EASTCHESTER ZBA - 3/9/21

THE CHAIRMAN: Good evening and welcome to the Town of Eastchester Zoning Board of Appeals meeting for March. It's Tuesday, March 9th, 2021. While everyone is getting settled in, I'll just go over some of the ground rules.

Firstly, we observe Robert's Rules of Parliamentary Order to conduct the meeting.

Secondly, we dispense with a couple of items that we ordinarily would do with in-person meetings because tonight's meeting is a remote meeting via Zoom. So items like the pledge and roll call will not be conducted this evening.

Also, just as a point of order, any matter that is on first time, will not be decided tonight. As all applicants know, as an essential term or condition to their application, matters are reviewed, deliberated upon, and then decided upon at subsequent meetings. The reason why I mention that is because our calendar is printed a year in advance, and we generally meet the second week of every month, the second Tuesday, and our

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

MR. CAHALIN: The application has been denied.

THE CHAIRMAN: Excuse me. Just as a point of order, Mr. DeMarco's motion was to approve, so we have -- let me -- I'm sorry, my fault. Let me go back through and poll the board. Mr. Cahalin, your vote was no?

MR. CAHALIN: Still is.

THE CHAIRMAN: Okay. Mr. Miller.

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia was yes, Mr. DeMarco was yes.

MR. DE MARCO: Yes.

THE CHAIRMAN: I was no. The application has been denied 3 to 2.

Next item is new business, that is number 21-08, 65 Joyce Road. So before the applicant has an opportunity to present, I just want both of these new business items to know that their applications have been submitted. Their application, their presentation, the documentation are all public record, so when you are ready to proceed, you may. I just want to let you know you don't have to read the entire application because it's been reviewed by the board. You can if you would like. It's not going to either help or hurt your application, it's entirely up to you.

Having said that, the applicant now can proceed on item number 2.

MR. PARANGI: Good evening, Chairman Pillai. This is Max Parangi, I'm the architect of record on the project. Good evening, everybody. Thank you for allowing us to present this ZBA request. I'll leave the floor to Mr. Veripapa and Karen, his wife, just to present themselves for a few minutes, and then I will pick up again if there are any technical questions about the variance. Tom.

MR. VERIPAPA: Thanks, Max. Good evening, everybody. My name is Tom Veripapa. My wife, Karen, she's actually running a little late coming home from work, so she'll join us momentarily.

Just a quick introduction. We purchased the house about eight years ago, been residents here in Eastchester. We have two kids. Mia, our daughter is seven years old and is attending Anne Hutch. Ethan, our four year old, will be in Waverly next year. We really enjoy this community. My mom actually grew up in Eastchester. We came up from the city. It's a wonderful place to live.

When we bought the house, you know, it did go through some minor renovations and additions, but we felt the flow just wasn't really brought out correctly. There was an addition put on that kind of was piecemealed, and it wasn't really thought out.

As our family grows and, you know, we grow as a family, we looked to Max and his expertise to really look at the layout and really make it flow so our families can really grow within the household. The flow doesn't really mix when we have, you know, family members over. People are kind of, you know, bumping into each other. With Max and his team are going to produce today, present, does make sense for our family, and, you know, we're just looking forward to the opportunity.

I'll turn it over to Max, who is going to dive into any technical questions. Thank you for the opportunity.

MR. PARANGI: Thank you, Tom. Thank you, Margaret, by the way, for guiding us throughout this whole process.

We are seeking an area variance at the rear of the property. It's approximately -- not approximately -- it's exactly 182 square feet. It is not a huge, huge variance in terms of square footage. We, as I have noted in my letters to the board and in general my comments, the house, I think it had one or two additions in the past years or decades. Very piecemeal, honestly. When I first went to meet with Tom and Karen Veripapa, the entire flow if you look at the sheet A2, the first floor demolition plan, you will see that there was an entrance to the basement from the garage and apparently we changed that, so right now you enter into a laundry room, from the laundry room you enter into the kitchen, then the dining room there is an addition in the back.

MS. UHLE: Max?

