necessarily preclude the granting of a variance. I would respectfully submit that the alleged difficulty was not self-created as the zone was changed by the town during the subdivision approval process.

In conclusion, the application is seeking a mere 14.6 percent variance for just one dimensional requirement of the zoning code. The proposed house fully complies with all 12 of the other applicable dimensional requirements. We’re not asking for a dramatic wholesale rewriting or stretching of the zoning code. This application is exactly the type of minor relief that Zoning Boards are intended to hear and grant when standards for a variance have been met. In fact, in 2014, this board, as Application 14-39, approved a variance for another lot in the subdivision, which is 7 D’Ambrosio Way, it’s lot 6C on the tax map, with a similar variance to this.

I would respectfully request that this board grant the variance. It’s not a complicated application. I welcome any questions or comments. Mr. Esposito is here.

DINA M. MORGAN, REPORTER

this evening if there are any questions that I can’t answer or cover for you.

THE CHAIRMAN: Thank you, counselor.

We’re going to take an opportunity now to see if the board does have questions. Mr. DeMarco?

MR. DE MARCO: I have nothing.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: On the last part of the test, number 5, whether the difficulty was self-created, you mentioned that it was not self-created. I guess my question is; I don’t see it that way. I understand and I read the history of this subdivision that it was up-zoned and down-zoned --

MS. UHLE: That’s actually not accurate. I do remember speaking to Mr. Maron when he came in with the application for the previous lot, and I just want to be clear, I understand the D’Ambrosios were caught in kind of a crazy zoning situation but that district was never rezoned. The subdivision was approved based on the lot areas are larger but it is in an R-5 zone and the homes were required to comply with the size of the homes.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 5/10/16

thank you for that clarification. I guess

where I was going to head with the comment was,

I know on -- I guess this was house number 3

that was being constructed back in October of

2014 you got a variance, came back for a

variance here. I think there are three more

lots after this one gets constructed; is it

going to be the same thing?

You mentioned initially the concern is

purchasers and lenders are looking for

something bigger; is that our concern or is

that something we should even be --

MR. MARON: It's our concern because

we want to have to sell. We're coming to you

for relief from those desires. As it turns

out, the house that is being built on the lot

just after this, which would make it lot 4,

they're not going to be seeking a variance. If

those plans haven't been filed already, they're

about to filed, and they're not seeking a

variance on that one. It turns out they were

able to make something work on that particular

lot. The lots are very oddly shaped also,

which is the other reason that leads to the

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

slightly different design issues in each too.

It's certainly not the board's fault. Of the

five houses so far, we've come for relief -- we

were granted relief for one and this is the

second time we're asking for relief. I don't

know whether it's going to happen for the

others. If it does, we will come to you on a

case by case basis if they feel that there is a

need to try to do that.

MR. NURZIA: Okay. Thank you.

THE CHAIRMAN: Anything else, Mr.

Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Thank you. Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: I have nothing at this
time. But I do have a motion to open this

application to a public hearing; is there a

second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in

favor.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 5/10/16

Entry portico. We have your submission, we reviewed your application, we reviewed the tests for an area variance, so you don't need to repeat them unless you feel you need to do so. If you would like, you could highlight and give us any new information, that would be great.

MR. IANNACITO: Good evening. My name is John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. Flamio this evening, the owners of the subject property. We're proposing additions and alterations to the existing single family residence located at 4 Santa Monica Drive.

The proposed scope of work, as Alan -- Mr. Pilla said, is a one story garage addition in the front yard, a one story portico addition in the front yard, and interior alterations including the conversion of the existing garage to a family room and site alterations including the removal of some paved areas in order to decrease the total lot coverage on the property.

I'll go through some of the floor plans. We have the basement plan showing the foundation and slab of the new garage and then an existing finished space which is currently below the existing garage.

On the first floor, we have the garage addition at the front, some storage in the back, and then the converted existing garage to a family room and mudroom area.

