EASTCHESTER ZBA - 10/12/21

THE CHAIRMAN: Good evening and welcome to the Zoning Board of Appeals for the town of Eastchester. October meeting. Today is Tuesday, October 12, 2021. We start our meeting with the Pledge of Allegiance. Please rise.

(Pledge of Allegiance.)

THE CHAIRMAN: While everyone is coming to order, I usually take this time in our meeting to go through the ground rules. Tonight, Board Member Peter Nurzia is running late. He may miss some, most, or all of the meeting, so we are going to proceed without him.

Firstly, we observe Robert's Rules of Parliamentary Order, which essentially mean that we have a certain procedure for these applications and when the public is heard, etcetera.

Let me call the roll first so we who are here and who's not, and then I'll let you know about how we're going to proceed with certain items.

The two items on number 1 and 2, for...
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1 will be accepted after the close of the public
2 hearings. That's very important because people
3 will inundate Mrs. Uhle's office with calls
4 after or wanting to submit material. You can
5 only be heard during the public hearing. Once
6 the matter is closed, it's closed.
7 Having said all that, I firstly make a
8 motion to approve the minutes of the September
9 14th, 2021 meeting; is there a second to my
10 motion?
11 MR. CAHALIN: Second.
12 THE CHAIRMAN: Mr. Cahalin. All in
13 favor.
14 (AYE)
15 THE CHAIRMAN: My next motion is a
16 motion to approve Application 21026, 18
17 Oakridge Place; is there a second?
18 MR. DE MARCO: Second.
19 THE CHAIRPERSON: Mr. DeMarco. To the
20 vote. Mr. Cahalin.
21 MR. CAHALIN: Yes.
22 THE CHAIRMAN: Mr. Miller.
23 MR. MILLER: Yes.
24 THE CHAIRMAN: Mr. DeMarco.
25

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 10/12/21
1 MS. MYLENSKI: Good evening. I'm
2 Stephanie Myleneski with SM Architecture Studio.
3 I'm presenting on behalf of my clients, Doug
4 and Vera Cassidy. Their house is located at 25
5 Greenvale Place in Zoning District R-6.
6 They're requesting permission to replace an
7 existing one story addition at the back of the
8 house with a new, larger one story addition
9 with basement, to expand their kitchen and
10 create a great room.
11 You can see on the site plan, the
12 addition is at the back of the house. The
13 yellow area represents the existing addition,
14 and the rest of it shows what we're expanding
15 upon.
16 We're requesting a rear yard and a
17 side yard setback. You can see in the green
18 area how we're going over the rear yard
19 setback.
20 The third variance is for gross floor
21 area. Due to the height of the house above
22 grade, the basement is included in the gross
23 floor area calculations, and as a result we're
24 going over by 359 square feet.
25

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1 I included the photographs so you
2 could see the dense trees in the back and the
3 side of the property, making it not visible
4 from the neighboring properties.
5 This shows the basement storage area,
6 expanded kitchen on the first floor and a great
7 room. These are the elevations showing the
8 matching the existing architecture.
9 Do you have any questions?
10 THE CHAIRMAN: Thank you for your
11 presentation. Mr. Cahalin, any questions or
12 comments?
13 MR. CAHALIN: Just to say that your
14 submission was excellent. Excellent
15 submission. Some of the best I've seen in
16 awhile. Thank you.
17 MR. DE MARCO: Are you Mr. Cahalin's
18 daughter?
19 THE CHAIRMAN: Anything further, Mr.
20 Cahalin?
21 MR. CAHALIN: No.
22 THE CHAIRMAN: Mr. Miller?
23 MR. MILLER: No, I'm good. Thanks.
24 THE CHAIRMAN: Mr. DeMarco?

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MR. DE MARCO: It was an okay submission. No questions.

THE CHAIRMAN: Board Member Cahalin is a tough marker, so that's quite the compliment.

MR. CAHALIN: I can't give anybody a compliment.

THE CHAIRMAN: I took a quick look at it and listening to your presentation as well, the numbers seem to be cli minimus. I wanted to hear a little bit more about it and see it in person.

