THE CHAIRMAN: Welcome to the Town of Eastchester Zoning Board of Appeals meeting for November 10th, 2020. Tonight's meeting is being held remotely, as we've had for the last three or four months. Certain items that we frequently do in our meetings will not be attended to tonight, like a roll call and the Pledge.

A few things to note: These are public hearings. Items on the agenda are public hearing. Any item that is first time on or new business is not disposed of this evening. That's a term and condition as part of your application. So any items heard being heard tonight will not be decided upon. At the earliest, January, which is our next meeting, January 12, 2021. Also, our 2021 ZBA calendar has been available and it's on line for those contemplating an application.

Tonight's meeting, as all meetings do, will be following Robert's Rules of Parliamentary Order.

Things to note: We have three matters types of matters on tonight. We have matters
1 EASTCHESTER ZONING BOARD - 11/10/2020
2 vote. Mr. Cahalin.
3 MR. CAHALIN: Yes.
4 THE CHAIRMAN: Mr. Miller.
5 MR. MILLER: Yes.
6 THE CHAIRMAN: Mr. Nurzia.
7 MR. NURZIA: Yes.
8 THE CHAIRMAN: Mr. DeMarco.
9 MR. DE MARCO: Yes.
10 THE CHAIRMAN: I vote yes. That
11 application has been approved five to zero.
12 Number 3, I make a motion to approve
13 Application 20-23, that’s 128 Anderson Road; is
14 there a second to my motion?
15 MR. CAHALIN: I’ll second.
16 THE CHAIRMAN: Mr. Cahalin. To the
17 vote. Mr. Cahalin.
18 MR. CAHALIN: Yes.
19 THE CHAIRMAN: Mr. Miller.
20 MR. MILLER: Yes.
21 MR. NURZIA: Yes.
22 THE CHAIRMAN: Mr. DeMarco.
23 MR. DE MARCO: Yes.
24 THE CHAIRMAN: I vote yes. That
25 Application 20-32, that’s 13 Joyce Road; is there a second?
26 MR. CAHALIN: I’ll second.
27 THE CHAIRMAN: Mr. Cahalin. To the
28 vote. Mr. Cahalin.
29 MR. CAHALIN: Yes.
30 THE CHAIRMAN: Mr. Miller.
31 MR. MILLER: Yes.
32 THE CHAIRMAN: Mr. Nurzia.
33 MR. NURZIA: Yes.
34 THE CHAIRMAN: Mr. DeMarco.
35 MR. DE MARCO: Yes.
36 THE CHAIRMAN: And I vote yes. That
37 application has been approved five to zero.
38 Number 4, I make a motion to approve
39 Application 20-33, 10 Carrie Place; is there a
40
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1 EASTCHESTER ZONING BOARD - 11/10/2020
2 application has been approve five to zero.
3 Item number 4, similarly, I make a
4 motion to approve Application 20-24, 29 Orchard
5 Street; is there a second to my motion?
6 MR. MILLER: Second.
7 THE CHAIRMAN: Mr. Miller. To the
8 vote. Mr. Cahalin.
9 MR. CAHALIN: No.
10 THE CHAIRMAN: Mr. Miller.
11 MR. MILLER: Yes.
12 THE CHAIRMAN: Mr. Nurzia.
13 MR. NURZIA: Yes.
14 THE CHAIRMAN: Mr. DeMarco.
15 MR. DE MARCO: Yes.
16 THE CHAIRMAN: I vote yes. That
17 application has been approved four to one.
18 Item number 5, I make a motion to
19 approve Application 20-29, 7 Hanfling Road; is
20 there a second?
21 MR. DE MARCO: Second.
22 THE CHAIRMAN: Mr. DeMarco. To the
23 vote. Mr. Cahalin.
24 MR. CAHALIN: Yes.
25 THE CHAIRMAN: Mr. Miller.

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1 EASTCHESTER ZONING BOARD - 11/10/2020
2 second?
3 MR. DE MARCO: Second.
4 THE CHAIRMAN: Mr. DeMarco. To the
5 vote. Mr. Cahalin.
6 MR. CAHALIN: Yes.
7 THE CHAIRMAN: Mr. Miller.
8 MR. MILLER: Yes.
9 THE CHAIRMAN: Mr. Nurzia.
10 MR. NURZIA: Yes.
11 THE CHAIRMAN: Mr. DeMarco.
12 MR. DE MARCO: Yes.
13 THE CHAIRMAN: I vote yes. That’s
14 been approved five to zero.
15 Item number 8, I make a motion to
16 approve Application 20-30, 103 Leewood Drive;
17 is there a second?
18 MR. CAHALIN: I’ll second.
19 THE CHAIRMAN: Mr. Cahalin. To the
20 vote. Mr. Cahalin.
21 MR. CAHALIN: Yes.
22 THE CHAIRMAN: Mr. Miller.
23 MR. MILLER: Yes.
24 THE CHAIRMAN: Mr. Nurzia.
25 MR. NURZIA: Yes.

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THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That's been approved five to zero.

Last item on the Resolution calendar, number 9, I make a motion to approve Application 20-31, 16 Greenmeadow Road; is there a second?

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: I vote yes. That has been approved five to zero.

Okay. On to the second category, our new business items. We have three items of new business. Just as kind of the ground rules, if you may, for new applicants, you don't need to...

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bathroom on the second floor, and they would like to add on another bathroom and closet area in the back of the house, and then in the front add a dormer because the master bedroom has two very small windows right now because the fireplace chimney is in between the two windows. So adding the dormer on the front would give the room a lot of light, give them better height. They really need the space, any space that they could get, especially when they're working from home these days. It's a very smaller dormer. It's 56 square feet. It's 7 feet across, 8 feet deep, and it's 22 feet from the front yard property line.

The existing house is non-conforming. It's 14 foot 6 to the property line. The house sets back on the right, as you can see. Actually, I should go to my share screen. Hold on. So if you look at the setback, the house juts out, and that's 14 feet at this point, and then it steps back with a covered porch. So the new dormer is going to be built behind the covered porch on the existing roof. So it really doesn't come any closer to the property...

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read your application. The application has been marked submitted as part of the public record, and the board members have had an opportunity to review it, the public has had an opportunity to review it, and may many of the board members may have even visited the site.

You're free to read your application and the five part test, it won't either help or hurt your application, but I think it may be better just to synopsise your application. That's particularly for number 10, Brambach, and number 11, Howell Place. Item number 12 has a little bit more of a complexity to it, so I will get to the ground rules on that when we get to that application.

Let's start with number 10, that's 20-35, 66 Brambach Avenue, and that's an area variance to construct a second story dormer.

MS. MARRONE: Good evening. I'm Maggie Marrone, the architect for Mr. & Mrs. Armas, who live at 66 Brambach. They live in a house that's very small. It's just under 1600 square feet. They have two children. They have a three bedroom house with one...

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1  something in, but that wouldn't really help
2  with the head room issue. So I think there's
3  really not a lot of options besides putting
4  some kind of dormer in the front.
5  The variance is not substantial. It's
6  only 56 square feet. It's over the existing
7  roof line. It does not have an adverse effect
8  on the neighborhood. It's not really changing
9  the neighborhood in any way except for a small
10  addition on the second floor.
11  Is it self-created? Well, they bought
12  this house before they had two children and
13  they are growing and they need more space.
14  They realized they need another bathroom.
15  Working from home, they just needed a little
16  more space where they could put a desk. It is
17  somewhat self-created, but pretty necessary.
18  THE CHAIRMAN: Okay. Thank you very
19  much for your presentation. At this point, I
20  usually reserve time for the Board to ask any
21  questions. So I will do that.
22  Let's start with Mr. DeMarco.
23  Anything?
24  MR. DE MARCO: No questions.
25  DINAM M. MORGAN, REPORTER

14  EASTCHESTER ZONING BOARD - 11/10/2020
1  THE CHAIRMAN: Mr. Nurzia?
2  MR. NURZIA: No questions, no
3  comments.
4  THE CHAIRMAN: Mr. Miller?
5  MR. MILLER: None.
6  THE CHAIRMAN: Thank you. Mr.
7  Cahalin?
8  MR. CAHALIN: None.
9  THE CHAIRMAN: I don't have any. I
10  make a motion to open this matter to the public
11  for a public hearing; is there a second?
12  MR. CAHALIN: Mr. Cahalin. All in
13  favor.
14  (AYE)
15  THE CHAIRMAN: Mr. Tudisco, is there
16  anyone from the public interested in being
17  heard on this application?
18  Mr. Tudisco: If there is anyone here
19  seeking to address the Board on this
20  application, please use the raise your hand
21  feature and I will invite you to un-mute your
22  microphone.
23  Mr. Chairman, it does not appear that
24  there is anyone that wishes to address the
25  DINAM M. MORGAN, REPORTER

15  EASTCHESTER ZONING BOARD - 11/10/2020
1  Board on this application.
2  THE CHAIRMAN: Okay. See no one, I
3  make a motion to close the public hearing on
4  this matter; is there a second?
5  MR. CAHALIN: Second.
6  THE CHAIRMAN: Mr. Cahalin. Back to
7  the Board. We'll start with Mr. Cahalin. Any
8  questions or comments?
9  MR. CAHALIN: None.
10  THE CHAIRMAN: Mr. Miller?
11  MR. MILLER: None.
12  THE CHAIRMAN: Mr. Nurzia?
13  MR. NURZIA: No.
14  THE CHAIRMAN: Mr. DeMarco?
15  MR. DE MARCO: Nothing.
16  THE CHAIRMAN: My only comment is that
17  the applicant and the presenter made a very
18  concise and pointed presentation as it relates
19  to the five part test. Again, it doesn't seem
20  out of character with the neighborhood, doesn't
21  seem negative for the neighborhood, and
22  certainly it's di minimus in my estimation.
23  I make a motion to adjourn for
24  Resolution at the next meeting; is there a
25  DINA M. MORGAN, REPORTER