The front elevation showing the proposed one story garage addition and the one story portico addition.

We are requesting two area variances this evening. The first is for the front yard setback. The proposed setback is 8 feet and the required is 30, a deficiency of 22 feet, and the second variance is for the gross floor area where the proposed total floor area exceeds the maximum permitted by 64 square feet.

The main reason the owners are asking for a garage here is to resolve an ongoing maintenance issue with the existing garage. Currently, the existing garage is constructed over a structural slab with finished space.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

Below, and every year they have to repair the space below because of water seeping through the slab in the wintertime. The new garage will not have any finished space below and will resolve that issue.

We feel that this location in the front yard is the only area that will work on this site. The area on the side yard and the rear yard have steep slopes, so any type of construction of a garage on the side or the rear yard would also require a variance, but would also require a structural slab or tall retaining walls in order to achieve a garage in that area. In addition, trying to construct a garage in a different location would also require additional variances for lot coverage and additional approvals for tall retaining walls.

That's my presentation. Thank you.

If you have any questions, I'm happy to answer them.

THE CHAIRMAN: Thank you. Before we take questions from the board, I want to apologize for insulating you earlier by...

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

Mistaking you for an attorney. So we'll take some questions from the board. Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Actually, the only comment is I represent the homeowner on a separate matter. So I have to officially recuse myself from this.

THE CHAIRMAN: Thank you, Mr. Nurzia.

Mr. Miller?

MR. MILLER: Just a quick clarification. I'm looking at my photographs. These two bays or the two garage doors here, you're taking that structure down?

MR. IANNACITO: The new garage is being built right in front of those -- the two garage doors are right in this area right here. So the garage is being constructed in front of those two.

MR. MILLER: You're pushing it forward and you're going to eliminate the slab?

MR. IANNACITO: Eliminate the slab in the garage?

MR. MILLER: Well, you indicated that...

DINA M. MORGAN, REPORTER
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<td>the genesis of this is because there is some water that keeps seeping --</td>
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<td>MR. IANNACITO: Well, there's an existing structural slab that the cars park on.</td>
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<td>MR. MILLER: Right.</td>
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<td>MR. IANNACITO: And then below that is finished space in the basement. So by building a new garage in front of the existing garage, we won't have any -- the cars will know longer be parking over that slab.</td>
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<tr>
<td>MR. MILLER: Okay.</td>
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<tr>
<td>MR. IANNACITO: So the cars will be set forward in this area and sit on a slab that sits on grade.</td>
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<td>MR. MILLER: But you're not going to eliminate it? I got a little confused.</td>
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<tr>
<td>MR. IANNACITO: No. We're going to convert that into a family room, mudroom space.</td>
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<td>THE CHAIRMAN: Okay. Mr. Cahalin?</td>
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<td>MR. CAHALIN: I mean, my only comment is, this is a real stretch. This is a severe variance here, 73 percent. You know, you're 8%</td>
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**Dina M. Morgan, Reporter**

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<td>feet. This is nothing. How are you going to park the cars outside the garage?</td>
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<tr>
<td>MR. IANNACITO: If we look at the site plan and we look at where the curb cut is here, when we measured from the existing curb to the new garage, we have over 30 feet. A lot of it is in the town right-of-way.</td>
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<tr>
<td>MR. CAHALIN: Yes, that's what I mean, it's in the town right-of-way.</td>
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<td>MR. IANNACITO: It's still part of their driveway.</td>
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<td>MR. CAHALIN: I understand. To me this is a stretch. That's how I feel about this. But that's just my opinion.</td>
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<td>MR. IANNACITO: They are parking two cars in the garage.</td>
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<td>MR. CAHALIN: I understand that, I mean, but 8 feet where 30 is required --</td>
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<tr>
<td>MR. IANNACITO: The only reason we are proposing it in the front is for those other reasons where -- we tried to do it back here. We did look at it, and since the grade is so much lower if we had to put the garage down lower, the driveway would be too steep.</td>
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**Dina M. Morgan, Reporter**

