

STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

TRANSCRIPT OF
EASTCHESTER ZONING BOARD OF APPEALS
NOVEMBER 14, 2017

HELD AT: Eastchester Town Hall
40 Mill Road
Eastchester, New York 10709
7:00 p.m.

BEFORE:

ALAN PILLA, CHAIRMAN
JOSEPH MILLER, MEMBER
MICHAEL CAHALIN, MEMBER
PETER NURZIA, MEMBER

PRESENT:

MARGARET UHLE, DIRECTOR OF PLANNING
MICHAEL VERNON, ASSISTANT PLANNER
JAY KING, BUILDING INSPECTOR
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY

Dina M. Morgan
25 Colonial Road
Bronxville, New York 10708
914-469-6353

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a month, we don't meet July, August, and
December.

Also, tonight items that are on for
resolution will be decided unless the applicant
is here and asks for an adjournment. That's of
importance tonight because we are a four member
board, which means you would need a
four/nothing or a three/one decision for an
approval, a two/two would be a denial.

What I will do now is call the roll
and let me know that you are here -- well, you
couldn't let me know if you weren't here -- but
if you are proceeding or you're seeking an
adjournment. Before I call the first item, I
just want to let everyone know in the public
that item 16-14, 600 White Plains Road has been
adjourned on consent of the applicant.

So for roll call, number 1, 17-46, 62
Lake Shore Drive.

The second item that's on also for
resolution, 17-43, 78 Lakeview Avenue.

Proceeding to resolution? Thank you.

17-44, 155 Fisher Avenue. So that
will be proceeding to resolution.

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THE CHAIRMAN: I would like to welcome
everyone to the Zoning Board of Appeals for the
Town of Eastchester meeting for November 14,
2017. We start our meeting with the Pledge of
Allegiance. Please rise.

(Whereupon the Pledge of Allegiance
was said.)

THE CHAIRMAN: Okay. I usually take
this time to go over some of the housekeeping
items, ground rules, if you will.

So firstly, we follow and observe
Robert's Rules of Parliamentary order, if you
care about these things.

Secondly, any matter that is on
tonight for the first time, will not be decided
upon tonight. If you read your application
package, as part of the terms and conditions
that's mentioned, and I mention it tonight
because we do not meet in December, so any item
that is on tonight for the first time will be
decided the earliest January. While we're
talking about that, our calendar is available a
year in advance. You could go on line and get
our calendar. We meet nine times a year, once

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Okay, on new business, number 4,
17-58, 454 California Road. Are we proceeding?

APPLICANT: Yes.

THE CHAIRMAN: Number 5, 17-60, 120
Clarence Road. Proceeding?

APPLICANT: Yes.

THE CHAIRMAN: Thank you. Before we
go on to resolution, I make a motion to approve
the minutes from the October 10th, 2017
meeting; is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All you in
favor.

(All aye.)

THE CHAIRMAN: First resolution,
17-46, 62 Lake Shore Drive.

MR. CAHALIN: Mr. Chairman, I would
like to make a motion to adopt a resolution
denying Application 17-06, 62 Lake Shore Drive.

THE CHAIRMAN: Is there a second to
that motion?

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. So let's
go to the vote. Mr. Cahalin.

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 2 MR. CAHALIN: Yes.
 3 THE CHAIRMAN: Mr. Miller.
 4 MR. MILLER: Yes.
 5 THE CHAIRMAN: Mr. Nurzia.
 6 MR. NURZIA: Yes.
 7 THE CHAIRMAN: And I vote no. That
 8 application has been denied 3 to 1.
 9 Okay, number 2, 17-43, 78 Lakeview
 10 Avenue. I make a motion to adopt a resolution
 11 approving this application; is there a second
 12 to my motion?
 13 MR. CAHALIN: I'll second that.
 14 THE CHAIRMAN: Mr. Cahalin. Vote.
 15 Mr. Cahalin.
 16 MR. CAHALIN: Yes.
 17 THE CHAIRMAN: Mr. Miller.
 18 MR. MILLER: Yes.
 19 THE CHAIRMAN: Mr. Nurzia.
 20 MR. NURZIA: Yes.
 21 THE CHAIRMAN: I vote yes. That
 22 application has been approved four/nothing.
 23 Third item for resolution, number 3,
 24 17-44, 155 Fisher Avenue. I, firstly, make a
 25 motion it adopt a negative declaration for this