DINA M. MORGAN, REPORTER
The reason for the zoning application was because there was a terrible flow, so we felt it would be helpful to add this extra 182 square feet in the back to create the proper first floor flow.

With that said, I'll be quiet and ready to answer any questions of the board members and the chair.

THE CHAIRMAN: Okay. Thank you for your presentation. At this time, we reserve the opportunity for the board to ask questions and/or make comments. I'll start on my left to Mr. Cahalin. Mr. Cahalin, do you have any questions or comments?

MR. CAHALIN: Yes, I mean, I appreciate the presentation and why the family want to open it, but I would like the architect to talk specifically about the variance that he is requesting. You kind of talked about what was going inside the house, I didn't hear much about the 7.8 percent variance. Could you point that out on your drawings so we can see it?

MR. PARANGI: It's the hatched area at

DINA M. MORGAN, REPORTER

The area within the kitchen. We added the kitchen. They put it in the back of the property. There is a direct connection from the laundry room to the garage, and it's an open floor with the family room. Everything is at the same level. There is no setback requirement for this project. We are conforming to all the setbacks. We are not touching more than 30 percent of the front elevation. I did run this by Mr. King, and James was okay with the minor alterations of the front. This is the existing front. Can you put up the post front. We kept most of the roof. We did some cosmetic room. I would have loved, honestly, to be able to have bigger front doors, the picture door and the two doors in the living room on the left side of the entrance. These two on the left side of the entrance. This window composition. I would have loved to be able to maybe play around with that a little bit, but for now we kept it simple. We tried to stay under the 30 percent threshold.

Other than that, we talked about the variance, we talked about the overall floor.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

MR. NURZIA: My only comment is actually -- just for full disclosure -- I live at 8 Darcy, so my property abuts up against Joyce Road, so I know this house very well. I could see it from my back yard. The way this is planned, I won't even see it from the angle where my back yard is. It will be tucked away behind the extension that goes toward the back of the house. I have no questions or comments other than that disclosure.

THE CHAIRMAN: I don't have any questions or comments at this time.

MS. UHLE: Joe's internet is down. He just e-mailed me. He is trying to get back on.

MR. PARANGI: For Mr. Nurzia we would like to show the rear elevation, which is quite pleasant. Mr. Nurzia, it's not something that's going to be detrimental to your property. There is nothing invasive, nothing like detrimental, in my opinion. If anything, we changed the overall look of the siding. I think with the French doors in the back and the alignment of the windows, even if you see it from your property, it will be pleasant. It

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

won't be detrimental.

MR. NURZIA: Mr. Parangi, I don't know if it's just the audio on my side, I'm having trouble hearing you.

MR. PARANGI: I don't know if you can hear me. I was saying if you look at the overall rear elevation, in my opinion, even if you see it from your property, it's very simple, one story, nothing that is going to be detrimental or an eyesore from your property. I think it's going to look simple, nothing elaborate, nothing offensive to look at. This is the way it is now, the rear of the property. Sorry about the interruption. I didn't mean to interrupt.

THE CHAIRMAN: Mr. Nurzia, anything further?

MR. NURZIA: No, no questions.

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

favor.

(AYE)

THE CHAIRMAN: Mr. Tudisco, is there anyone from the public interested in being heard on this application?

MR. TUDISCO: If there is any member of the public who wishes to address the board on this application, please use the raise your hand feature and I will invite you to un-mute yourself.

Mr. Chairman, it does not appear that there are any members of the public that wish to address the board on this application.

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

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Back to the board.

We'll start left to right. Mr. Cahalin, anything?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

MR. CAHALIN: Nothing further.

THE CHAIRMAN: Is Mr. Miller back on right now?

MR. TUDISCO: He is actually an attendee on the list -- I'm sorry, that's a different Miller. No, he is not.

THE CHAIRMAN: Mr. Nurzia, anything?

MR. NURZIA: No, no questions.

THE CHAIRMAN: Mr. DeMarco, anything?

MR. DE MARCO: No, thank you.

THE CHAIRMAN: The only comment I have is that the applicant has addressed the five part test. It's a di minimus 7.8 percent application in terms of variation. I make a motion to adjourn this matter for Resolution at the next meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Thank you for your application.