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<td>plans are so crystal clear I had to do a double take when I looked at these the other night. I was like, are they coming this far down on this thing.</td>
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<tr>
<td>MR. IANNACITO: It's a little deceiving when you see the curb here and then the dimensions way back here.</td>
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<tr>
<td>MR. CAHALIN: I'm standing by my comment.</td>
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<tr>
<td>MR. IANNACITO: I think the only reason they're really asking for this is to resolve that issue with having to repair the space below every year. He's tried other things where he put a membrane down on the floor of the garage and every year he parks the cars and it tears.</td>
</tr>
<tr>
<td>MR. CAHALIN: So all the water is off the runoff of a car from the snow?</td>
</tr>
<tr>
<td>MR. IANNACITO: When you drive a car in in the wintertime, all the snow melts and ends up on the slab and then ends up downstairs in the exercise room, laundry room and in the -- I mean, not all of it, but it does seep and it messes up the ceiling every year.</td>
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**Dina M. Morgan, Reporter**
EASTCHESTER ZBA - 5/10/16

MR. CAHALIN: I'm done.

THE CHAIRMAN: Okay. I don't have anything at this time. I have a motion to open this application to a public hearing; is there a second?

MR. DE MARCO: Second.

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

(All aye.)

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

(No comments.)

THE CHAIRMAN: Seeing no one, I make a motion to close the public hearing; is there a second to my motion?

MR. CAHALIN: I'll second it.

THE CHAIRMAN: Mr. Cahalin. All in favor.

MR. MILLER: Aye.

MR. CAHALIN: Aye.

THE CHAIRMAN: Aye.

MR. DE MARCO: Aye.

THE CHAIRMAN: Does the board have anything further to add or ask of this?

DINA M. MORGAN, REPORTER

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EASTCHESTER ZBA - 5/10/16

applicant; Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia? Well, you recused yourself. You're not allowed to speak now since you recused yourself.

Mr. Miller?

MR. MILLER: I have nothing.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: I said my piece.

THE CHAIRMAN: I have nothing as well. So I make a motion to adjourn this application for a resolution at the next meeting. Is there a second to my motion?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

MR. DE MARCO: Aye.

THE CHAIRMAN: Aye.

MR. CAHALIN: Aye.

MR. MILLER: Aye.

THE CHAIRMAN: While you're setting up for the next application, which is 26 Vernon Drive, I'll just mention for the public that this is an area variance to construct a two

DINA M. MORGAN, REPORTER

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EASTCHESTER ZBA - 5/10/16

story rear addition. Again, we have your application, your submission, we reviewed your submission as it relates to the five part area variance test so you don't need to reiterate it unless you feel you need to, and if you could highlight for us and add anything you would like, you may fire away, Mr. Iannacito.

MR. IANNACITO: Okay. Good evening, again, John Iannacito. I'm representing Mr. and Mrs. Pizzolo this evening, and they are here with me this evening. We are proposing -- the scope of work on this project is a two story addition at the rear of the property, alterations to the existing front porch, and site alterations including the expansion of the driveway, new front walkway and a new patio at the rear.

Let's go quickly to the plans. On the first floor, the addition represents an expansion of the existing kitchen and a family room, and then on the second floor it represents an expansion of the master suite, bedroom, closets, and bathroom.

The front elevation showing the

DINA M. MORGAN, REPORTER

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EASTCHESTER ZBA - 5/10/16

alterations to the front porch, which is a new platform and some columns. Here's the two story addition at the side, which actually steps back on the second story. Here's a view from the rear, a picture of the lower area, and then the upper part steps back, and then the left side elevation.

We are requesting two area variances on this project. The first is for a rear yard setback where the proposed is 23.5 and the required is 25, a deficiency of 1.5 feet; and the second is for the side yard adjacent to a street where the proposed is 12.5, the required is 14, a 1.5 deficiency there also. I've highlighted in yellow the area that requires the variance here.