16  EASTCHESTER ZONING BOARD - 11/10/2020
1  second?
2  MR. CAHALIN: Second.
3  THE CHAIRMAN: Mr. Cahalin. All in
4  favor.
5  (AYE)
6  MS. MARRONE: Thank you very much.
7  THE CHAIRMAN: You're welcome.
8  Item number 11, that's 20-35 Howell
9  Place. Again, same concept. This is, by the
10  way, an area variance to construct an in-ground
11  pool. If you want to go over the test, you
12  can. You don't really need to. I would like
13  you to summarize it briefly for the Board if
14  you would like, please.
15  MR. HAYNES: Sure. Absolutely.
16  Hello, Mr. Chairman, members of the board.
17  Hello, Margaret. My name is Tom Haynes from
18  Haynes Architecture presenting an application
19  tonight in front of you for 5 Howell Place. We
20  are proposing an in-ground pool and adjacent
21  patio located in the rear yard of the existing
22  dwelling.
23  If I may just share my screen, it will
24  just help us expedite the presentation a little
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1. bit.
2. THE CHAIRMAN: Yes, please.
3. MR. HAYNES: Can everybody see my screen? Can you see that?
4. THE CHAIRMAN: Yes.
5. MS. UHLE: Yes.
6. MR. HAYNES: Okay. I'm showing you an existing condition survey of the property. As you can see, the existing property is an irregular shape. The house is located towards the north side or to the left when looking at it from the street. Along the right-hand side of the property or the south side is Siwanoy Country Club, so there's actually an existing fairway that comes along the right-hand side of that property. We are looking to propose the pool in the rear yard. We obviously have setback requirements that we need to comply with.

The reason that we're locating it in this area is twofold. My clients, Mrs. and Mrs. O'Connor, who are actually present tonight, I don't know if they're going to wish to say anything or not, they had mentioned to

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2. me that there's a large number of golf balls that are hit into their yard, I believe, if they said correctly, daily. We were planning to propose the pool, the right side, it actually would be considered even in the front yard or side yard here to the right, we felt that it wasn't a feasible location due to safety concerns with the children playing in the pool here. So we decided to locate it in the rear. It actually works well off of their existing kitchen and access back to the pool. We toyed around locating it in the back left-hand side, which probably could have been compliant, to be honest, if we locate it in that area, but there was a great expense in site conditions that we would need. We would need to build retaining walls around from the left side garage here along the left neighbor's property and along the rear just to contain that. So we felt that, you know, due to obviously cost constraints, and also visual disturbances to the neighbor to the left-hand side, we felt that the location of the pool sort of in the center behind the dwelling made

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1. the most sense.
2. If I can, very quickly, I'm going to take you to an aerial shot just so we could have a better look here. Where the cursor is, is the golf course down at the bottom. Up is north. The highlighted yellow is the subject property. Where we're locating it is right around here where I'm moving the cursor. The property located behind them or adjacent to them is -- the existing dwelling is located all the way here towards this front street. There's really not going to be much of a disturbance to anybody visually. It's going to fall in line with the character of any other in ground pool. We're going to propose screening and necessary fencing for safety. They did receive letters of support. I don't think that they were actually submitted, but, you know, again, if the Board does require or request that, we could submit that after. There was no, that we had any knowledge of, opposition for the proposed application tonight. I did submit the five hardships for the Board to review, if you would

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Mr. Tudisco, is there anyone interested in speaking on this matter? Mr. Tudisco: I'm checking now, Mr. Chairman. If there is anyone from the public who wishes to be heard on this application, please use the raise hand feature and I will invite you to un-mute your microphone. I've scrolled through the list of attendees a number of times, Mr. Chairman. It does not appear that there is anyone from the public who wishes to be heard on this application.

THE CHAIRMAN: Having heard that there is no interest in anyone speaking, I'm going to make a motion to close the public hearing on this matter; is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Back to the Board. Mr. Cahalin, anything further?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

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THE CHAIRMAN: Okay. Thank you.

MR. HAYNES: Thank you all very much.

I really appreciate your time.

THE CHAIRMAN: Thank you. Before we go on to the next item of new business, I just want to go over a couple of, I guess we'll call

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12/04/2020 10:29:42 AM

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1. it, ground rules and explanations. This item
2. is number 12, 20-37, Immaculate Conception
3. Church and Arch Care. This is preliminary
4. review of a proposed special permit use. The
5. application is under review currently by the
6. town civil and traffic engineers and the
7. Eastchester Fire Department for additional
8. zoning compliance information. So there is
9. going to be a preliminary presentation and
10. explanation. The public hearing will probably
11. be open, and it will certainly remain open to
12. the January 12, 2021 meeting.
13. Having said that, let's have the
14. applicant come in and give its presentation.
15. MS. UHLE: Hold on one minute because
16. we're having kind of a technical difficulty
17. with the screen right here. I don't
18. understand, we have some people that are not
19. part of the application that are showing up on
20. the screen, and some people I'm seeing as
21. panelists that are not here.
22. MR. CAHALIN: The panelists are here.
23. MS. UHLE: Some of these people are
24. not the panelists, that's what I'm saying.

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1. Also, Michael, is Father Sorgie -- I don't see
2. him as an attendee.
3. MR. ZARIN: I don't see him either.
4. He was supposed to. The team is somewhat
5. large, so I'm not sure who Monique was. I
6. guess she's gone.
7. MS. UHLE: There are a couple of
8. residents, so I'm not quite sure how they were
9. able to be shown as panelists. Do you have
10. your whole team here now?
11. MR. ZARIN: Yes, everyone but Father
12. Sorgie.
13. MS. UHLE: Was he calling in, by any
14. chance?
15. MR. ZARIN: I don't know, but we're
16. prepared. We could move forward.
17. MS. UHLE: Then you should be all set.
18. MR. ZARIN: Good evening, everyone.
19. Michael Zarin, from the law firm of Zarin &
20. Steinmetz. I just want to clarify the
21. background. I am not in prison. I share that
22. with my grandchildren, my office, so I just
23. thought I would clarify that. I'm here tonight
24. with Saki Acus (Ph.), who I guess didn't turn

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2 assist in daily activities, social activities, 
3 dining, those types of things. 
4 Let me just go to the site plan. So I 
5 apologize, listening to the previous speakers 
6 and comments, I hope we did justice on the 
7 photographs, perhaps not, and we'll do better 
8 next time. This is the site plan. Most of the 
9 work here will be done internally, the 
10 rehabilitation or renovation I should say of 
11 this building. Very little work on the 
12 exterior of the building, if any. Maybe just 
13 some maintenance, maybe a little bit of roof 
14 work. There's an elevator in the building. 
15 They'll be a 3 foot shaft placed, and we're 
16 discussing with the town staff, which really 
17 have been wonderful in discussing compliance 
18 and other issues, whether that complies with 
19 the height requirements. It is lower than the 
20 1920 part of the building, but 3 feet higher 
21 than what's known as a 1950 part of the 
22 building, the wall. So we need to just confirm 
23 whether that's in compliance with the 23 foot 
24 height requirement. 
25 As you can see, the only real outdoor

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2 really no peak time period, they really spread 
3 out over that period of time. So there should 
4 be little additional traffic, certainly a lot 
5 less intensity than when the previous people 
6 had occupied the site. 
7 Visibility, as you probably know from 
8 your knowledge of the site, is going to be 
9 minimal because of all the landscaping and 
10 buffer, and really should not have much effect 
11 on the surrounding neighborhood. Here you 
12 could see it coming out in Midland Avenue. 
13 There will be additional landscaping placed 
14 along the front and the back. Again, I'm not 
15 sure that's necessarily for buffering but 
16 probably more of the aesthetics. 
17 The storm water, there is not much of 
18 an existing system on the site, and most of the 
19 stuff that comes off the roof just infiltrates 
20 into the ground, but we will pick up all the 
21 water from the parking lot and build a new 
22 underground system here to detain it and treat 
23 it in this area. Some of this water will 
24 continue to be directed into the storm water 
25 systems now, but it should be minimal. The

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2 exterior work is going to be -- there's an 
3 existing now asphalt pavement here, and then 
4 there's a dirt driveway that exists now that 
5 was probably used in the past for a service 
6 entrance and service trucks. That is now going 
7 to be asphalted and turned into a driveway 
8 leading into 10 parking spaces. 
9 The architect has been in contact with 
10 the Fire Captain to discuss, one, possibly 
11 expanding -- instead of 24 feet, perhaps making 
12 this 26 feet to handle the fire apparatus, as 
13 well as whether there may be a need for a 
14 turnaround at this site. We could certainly do 
15 that, if necessary, and without really too much 
16 substantial redesign, but the Fire Captain is 
17 checking with the State authorities of whether 
18 that might even be necessary based on that this 
19 is an existing building that is also going to 
20 be fully sprinkled. The traffic will be 
21 minimal. The residents will not have cars, so 
22 the 10 parking spots are mostly for visitors. 
23 There's probably a maximum of 5 cars, 5 to 10 
24 cars per day coming out at various times, 
25 family that might be visiting them. There is

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outdoor amplification or public address.
3. There's not going to be much significant
4. outdoor lighting of that kind, exterior
5. lighting or alike.