I make a motion to open this application for a hearing to the public; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

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

(No comments.)

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

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MR. CAHALIN: Second that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Okay, because I have to, Mr. DeMarco, anything?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No, none.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Still like the submission.

THE CHAIRMAN: Just to let you know, that the application seemed to address the issues of how it fits into the neighborhood, and that you met the five part test. I don't have any objection as all. I make a motion to adjourn this matter for Resolution at the next meeting; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(AYE)

THE CHAIRMAN: Thank you.

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MS. MYLENISKI: Thank you.

THE CHAIRMAN: Number 4 on the calendar, while you're setting up, is 21-34, 883 California Road. This is an area variance to construct a pool and a patio.

MS. MYLENISKI: I'm presenting on behalf of my clients, Ryan and Cardinale Dougal. It's located at 883 California Road, Zoning District R-6. They're requesting to build a pool and patio at the back of their property behind the garage.

They are requesting two variances: One for the rear yard setback. Zoning requires 10 feet, they're requesting 9.

The second variance is for impervious surface. The site is already over by almost 2,000 square feet. This is due in large part because of a 1475 square foot barn that you could see on the site, and because of this long driveway to get to the garage, they have a lot of impervious surface with that as well. Also, the turnaround is really necessary because it's on a steep part of California Road, making visibility difficult coming out of the driveway.

We're doing our best to minimize the additional impervious surface. We have just the pool coping on two sides of the pool, here and here. Here we want some space off of the garage, as well as a seating area. The pool will be surrounded by a privacy fence 6 feet high, making it not visible from the neighboring properties. We'll also be adding two dry wells for increased impervious surface.

Any questions?

THE CHAIRMAN: Okay. We'll go to the board. Before we do, I just want to clarify that the vast majority of the impervious surface is currently existing and legal non-conforming, correct, and the dry wells don't exist, so you're adding a couple more square feet and you're adding dry wells, so you're actually improving the condition?

MS. MYLENISKI: Right.

THE CHAIRMAN: Okay. Mr. DeMarco, anything?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Mr. Cahalin?