We tried to keep the addition to a minimum, and on the first floor where we came up with how far the addition would go in the back, we made the family room 12 feet. Reducing that rear yard would bring it down to 10 feet and it's just a little too tight for a family room.

THE CHAIRMAN: Thank you, Mr.

DINA M. MORGAN, REPORTER
1 EASTCHESTER ZBA - 5/10/16
2 Iannacito. So questions from the board; Mr.
3 DeMarco?
4 MR. DE MARCO: No questions.
5 THE CHAIRMAN: Mr. Nurzia?
6 MR. NURZIA: No questions.
7 THE CHAIRMAN: Mr. Miller?
8 MR. MILLER: None.
9 THE CHAIRMAN: Mr. Cahalin?
10 MR. CAHALIN: None.
11 THE CHAIRMAN: I have none. I do have
12 a motion to open this matter to a public
13 hearing; is there a second?
14 MR. CAHALIN: Second.
15 THE CHAIRMAN: Mr. Cahalin. All in
16 favor.
17 (All aye.)
18 THE CHAIRMAN: Would anybody like to
19 come forward and be heard on this application?
20 (No comments.)
21 THE CHAIRMAN: Okay. Seeing nobody, I
22 make a motion to close the public hearing on
23 this application; second to my motion?
24 MR. MILLER: Second.
25 THE CHAIRMAN: Mr. Miller. All in
26 favor.
27 (All aye.)
28 THE CHAIRMAN: Well, I'm going to ask
29 but you didn't have them the first time around,
30 let see what happens the second time around;
31 Mr. Cahalin, any questions or comments?
32 MR. CAHALIN: I'm still happy.
33 THE CHAIRMAN: Mr. Miller?
34 MR. MILLER: None.
35 THE CHAIRMAN: Mr. Nurzia?
36 MR. NURZIA: No, sir.
37 THE CHAIRMAN: Mr. DeMarco?
38 MR. DE MARCO: No.
39 THE CHAIRMAN: This is a very
40 straightforward application and the requests
41 are de minimis in my view. So that's my two
42 sense, and I'm going to move to adjourn this
43 application to resolution at the next meeting;
44 is there a second to my motion?
45 MR. MILLER: Second.
46 THE CHAIRMAN: Mr. Miller. All in
47 favor.
48 (All aye.)
49 THE CHAIRMAN: Okay. Last application
50 DINA M. MORGAN, REPORTER
51
52 EASTCHESTER ZBA - 5/10/16
53 of the evening, number 8, 16-30, 670 White
54 Plains Road.
55 While you're preparing, I'll let the
56 public know this is an area variance to
57 construct a three story front addition to the
58 existing office, which is -- not that it's
59 really important to the application -- but it's
60 a real estate office. Mr. Iannacito again.
61 MR. IANNACITO: Good evening.
62 THE CHAIRMAN: Can't get rid of you
63 that easy.
64 MR. IANNACITO: On this project I'm
65 representing Keller Williams Realty Group.
66 They were going to be here. I'm not sure why
67 they're not.
68 The scope of work on this project is
69 the construction of a three story addition at
70 the front of the existing structure, expansion
71 of the existing third story so that it aligns
72 with the existing structure below. We're also
73 doing interior alterations on all floors;
74 basement, first floor, second floor, third,
75 facade alterations, and site alterations
76 including the reconfiguration of retaining
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78
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80 walls at the front yard to allow for a new
81 grade level entry into the building.
82 Going to the plans. The lowest level,
83 which is currently the basement level, will
84 have a new entry vestibule with a new staircase
85 leading up to the first floor and then a new
86 waiting and reception area for the real estate
87 office.
88 On the first and second floor, the
89 expansion will have some additional offices and
90 conference rooms for the real estate office,
91 and on the third floor we have an open area
92 that will be used as a training room with an
93 access to a small roof deck at the front facing
94 White Plains Road.
95 On the exterior, we are proposing to
96 remove the existing hip roof and expand that
97 existing third story to align with the addition
98 and the existing structure. The new addition
99 will have a flat roof and the new materials
100 will be a combination of brick, stucco, metal,
101 and glass, which are materials that are seen on
102 other adjacent properties in the neighborhood.
103 On this particular project, we're
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asking for four areas variances. The first is
for the first side yard setback here where the
existing and the proposed are 8.6 feet and the
required is 10, a deficiency of 1.4. The
second variance is for the second side yard
where the existing and the proposed are
6.4 feet, a deficiency of 3.6 feet. The third
variance is for off-street parking. The
existing parking is currently non-conforming
with a total of 22 spaces required and 4
provided. The addition will increase the
parking requirement by 15 parking spaces, and
the new total requirement would be 37 parking
spaces and 4 will be required, a deficiency of
33 parking spaces. The fourth variance is for
the backup aisle width in the existing parking
where the existing and the proposed backup
aisle width is 17.3 feet and the minimum is 25
feet, a deficiency of 7.7 feet.