Again, I think we feel that, you know,
7. this will be a positive repurposing of a really
8. beautiful building, and serve a very important
9. function for a needy population that probably
10. many more family members than people often
11. realize exist in the community, and certainly
12. many within the large congregation, which is
13. why the parish and Arch Care have combined to
14. make this application.

So we're available, the members here,
15. to answer any questions, the team. As Margaret
16. said, we're continuing to work with, you
17. know -- your representatives and technical
18. people will be looking at our storm water that
19. is being done by PS & S, as well as minimal
20. traffic, and the Fire Captain is reviewing
21. final review of those provisions. So thank you
22. for your time, and, please, you know, whatever
23. questions you might have. Would you like me to
24. leave this on the board?

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THE CHAIRMAN: Yes, you could leave it
1. on the board, Mr. Zarin. Thank you for your
2. preliminary presentation.

At this time, before I go to the Board
3. for questions or comments, I do want to be
4. specific about the fact that this is a
5. preliminary review of a proposed special
6. permitted use.

Maybe, Mrs. Uhle, if you don't mind,
7. if you could just briefly explain what the
difference and what a special permitted use
8. what we're reviewing here.

Ms. Uhle: Yes. Well, a special
9. permit use is a permitted use in a district
10. within which it's located. The difference is
11. because often because special permit uses are
12. quite different from other uses within the
district, they have a different level of review
13. or they have additional issues that need to be
14. reviewed. Mr. Zarin did go through the special
15. permit requirements in our zoning law when he
16. was talking about the outdoor amplification and
17. that kind of thing. The only difference
18. between a principal permitted use and a special

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2 are the only two ways going through the service
3 road to Midland or walking out to the church
4 and walking up the main steps onto Winter Hill?
5 I just want to confirm those are the two ways
6 to walk in and out of the property. I guess my
7 real question is, are there any steps that
8 would be built or plan to be built right behind
9 the building that goes directly to Winter Hill?
10 MR. ZARIN: My understanding is not.
11 Sacki or anyone else --
12 MALE SPEAKER: No.
13 MR. NURZIA: Those are my only
14 questions. Thank you.
15 THE CHAIRMAN: Thank you, Mr. Nurzia.
16 Mr. DeMarco?
17 MR. DE MARCO: No questions.
18 THE CHAIRMAN: Preliminarily, I just
19 have a comment that it's good for the community
20 to have properties, particularly classic
21 looking properties like this, to be repurposed.
22 Again, that's just a preliminary comment.
23 Ordinarily, at this time, I would make
24 a motion to open the matter for a public
25 hearing, but I think it may be better to
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2 adjourn at this time because we really have so
3 much more information that's coming in, and
4 then the public can be heard on a totality
5 because I don't believe there's information to
6 form a sufficient belief to make a comment.
7 Let me get the Board's opinion on my
8 opinion. Mr. Cahalin?
9 MR. CAHALIN: I agree with you.
10 THE CHAIRMAN: Mr. Miller?
11 MR. MILLER: Concur.
12 THE CHAIRMAN: Mr. Nurzia?
13 MR. NURZIA: Concur.
14 THE CHAIRMAN: Mr. DeMarco?
15 MR. DE MARCO: Yes. What's the
16 question, I'm sorry?
17 THE CHAIRMAN: I just want to get your
18 thoughts on the fact that opening the public
19 hearing now on such preliminary information may
20 not I make any sense because I don't know if
21 there's enough information to form an
22 intelligent belief.
23 MR. DE MARCO: I agree. Say no more.
24 THE CHAIRMAN: We are all in agreement
25 on that. I'm going to make a motion to adjourn
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2 the application to the next meeting, which is
3 the January 12th meeting, at which time the
4 presentation may be complete, and then we can
5 open the public and go from there. Is there a
6 second to my motion?
7 MR. CAHALIN: I'll second.
8 THE CHAIRMAN: Mr. Cahalin. All in
9 favor.
10 (AYE)
11 THE CHAIRMAN: Thank you for your
12 preliminary presentation, Mr. Zarin.
13 MR. ZARIN: Thank you very much. Have
14 a good evening. Thank you.
15 THE CHAIRMAN: Okay. Last item on the
16 calendar -- were you okay, Margaret?
17 MS. UHLE: Yes. Sorry.
18 THE CHAIRMAN: Mrs. Uhle. Sorry, I'm
19 being familiar.
20 The last item on the calendar is under
21 old business, 13, that 19-42, 5 Ray Place. I
22 have several comments to make so that we have
23 the ground rules set. What's going to happen
24 tonight is that I'm going to have the applicant
25 make a brief presentation synopsizing the
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2 entire presentation, but very brief synopsizing
3 it. The public hearing is still open on this
4 matter, so the public will be heard, and then
5 the Board will have an opportunity to ask
6 comments or questions. Depending on the public
7 commentary, there may be a period of time
8 before the Board is heard, that the applicant
9 will have an opportunity to respond. That is
10 how we're going to proceed.
11 Firstly, the public notice, as I've
12 mentioned, is open. The applicant has
13 re-noticed for the public hearing this evening
14 pursuant to the zoning law, so there will be no
15 discussion at all, commentary, testimony
16 regarding the public notice. That will not be
17 heard this evening.
18 Secondly, if the application proceeds
19 to the ARB, that's the Architectural Review
20 Board, and/or the Planning Board, those
21 meetings will be noticed as public hearings and
22 residents will have the opportunity to
23 participate in those meetings as well, as they
24 have had for the last eight meetings, four and
25 four, ours being the last four.
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Last item. There was a petition received prior to the October 13, 2020 ZBA meeting. That petition is part of the record. A couple of comments on that. To the extent that the petition reflects commentary, discussion, etcetera, on the five part test, that is part of the record, it's been reviewed, and it's been digested by the Board, and it's become part of the last couple of meetings. The concept of generalized community opposition, however, just to be clear, cannot form the basis of a denial of an area variance. That's not an opinion, that's a matter of law. The courts have consistently held, that when a ZBA denies a variance application, it must explain how and in what manner the granting of the variance would be improper. I mean, for those who are interested in citations, the most recent case was 209 Hudson Street, LLC versus City of Ithaca Board of Zoning Appeals. If you want the citation, it's 182 AD 3rd 851, that's a Third Department case a few months ago. So that's that matter.

Now, this evening, again, the

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applicant is going to present the application for areas variance, that's what the applicant is here for, area variances. The discussion will be limited to the balancing test for these variances. In making a determine whether to grant an area variance, the ZBA shall take into consideration the benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In doing so, the ZBA will consider and be bound by the five specific factors in a accordance with town law as a matter of law. Secondly, if anyone chooses to comment on the application, the comments must be limited to issues directly related to the area variances only. I'm not going to permit anyone to address the Board, and we're not going to be answering questions. So what will happen is, you can comment on the variance. If one of your comments is in the form of a question, it will be noted by the applicant. Again, under Robert's Rules, if I feel it's appropriate, I will have the applicants reply to it when the applicant may be given an opportunity to reply.

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complete synopsis and presentation of what is being applied for here. Proceed.

MR. VOGEL: Good evening, Mr. Chair, members of the board. My name is Ed Vogel, I'm with Warshauer Melusi Warshauer Architects. Today with me is also Rick Bohlander from JMC, site civil, we have Mr. John Saraceno from Augustus Development, and we have Dan Tartaglia, legal counsel for the applicant.

In giving a brief synopsis, I would ask JMC if they don’t mind sharing their screen to pull up the application, the graphics that we've submitted.

At this point, you should see our cover sheet, which is 5 Ray Place, this is the front elevation, as we start the presentation. So if we move to the next slide, this is like a neighborhood vicinity. Our site is the red circle. It is on Ray Place. Address is 5 Ray Place. Immediately to the south or to the right of our property is a supermarket, DeCicco's. It just opened up. To our north is CVS, and then to our west is The Enclave, which is a residential multifamily structure. To the

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north, downhill, so the topography of the site is that the parking field, DeCicco's, and our site and The Enclave are all kind of at the knoll as we all slide off of the knoll. Ray Place intersects with Brook Street at the bottom of the hill by CVS, and then Brook Street, just to give an area, is also intersecting with White Plains Road. Both White Plains Road and Brook Street are considered commercial corridors.

Our site is unique in that we are near the commercial corridors, and then we also are near residential districts. So we tend to be a transitional zone or a transitional property between those two. We are in the R8 zone, which is retail business. Within that zone, we're allowed to utilize or jump to the M-700 zone, which is multifamily residential district, which we've elected to do. A multifamily project is a good transition from a downtown commercial core to a residential quieter neighborhood.

As you can see here, the site -- I don't see the site topography, but I'll explain

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that the existing site is comprised of two parking fields. The two parking fields almost completely develop the property. There is a lower field towards the north, which is towards the CVS, and then there is an upper parking field, which is more in alignment with the supermarket parking field.

There are other elements being near the residential zone being the R-6, and then there's a setback, and that setback is within 150 feet of that. As you can see on the site, there is a curved line that works it way from the western corner as it works its way where the front entry on Ray Place is. I'll come back to that in a moment. We're going to go through the slides, and then we'll come back and talk about the variances requested.