MR. PARANGI: Thank you, board members, for your help and your assistance.

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

1 Margaret, again, thank you very much for your help and guidance. It’s very much appreciated.
2 MS. UHLE: You’re welcome.
3 MR. PARANGI: Goodnight, everyone.
4 THE CHAIRMAN: Goodnight. Thank you.
5 The third item on the calendar under new business is 23 Club Way.
6 MS. UHLE: Joe just e-mail me that he is unable to get back up. Hopefully that will change.
7 MR. VILLANI: Would you like me to start? Can everybody hear me, everything all right?
8 THE CHAIRMAN: We hear you. Why don’t you proceed.
9 MR. VILLANI: Thank you. Thank you very much. My name is Jonathan Villani representing Annunziata Villani Design Consultants and the Mastandrea residence located at 23 Club Way. We have an insufficient side yard setback. We’re requesting 8 feet where the required is 12, as well as a rear yard setback which is 25 and we’re requesting 15.8, which is a variance of

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 I’m going to share my screen and explain the project briefly and the variances that we’re seeking. So this is the existing site plan. Can everybody see that?
2 MR. CAHALIN: Yes.
3 THE CHAIRMAN: Yes.
4 MR. VILLANI: Presently, this is the existing site plan with the two story wood frame structure, presently three bedrooms.
5 We’re non-conforming at the rear yard. We’re looking for a side yard setback variance on the 16.9 feet that’s presently at the side yard.
6 The family -- as obviously you’ve probably heard on several applications or a vast number of applications -- the family, they have three daughters, three small, tiny bedrooms, looking to increase the size of the house so they can stay in the area and live in the area that they want to live in and create a space that’s adequate for three growing girls.
7 I’ll pull up the proposed site plan.
8 Did it switch or I have to stop sharing and share again?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 MR. CAHALIN: I could see it.
2 MR. VILLANI: You see the proposed?
3 Okay, great.
4 The hatched area is the proposed addition. We’re increasing the side of the house 8.9 feet, which is creating an 8 feet setback at the side yard. The design of this structure is twofold. It’s an existing three bedroom home, we’re increasing it to four bedrooms, as well as increasing the living space of the kitchen and the living room. From the functionality of it, the kitchen and living room and bedrooms are on that side of the home, as well as from an aesthetic standpoint the property, if everybody is aware, slopes on the right side of the property, the southern part of the property slopes down.
5 Let me show the existing floor plans. That’s the front elevation of the house. It presently has a kitchen, living area and dining area on the first floor, with a half bath, three bedrooms on the second floor, a master bedroom and two smaller bedrooms that the girls share.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 We are proposing an increase of the kitchen and the dining area to more of an open concept -- which is the trend -- to create a more social space instead of a separate dining room, as well as create three larger bedrooms on the second floor. From a functionality standpoint, all the functioning spaces, the bedrooms and the kitchen, were on that side of the house, so naturally to increase that side of the house from an expense standpoint is practical. But from an aesthetic standpoint, the grade drops off to the southern part of the property, which would create a three story structure on the right side and from a scaling standpoint didn’t really look aesthetically pleasing. Putting it on the left side of the property allowed me to step it back and create the proportions I wanted, to pop the front of the house out and not create a mass that was too tall.
2 So let me go back to the proposed. The setback on the side naturally -- as far as the rear setback, we’re keeping the same line of the existing structure, so what happens is