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<td>1</td>
<td>MR. CAHALIN: No. I think it was</td>
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<td>important that in the presentation she pointed</td>
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<td>out that the real problem is that old barn.</td>
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<td>That's really what's causing this to go over.</td>
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<td>It's so huge. It's incredible. If you go back</td>
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<td>there, it's incredible, man.</td>
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<td>7</td>
<td>MR. DE MARCO: What have done with</td>
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<td>Mike Cahalin?</td>
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<td>MR. CAHALIN: He'll be back.</td>
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<td>Seriously, I think that's important to the</td>
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<td>presentation. I'm concerned, as everybody</td>
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<td>knows, about the impervious surfaces in this</td>
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<td>town, that's one of thing, but this is a</td>
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<td>completely different animal. This was there.</td>
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<td>THE CHAIRMAN: Thank you, Mr. Cahalin.</td>
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<td>Mr. Miller?</td>
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<td>MR. MILLER: No comments.</td>
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<td>THE CHAIRMAN: I said what I had to</td>
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<td>say. I make a motion to open this matter to</td>
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<td>the public for a public hearing; is there a</td>
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<td>second?</td>
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<td>22</td>
<td>MR. DE MARCO: Second.</td>
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<td>23</td>
<td>THE CHAIRMAN: Mr. DeMarco. All in</td>
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<td>24</td>
<td>favor.</td>
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<td>1</td>
<td>THE CHAIRMAN: Would anyone from the</td>
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<td>public like to be heard on this application?</td>
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<td>(No comments.)</td>
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<td>THE CHAIRMAN: Seeing no one, I make a</td>
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<td>motion to close the public hearing on this</td>
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<td>matter; is there a second?</td>
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<td>MR. CAHALIN: Second.</td>
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<td>THE CHAIRMAN: Mr. Miller. All in</td>
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<td>favor.</td>
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<td>(AYE)</td>
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<td>11</td>
<td>THE CHAIRMAN: Mr. Cahalin, anything</td>
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<td>further?</td>
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<td>13</td>
<td>MR. CAHALIN: No.</td>
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<td>THE CHAIRMAN: Mr. Miller.</td>
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<td>15</td>
<td>MR. MILLER: No.</td>
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<td>MR. DE MARCO: Is this the second best</td>
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<td>application you've ever seen?</td>
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<td>THE CHAIRMAN: Mr. DeMarco?</td>
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<td>19</td>
<td>MR. DE MARCO: Nothing, thanks.</td>
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<td>20</td>
<td>MR. CAHALIN: Not going to leave me</td>
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<td>alone tonight. God forbid you give some people</td>
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<td>credit for work.</td>
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<td>THE CHAIRMAN: I have nothing, other</td>
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<td>than the fact that, once again, I think your</td>
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<td>application -- your presentation -- excuse</td>
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<td>me -- has answered the five part test</td>
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<td>favorably, including how it fits into the</td>
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<td>neighborhood, et cetera. So I make a motion to</td>
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<td>adjourn your application for Resolution at the</td>
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<td>next meeting; is there a second?</td>
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<td>MR. MILLER: Second.</td>
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<td>THE CHAIRMAN: Mr. Miller. All in</td>
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<td>favor.</td>
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<td>11</td>
<td>(AYE)</td>
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<td>12</td>
<td>THE CHAIRMAN: Thank you.</td>
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<td>13</td>
<td>MS. MYLENSKI: Thank you.</td>
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<td>THE CHAIRMAN: Number 5 on our</td>
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<td>calendar is 21-35, 6 Sprague Road. While the</td>
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<td>applicant is setting up, this is an area</td>
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<td>variance to construct a screened-in porch over</td>
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<td>a portion of an existing rear deck.</td>
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<td>MR. FAUSTINI: Good evening. My name</td>
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<td>is Nick Faustini. I'm an architect for the</td>
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<td>Mollick residence at 6 Sprague Road. We're</td>
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<td>proposing a covered screened porch over an</td>
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<td>existing deck. There is actually an existing</td>
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<td>deck there now. We submitted an application</td>
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applicant but to the detriment actually. The
increase that the covered porch is creating is
just an increase of 3 percent in the impervious
surfaces of the property from its current
state. Similar to the prior application, this
here is a grandfathered non-conforming
condition that's already over the impervious
surfaces. The addition of our covered porch is
only adding 3 percent to that impervious
surface cover.
THE CHAIRMAN: Okay. Thank you for
your presentation. At this time, let's see if
the board has any questions or any comments.
Mr. Cahalin?
MR. CAHALIN: Yes, I do.
THE CHAIRMAN: Proceed.
MR. CAHALIN: I think, you know, as I
said before, impervious surface is quite
important. Again, here's a case where you're
adding a covering, which is a roof, and the
roof counts as far as the impervious surface
calculation. So hence, you're going over, you
know, 722 square feet, but it's not really
ground impervious surfaces here, it's more roof
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impervious surface. I understand that.
Otherwise, I would be very concerned with a
26 percent increase, but this is a little bit
different -- another different type of
application. That's my comment.
THE CHAIRMAN: Thank you, Mr. Cahalin.
Mr. Miller?
MR. MILLER: I have no comments.
THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: Nothing, thank you.
THE CHAIRMAN: I have nothing at this
time. I make a motion to open this matter to
the public for a public hearing; is there a
second?
MR. CAHALIN: Second.
THE CHAIRMAN: Mr. Cahalin. All in
favor.
(AYE)
THE CHAIRMAN: Would anyone like to be
heard on this application?
Please come forward, state your name
and address for the record, and speak freely.
MR. TELESCO: Hi, Mr. Chairman. I'm
Peter Telesco, 892 Post Road. I would like to
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2 water going to go? Through the retaining wall  
3 into my property. So I'm very concerned about  
4 the placement of the dry well more than I am  
5 about the couple of hundred square feet of  
6 impervious surface that the roof is going to  
7 create. I didn't understand that that whole  
8 driveway was factored into this already, so I  
9 feel better about that big number, but this is  
10 important.  
11 The other house, the dry wells were  
12 put there, and I can't tell you, it was like a  
13 fire hose coming into my property. My dry well  
14 was overwhelmed, my sump pump was overwhelmed,  
15 and I'm up to $50,000 in damages now. I can't  
16 have that happen a second time. I can't.  
17 While I'm not against this project, I  
18 really think that the site needs to be visited  
19 so that we can decide where the proper  
20 placement of the dry well would be because it's  
21 very important. My property needs to be  
22 protected. I can't continue to live like this,  
23 in fear of another storm and now another flood  
24 in my basement.  
25 I'm in my house 20 years, I never had  