As I mentioned, on the upper left-hand corner of the sheet, we're going to start there as a parking field. That's our first floor. That's actually a lower level to our building. We're utilizing the existing ingress and egress of the parking field. So we're trying to be sensitive to our site and the existing

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retaining walls. These retaining walls that are there do border and contain the existing parking fields. So as you can see, our first floor is comprised of basically parking, there are some mechanical spaces in the lobby so you can rise up in the building.

The second floor related to the upper field is also for parking. We enter a little bit further to the south as we climb Ray Place, and the parking field then also bridges over the first floor. Again, basically we have parking here as well with some residential features, lobby, circulation and some mechanicals.

So as we work our way back up on the sheet, there are three residential floor plans. The third and fourth plan are identical, and the top floor, the fifth floor, is slightly smaller. As I describe the mansard portion of the building in elevation, you will understand. Basically, there are seven units on a floor. The project is a total of 21 units. Each floor contains six, one bedroom units and one, two bedroom unit.

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As we come up to the roof, the roof plan is on the right side of the sheet right in the middle. This is a roof terrace and roof garden for the residents. It's an amenity space for them as well. If we look at the section down at the bottom of the sheet, you will start to understand a bit of the terrain. You have the lower level parking, and then we have the upper level parking as it bridges over the lower level at the second floor, three floors of apartments, and then a roof terrace.

At this point, we'll move on to the next sheet. Here is just typical units. The one bedroom units will range in size from 700 square feet to 800 square feet, and the two bedroom unit is roughly 1,000 square feet. The units are nicely proportioned, lots of windows, lots of light coming this, which you'll see with the elevations.

We'll move on to the next sheet then. So the top elevation is our front elevation facing on Ray Place. Here you could see the architecture. It is broken up horizontally.

The whole facade is very formal, broken up horizontally.

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horizontally in a formal manner with a rusticated base. We have a body being the three floors, two, three and four, and then a crown or a top to the building being a mansard roof scenario. The horizontality of the building is then punctuated vertically by strong building corners, you could see them on either side, and then we've taken that vocabulary and placed that over the entry to signify where we would enter. The dormers then pull up out of the mansard roof. The windows are generous, basically from floor to standard window height with lots of glass coming in, and the proportionality and feel is residential.

The lower facade here as we wrap around, would be to the right side or the south facade, and as you could see, we brought the architecture around to this facade as well. We recognize how the building is situated on the site is unique, and we brought this architecture vocabulary around the entire building.

If we move to the next slide, the top is a picture of the rear elevation. This is a picture of the rear elevation.

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So on the global section, as you see it from left to right, you could see the corridor of White Plains Road and the commercial aspect as it faces White Plains Road. We have the parking fields, and then in the background in a tan color is the DeCicco's Supermarket. It sits a bit on a plinth. Our building is the brown building. You could see the height relationship back toward the DeCicco's. As we work our way toward Ray Place, which is the gray stripe between the two green fields, we could continue working toward the right toward The Enclave building in comparison and comparable in height, the two structures.

The next image that we have is another global cross section. This one is running north to south as you can see by the cursor moving back and forth, and we'll be looking in a westerly direction. It will start at the DeCicco's, and then we'll talk about that as an upper field, we'll go through the building, and then down Ray Place. So from left to right on the section, you could see the DeCicco's building. The parking fields that are there

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backside or side elevation, which is on the left side, and then on the right side we have a structure in the foreground and The Enclave in the background.

The next still that we have from that model, the three dimensional model, is a view from the intersection, roughly, of Brook Street and White Plains Road. We're looking more or less southerly and westerly. CVS is in the foreground and 5 Ray Place is in the background.

Then our last still is from White Plains Road. CVS is off to the right, we have the elevated parking field, some of the existing retaining walls, and then 5 Ray Place just peeking out over the trees there.

What I would like to do at this point is work our way back to the large site plan on A2, if you don't mind, and we'll talk about the variances. Yes. So the way we've described the variances, there are 10 in total. In actuality, I kind of grouped these into three clusters. One is regarding height on the base zone of the building, the second one is height

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presently between DeCicco's and our proposed development, which is the brown structure, you could see the existing retaining walls and elements as the section is cut. I do want to pause a moment and show that in the background of the brown building, there's the tan, and that's The Enclave, and you could see the height, the sloping roof. That roof structure is basically in alignment with our parapets as well, their parapet and our parapet, and similarly with the bulkheads, and then they come down at what we'll call their station 4.00. If our building was transparent, they would line up in that fashion behind us. We continue working to the right and you have the CVS as Ray Place then works it way down toward Brook Street, and then you could see the commercial corridor of Brook Street.

To supplement these site sections, we have also included some stills from a three dimensional model. This is a view from Brook Street looking in a southerly direction up Ray Place. We have our subject property, 5 Ray Place, on the left side, we have the CVS, the

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as it relates to the residential setback, and then the third group is just smaller variances and they're kind of scattered a little bit.

We're going to address the first one, which is height for the base building or the base zone. Here, as you saw in the elevation, we had a first floor, second floor both for parking, and then three floors for residential, it makes a total of five stories. What's permitted in the zone is four stories. So we're asking for one additional story. With that additional story coupled with that is height and feet. So height and feet, one additional story we're asking for 10 additional feet. So from 45 feet permitted by code, we're asking for a little more than 55 feet in height. The bulkheads, with the additional story, also are impacted. Where they would have 10 feet beyond the base roof height with the additional story, we're asking for an approximately additional 10 feet bulkhead height. It all works in relationship to the additional story.

The second grouping of three, as I

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2. mentioned, is within the setback of the R-6
3. zone, and that was that arched line, as I was
4. mentioning earlier. As we viewed the building
5. within that arched zone or that arched setback
6. area, we are also exceeding height by a number
7. of stories. Here the number of stories is 4,
8. where the code would permit 2.5. Same
9. relationship would happen height with feet. So
10. we're asking for 50 feet, maximum would be 30
11. under the zone. Same with the bulkheads being
12. an additional 10 feet above that, so we're
13. asking for 59 where zoning would permit
14. 40 feet. Those would be the two groups of
15. height.

16. The other four variances relate to
17. impervious coverage. As you can see, we do
18. have some green and some landscaping that's
19. being provided, but our maximum allowable
20. coverage is 70 percent and we're just over that
21. at 72.3 percent. The second one I would like
22. to mention is standard parking spaces, we're
23. required by zoning calculation to provide 33
24. spaces, we actually have 31 spaces, we're
25. asking for two additional spaces be granted as

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2. a variance. Again, for parking, I think we
3. have some travel aisles with the backup and
4. maneuvering space behind the parking spaces.
5. Here, the zoning requires 25 feet as a minimum,
6. we're at 24, which is also a standard size, but
7. it is 1 foot shorter than what zoning is asking
8. for.

9. Then the fourth variance is for
10. landscaping around the perimeter, and we are
11. deficient on a few of the facades or a few
12. property lines, but part of that is because of
13. the existing configuration of the retaining
14. walls that are there.

15. So those are the variances that we're
16. asking for. This would complete my synopsis of
17. our presentation.

18. THE CHAIRMAN: Thank you, Mr. Vogel.
19. MR. VOGEL: I will turn this back over
20. to you, Mr. Chair.

21. THE CHAIRMAN: I'm sorry, I didn't
22. mean to step on your line. I was considering
23. the complexity. I appreciate the synopsis and
24. summarizing the variances as tightly as
25. possible.

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10 times 5. It's like a 10 pound bag of variances trying to fit into a 5 pound bag. The property is at Ray Place. Let's take a step back because I think it's important for historical purposes, that if you go back and you take a look at the organization, our interface with the Zoning Board and Planning Boards, if you go back to 2002, take a look at Woodruff Gardens, it too had many variances required. It started out as a seven story complex. It's far from that. It was negotiated in a beautiful town home facility located in the North Eastchester section of town. Then comes along Summerfield Gardens, also in the North Eastchester area, and also had 10 variances as well. The significance here is, the same engineering company that was involved in the Summerfield Gardens is now involved with the Ray Place application. So they're kind of pretty much focused on their abilities to sell us on why variances are required, and they have every right to do so. The ZBA did allow, by the way, the Summerfield Gardens project to move forward, but failed in 

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the long run because it was not financially viable for the developer and the permit has expired. Today we have 5 Ray Place with the same engineers seeking those 10 variances, both in height and the other things they've outlined to us as well, as well as the owner of the adjoining properties having little or zero input in this proposal. The property was purchased in a cloak of secrecy, allowed a lack of transparency, but we now know the players. We've done that on our own. When you look at the video that was distributed via the community within the last week, the impact on Route 22, Brook Street and again on Ray Place, you can see that this is beyond the pale.

The areas for discussion as it relates to the pieces of the 10 items that we discussed, is primarily the height. The height being, from the standpoint of the builder or the engineers, to be 65 feet or so, way beyond, when you take a look at it from the corner of Brook Street and Route 22, it looks more like it's greater than 80 feet tall. So what we're saying here in terms of the capability, is that the tests that are required for the variances need to be substantiated in terms of whether they are substantial, what the impact on the environment will be, and are this self-created. We just saw a presentation that looked pretty good to me, but coming forward was it self-created knowing that these two pieces of property only allowed four levels of housing. Have they shown us hardship yet? Maybe they'll do that at the Planning Board. But the idea comes to me, that if you take a look at the overall Ray Place environment, we could talk about height, we could talk about traffic bottlenecks, but you really have to take a look at, does it fit into town, does it fit into the neighborhood. I guess my opinion is, it doesn't. But then again, there's not much land available in the north end. As a matter of fact, there is not much land left in town. So we're at the end of the story. I guess it's the only vacant land in the north end. I could go on forever, but variances of 41, 48 percent just in the height variances alone, based on 

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recommend you provide an alternative Chairman for the remainder of this application, so the process can go forward quickly, and it can be determined whether this is something that is pliable in the North Eastchester section of town. I appreciate the opportunity to address the Board this evening.