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

1 naturally as you bump it to the left, we're
2 shortening the side yard setback, but as a
3 result because of the angle the property line
4 relative to the house, the rear yard setback
5 gets affected by just a little bit greater than
6 1 foot from the existing. Obviously, it's a
7 little greater than the conforming setback, but
8 from the existing setback of 16.93, the
9 non-conforming setback, we're really just
10 keeping in line of the structure of the house.
11 So when you increase the side yard, the rear
12 yard actually is getting a little bit smaller
13 because of the angle of the property line.
14 From an aesthetic standpoint, we felt it was
15 proper to put it on the left side of a house,
16 from a functioning standpoint and practical
17 standpoint as well. I think the scale on the
18 right side of the house would be too -- we
19 would also have to get a variance on the right
20 side of house as well due to the rear yard.
21 These are the reasons why we designed
22 it the way we did. I appreciate it. I just
23 feel that this is a move that's just natural
24 with the progression of their family and needs
25
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 to be something that has to be done if they're
2 going to stay in the area.
3 THE CHAIRMAN: Anything further on
4 your presentation?
5 MR. VILLANI: One other thing, yes. I
6 spent a lot of time circling the area. A vast
7 number of these property in these areas have
8 abnormal sizes, undersized, oddly shaped. I
9 see some common setbacks that we're looking for
10 on other properties around the area. The scale
11 of the home I think still fits on the property
12 well and doesn't create a detriment to the
13 character of the other houses in the area at
14 all. There are several houses that are
15 relatively close to the property line.
16 Obviously, with the addition of landscaping and
17 certain things that we would do, we would, you
18 know, separate the structure from the
19 neighboring property.
20 THE CHAIRMAN: Okay. Before I open
21 this --
22 MS. UHLE: Can I just say something,
23 Alan?
24 THE CHAIRMAN: Please.
25
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 MS. UHLE: I'm sorry. The applicant
2 would like to speak. You can just un-mute
3 yourself. You don't need to raise your hand.
4 You can just participate.
5 MS. MASTANDREA: Okay. I just wanted
6 to say -- first of all, Margaret, I appreciate
7 all the time that you've given us and help just
8 navigating through this process. I started
9 this process right before Covid, and this has
10 been a long time coming to give this
11 presentation to the town.
12 We have lived in this house for
13 14 years. We had no kids when we moved in here
14 and now have three girls. We've just outgrown
15 the space. We have looked into options of
16 moving. To stay in this town and by a four
17 bedroom is up to a million dollars now. So
18 that's not feasible to us. This would be the
19 best compromise for us to stay, keep our kids
20 in the school. We love this town. We went
21 from Garth Road to Interlaken to this house.
22 We've been here for over 20 years in total in
23 Eastchester, and, you know, we just hope you
24 understand that this is the best thing for us
25
DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

they're aware that -- they would love to put
screening along that property line to, one,
reduce the scale of the addition, as well as
provide privacy for them as well as the
neighborhood.

MR. CAHALIN: What kind of screening
are you talking about?

MR. VILLANI: Well, whenever I present
projects of this magnitude, we use large
evergreens. Nothing that is going to go bare
in the winter. So evergreens, Arborvitae.
Something that is going to stay full and plush
in the winter as well as summer.

MR. CAHALIN: What size do you usually
scale them to to start.

MR. VILLANI: Well, for me, 6 to 8
feet on the Arborvitae. They grow pretty
quickly. I get the full ones. I'm not great
with the -- I have somebody that tells me which
ones to buy. The ones that stay healthy and
full and plush, and then they go get them for
me.

THE CHAIRMAN: Thank you for fleshing
that out for me. What I'll do at this juncture

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

the side variance of 33 feet -- 33 percent.
That's a third. That's a serious variance that
does impact your neighbor. So I'm happy to
hear that you're talking about the 6 to 8 foot
Arborvitae because I would suggest that's what
would be needed if this variance was to be
approved.

The other thing I wanted to point
out --

MR. DE MARCO: Mr. Cahalin, can I jump
in for a second?

THE CHAIRMAN: Who's speaking?

MR. DE MARCO: It's Mark DeMarco.

With respect to that side yard variance, we
received a letter I believe it must have been
from your neighbor, who proposed a 25 percent
variance as opposed to a 33.3 percent variance,
which would amount to roughly a foot. How do
you feel about that proposal, Mr. Villani?

MR. CAHALIN: That was one of my
questions. If you reduced it by a foot, what
does that change the size of the bedrooms to?

MR. VILLANI: If you look at the
bedrooms on the second floor -- let me just

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

is have the board further any questions or
comments. Since Mr. Cahalin had jumped in
there, Mr. Cahalin, why don't you continue if
you have anything further.