Thank you for your time.

THE CHAIRMAN: Thank you, Mr.
Iannacito. We're going to reserve this time
for questions from the board. Mr. DeMarco?

MR. DE MARCO: No questions.

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EASTCHESTER ZBA - 5/10/16

THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: On the parking -- you
knew I was going to ask that -- this location,
it's kind of in a tough spot, I mean, just
ingress and egress from the street, and the
request -- it just seems the parking is an
issue now. I know you're saying it's workable,
but, I mean --

MR. IANNACITO: Well, it's tight back
there for sure. We do have an easement here
which allows access through this other parking
lot to get back out to the street. There are
four parking spaces now. There are actually
five now because there are no stripes there and
we're creating a handicapped space. So we're
reducing it to four because we need that
handicap spot. There is municipal parking on
the north end on the corner, I think it's on
Ackerman and White Plains Road, there is
municipal parking available there. The
increase that we're proposing here on the
parking is 15 parking spaces. It's currently
deficient by 22. So the degree of

non-conformity is going from 81.8 percent to

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1 withdraw that. Do they serve lunch?
2 JAMAL: It starts at 12:00, yes.
3 THE CHAIRMAN: So they're open during
4 the day?
5 JAMAL: Correct. Their lunch is --
6 they're open on Mondays now. Their usual lunch
7 is 12 to 3. That's when they're busy time is,
8 and we actually vacate the spots. There is a
9 parking lot by CVS where some of my people park
10 there as well by the meter.
11 MR. CAHALIN: It's next to the CVS.
12 THE CHAIRMAN: It's a municipal lot.
13 JAMAL: It's about point two of a
14 mile. It's not too far. It's a 5 to 10 minute
15 walk tops.
16 MR. CAHALIN: How many people do you
17 employ in that building during the day?
18 JAMAL: Well, we have -- at any given
19 time we have between 10 to 20 people that we
20 usually have.
21 MR. CAHALIN: And then you're going to
22 put a big training room up there and how many
23 people do you train in it?
24 JAMAL: The use of training happens
25
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1 once a week on a Monday at 9:00 in the morning,
2 and that's where the relationship with Tutta
3 Bella really works really well.
4 MR. CAHALIN: But how many people come
5 in additionally to the 10 or 20 people; do you
6 bring in another 10?
7 JAMAL: About 25 people, 25 to 30.
8 MR. CAHALIN: So on a Monday you could
9 have close to 50 people in the building?
10 JAMAL: That would include people that
11 are coming in in addition to people coming into
12 class.
13 MR. CAHALIN: 25?
14 JAMAL: 30 people I would say. 30
15 people.
16 THE CHAIRMAN: Mr. Miller, do you have
17 any follow-up to that or anything else you
18 would like to ask?
19 MR. MILLER: I do not, although I do
20 agree that the parking is a concern. I hate to
21 say it, but, you know, that it goes from 81 to
22 89 percent does not help. I know you tried to
23 put it that way. If it goes from 81 to
24 82 percent it doesn't help. We've had so many
25
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1 applications in that area where parking is
2 always an issue that you're going to have to
3 try to be creative and find some other way to
4 find spots. We've said this to many other
5 applicants when it comes to parking you need to
6 be creative here.
7 MS. UHLE: I do think it would be