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2 make a motion to close the public hearing on  
3 this matter; is there a second?  
4 MR. MILLER: The applicant wants to  
5 respond.  
6 THE CHAIRMAN: I will allow the  
7 applicant to respond, but right now we're in  
8 the middle of the public hearing. So I made a  
9 motion to close the public hearing; is there a  
10 second?  
11 MR. CAHALIN: Second.  
12 THE CHAIRMAN: Mr. Cahalin. All in  
13 favor.  
14 (AYE)  
15 THE CHAIRMAN: Would the applicant  
16 like to be heard?  
17 MR. FAUSTINI: Just to add to the  
18 neighbor's comments, again, we're not adding  
19 the 722 square feet, it's a much lesser amount.  
20 The area under the screened porch will remain  
21 as gravel, so it's not paved. We're also happy  
22 to work with the neighbor to move the dry well  
23 further away from that retaining wall so as to  
24 not cause any water to find its way to his  
25 property as best we can.  

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2 water. Never. Not Sandy, not the hundred year  
3 storm of 2011, no storm that came through. Now  
4 I have a property next to that the entire  
5 backyard is stone of one kind or another, and  
6 I've had a flood. As I said, I'm at 50,000  
7 now, where's it going to end? I've had no  
8 sleep since September 1st when this happened  
9 because I have to deal with this every night  
10 when I come up home. I have to try and get my  
11 house back together. It's unfortunately, and I  
12 feel it's unfair that it has to happen because  
13 somebody wants to pave their whole driveway --  
14 sorry, their whole backyard. So I'm just  
15 concerned that I didn't want that to be the  
16 case here. I'm happy with that. If you could  
17 help me with the dry well placement, I'm okay.  
18 THE CHAIRMAN: Anything further?  
19 MR. TELESCO: That's it.  
20 THE CHAIRMAN: Thank for your  
21 presentation.  
22 Would anyone else like to be heard on  
23 this?  
24 (No comments.)  
25 THE CHAIRMAN: Seeing no one else, I  

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architect to actually even do perc or deep hole tests to make sure that's sited appropriately. So I think that can be a condition because that's not something that would typically -- the perc tests and deep hole tests aren't always done for additions and alterations. So I think we'll coordinate with our engineer.

THE CHAIRMAN: That was my point, I wanted it to be coordinated rather than something -- we can't really make that determination from our seats here today.

Mr. Cahalin, do you have any questions or comments?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I don't have anything.

I make a motion to adjourn this application for Resolution to the next meeting; is there a second?

MR. CAHALIN: Second.

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(AYE)

THE CHAIRMAN: Thank you for your presentation. Item number 6 on our calendar, 21-36, 24 Tutor Lane. While the applicant is setting up, this is an area variance for a proposed two story addition.

MR. IANNACITO: Good evening, members of the board. Nice to see everyone this evening.

THE CHAIRMAN: Good evening.

MR. IANNACITO: My name is John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. Paul Webber, the owners of the subject property. We are proposing additions and alterations to the existing single family residence located at 24 Tutor Lane. So the proposed scope of work will include a two story addition at the rear of the existing residence, which is highlighted in this light green color; the construction of a

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great to work with. Originally, the original plan was to build out closer to my property. Our houses are very close already. So he's not doing that, which I'm very pleased about. My concern -- because I couldn't really see everything there -- are there other parts that are coming closer? He mentioned a portico and something else. So my concern is, there's a 10 foot setback, are there other pieces that are encroaching on that?