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 2 application; is there a second to my motion?
 3 MR. MILLER: Second.
 4 THE CHAIRMAN: Mr. Miller. All in
 5 favor.
 6 (All aye.)
 7 THE CHAIRMAN: Now I make a motion to
 8 adopt a resolution approving the application;
 9 is there a second?
 10 MR. NURZIA: Second.
 11 THE CHAIRMAN: Mr. Nurzia. To the
 12 vote. Mr. Cahalin.
 13 MR. CAHALIN: Yes.
 14 THE CHAIRMAN: Mr. Miller.
 15 MR. MILLER: Yes.
 16 THE CHAIRMAN: Mr. Nurzia.
 17 MR. NURZIA: Yes.
 18 THE CHAIRMAN: And I vote yes. That's
 19 been approved four/nothing. Thank you.
 20 Okay, on to new business, number 4,
 21 17-58, 454 California Road. If you could come
 22 forward, please. While you are gathering your
 23 exhibits, etcetera, this is an application for
 24 an area variance to permit an 8 foot tall rear
 25 yard fence where a maximum height of 6 to

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 2 8 feet is allowed.
 3 Please state your name for the record
 4 and proceed.
 5 MR. OTTOMANELLI: Good evening. My
 6 name is Vito Ottomanelli and I'm here because I
 7 just want to increase the height of the fence.
 8 You approved me for a 6 foot fence and all I'm
 9 doing is adding 2 feet to that, that's all.
 10 THE CHAIRMAN: Okay. Also, in
 11 reviewing your submission and your application
 12 package, there was nowhere within that package
 13 the tests for the area variance, the five part
 14 test. Can you go through that for us, please,
 15 if you don't mind?
 16 MR. OTTOMANELLI: Basically -- let me
 17 just get that out -- I was going by the 6 foot.
 18 Like I said, it's the same fence. I'm not
 19 doing anything different except adding 2 feet
 20 to the original 6 foot fence. That's why I
 21 didn't think I needed a variance to that.
 22 THE CHAIRMAN: Well, that's why you're
 23 here, your application is at variance with the
 24 law. The Building Department denied the
 25 application, now you have to get a variance for

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 2 the 8 foot fence. So that's why I'm asking you
 3 why you want this board to see through that
 4 your fence, which is I guess a third higher
 5 than it should be, should be granted. For
 6 instance, in the five part test the character
 7 of the neighborhood, is it a detriment. I
 8 mean, you could read through that.
 9 MR. OTTOMANELLI: I did. In my
 10 opinion -- it's my opinion -- I don't think
 11 there is any detriment to anybody else. Nobody
 12 else is here except for one couple. Other than
 13 that, no one else has complained about me
 14 putting up an 8 foot fence instead of the 6
 15 foot fence.
 16 THE CHAIRMAN: Okay.
 17 MR. MILLER: Why do you need an 8 foot
 18 fence?
 19 MR. OTTOMANELLI: Basically because
 20 the privacy issue that was brought up by this
 21 couple, I want to make sure that they don't
 22 have any issues with my doing the work because
 23 I'm going to be doing construction work after
 24 this is done, after the fence is put up. I
 25 don't want them to have to say anything about

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2 my variance or my fence not covering what they
3 want to cover.

4 THE CHAIRMAN: Okay. Usually at this
5 point I reserve -- when an applicant has
6 completed their presentation, I reserve this
7 opportunity for the board members to ask
8 questions, so maybe what we could do is have
9 the board members ask questions in conjunction
10 with the test for an area variance.

11 MS. UHLE: Before you do that, can I
12 say something because it might relate to some
13 questions?

14 THE CHAIRMAN: Please.

15 MS. UHLE: I did let the board know
16 this but I'm not sure that the neighbors know
17 this, and I know Mr. King informed the
18 applicant of this, one thing I just wanted to
19 clarify is the way that our law is written when
20 you have a retaining wall over 6 feet tall, the
21 maximum fence that you could put on top of that
22 wall is 4 feet high. If you want to put
23 something larger -- typically you could have a
24 6 foot high fence in a rear yard but if it's on
25 top of a retaining wall, the highest it can go

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2 is 6 feet -- I'm sorry, 4 feet. If you wanted
3 it to be 6 feet, it would need to be set back 3
4 feet from the wall. If Mr. Ottomanelli wanted
5 it to be 8 feet, it would also have to be set
6 back at least 3 feet from the wall.

7 MR. OTTOMANELLI: Yes.

8 MS. UHLE: And he agreed to that.

9 MR. OTTOMANELLI: Yes. Yes.

10 MS. UHLE: I just wanted to make clear
11 it's not a high wall with an 8 foot fence right
12 on top of it. The 8 foot high fence would be
13 set back at least 3 feet, or if it was a 6 foot
14 fence that would be as of right, it would also
15 have to be set back 3 feet.