8 helpful if you provided a little more of an
9 analysis of what your potential options are and
10 then also maybe a little more information about
11 how many people are occupying the building at
12 what times.
13 JAMAL: So far we haven't had any
14 issues with parking. The biggest increase is
15 going to give us a larger training room, which
16 is what we're hoping to accomplish with all of
17 this. I don't know what recommendations or
18 suggestions --
19 MR. IANNACITO: I'm not sure --
20 JAMAL: Like how would I accomplish
21 that?
22 THE CHAIRMAN: Why don't we do this,
23 why don't we flesh this out, we're going to
24 have -- I would rather open it to a public
25
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1 hearing and get further input, and then the
2 board could ask any further questions or
3 comments, I have some to add myself, but I
4 would like to hear the public on that.
5 So I'm going to make a motion to open
6 this application to a public hearing; is there
7 a second to that motion?
8 MR. DE MARCO: Second.
9 THE CHAIRMAN: Mr. DeMarco. All in
10 favor.
11 (All aye.)
12 THE CHAIRMAN: Would anyone like to
13 come forward and be heard on this application?
14 Please. Name and address for the record and
15 speak freely.
16 MR. RATHO: Good evening. How are you
17 guys? I am Kyle Ratho (Ph.). I am director of
18 real estate for Lord & Taylor. Lord & Taylor
19 has been at the site at 750 White Plains Road
20 for about 60 years, and we openly object to the
21 variance change here for the increase in
22 parking. Our big concern is an increase
23 parking will increase overflow into our parking
24 lot and that corner of our lot is a tight
25
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EASTCHESTER ZBA - 5/10/16

parking lot as it is now, and it is an amenity
that we allow for our customers. It's
something we think is important. It's a nice
lot for good shoppers. So basically we just
want to be on record that this deficiency of a
total of 33 parking spots is not something that
we are okay with, and we object to this
variance, if possible, on record.

THE CHAIRMAN: Okay.

MR. RATHO: I don't know if you have
any questions for me, but I just pretty much
wanted to make sure we were heard on that.

THE CHAIRMAN: Generally when the
public speaks, we don't question the public,
but does anyone from the board have any
questions; Mr. De Marco?

MR. DE MARCO: Do brokers from the
real estate office and/or customers park in the
Lord & Taylor lot; do you know for a fact?

MR. RATHO: I can't say for a fact.

We try to assume that it's a customers, but you
see people walking back and forth. But I
can't --

MR. DE MARCO: Walking to the
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EASTCHESTER ZBA - 5/10/16

would look into that further.

THE CHAIRMAN: Also, I'm not -- I
guess the board members we do what we do for a
living and being an attorney I guess you
wouldn't have authority to do that any way,
it's not your lot, you're a tenant there.

MS. UHLE: No, it's their lot.

THE CHAIRMAN: I didn't know that. I
thought you were part of the Vernon Hills
Shopping Center.

MS. UHLE: It's separate from Vernon
Hills.

MR. RATHO: Not in all of our sites,
but in that one specifically we do have the
right to.

THE CHAIRMAN: I would like to follow
up then with a question: Do you police the lot
at all?

MR. RATHO: Not other than store
managers keeping an eye on stuff. We don't --
it would be outside of our --

THE CHAIRMAN: I'm not suggesting
you're required to do so.