THE CHAIRMAN: As a general rule, a board is not going to make a determination to answer a question, but I could have the applicant perhaps reply. Please, Mr. Iannacito.

MR. IANNACITO: So we are proposing an entry portico on the side of the existing residence.

MR. TUDISCO: Take the microphone.

MR. IANNACITO: Yes. If you look at the exterior elevations, this is the side that's facing your residence. You can look at it on that screen. Right here, this is the side that faces your house. So we're proposing

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1 this --

THE CHAIRMAN: Mr. Iannacito, if I maybe interrupt. It's very difficult for the stenographer later on to get back the back and forth. So why don't you proceed, and then if Mr. Leven has anything else to add, I'll allow you to continue. It's easier one at a time.

MR. IANNACITO: We are proposing a covered entry portico on the side of the existing residence and a basement stair. The basement stair is completely below grade, so all you'll see there is the railing for the basement stair. The portico -- as per zoning code, the portico is allowed to extend 4 feet into the side yard without the requirement of a variance.

THE CHAIRMAN: Thank you, Mr. Iannacito.

MR. LEVEN: I mean, if it doesn't require variances, there's nothing for me to object to. My concern was strictly if things were encroaching, because that's where our

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patio is, and it just gets tighter and tighter and tighter.

THE CHAIRMAN: Encroachment has a legal significance. I guess what I'm driving at here is that we have two parts to the application: One, is that it is exceeding the gross allowable square footage by 2.3 percent, and it's encroaching into a rear yard setback at about 10 percent, by 2.5 feet. That's really what we're looking at at the moment.

MR. LEVEN: Okay.

THE CHAIRMAN: Do you have any comments on those two items?

MR. LEVEN: No, I do not.

THE CHAIRMAN: Okay. Thank you for your presentation.

Mr. Iannacito, anything further on this as it relates to the public?

MR. IANNACITO: Not at this point, unless there's anyone else.

THE CHAIRMAN: Let me find out. Would anyone else from the public like to be heard?

Please come forward, name and address for the record, and proceed.

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MR. MURPHY: Tom Murphy, 27 Downer Avenue, Scarsdale, New York. I am the rear neighbor of the applicant.

These are small lots. That's a relatively small house right now, and he's proposing quite a large addition. My objection is the setback variance. Closer than 25 feet, he's going to be two stories right up on my backyard. I feel that's a negative impact on the resale value of my home. I'm not really comfortable with that. I would like to see it stay within the 25 feet. Other than that, I don't have a problem with it's size, I just don't want it closer to my house than it already would be with the 25 feet.

THE CHAIRMAN: Okay. Thank you for your time.

Would anyone else from the public like to be heard on this application?

(No comments.)

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

MR. CAHALIN: Second.

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THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Mr. Iannacito, if you would like to reply, and then the board may have further questions or comments.

MR. IANNACITO: We did take a look at trying to keep the addition a little bit smaller, it just didn't work out with the size of the bedroom on the second floor. It would be a very narrow bedroom. They just didn't want to have a tight bedroom on the second floor, and that's why we're asking for that minimal 2.5 foot variance in the rear yard.

THE CHAIRMAN: Okay. Thank you. The public has been closed on this. Anything further, Mr. DeMarco?

MR. DE MARCO: Nothing further.

THE CHAIRMAN: Mr. Cahalin, do you have any questions or comments?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: I don't have anything.

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I make a motion to adjourn this matter for Resolution at the next --

(Speaking from the audience.)

THE CHAIRMAN: The public hearing has been closed on this. Let me finish my motion.

I'm making a motion to adjourn this matter for a Resolution at the next meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: All in favor.

(AYE)

THE CHAIRMAN: Thank you for your presentation.

Last item on the calendar is number 7 --

MALE SPEAKER: I don't know why I wasn't able to respond.

THE CHAIRMAN: If I may, there's a legal procedure that we're obligated to follow. We follow Robert's Rules. When a motion is made to open the public hearing, the public is heard. When a motion is made to close the public hearing, it's closed. I have no discretion. I'm obligated by the Court of

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Appeals to do exactly what I just did.