MR. CAHALIN: There are a couple of
things. I mean, I understand the family's need
and I understand what's going on here, but what
I get concerned with is just a town wide look.
We have 33 and 36 foot variances. Anything
over 30 feet to me is a serious variance that
you're requesting. The reason why, there's
always a good reason why.

I'm not so concerned with the rear
setback even though it's bigger than the side
setback at 36 feet. When I looked at the
property on the weekend, you know, you're in
the back, there's nothing really behind you,
your neighbors are set back, I don't think it's
going to impact your side neighbor at 17. Even
though it's 36.8 feet in the rear -- it's a
severe variance as far as I'm concerned -- but
I don't think it has the impact that another
type of variance of that size would have.

That said, I do have a concern with

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

you, in your submission, you don't talk about
the side yard setback in, I think, number 3 of
the variance test. You point out to the rear,
but to me, the way I read it, you really didn't
mention the side. In the future, you should
really put in both variances when you're
talking about them. The side one, in my
opinion, is more serious than the rear in this
particular example that we're talking about.
That's all I have, Mr. Chairman.
THE CHAIRMAN: Thank you Mr. Cahalin.

Would you like to reply?
MR. VILLANI: No.
THE CHAIRMAN: Okay. I thought you
were saying something.
MR. VILLANI: I was saying, noted.

I'm taking notes on that.
THE CHAIRMAN: Mr. Miller, do you have
anything?
MR. MILLER: No questions at this
point.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: Just to follow-up with
Mr. Cahalin's comments about the possibility of
altering the size of those bedrooms, bringing
it in a foot, if that's something that you and
your client could discuss, that would be
helpful.
THE CHAIRMAN: Thank you, Mr. Nurzia.

Mr. DeMarco, anything further on your
questioning, any comments?
MR. DE MARCO: No.
THE CHAIRMAN: I don't have anything
at the moment.
I make a motion to open the matter to
the public for a public hearing; is there a
second?
MR. CAHALIN: Second.
THE CHAIRMAN: Mr. Cahalin. All in
favor.

(AYE)
THE CHAIRMAN: Attorney Tudisco, is
there anyone from the public looking to be
heard on this application?
MR. TUDISCO: Again, anyone from the
public who wishes to address the board on this
application, please use the raise your hand
feature and I will invite you to un-mute