THE CHAIRMAN: Thank you for your comments, Mr. Sweeney. Mr. Tudisco, next on the public hearing list.

MR. TUDISCO: One second. There is a Mr. Fasciolone. I'm going to invite you to un-mute yourself and address the Board.

MR. FASCIOLONE: Good evening, Mr. Chairman and members of the Zoning Board. Am I un-muted?

THE CHAIRMAN: You are. Proceed.

MR. FASCIOLONE: My name is Michael Fasciolone. I reside at 43 Woodruff Avenue in Scarsdale. I would like to begin my presentation by making reference to the September 8th ZBA meeting. For those of us who were able to stay awake at the end of that meeting, there were some comments that were made by both Mr. Pilla and Ms. Uhle to Mr. Vogel of JMC, and I would just like to go over those comments to start.

Mr. Pilla basically stated that the elevation problem is of the strongest concern in this matter. He suggested that JMC could possibly make some adjustments. He, in fact, referenced the possible addition of screening to the area. That was his suggestion. Ms. Uhle concurred, and basically referenced possible height changes that could be made to the project at that time. This was at the September 8th meeting. Mr. Vogel responded at that time, that he would discuss it with his team and respond at the next meeting. Now, at the October 13th meeting, which was the second meeting, and again this evening, Mr. Vogel offered a very professional series of site drawings and 3D references. However, none of the items that were requested, were addressed. Not one item was changed from the original drawings that were presented earlier. May I say that not one inch was removed from the size and scope of this building. The only changes that were made to the renderings, were those shown in Section EE. If it is at all possible, I would like to have that site come up, Section EE. I would appreciate it. There it is. Thank you very much.

As you could see, this depicts a height comparative, basically, between the 24 Ray and the 5 Ray Place buildings. The comment that was made at the time, was that it was a very minimal height difference between the two buildings. However, in looking at the site drawings, it is clear that the 24 Ray Place structure is on a much lower grade. In fact, it is 12 feet lower at the basic grade than the 5 Ray Place item is. There's a 12-foot difference. The 24 Ray Place structure is also set back onto the elevation, and it is backed by a very dense area of foliage, which is that green area, which will remain part of the town of Eastchester forever, as we're told. Whereas, the number 5 Ray Place structure is on the vertical structure, and it is really very fully exposed to the grade. Although the sizes may not be comparatively different, the visual effect of that building is. Again, I'll repeat the fact that because of the grade of that building, the structure itself has the appearance of an 85 foot building. That's an eight story building. It's really just much too large.

Moving forward, though, since no alternative ideas were presented by JMC, as a novice, I have what I think might be a very good compromise agreement. Although I'm not an architect nor am I a contractor, I would like to offer this compromise:

Number one, remove one story from this project, making it a four story complex. I believe this would remove almost all of the egregious variances that now exist in the project. Now, I realize this would result in the loss of approximately seven apartments. I know that the builders are not here for their good, they want to make some money, they certainly are entitled to that, but I do have what I think could be a solution. If you were to remove some of the parking spots from the upper level of the second floor and replace...
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them with apartments, you may not recoup all of the seven apartments lost if you take the floor off, but it would be a compromise, a movement that I think we could all live with. Those additional parking variances that could occur, could be mitigated basically by the comments that were made by the Westchester County Planning Board letter of March 18th to Ms. Uhle. I could paraphrase it, if you would like. The letter basically states that although 33 spaces are required, this many spaces may exceed the demand if the recent trend of reduced car ownership continues. They went on to say that the Board's policy's aim is to reduce unnecessary driving of single occupancy vehicles. In a sense what they're saying is, they would accept a larger variance with less parking spaces. I think the town of Eastchester would be more agreeable to something like that.

I want to now just go back a bit and cover another series of commentaries that were made at the end of the October 13th meeting basically by Mr. Pilla. What he made reference to DINA M. MORGAN, REPORTER

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and I'll just briefly touch on them. The Woodruff Avenue project, which was a seven story apartment building in the early 2000's, which we stopped. Due to our efforts, a very acceptable group of private homes and mixed use buildings exist today. That's call compromise. Approximately six years ago, a proposal came forth to overbuild another structure on Summerfield and Montgomery streets, which contained 11 major variances, some of which were 100 percent variances. This project has also been stopped. We in the north end firmly believe that the Ray Place project fits into this same category. We feel it's just an overbuilding project, and we do not want to set a precedent with this size building in our area.

I'm going to conclude quickly by saying, that I strongly urge the Augustus Development Corporation to reconsider this project, go back to the drawing board, and return with a compromised solution that we could all live with. I also urge the Zoning Board to reject this project in its present form, and insist it be redesigned into a more acceptable project.

I thank you for your time, and I appreciate the service that you put to our town. Have a good evening.

THE CHAIRMAN: Mr. Fasciglione, thank you for your time and your presentation.

Mr. Tudisco, is there anyone else wanting to be heard on this application?

MR. TUDISCO: It appears as though there was another Mr. Fasciglione. Is there anyone else -- I'm scrolling through the members -- Ms. Monique DiSalvo, I'm going to invite you to un-mute your microphone. Please fully identify yourself, your name and address for the Board.

MS. DI SALVO: Hi. My name is Monique DiSalvo. I live at 140 Brook Street in the townhouses, and I am the President of the townhouse association for Scarsdale Townhouses.

I don't have anything prepared, but I just wanted to express some concerns that I have here tonight about this property.

I agree with the other two speakers,

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that this just does not fit with the look and
landscape of the neighborhood. I am very
concerned about the impervious land in terms of
the variance that they're asking for. I
understand we can't talk about issues like
flooding, but we have a very bad flooding
situation here at the Scarsdale Townhouses.
The impervious land is certainly going to
impede our property. I personally get 2 to 3
feet of water in my house when we get bad
rainstorms. I'll raise that at another
meeting, but to me that impervious variance is
related to this problem and this issue.
I also don't thin that, you know, we
should -- it's my personal opinion about
compromising, I don't agree that we should have
compromises here. I think that this building
is just too large for the neighborhood. This
is a residential area and a building of this
size and structure just should not be allowed.
I do agree that it will set a precedence for
the neighborhood and the changing of the town
of Eastchester.
That's the end of my statement for
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THE CHAIRMAN: Ms. DiSalvo, thank you
for your presentation. Mr. Tudisco.
MR. TUDISCO: One moment, please. Mr.
Nartarwick (Ph.), I am inviting you to un-mute
yourself and please address the Board. Start
out with your full name and address. Hello?
THE CHAIRMAN: Mr. Tudisco --
MR. TUDISCO: Mr. Chairman, I can
advise you to that Mr. Robert Nartarwick has
been invited to un-mute himself. From what I
could see on the screen, he appears to have
un-muted himself, the microphone is active, but
we cannot hear him. Mr. Nartarwick, are you
there?
THE CHAIRMAN: Mr. Tudisco, may I make
a suggestion? If there is anyone else who has
their hand up, perhaps what we can do is put
Mr. Nartarwick after this speaker, if there's
another speaker, and if he could get
technologically up to par, we'll hear from him.
If not, then we won't.
MR. TUDISCO: Okay. There is also Mr.
Galanack on the line. Mr. Galanack, I'm
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inviting you to un-mute yourself. Please
address the Board and identify yourself with
your name and address.
MR. GALANACK: Good evening, everyone.
This is Charlie Galanack, 21 Potter Place.
Thank you, again, Mr. Chairman and members of
the committee for a tiring job that is problem
mostly unwelcome by a lot of town residents for
the amount of work that you have to put in to
try to make our community a better place, and
we all believe that's so.
A couple of exceptions that I have.
Exception would be on the variances. We know
that there was a mailing that was supposed to
go out a long time ago, and it didn't happen
correctly. It went out on October 30th.
Saying that --
THE CHAIRMAN: Mr. Galanack, we're not
going to hear anything on the Notice. It's
been resolved. Stick to the variances, please.
MR. GALANECK: I will finish in that
statement, thank you, sir. The rest of the
statement is, since that did not happen,
tonight the developer has put in 10 variances
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into 3. This is not correct.
THE CHAIRMAN: The application has not
changed at all, Mr. Galanack.
MR. GALANACK: Since there are people
that have joined maybe for the first time
tonight, maybe the second, maybe they are not
aware of the only 10 variances that we are
allowed to talk about. He has grouped them
into 3. All 10 should be announced, so that if
there are --
MR. TUDISCO: Mr. Galanack, this is
Mr. Tudisco. The applicant is referring to all
of these 10 variances in three areas, okay. He
is not changing the application. It is the
same application.
MR. GALANECK: I have not said he did
that. I am saying, there are 10 variances, and
all 10 variances should be correctly identified
and not grouped together to make it fair to the
general public who are trying to be involved in
this meeting. Right now, we have 3 areas, not
10. So let me ask, is one of the variances --
THE CHAIRMAN: Mr. Galanack, please
restrict your commentary to the variances,
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please, as the other speakers have.

