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THE CHAIRMAN: Good evening and welcome to the town of Eastchester Zoning Board of Appeals meeting for February. It is Tuesday, February 9th, 2021. I call the meeting to order, and at this point I usually go over the ground rules very quickly. Firstly, the meeting is conducted under Robert’s Rules of Parliamentary Order.

Secondly, for new applications and now that we’re heading, believe it or not, towards spring, any applicants who are considering coming before the board should be aware that part of the terms and conditions of the application require that any new application is heard and it’s considered and not decided upon the first time. So anything considered in March will not be decided upon until April at the earliest.

Again, we meet -- and our schedule is printed online -- once a month, generally the second Tuesday. We do not meet July, August and December.

Now, some items we dispensed with because we are meeting tonight virtually.

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1 MR. MILLER: Yes.
2 THE CHAIRMAN: Mr. Nurzia.
3 MR. NURZIA: Yes.
4 THE CHAIRMAN: Mr. DeMarco.
5 MR. DE MARCO: Yes.
6 THE CHAIRMAN: I vote yes. The
7 application is approved five to zero.
8 Item number 2, I make a motion to
9 approve Application 21-01, 33 Stewart Place; is
10 there a second?
11 MR. DE MARCO: Second.
12 THE CHAIRMAN: Mr. DeMarco. To the
13 vote. Mr. Cahalin.
14 MR. CAHALIN: Yes.
15 THE CHAIRMAN: Mr. Miller.
16 MR. MILLER: Yes.
17 THE CHAIRMAN: Mr. Nurzia.
18 MR. NURZIA: Yes.
19 THE CHAIRMAN: Mr. DeMarco.
20 MR. DE MARCO: Yes.
21 THE CHAIRMAN: I vote yes. That
22 application has been approved five to zero.
23 Next item is 21-02, 32 Lake Shore
24 Drive. This application is on for resolution.

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1 but the applicant has made a modification to
2 the application. What I'm going to do is
3 invite the applicant to explain the
4 diminishment of the application in terms of the
5 impervious square footage. The applicant may
6 proceed.
7 MR. ACCINELLI: Good evening, members
8 of the board. My name is Steven Accinelli from
9 Venenero, Curto, Schwartz & Curto. Good
10 evening.
11 So just to recap, there were a number
12 of concerns that were raised at the last
13 meeting, and as promised, I did go back and
14 meet with my client and our engineer, Ralph
15 Mastroonaco, and we are happy to report a
16 couple of updates that are reflected on the
17 revised drawings that were submitted to the
18 board.
19 Number one, there are no proposed fire
20 pits. Not one, not two. There are zero
21 proposed fire pits.
22 In addition, we were able to decrease
23 the proposed new impervious surface by 717
24 square feet, which is about a 35 percent

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I'm not sure, Mr. Chairman, if the board has any questions regarding the revisions, but we don't have any further comments regarding the changes from last meeting.

THE CHAIRMAN: Okay. I will throw it to the board briefly. I just wanted to let you know, I appreciate you highlighting the changes because the board has been given these documents and they are a part of the public record, but I think it needed to be explained because we had closed the public hearing at the last meeting, it didn't seem like there was much opposition, and you went ahead and you diminished the impervious surface nonetheless and also improved screening.

Let me go to the board. Mr. Cahalin, do you have anything?

MR. CAHALIN: Just to thank them for the submission and for doing what they did. I think the applicant and his team did a great job. I think this is a much better application right now.

THE CHAIRMAN: Thank you, Mr. Cahalin.

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Mr. Miller? Mr. Miller?

MR. MILLER: No questions.

THE CHAIRMAN: Thank you. Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I have nothing. So as we may recall, this is a two part application. There's first going to be a ruling on an interpretation, and if the interpretation is in favor of the applicant, then there won't be a second part of the resolution. If it isn't, then we're going to resolve on the variance. My first part with regard to Application 21-02, 32 Lake Shore Drive for interpretation of Section 99 of the Zoning Law, I make a motion to rule in favor of the interpretation made by the Building and Planning Department, as described in the letter from the Building Inspector to the applicant's engineer dated September 15, 2020, and revised December 21, 2020; is there a second to my motion?

MR. CAHALIN: Second.

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THE CHAIRMAN: Last item on the calendar, this is item number 4, 21-03, 48 Harney Road. Just as a recap, the public hearing was left open on this matter, and the applicant has submitted a revision to their application. So we’re going to ask the applicant to describe all of the revisions made to the application, and then the board will have an opportunity to be heard with questions or comments, and then the public will have an opportunity to be heard. Please proceed.

MS. UHLE: Can I just say something?
We’re provided with a list of people who plan to present, and other than the applicant, Lucy, I don’t see anyone else that represents the applicant. Lucy, is there anyone else that’s going to be joining you, and if so, could those people raise their hand so I could promote you in order to be able to participate?
Lucy, are you doing the presentation or do you have anyone with you?

MS. RIDULFO: Dave Barbuti is supposed to be here.

MS. UHLE: I don’t see him on the list.

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of attendees, unless he is viewing under a different name.

MS. RIDULFO: No, he said he would be there. He called me the other day to say he was going to be presenting.

MS. UHLE: I don’t have Dave participating at this point and nobody else is raising their hand.

MS. RIDULFO: Can you call Dave right now? Give me one second.

MS. UHLE: Sure.

THE CHAIRMAN: Okay.

MS. RIDULFO: He’s going to join right now. Tell him to go on right now. He’s coming on. I think because last time we were last, maybe he thought there were other people. Who knows?

THE CHAIRMAN: We run a serious operation here in Eastchester, we don’t fool around.

MS. RIDULFO: I get that. Thank you.