DINA M. MORGAN, REPORTER

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

1  what we've had in the past, since the public
2  hearing has been closed on this, when
3  applicants either mitigate or they diminish the
4  level of the area variance, the public hearing
5  remains closed because there's nothing further
6  to be heard on that.
7
8  I could do one of two things: I could
9  either move to resolve to have the application
10  ruled upon and decided upon at the next
11  meeting, or if you plan on amending your
12  application in any way, depending on that
13  amendment, we could resolve to leave the
14  application open and we may or May not open up
15  the public hearing.
16
17  MS. UHLE: Did you just close the
18  public hearing?
19
20  THE CHAIRMAN: I did.
21
22  MS. UHLE: So you can't reopen it,
23  unless you reopen it right now.
24
25  THE CHAIRMAN: That's what I'm --
26  MR. VILLANI: So if we're not -- I'm
27  trying to understand this.
28
29  THE CHAIRMAN: I'll explain it. If
30  you're leaving the application the way it is or
31  DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1  if you decide to diminish the application, we
2  could resolve now to decide upon the
3  application at the next meeting. The board, if
4  you do diminish -- amend the application and
5  diminish the amount of variance that you're
6  requesting, then that could still be decided upon
7  at the next meeting, or you can leave the
8  application the way it is. You could do so. I
9  don't need to do anything further in opening
10  the public hearing.
11
12  MR. VILLANI: Okay.
13
14  MS. UHLE: Alan?
15
16  MR. VILLANI: Janine, do you want to
17  speak?
18
19  MS. MASTANDREA: I'm sorry, I just
20  want to hear what Margaret was going to stay.
21
22  MS. UHLE: Alan, in all honesty,
23  you're kind of confusing me as well.
24
25  First of all, if they're going to
26  reduce the scope of the variance, under any
27  circumstances -- unless they're going to
28  increase the variance -- there's no reason to
29  keep the public hearing open. I really think
30  if you're inclined to say, we're going to deny
31  DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1  the application unless you reduce a foot off of
2  that footprint, they need to know that. I'm
3  little bit confused what you're asking them to
4  do. It sounds like they're pretty committed to
5  the evergreen screen, and so is the outstanding
6  issue now you're asking them how committed they
7  are to possibly modifying the footprint?
8
9  THE CHAIRMAN: No, I'm not asking for
10  that at all. I'm sorry, maybe I wasn't clear.
11
12  What I'm suggesting is that -- I made
13  my comments about the application. As I
14  mentioned earlier, as far as the five part test
15  is concerned, I don't see that as my concern.
16  My concern was the screening, and they seem to
17  have addressed that. What I'm suggesting is,
18  the two board members have commented on
19  possibly diminishing the size of the variance,
20  and I just want the applicant to know that if
21  we move for Resolution, it will be decided upon
22  and they can diminish the size of their
23  variance and it could still be decided upon in
24  the next meeting, but that we're not requiring
25  them to do so.
26  DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1  implying that -- you're still confusing me.
2  I'm assuming --
3
4  THE CHAIRMAN: Hold on. One person
5  speak at a time.
6
7  MS. UHLE: I'm assuming that ideally
8  they would not want to reduce the footprint.
9  You have two members that sounded like that
10  might be important to them. You said that
11  doesn't seem to be too significant. I think
12  maybe the other two members should weigh in on
13  that. You're saying you're all in favor of the
14  Arborvitae, I think you need to give more
15  direction with regard to -- otherwise, to me,
16  it kind of sounds like you're gambling. You
17  can come back with the footprint that you have
18  and we might deny you, or you can reduce it and
19  we may approve. I don't understand why people
20  aren't being more specific with regard to how
21  they feel about reducing the footprint.
22  Everyone is on board with the Arborvitae. I
23  think you can just kind of explain how
24  important that additional reduction of 1 foot
25  is, and then the applicant knows specifically
26  how to proceed.
27  DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

THE CHAIRMAN: Why don’t we do this, let me go back to the board again to make it easier. Mr. Cahalin.

MR. CAHALIN: I’ll be very clear.

THE CHAIRMAN: Please.

MR. CAHALIN: As clear as I can be. My issue is with a 33 percent side setback that can be reduced to 25 percent with a 1 foot change. I would feel better about this application if they just took the 1 foot out, that way they end up with a 25 percent variance, which is still substantial, but is something that I could live with and would garner a much more favorable way I would see the application.

So that’s where I’m at. That’s what I’m asking for, if they would be willing to reduce it by a foot to bring down the overall variance to 25 percent.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller.

MR. MILLER: Whether it’s reduced by a foot or not doesn’t make a difference to me whether I’m going to deny or approve the application.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

application. I can’t speak for how the applicant wants to proceed, but in my view it’s not going to make a difference on how I rule on your application.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: I concur with Mr. Cahalin.

THE CHAIRMAN: Okay. Mr. DeMarco.

MR. DE MARCO: So do I.

THE CHAIRMAN: With whom?

MR. DE MARCO: Mr. Cahalin. I’m sorry.

THE CHAIRMAN: It’s okay. I said what I’ve said. Therefore, I think that gives the applicant a little better clarity on where each board member is thinking on the application.

MS. MASTANDREA: Okay. Hi. So I just want to understand the process. Are there five board members and I’m understanding that three are asking us to reduce it by a foot and two are saying it’s fine as is and we all agree the trees will be put?

THE CHAIRMAN: Let me paraphrase that as well. I’m sorry to interrupt you. It seems

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

at least give their comments on the application and your thoughts, what I'm going to do is make a motion to adjourn this matter for Resolution at the next meeting; is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: What will happen is, we are going to decide your application at the next meeting, and you will have until that time --

MR. TUDISCO: Mr. Chairman?

THE CHAIRMAN: Please. Was that Mr. Tudisco?

MR. TUDISCO: Mr. Chairman?

THE CHAIRMAN: Yes.