MR. GALANECK: So in other words, we have 10 variances, and we're going to not talk about and identify all 10; is that correct?

MR. TUDISCO: No, that's not correct, Mr. Galanack. There are 10 variances. You can discuss the variances, but you can't discuss things that are not involving the variances.

The retaining wall is completely irrelevant to the issues.

MR. GALANECK: Okay. Then why are not all 10 variances identified tonight?

THE CHAIRMAN: They have been identified. Look, under Robert's rules, I'm going to please cut off all crosstalk from everybody. Mr. Galanack, these variances have been part of the public record since July.

They have not changed. They have been discussed in July, they have been discussed in September, they have been discussed in October, and they're being discussed now. The only reason why I'm giving you any leeway is because you and Mr. Sweeney are very valued members of this community who come and comment on this.

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applications that don't necessarily affect you personally. People who volunteer their time to volunteer for elections and other things, for some reason, I seem to have a soft spot for your service, but we are talking about the same things every month. So I would like you to speak to the variance. We're not going to discuss procedure. If you don't have anything else, I would ask that you wrap up, please.

MS. UHLE: Alan, I just want to add one thing. The variances are clearly identified on the agenda, as they have been consistently. Mr. Galanack, I know you have access to the agenda, which is also posted on the website. That clearly identifies all 10 variances.

MR. GALANECK: Thank you, Margaret, I am aware of that. Thank you, all, I am aware of that. However, I did state very clearly that there are other people in the community that may not know all 10.

THE CHAIRMAN: Please speak for yourself only.

MR. GALANECK: Okay. Great. Now, on

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the pictures that were shown this evening by the consultant, he shows CVS from 22. Can we see a split shot of that picture along with the other pictures that, up until tonight, were being shown, where the whole house or building itself is being shown for 22? This one, can we split that with the other picture that doesn't show all of CVS? Can we split the difference?

Last week and other weeks, the picture from 22 did not have CVS like this. I'm asking to show a split screen, if possible, to show what you will see in reality from 22.

MR. CAHALIN: I guess they don't have it.

THE CHAIRMAN: They do not have it.

So proceed with your presentation, Mr. Galanack.

MR. GALANECK: Okay. Well, since that picture is not available, that picture does show what this building looks like or is proposed to look like from 22. Right now, we have CVS in front of us from the corner more or less from 22 almost probably from the north side of the street of Brook Street. When you

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look at the building directly from 22 going west, you see how Phoenix is coming out of the sky and up on the ridge of Ray. The question is, if we have this building going up, is there any reason why it cannot be dug in so that garages could be put underneath, lower the height of the building? On the other side of Ray is 24. They're built into a ridge, which the building is not really exposed as much as the total height of the building. So most buildings, they go down and have foundations underground. Is there any reason why this project cannot be done that way?

THE CHAIRMAN: Do you have anything further, Mr. Galanack? I will have the applicant -- I may even have an opinion on that. Please, anything else?

MR. GALANECK: No. The last thing is, I have an exception that we're not allowed to speak again. Thank you.

THE CHAIRMAN: Thank you for your time, Mr. Galanack.

MR. GALANECK: Thank you.

THE CHAIRMAN: Mr. Tudisco, is there

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anyone else interested in being heard on this?
MR. TUDISCO: One moment. I'm going
to come back to Mr. Nartarwick. If you could
please un-mute yourself, and you can please
address the Board.
MR. CAHALIN: You got nothing.
MR. TUDISCO: Once again, Mr.
Chairman, the member of the public, Mr.
Nartarwick, has un-muted himself, his
microphone appears active, it does not appear
that the Board could hear his comments. There
are two other individuals.
THE CHAIRMAN: How many others, Mr.
Tudisco?
MR. TUDISCO: Two others.
THE CHAIRMAN: So why don't we do
this, why don't we hear those other two. Let's
table Mr. Nartarwick until the end. If he
could get un-muted, he will be last speaker.
If he can't, then, unfortunately, he won't.
Let's go to the other two, please.
MR. TUDISCO: Okay. There's a Pat
Gabriele. I'm going to invite you to un-mute
yourself. Please address the Board and
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identify yourself completely.
MS. GABRIELE: Hello. My name is Pat
Gabriele. I live at 24 Ray Place. Actually,
now that you have that picture up there, let me
just talk to it a little bit. I know what
picture Charlie is referring that shows the
building from just Route 22, not the Brook
Street and Route 22 view, and it does look a
lot bigger. But if you even look at this
picture, you could see the difference between 5
Ray Place and 24 Ray Place, how much higher it
is than 24 Ray Place. Let me just say that.
I would really like to talk about the
height of the building. The main reason that
the developer has said that he needs to go
above the four floors, is the fact that it's
not economically feasible for him to just do
four floors. I would like to comment on that
because this is a relatively new purchase that
this developer made, so he knew the economic
situation at the time he purchased the land.
The fact that he did not do due diligence in
figuring out what is needed to make money,
should not then cause, you know, his economic
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Again, the visual effects of the building, I think that it just changes the whole area of this area of town.

Again, my base and point is, I don’t understand why the developer’s economics are more important than my economics and the other 23 owners in The Enclave. He didn’t do his work to find out that he couldn’t do this building with four stories and make money, it’s not our problem. I guess that’s it.

THE CHAIRMAN: Okay. Thank you for your presentation. Mr. Tudisco, I believe you have one more and the --

MR. TUDISCO: They keep popping up, Mr. Chairman. Maria and Kevin Lynch, I’m going to invite you to un-mute yourself and address the Board. Please identify yourself completely.

MR. LYNCH: Yes, can you hear me?

MR. CAHALIN: Speak up.

MR. LYNCH: Could you hear me?

THE CHAIRMAN: Yes.

MR. LYNCH: How are you doing? Thank you, Mr. Lynch, to say.

THE CHAIRMAN: Thank you, Mr. Lynch.

I appreciate your time and your presentation.

Mr. Tudisco.

MR. TUDISCO: Yes, one moment. Okay, there is someone named Nicole. I’m going to invite you to un-mute yourself. Please identify yourself and address the Board.

MR. CAMA: Hello. This is not Nicole, this is Sean Cama (Ph.), 24 Ray Place.

THE CHAIRMAN: Proceed.

MR. CAMA: So I guess you made new rules tonight and you told me that I’m not allowed to speak about the sewage, which is a big problem in Eastchester. We can’t talk about the traffic pattern, even though DeCicco’s just opened up. I guess we’re not allowed to talk about that either.

THE CHAIRMAN: These aren’t new rules.

MR. CAMA: We can only talk about the variances. This is my first question because, Alan, a couple of meetings ago -- like I said, we only got our letter on Saturday. That was the first time we ever heard of this. I guess.

My biggest complaint is the height, as everyone has said earlier tonight. Basically, a variance is a form of equitable relief and allowing an applicant to use his land in an efficient way by bypassing the local zoning laws, basically a variance is likely to be granted for unusual circumstances. Now, I would like to know why the builder -- what is the unusual circumstances to go so high that he did know upon the purchase of this land? Basically, that’s my question for the Board to find out from the attorney on their side. In my opinion, it’s very high for the area. It goes two stories above what it should be. Everyone has touched on a lot of these issues, basically traffic and so forth. My biggest thing is circumventing the zoning laws when it’s basically a burden, they have to prove why they should go above the height required by the town. The only reason is equitable, and that’s not even an argument. That’s really all I have to say.

THE CHAIRMAN: Thank you, Mr. Lynch.

I appreciate your time and your presentation.

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lot of money in these days, especially since
you're going to have so many units and people
paying for that, right. Eastchester is going
to get their taxes. It's going to be a rental
building, which is something different that's
over here, that's going to be on the main
street, that's going to look like Godzilla
sitting over there. It's a monstrosity.

I'm saying -- I'm a capitalist, I'm an
trepreneur my whole entire life, I've owned
my own business, I've never worked for
anybody -- keep your four floors, build what
you want, take it, leave it, whether it works
or not, whether your corporation works or not,
that fifth floor and the extra bulkhead have
nothing to do with us in Eastchester.

Eastchester is a nice town. The traffic gets
pretty hot over here. The penicillin is coming
out for the Corona Virus, DeCiccio's just opened
up, they did the traffic pattern last year when
everything was shut down. Why in the world
would you be pushing for a building this size
that is going to look like it's eight stories
high, that's already on two stories that's it's

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The traffic thing was done when the Covid and
Acme was shut. So there's already problems to
begin with to even start with. There are a lot
of people out there who don't want this built.
If you think I'm being whatever it is, it just
doesn't make any sense. This is not White
Plains, this is not downtown White Plains, this
is not downtown New Rochelle. This is
Eastchester, a beautiful town where there is no
huge landscape here, there's no huge
skyscrapers here. It's a beautiful place. The
traffic is just getting along.

I'm walking across the street to
Equinox to go to the gym on Saturday and a pipe
burst. There's Con Ed, there's Eastchester,
and I walk over and I talk to them and they
said, yes, this has been a problem forever.
Like I said, I don't want to kill a man's
dreams to go build a four story building. You
go do it. Go do whatever it is. Make a
fortune. Go be the new whatever it is out
there, real estate guy. It just doesn't need
to look like it's eight stories because it's
already on two stories high, and then you want

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being built on, why would you push for this,
especially since your mother and
ex-mother-in-law signed a petition not to have
this building even built. My recommendation
is, that you don't even be involved in this
anymore. And you're so aggressive and pro
going this building done and making new rules
and we're not allowed to talk about all these
different things, which is getting me kind of
like -- I'm getting a little upset, and at the
same time I was just questioning in my head,
like, what is going on here.