MR. RATHO: We don't have -- we try
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EASTCHESTER ZBA - 5/10/16

not to get into these disputes. We try to be
more of a team player with the town, but when
we know something comes up, it's, you know --

THE CHAIRMAN: I don't blame you. Mr.
Miller?

MR. MILLER: Just a quick question. I
know you own that area, but does Pepe ever
police or does he maintain any part your area?

MR. RATHO: I don't know.

MS. UHLE: They're separate.

THE CHAIRMAN: Until this point, I
also thought that was their landlord. So I
appreciate the clarification.

MR. RATHO: I don't know if he does or
not.

MR. MILLER: I don't know if you have
an agreement with them if they clean in your
area.

MR. RATHO: I got to be honest, I
don't know.

MR. DE MARCO: Who's Pepe?

MS. UHLE: The owner of the Vernon
Hills Shopping Center.

THE CHAIRMAN: We're referring to him
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EASTCHESTER ZBA - 5/10/16

euphemistically. It's an entity, but he is your landlord.

MR. MILLER: He's my landlord.

THE CHAIRMAN: Yes. We know everything about Mr. Miller.

MR. DE MARCO: Where's my Friends and Family 15 percent discount, that's what I want to know?

MR. RATH: There should be one coming up actually.

MR. DE MARCO: I haven't gotten it.

I'm pretty angry now.

MR. RATHO: You know what, I'll take the name down and make sure I send you an e-mail on that one. I'll find out.

THE CHAIRMAN: Mr. Cahalin, do you have any questions of our public speaker?

MR. CAHALIN: No. That's what I circled when I saw this. I mean, also, they're maxing it out, as far as I'm concerned, to the street as well and nobody is picking that up. They're coming out. But because it's such a commercial area right there, you know, I think the overall improvement is going to be nice.

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EASTCHESTER ZBA - 5/10/16

but, you know, they are coming out further in the front of the building as well to pick up this space. So that I think is worth noting, but really the problem is the parking, and I appreciate Mr. Iannacito saying, you know, we're only creating another 7 percent or so of a problem, but we're talking almost 90 percent here and, you know, we all live in town, that lot is notorious any time of day, I'm sorry, you go back there --

THE CHAIRMAN: Mr. Cahalin, you're referring to which?

MR. CAHALIN: The one behind their building.

THE CHAIRMAN: Okay.

MR. CAHALIN: The right-of-way.

That's just a crazy place to go any time of day. I'm very, very curious about how they can mitigate this, if they can mitigate this, because this is, I think, troubling.

THE CHAIRMAN: Mr. Iannacito, would you like to reply?

MR. IANNACITO: Yes. I think Jamal would probably be willing to pay for parking.

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EASTCHESTER ZBA - 5/10/16

you include me, it’s four of us. So
3 technically all four of us are in the office
4 for longer periods of time.
5 MR. DE MARCO: Okay.
6 JAMAL: Most of the realtors are
7 independent contractors. They’re going in and
8 out. Most them work from home. The biggest
9 inconvenience is the day of the team meeting.
10 MR. DE MARCO: And that team meeting
11 is once a week at 9 a.m.?
12 JAMAL: On a Monday morning.
13 Breakfast is served at 9:00 in the morning.
14 MR. DE MARCO: And it runs until?
15 JAMAL: 10:30.
16 MR. DE MARCO: So it’s an hour and a
17 half on Monday mornings you have 30 people who
18 come --
19 JAMAL: Exactly. They’re all in
20 there. We have a classroom where we sit and
21 talk about, you know, laws, changes in the real
22 estate industry --
23 MR. DE MARCO: I’m sorry to interrupt
24 you. All 30 people drive cars to this meeting?
25 JAMAL: I’m giving you a range.