Item 7, 21-37, 106 Fisher Avenue.

This is an application proposing to modify dwelling units in an existing mixed use building.

MR. IANNACITO: Good evening, again.

My name is John Iannacito, I'm an architect, and I'm representing 106 Fisher Avenue, LLC.

We are proposing interior alterations to the existing mixed use office and residential building, and we're proposing an increase to the number of dwelling units in the building.

I'll go through the plan to show you where the changes are going to occur.

Here is the first floor plan, which is currently office space, and they'll be no change to the first floor space.

The second floor is an existing three bedroom unit, which will also remain the same.

No change on the second floor.

The third floor is currently a two bedroom unit, and it will be converted into two, one bedroom units, which will increase the parking requirement from two spaces to three.

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Spaces. So that's a one parking space increase because of that change on that floor.

On the fourth floor, it is currently used as a storage, and we're proposing a one bedroom dwelling unit on the fourth floor, which will increase the parking required by 1.5 spaces.

So the existing property is currently non-conforming with respect to the front yard setback, both side yard setbacks, impervious surface coverage, and the total number of off street parking spaces. The increase to the number of dwelling units will increase the existing non-conforming parking requirement by two parking spaces. So it will be an increase of required 12 spaces to 14 spaces. So the variance that we're requesting is, a total of 14 spaces are required and only 1 space is existing, the space within the garage, which will be for a handicapped space. So the deficiency is 13 spaces or 92.8 percent. Our increase in parking is only 2 spaces. It's currently already deficient by 12 spaces.

Thank you for your time, and I'm happy

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1 to answer any questions.
2 THE CHAIRMAN: Thank you, Mr.
3 Iannacito. Questions and comments from the
4 board. Mr. Cahalin?
5 MR. CAHALIN: Yes. I mean, you could
6 spin it any way you want, but having 13 parking
7 spaces over there that's require, whether it's
8 non-conforming or not -- I understand the owner
9 is trying to utilize with rentals the way they
10 are today, I get that, but that is a crazy spot
11 all day long. I mean, I drove by this thing
12 twice this weekend, there's no place to park.
13 Even at night, there's no place to park over
14 there. Polpettina is one thing going on, you
15 have a big apartment building next to it that
16 has parking underneath. It's a war zone, is
17 the best way to put it, on most days.
18 To come in and ask for this kind of a
19 variance, to me, is just -- it's way too much.
20 I'm sorry, it's way too much.
21 THE CHAIRMAN: Thank you for your
22 comments, Mr. Cahalin. Mr. Miller?
23 MR. MILLER: I know the area very
24 well, and I do have to share Mr. Cahalin's
25
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1 concerns with respect to the additional parking
2 spaces on top of the parking spaces that
3 already are non-conforming. Maybe there is
4 something you could somehow work out a little
5 bit. I don't even know where people park in
6 that area if they work there during the day.
7 No further comments.
8 THE CHAIRMAN: Mr. DeMarco?
9 MR. DE MARCO: So basically you're
10 seeking a net of two parking spaces?
11 MR. IANNACITO: Correct. We're
12 increasing the non-conformity by two spaces.
13 MR. DE MARCO: You're already approved
14 at 13, you're --
15 MR. CAHALIN: No, they're not.
17 MR. IANNACITO: The variance is for
18 the entire 13 spaces, but we're increasing the
19 non-conformity by 2 spaces. It's already a
20 preexisting condition that doesn't have a
21 variance, it's just existed for many, many
22 years, but because we're making a change, we
23 have to ask for a variance on the entire
24 parking.
25
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1 parking space.
2 THE CHAIRMAN: And the storage --
3 MR. IANNACITO: Storage requires no
4 parking.
5 THE CHAIRMAN: Right. Is being
6 converted to a one --
7 MR. IANNACITO: Requires one and a
8 half parking spaces.
9 THE CHAIRMAN: I just wanted to be
10 clear on that.
11 Mr. Cahalin, did you have a question
12 or a comment?
13 MR. CAHALIN: It's just no matter how
14 you drill it down, you still don't have the
15 parking. I understand what you're trying to do
16 here, but it doesn't work. If you make the
17 changes, then you have to fit into the parking
18 requirement. If you don't make the changes,
19 you're grandfathered in.
20 MR. IANNACITO: The parking is
21 still --
22 MR. CAHALIN: This is like Abbott and
23 Costello, one banana, two bananas, how many
24 bananas do I have. You don't have three
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1 bananas, Lou.
2 MR. IANNACITO: I understand, but the
3 building exists today and there's a deficiency
4 of 11 spaces, we're increasing that by 2
5 spaces, not by 14 spaces.
6 MR. CAHALIN: Because of the code, you
7 are. You need those 14 spaces to do what you
8 want.
9 MR. IANNACITO: But the building still
10 exists.
11 MR. CAHALIN: But the law changed.
12 THE CHAIRMAN: Okay, do you have
13 anything else to add other than what you just
14 said? I want to avoid the back and forth, but
15 I do want to highlight one other thing.
16 MR. CAHALIN: This is a very healthy
17 banter tonight.
18 THE CHAIRMAN: And the stenographer is
19 going to need an extra bottle of Vodka to take
20 this all down.
21 MR. CAHALIN: We can provide that.
22 THE CHAIRMAN: Okay. Anything you
23 want to add to what he just said?
24 MR. CAHALIN: Depends on what he said.
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1 MR. CAHALIN: Because they can't get
2 out and the Fire Department can't get in.
3 THE CHAIRMAN: If I may. If I may.
4 So with applications like this that have some
5 complexity and with a board that is expressing
6 concerns in different ways by almost every
7 board member, sometimes it takes some time to
8 maybe flesh through maybe some modifications in
9 an application.
10 Before I get to that, let me just, for
11 pro forma sake, make a motion to open the
12 public hearing on this matter; is there a
13 second to my motion?
15 THE CHAIRMAN: Mr. Cahalin. All in
16 favor.
17 (AYE)
18 THE CHAIRMAN: Seeing no one present
19 to come forward to be heard, I'll make a motion
20 to close the public hearing on this matter; is
21 there a second?
22 MR. CAHALIN: Second.
23 THE CHAIRMAN: Mr. Cahalin. All in
24 favor.
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MR. TUDISCO: The only thing, Mr. Chairman, I would suggest is, that if you are discussing or potentially are going to discuss some type of modification potentially, then the public may need to be heard on additional facts that come before the board.