MR. TUDISCO: Yes, it is. I want to echo your comment. I always feel uncomfortable putting an applicant on the spot in front of the board. Based upon some of the concerns and question that she's raised, I think in all fairness it would be a good idea for her to speak to her architect outside of the meeting.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

What I would suggest is, the application is as it is, you can --

THE CHAIRMAN: Mr. Tudisco, you're breaking up, but I think all you're doing is just repeating what I'm saying. I'll just amplify that you have every right to leave the application as it or to modify it in any way that diminishes the amount of variance that you're requesting. You should take the opportunity to consider those things and not feel you have to make a decision now because you have up until a few days before the next meeting. So you'll submit any changes, and the board will have an opportunity to see those as well.

Mrs. Uhle, is there a deadline on that or is that almost up until the date of the next meeting?

MS. UHLE: There are some deadlines, but I'll discuss those with the applicant.

THE CHAIRMAN: Fantastic. Thank you, Mrs. Uhle.

Just to recap because there's been a lot of discussion here. Your application will

DINA M. MORGAN, REPORTER
EASTCHESTER ZBA - 3/9/21

1 motion to approve the application, because I 
2 polled the board and we draft Resolutions based 
3 on having polled the board. That's a perfectly 
4 appropriate and legal way to do it. Mr. Miller 
5 indicated he simply made a mistake. 
6 So I think, like Mark DeMarco said, he 
7 can say, a mistake was made, I'm going to 
8 reintroduce the motion, and we're going to 
9 re-vote, and we'll see what the outcome is that 
10 time. I don't see that there's a big issue 
11 when a mistake is acknowledged immediately 
12 within the meeting. In fact, Mr. Miller had 
13 texted me immediately thereafter, but we had 
14 moved on to other issues. 
15 THE CHAIRMAN: Okay. So under 
16 Robert's Rules, I believe Mark's motion is a 
17 motion to withdraw his motion -- 
18 MR. DE MARCO: Allow me, Mr. Pilla. 
19 I have an application to vacate the 
20 board's prior vote on Application 21-03, 48 
21 Harney Road. All in favor. 
22 THE CHAIRMAN: Hold on. Before you do 
23 that, Mark, is there a second? 
24 MR. MILLER: Second. 

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 THE CHAIRMAN: Mr. DeMarco. 
2 MR. DE MARCO: Yes. 
3 THE CHAIRMAN: I vote no. The 
4 application has been approved three to one with 
5 one abstention. 
6 MR. DE MARCO: The record should be 
7 clear that the reason for this second vote is 
8 we subsequently learned after the first vote 
9 rejecting the application, that a mistake was 
10 made by Mr. Miller, who was distracted by a 
11 very important family matter. 
12 MR. TUDISCO: I just want to clarify 
13 because my screen kind of fuzzed out, somebody 
14 abstained from the vote and that was? 
15 THE CHAIRMAN: Mr. Cahalin. 
16 MR. TUDISCO: Mr. Cahalin. Okay. 
17 THE CHAIRMAN: Is that all, Mr. 
18 Tudisco? 
19 MR. TUDISCO: That is all. 
20 THE CHAIRMAN: Okay. Is there any 
21 other business to discuss? 
22 Seeing nothing, I make a motion to 
23 adjourn the March meeting. Our next meeting is 
24 April 13th. Is there a second? 
25

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 3/9/21

1 MR. DE MARCO: Second. 
2 THE CHAIRMAN: All in favor. 
3 (AYE) 
4 THE CHAIRMAN: Goodnight. Thank you. 
5 MS. UHLE: Thank you. 
6 (MEETING ADJOURNE)
STATE OF NEW YORK  
)   SS. 
COUNTY OF WESTCHESTER 

I, DINA M. MORGAN, Court Reporter and 
Notary Public within and for the County of 
Westchester, State of New York, do hereby 
certify: 
That the above transcript was taken from 
a video of the actual hearing. I was not 
present for such hearing. The video was taken 
and transcribed by me to the best of my 
ability. 
And, I further certify that I am not 
related to any of the parties to this action by 
blood or marriage, and that I am in no way 
interested in the outcome of this matter. 
IN WITNESS WHEREOF, I have hereunto set 
my hand this 8th day of April, 2021.

DINA M. MORGAN, REPORTER