This is going to be an eyesore for
Eastchester. It is going to change the whole
landscape of Eastchester. Nobody is saying
this gentleman, which, again, owns his own
business, God bless, go build your four
stories, we don't need people up there eight
stories high walking around on the patio,
sunning themselves, looking down at everybody
in Eastchester. It's completely ridiculous.
It makes no sense.

You already know about the sewage
problems. There's no light at Brook Street.

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2 something. I've been sitting here and -- for
3 the public, just so the public understands, Mr.
4 Pilla has one vote out of five. If they feel
5 he's leaning one way or another, he hasn't
6 indicated that, as far as I can tell. So I
7 take exception to what they're doing to Mr.
8 Pilla tonight. Alan and I disagree many times
9 on many things, but insulting the man for the
10 good that he does driving this Board in
11 applications, I'm not with that. We can all
12 agree to disagree, but Mr. Pilla has been
13 nothing but honest about his relationships and
14 his ability to be impartial. I don't think
15 this is the time to question it. I really
16 believe that we can disagree and we can agree,
17 but don't attack people. He's a volunteer and
18 he puts in the time and we should respect that.
19 
20 I would appreciate going forward, that
21 people keep in mind he only has one vote. If
22 it seems like he's leaning towards it or he's
23 not leaning towards it, there are five of us up
24 here that decide this. He does not. I will
25 say it again, he cannot influence what I'm
26 going to do. So I want people to understand
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2 that. We are all individuals and we think how
3 we think and we vote the way we vote. People
4 should respect that. So I would hope that the
5 next speaker does not attack Mr. Pilla again.
6 
7 MR. TUDISCO: Mr. Chairman, I just
8 want to clarify a couple of legal issues
9 because there are other people watching at home
10 and to clarify the record. The statements that
11 were made by the prior speaker were completely
12 inaccurate with respect to the zoning law. 
13 
14 First of all, when an applicant makes
15 an application for a project that is at
16 variance with the zoning law, it is the Board's
17 obligation to hear the application out based
18 upon a certain criteria. So to the extent that
19 the caller was saying that the Board should not
20 even consider this or any application, that is
21 completely legal incorrect and inaccurate.
22 Also, again, the Board has an obligation to do
23 that.
24 
25 Additionally, I just want to clarify,
26 there are no new rules for this evening. The
27 Chairman has been quite clearly narrowing the
28 scope of the hearing within the framework of
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2 the variances that are before this Board. A
3 number of speakers on this occasion and prior
4 occasions have brought in arguments or
5 statements or points that are outside of the
6 scope of the Zoning Board's review of this
7 application for the variances. The Chairman
8 sought to clarify that and to remind people.
9 So to the extent that individual indicated that
10 there are new rules restricting what the public
11 could say, that is completely and utterly
12 false. The issues before this Board are being
13 addressed, the public is commenting on them,
14 the public have been noticed, and we're moving
15 forward.
16 
17 Ms. Cohen, you've un-muted yourself.
18 Please identify yourself and address the Board.
19 MS. COHEN: Yes. Good evening. Ann
20 Cohen, I live at 24 Ray Place. I just want to
21 say, I'm opposed to the building going above
22 the four stories. I think it will stand out
23 like a sore thumb. I'm an interior designer, I
24 looked at all the floor plans that they did,
25 and I just feel that this shouldn't be okay. I
26 think it should be turned down and let them
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2 build a four story building, and we'll all get
3 along nicely.
4 
5 That's all I want to say. Thank you.
6 THE CHAIRMAN: Thank you, Mrs. Cohen.
7 Mr. Tudisco.
8 MR. TUDISCO: Yes, we have one more
9 individual, Shanta Malalgoda. I'm inviting you
10 to un-mute yourself and please identify
11 yourself, name and address, and address the
12 Board.
13 
14 MR. CAHALIN: Technical difficulties.
15 MR. TUDISCO: Ms. Malalgoda?
16 MR. MALALGODA: Thanks for letting me
17 speak. I'm a resident at number 24 Ray Place,
18 and I'm also a member of the condo board. Most
19 of us are concerned about the size and the
20 overbuilding of this property because it's
21 going to devalue our property. I would
22 appreciate if the developer can reconsider
23 building four floors, so as my previous speaker
24 Ann said, we could all get along fine and be
25 happy. Thank you.
26 
27 THE CHAIRMAN: Thank you. Thank you
28 for your commentary. Mr. Tudisco, anybody
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else?

MR. TUDISCO: One moment. Okay, there is a Mr. Jamal Hadi. I'm going to invite you to un-mute your microphone and identify yourself and address the Board.

MR. HADI: Good evening. Can you hear me?

MR. TUDISCO: Yes. Please speak up.

MR. HADI: Hi. My name is Jamal Hadi from 14 Reynolds Place. Thank you, Mr. Chairman, members of the board, for all the wonderful work that you do to make our town beautiful.

What I would like to say is, I am in favor of the project. I believe it adds to the character of our area. I believe we have people that want to downsize and are able to stay in the area with a project like this one being built. I also believe that there is demand for market rentals in our area, and I generally believe that it will add to the beauty of our community, and it will serve our local residents.

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So I do speak in favor of the project, and I thank you for all the wonderful work that you do.

THE CHAIRMAN: Thank you for your presentation, Mr. Hadi. Mr. Tudisco, anybody else?

MR. TUDISCO: There was someone who -- Ms. Roseman -- that had their hand up and disappeared. I don't know if they got knocked off the line. Ms. Roseman, I'm going to invite you to un-mute your microphone and address the Board.

MALE SPEAKER: Good evening. I'm representing Ms. Roseman, 24 Ray Place. I am of opinion that why should they change the height if that is a zoning statement which Eastchester is confronted with? I don't see that there is a need to change something because of monetary ideas. I'm representing my mother-in-law, who lives in 24 Ray Place. I agree with the other people at 24 Ray Place. I just think that a four story building would be sufficient as it stands right now with the laws.

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MR. TUDISCO: One moment. I am scanning through the attendees. I do not see any hands raised at this time, Mr. Chairman.

Ms. Philpin is back. This was someone who raised their hand earlier.

Ms. Philpin, I'm going to invite you to un-mute yourself. Please address the Board and identify yourself.

MS. PHILPIN: Good evening. Can you hear me?

MR. TUDISCO: Yes.

MS. PHILPIN: My name is Natalie Philpin, and I live at 24 Ray Place.

There was a comment made at the beginning of this presentation which suggested that some of these renderings should really be more compatible with the area in which they are going. This building is a beautiful building.

It would be fine in a flat land in Arizona with nothing else around it. Unfortunately, it's going up a street that's a few hundred feet long. It's compatible for two cars only. Now with the traffic with our new neighbor, the lovely store that we have, DeCicco's, the

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the 3D drawing never really goes all the way up to the top of Ray Place, it like stops at the bottom. So as you go up 24 Ray Place, there is a lot of trees on the right side of 24 Ray Place, but in his diagram here for 5 Ray Place, it looks a lot less than 70.3, as he suggests.

So I guess that's about it, guys.

THE CHAIRMAN: Okay.

MR. FIORAVANTI: Just highlighting some of these variances -- and I do agree with Charlie on one thing, though, that if the developer or architecture was giving evidence -- I mean, I did list only six variances, not 10, and I understand some speakers came on for the first time. If this was a court of law, I would want to see all 10, not just 6. So I think the architecture made a mistake on that, and I would object to that.

In conclusion, though, I do object to this project. Thank you very much, gentlemen, and thank you, Margaret, as well.

THE CHAIRMAN: Thank you for your time, Mr. Fioravanti.

Mr. Tudisco, is there anybody else?

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THE CHAIRMAN: Okay. So having no further public testimony, commentary, discussion on this matter, I make a motion to close the public hearing; is there a second?

MR. CAHALIN: I'll second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: I have a couple of comments to make, and then I'm going to allow the applicant to make, if he feels the need to reply, very brief comments that are limited to the variance application, please.

Firstly, this comes up almost every meeting, and it's -- as board members, we understand the law. We, again, are a quasi judicial tribunal. We're an appeals court essential. So when a homeowner wants to put up a 6 foot fence, or a shed near the lot line, or an addition, or an extra story on their building, they go to the Building Department and they get denied. That's when they come to us. We're an appeals court. Every homeowner has the right to come to us and has the right to come to us on multiple occasions. We are hearing these appeals. We are obligated to do so. We don't seek out appeals. These are things that come before us. Every homeowner has the right. I do hear frequently if the homeowner or owner of the land can only stay within the law. That's not what we do. We're an appeals court to hear those who will go outside of the law when they want to put a pool too close to the lot line or they want to put a porch and that's what we hear. So that's why we're here. We don't seek out these projects, they come to us.

Secondly -- I put this on the record a couple of times -- all five board members are required to be Eastchester residents. Many of us have roots in this town that go back 10, 15, 20, 25, some 30 years. So almost every applicant has some effect and some connection to the board members. Some of us are local practicing attorneys. I've had clients come before me, and when it's not an open matter, I have not recused myself unless I felt there was some -- and we have standards that we're.