THE CHAIRMAN: Well, Mrs. Uhle, I believe they're going to have to re-notice with any modification, won't they?

MS. UHLE: It depends on the -- I think if they minimize the extent of the variance, that typically is okay. I do agree that if there are any kind of changes, you should keep the public hearing open. Since this is all being done publicly now, you could modify the vote that you just took.

THE CHAIRMAN: Board, what are your thoughts on this? Would you like me to move to reopen the public hearing on this?

MS. UHLE: What kind of modifications are you --

MR. CAHALIN: I don't know what you're after, Alan.

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THE CHAIRMAN: We're talking now about possible modifications to an application. Would the applicant be considering those?

MR. IANNACITO: So the proposed modifications are going from a two bedroom apartment to two, one bedrooms. I feel that you still have two bedrooms. It's two units. The fact that the code says you need one additional parking space because you converted it to two dwelling units, it's still two bedrooms. The fourth floor converted from storage to an apartment, I mean, if that goes away, I guess we would just need one parking space because we're converting a two bedroom unit to two, one bedroom units.

MR. DE MARCO: Regardless of the modifications, you will still have to come back here seeking a variance for the 11 spots.

MR. IANNACITO: We would need 11 spots no matter what.

MR. DE MARCO: It's not about the modifications, it's about the parking spots.

MR. IANNACITO: Any modifications we do, we're still going to need 11 parking spaces.

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CERTIFICATION

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

I, DINA M. MORGAN, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:
That the above transcript was taken from a video of the actual hearing. I was not present for such hearing. The video 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 2nd day of November, 2021.

DINA M. MORGAN,
Court Reporter

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