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EASTCHESTER ZBA - 5/10/16

1 Attendance goes up and down. By law we can’t
2 mandate everyone to come into class. It’s
3 highly recommend. But, yes, the answer would
4 be most people come in by themselves, yes, sir.
5 MR. DE MARCO: Okay. You average
6 about 30 attendees?
7 JAMAL: About, yes. It fluctuates up
8 and down. It could go as low as 18, 20.
9 MR. DE MARCO: How high could you go?
10 JAMAL: I’m sorry.
11 MR. DE MARCO: How high could you go?
12 What is the most attendance you’ve had at those
13 meetings?
14 JAMAL: 35. That includes the four of
15 us that are in there.
16 MR. DE MARCO: What do you tell people
17 about parking at Lord & Taylor, if anything?
18 JAMAL: During that time, we have
19 about 10 spots on the building.
20 MR. DE MARCO: Where do you tell
21 people who can’t find a spot behind your
22 building or at your building -- where do you
23 tell them to park?
24 JAMAL: I mean, obviously the
25
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THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: No, I don’t have any
other questions.
THE CHAIRMAN: Or comments?
MR. NURZIA: Or comments.
THE CHAIRMAN: Mr. Miller, questions
or comments?
MR. MILLER: No more questions.

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EASTCHESTER ZBA - 5/10/16

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Okay. Well, I have some commentary and then we could, perhaps, come up with some sort of a concept here, because like Lord & Taylor, like me and every member of the board, we're all Eastchester residents and you're here. If you were coming here, I would look at this even more stringently because it's such a large request and the variances are so large, but you're here and you're operating and you're a resident and we want to see if we could try and find a way. It seems to me that Lord & Taylor is going to be impacted by this. Now, the board listens to the public, it's not dispositive on your application, but it seems like there could be other places that you may be able to get an agreement to park. The reason why I'm very familiar with this was many years ago when it was I think a hair replacement or restoration, I had a client that looked at it. My practice is real estate so we looked at it very closely, and my client decided not to proceed because of DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 5/10/16

that crazy right-of-way business in the back and no clear definition of who parks where and what the arrangements were. There was a lot of discussion about, you can get an agreement from the bank and you could -- and it's just evolved that way. But we're stuck with it. You're stuck with it. We want to try to work this out.

So I think, Mrs. Uhle, your suggestion was a good one, I think we're going to leave the public hearing open. I think what I'm going to suggest you do is, let's adjourn the application and maybe you can come back with some proposal on parking. I don't know whether your application is time sensitive. June is our last meeting and then we break until September. I think that since nobody on this board seems to have any concern about the structure or your use, which is as of right, but the increase in use as a result of the increased area variances, it seems to be everything centers on parking. So I think it would behoove you to come up with something a little more thoughtful about how to do this, DINA M. MORGAN, REPORTER
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lot of the information you provided was
helpful, but it would be helpful to have it
written down. Thank you.

THE CHAIRMAN: Thank you, Mrs. Uhle.
Also, we understand the nature of your business
and also, you know, you're a multistate
operation. So I know you need to have some
flexibility, you have conference rooms, maybe
the real estate practice where closings are
going to happen at your office rather than at
the bank attorney's office, we understanding
that.

JAMAL: That's one of the reasons why
larger conference rooms on the drawings so that
they're large enough to allow for closings to
happen in our office.

THE CHAIRMAN: And enough space for
lawyers as well. You want to make sure that
lawyers are always present. Seriously, we
understand that. We're not looking to pigeon
hole you and say your sales agents can only
come between 9 and 11 and then 3 and 6. We're
here to make sure that this parking situation
is re -- I'm not going to say resolved -- but

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EASTCHESTER ZBA - 5/10/16

improved over the application, and I think
that's the only thing we're looking at. Okay?

MR. IANNACITO: Okay.
THE CHAIRMAN: Thank you very much for
your time, and we'll see you next meeting.
Thank you.
So I'm going to make a motion to close
our meeting, and we're going to see everyone in
June; is there a second to my motion?

MR. DE MARCO: Second.
THE CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Thank you, Mr. DeMarco.
I didn't thank you for the second. Good
evening.

(MEETING ADJOURNED.)

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