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so I was just going to let it go. I appreciate your commentary because you summed it up very well. All the board members come here with different perspectives in mind. Oddly enough, even though Michael Cahalin and I are very friendly outside, we frequently disagree on what is the character of a neighborhood I've seen over the years, but reasonable men may differ. The imputing of untoward motives to people just is -- people are concerned about the Eastchester community. A hundred story building can't equal the false accusation of someone having some sort of untoward conduct in a proceeding in which all these board members -- I have to commend them for the time they put in, the thought they put in. Michael Cahalin has probably been chased by dogs on more than one occasion. I've asked board members, please stay on after your term because this is, in my estimation, the best board in the town. So I appreciate your commentary, Michael. It wasn't necessary, but it was totally appreciated.

The last item, we all come to these.

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boards, Mr. Cahalin, Mr. Nurzia, Mr. DeMarco, Mr. Miller, in our different fields. So when I heard a couple of comments about lopping off the top floor of the project -- again, my area of my law practice is transactional, so it's mostly real estate related, and I know that buildings like this that go below ground, need to blast. To me, that would never be an attractive element of a project. There's an old expression, be careful sometimes what you ask for. I don't want to impute that here because I don't know that to be true, but again, I bring my knowledge, just like Mr. DeMarco as a criminal attorney, or Mr. Cahalin knows commercial numbers. Every time we have a use application, he takes the lead on many commercial financial concepts. Again, I make that comment, but every applicant has the right to come before us and ask us for relief.

Having said all that, if the applicant wants to comment, I will ask you to be very pithy and to the point, and then we're going to go to the Board. Proceed.

MR. VOGEL: Hi, it's Ed Vogel again.

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from WMW Architects. I just want to start with three comments, one picking up from you, Mr. Chair. The site analysis and some of the borings do indicate that there is substantial rock and some unyielding rock in and about the area, hence why the parking levels are tiered and the retaining walls are there, existing retaining walls are there. So we are approaching this project as being environmentally sensitive and respecting the existing structures and the neighbors. Regarding some comments on the renderings, our submitted renderings have been consistent through the project, so I just wanted to be clear on that.

Regarding the 10 variances, there are 10. All I was trying to do was group them as in being related to one another. So those are my responses succinctly. I don't know if anyone else from the team would like to respond.

MR. TARTAGLIA: My name is Daniel Tartaglia. I'm the attorney representing the developer on this project. I'm kind of pinch

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2 million dollars -- I'm sorry, he paid $999,000.

3 He started this due diligence that he's being accused of not doing, a long time ago. In doing so, he met with, unofficially and officially, a lot of the boards in the town. In fact, he met with the Building Planning Department, with Margaret Uhle, he's met with the Highway Department, the Police Department, the Fire Department, and the town's retained engineers. So all of those meetings occurred in the conceptual development phase of this project before he bought it. So he had a pretty good idea what his yield was going to be.

As Ed pointed out, and our engineers can probably get into a little more in depth if you're interested, in order to get a yield out of this property where there's going to be a return, this is it. It can't get much smaller. Now, can you get reconfigure it on the lot? Can you spread it out? Can you push it down? It's going to force other types of variances. In fact, when my client met with the Fire Department, the building was lower and wider.

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but they wanted it to be more compact and higher so that they could get equipment around it. So there are reasons why it's designed the way it's designed. It fits within the constraints of the site. It's certainly not inconsistent with the character of the neighborhood because right across the street you have The Enclave, and a number of the residents from The Enclave spoke this evening. If you go back to the record in the Eighties, you'll see that there were significant variances granted for that development. Now, that may not be as high as this because of the elevation, but it received the same amount of percentage of variances that this application is looking for.

So I don't know if my client has anything he wants to add to this or anybody else, but I thank you for your time. I just wanted to address those points.

THE CHAIRMAN: Counselor, I appreciate your pointed comments that were really limited to the variances. Thank you. If anyone else on behalf of the applicants want to speak, I

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would ask that it be limited strictly to the variance, if anything, please.

Mr. Vogel, is that it?

MR. VOGEL: I'm assuming that's it.

MR. SARACENO: Mr. Chairman?

THE CHAIRMAN: Yes.

MR. SARACENO: Yes, hi. This is John Saraceno. First of all, I just want to thank the Board for all the effort in getting us to the point where we've exposed all of our information that needs to be out there to the public. I appreciate the town and all of the different departments that we have dealt with over the course of the year or so, while trying to put this project together.

As I indicated in a prior meeting, there is a very big need for rental housing --

THE CHAIRMAN: Mr. Saraceno, if you don't mind me interrupting. I don't mean to be rude. We've gone through that at least two meetings. Just as I've constrained the public, I'm going to constrain you as well to really stick to the variance because that has been heard at several meetings.

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some notes on some of the comments that the public made. The comment about parking, you know, I've worked the zoning code twice, Alan, once on the Town Board and once as a volunteer to redo this code. This code was redone years ago because of McMansions, and we addressed that issue. To say that Westchester County -- Westchester County is a big place. We're in the town of Eastchester. We make our own rules, and we're very happy with the parking.

For someone to make the comment that Westchester County is okay with giving out more variances for parking is upsetting to me because we all live in the town, we know that parking is at a premium. We spend a lot of time on commercial applications considering parking variances, and I thought that was not a good point at all or relevant to this application.

The character of the neighborhood, as you suggest, I voted no on Summerfield, and there was reasons for that, but I follow the law, as I've been instructed to follow the law, and I've been educated by many attorneys both
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on this Board and previous boards that I signed
on with to talk about this stuff. I mean, the
cracter of this neighborhood, in my opinion
solely, would change dramatically, and that's
how I feel about it, and I felt about this
since they came before us in July. I've made
no secret about that. My issue, and I was
going to say it tonight, there is 10 variances,
5 of them are directly related to height. So
you can clump them up in, you know, in three
groups, but two thirds of the variances are
still related to height. Math will do whatever
you want it to do. So for the public to say
that the applicant didn't put the 10 variances
forward is just not true. We've have nothing
but 10 variances. I went back to the website
today to make sure, and they're all there.
They're all listed for everybody to see. I
don't think that was relevant tonight.

One of the things that you have to
have as a developer is imagination, and they
have imagination on this project for sure.

What disturbs me is the way the renderings
always come out. The sides facing White

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Plains, they're showing full, mature trees.
They're not going to plant those. I made this
point at the last couple of meetings. So that
building is huge coming down White Plains Road.
Those trees won't be mature.

As far as the Enclave goes and the
variances they received, that was another time,
I wasn't involved, but the topography
different. This sits up, that doesn't. There
are trees surrounding that property, there
isn't here. There's never going to be trees,
least in my lifetime, that will cover this
building, nor do they want it to be covered.
Yes, I agree with some of the comments that the
public made, this belongs in a city. We're not
a city, we're a town. We're two villages.
Both Tuckahoe and Bronxville are villages that
belong to our town, the town of Eastchester.

So that said, I go right back to, this
strictly has always been, in my opinion, a
height issue, and I've said it before and I'll
say it again, one of my biggest concerns in the
town, and I voted earlier tonight no on the
Main Street application because that was a

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height concern. That was part of a height
variance. So we have to take into
consideration this on its merits is a beautiful
being, but it's 60 some odd feet at its highest
point. In my opinion, I don't think it belongs
in the neighborhood. I have a problem with it
fitting into the character of the neighborhood.
That's my opinion, and that's where I am, Mr.
Chairman.

THE CHAIRMAN: Mr. Cahalin, thank you
for your thoughtful and reasoned analysis.
Mr. DeMarco?
MR. DE MARCO: Nothing, thanks.
THE CHAIRMAN: Okay. Mr. Miller?
MR. MILLER: I somewhat echo Mr.
Cahalin's comments, which seem to be a theme in
the past two applications. My issue is with
the height. I don't really know in there's
much they could do to alter it. That has been
and will continue to be my issue. I'll yield
the floor to one of my other members at this
point.

THE CHAIRMAN: Mr. Nurzia, any
commentary or questions of the applicant?

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MR. NURZIA: Obviously, the big thing
is the height issue. No comments other than
the renderings that showed the spacial
difference between this and The Enclave were
very helpful. That's my only comment right
now.

THE CHAIRMAN: Thank you, Mr. Nurzia.
As far as I'm concerned, I've been reviewing
this application and commenting throughout,
which works in conjunction with my stewardship
of the Board's review of this application, and
again, as I've said to Mr. Cahalin, sometimes
reasonable minds may differ, and I don't view
this as a steel cage match versus The Enclave.
I look at it as how it applies to the overall
neighborhood. I don't see it out of character
with the neighborhood. But again, that's my
analysis.

Unfortunately, you can't take a
structure and drop it, so concerns with water
runoff, parking, and all the other traffic and
other issues, if it were to be approved, would
be honored, changed and resolved with Planning,
ARB and the Planning Board.

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Again, I've been commenting throughout. That's my comment as it relates to the overall neighborhood, not just a 50 foot square radius on Ray Place.

Having said that, I'm going to make a motion to adjourn this application for Resolution at the next meeting; is there a second to my motion?

MR. CAHALIN: I'll second that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: The next meeting is January, 12, 2021. We have our calendar posted. I want to wish all involved with this, because it's already around the corner, a good Thanksgiving, a good Christmas, and I'll see you all in the new year.

MR. CAHALIN: Thank you. Goodnight.

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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 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 4th day of December, 2020.

DINA M. MORGAN
Court Reporter

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