Mr. Cahalin, since you inquired, there are five attendees aside from

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the panelists.

MR. CAHALIN: Thank you.

MS. RIDULFO: I’m sorry, is he on yet?

MS. UHLE: No, not yet.

MS. RIDULFO: He said he was jumping right on. I had a little trouble getting on before. I don’t know why.

MS. UHLE: You don’t get on until we kind of promote you, but now that we’re in the middle of meeting, he should be able to get on very easily. Here he is.

MS. RIDULFO: Great. Thank you.

MS. UHLE: He should show up in a minute. There he is.

MR. BARBUTI: Sorry about that,
Margaret, members of the board, I was running behind schedule.

THE CHAIRMAN: Are you prepared?

MR. BARBUTI: Yes, I am.

THE CHAIRMAN: So please proceed.

MR. BARBUTI: Basically we’re here tonight, we were here last month with the owners of the property, and they decided to remove the back portions of the deck to

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eliminate two of the variances. So the only variance that we’re here tonight requesting would be for the setback to the pool. We’re required to have 10 feet, and unfortunately, it was constructed and because of the smaller yard we’re at 5.1 feet, so we have a deficiency 4.9 feet, which is roughly a 49 percent variance.

MS. UHLE: David, can you show the plan, please, the revised plan?

MR. BARBUTI: Certainly. Can you see that?

MS. UHLE: Yes.

MR. BARBUTI: Basically the pool is in the same location. We eliminated the deck that basically went almost to the property line. We have a smaller deck on the side basically on the east and west side of the pool. The deck on the right-hand side is roughly 11.3 by it looks like it’s about 10 feet, and the one on the other side is much smaller, which is roughly 13 feet by probably about 6 or 7 feet.

THE CHAIRMAN: Okay. Thank you for the spacial orientation. Is there anything
further you would like to add to the
presentation?

MR. BARBUTI: Not at this time.
THE CHAIRMAN: Okay. I'm going to
throw it to the board for questions or
comments, but before I do, Mrs. Uhle, did the
Fire Department have an opportunity to look at
the clearance on these side structures?
MS. UHLE: They did not, but their
concern is typically between the pool and the
house. I don't think they'll have a problem
with this. It will be referred to them.
Typically what their concern with is the
distance between the pool and house.
THE CHAIRMAN: That's what I was
talking about.
MS. UHLE: The decks you mean?
THE CHAIRMAN: Yes.
MS. UHLE: They have not reviewed it,
but that would not be an issue for the Fire
Department, but I will confirm that with them.
THE CHAIRMAN: Thank you. Questions or
questions from the board. Mr. Cahalin?
MR. CAHALIN: Nothing.

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THE CHAIRMAN: Mr. Miller?
MR. MILLER: None.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: No questions or comments.
THE CHAIRMAN: Mr. DeMarco? Mr.
DeMarco?
MR. CAHALIN: He's back.
MS. UHLE: There he is.
THE CHAIRMAN: Mr. DeMarco, any
questions or comments?
Actually, Mark is calling me on my
phone through the magic of technology. Hold
on. Mark? Maybe he's trying to get back into
the meeting.
MR. CAHALIN: He's in the meeting.
MS. UHLE: I could see him.
MR. CAHALIN: You could see him as
plain as day.
THE CHAIRMAN: I was going to patch
him back in. Okay.
MS. UHLE: We lost him again. He must
be having some difficulty.
THE CHAIRMAN: He just texted me he
can't hear anything.

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Mrs. Uhle, Counselor Tudisco, in an
instance like this, I'm not going to relay via
text to him, so how do we have a voting member
who can't be heard or seen?
MS. UHLE: He's had an opportunity to
view the application, he's not required to
speak on it, and you're not going to vote on
this until next month. He's joining, but even
if he couldn't, I don't think that would be a
problem.
THE CHAIRMAN: Okay.
MS. UHLE: He would still be able to
vote on the application under any circumstances
even if he missed the meeting, just based on
the transcript.
THE CHAIRMAN: Fair enough. Mark, are
you with us?
MS. UHLE: He's connecting.
THE CHAIRMAN: He said he couldn't
hear anything, so that was my major concern.
MR. DE MARCO: I'm back. I didn't
miss anything, I was watching on TV.
THE CHAIRMAN: Do you have any
questions or comments of the applicant?

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MR. DE MARCO: No, thank you.
THE CHAIRMAN: Okay. I don't either.
The public hearing has been open, so I'm going
to ask the public if anyone has any interest in
speaking on this application, please come
forth, state your name and address for the
record, and be heard. Counselor.
MR. TUDISCO: Yes. If there are any
members of the public that wish to address the
board, please use the raise your hand feature
and I will invite you to un-mute yourself.
Mr. Chairman, it does not appear that
any members of the public that are listed wish
to address the board on this application.
THE CHAIRMAN: Okay. So I make a
motion to close the public hearing on this
matter; is there a second?
MR. DE MARCO: Second.
THE CHAIRMAN: Mr. DeMarco. All in
favor.

(AYE)
THE CHAIRMAN: Back to the board. Mr.
Cahalin, any final comments or questions?
MR. CAHALIN: Yes. I think we should

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THE CHAIRMAN: Okay. Mrs. Uhle, that is part of the record; correct?

MS. UHLE: Yes.

THE CHAIRMAN: Thank you, Mr. Cahalin, anything further?

MR. CAHALIN: No, nothing.

THE CHAIRMAN: Okay. Mr. Miller, any comments, questions?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: I have nothing further.

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

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THE CHAIRMAN: Thank you to the applicant for your presentation.

The next meeting will be held on Tuesday -- is scheduled for Tuesday, March 9, 2021. That is it for this evening. I make a motion to adjourn; is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Thank you. Have a good evening.

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