16 MR. OTTOMANELLI: Right. It is going
17 to be 3 feet behind the retaining wall. It's
18 not going to be on top of the retaining wall.
19 It's going to be 3 feet back from the retaining
20 wall.

21 THE CHAIRMAN: That was clear. I was
22 just really going further into the test for the
23 actual area variance.

24 MS. UHLE: I'm not sure that the
25 neighbors understood that --

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2 THE CHAIRMAN: Thank you, Mrs. Uhle.

3 MS. UHLE: -- Because I know they're
4 here so I wanted them to understand that even
5 the 6 foot fence would be set back 3 feet from
6 the top of the retaining wall.

7 THE CHAIRMAN: Thank you for
8 clarifying, and for the public that might not
9 have known that as well. So thank you.

10 Mr. Cahalin, any questions of this
11 applicant?

12 MR. CAHALIN: No.

13 THE CHAIRMAN: Mr. Miller?

14 MR. MILLER: Does anybody else have an
15 8 foot fence in your neighborhood?

16 MR. OTTOMANELLI: Not that I'm aware
17 of.

18 MR. MILLER: What size fences do your
19 neighbors have?

20 MR. OTTOMANELLI: I don't think they
21 have any questions.

22 MR. MILLER: No questions.

23 THE CHAIRMAN: Mr. Nurzia?

24 MR. NURZIA: No questions.

25 THE CHAIRMAN: At this time, I don't

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2 have any questions either. I have a motion to
3 open this matter to the public for a public
4 hearing; is there a second?

5 MR. CAHALIN: Second.

6 THE CHAIRMAN: Mr. Cahalin. All in
7 favor.

8 (All aye.)

9 THE CHAIRMAN: Would anyone like to be
10 heard on this application?

11 Please come up, name and address for
12 the record, and go ahead.

13 MR. GIANNELLI: Good evening, Zoning
14 Board. My name is Larry Giannelli. I live at
15 29 Lispenard Avenue, directly behind the
16 Ottomanelli's home.

17 I appreciate the insight that was just
18 provided in terms of the location of the fence
19 to the wall, the retaining wall. That was not
20 really understood prior to that. So I think it
21 brings some good insight to it. Margaret, the
22 point that you raise, I was also going to be
23 concerned with in terms of where you have -- we
24 have a 10 foot retaining wall and having an 8
25 foot -- I'm sorry, having an 8 foot fence above

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 2 there would really be an eyesore. But if it's
 3 setback and the trees -- so I understand it,
 4 the trees are going to be on my side of the
 5 property then?
 6 MR. OTTOMANELLI: No, they'll be on my
 7 side of the property. That's what you wanted.
 8 THE CHAIRMAN: You could address that
 9 after he finishes his comments.
 10 MR. GIANNELLI: Well, I'll go through
 11 my notes. My understanding is, what was
 12 approved back in May was that the existing
 13 fence -- which myself and my wife have no issue
 14 with -- would remain there, and what was
 15 decided by the Zoning Board was that 22 to 24 6
 16 to 7 foot arborvitaes would be installed on
 17 that fence, on his side of the fence. There is
 18 no issue with that. It provides the screening
 19 we require. So the whole thing with this 8
 20 foot fence I don't get. It's non-conforming in
 21 a residential environment. I would hope that
 22 the plants would grow. Why you would want to
 23 give up 3 feet of your property to put a fence
 24 in front of it, I don't understand that. If
 25 the trees were behind it and there was

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 2 irrigation provided behind that, that would be
 3 fine.
 4 Other things I would raise in terms of
 5 it is these homes have -- the rear of Vito's
 6 home, the front of my home is direct easterly
 7 facing, you put up an 8 foot fence there, you
 8 will have vegetation growth problems. Because
 9 of the elevation of that property, you will not
 10 get any growth between the hours of 11 and
 11 1:00, that is your sunlight time there.
 12 So those are concerns. Also, from the
 13 sightliness of this. I respect the decision
 14 that was made by the board in terms of
 15 coming -- the variance that was granted. It
 16 does come into our area or our personal space.
 17 It is their property, I understand that, but it
 18 does step forward. If you put an 8 foot fence
 19 in there, you just compounded the issue that
 20 much further. It makes it unsightly,
 21 obtrusive, and invasive into our yard. You're
 22 all intelligent guys, you obviously know what
 23 measurements are, but to give you an idea, I
 24 guarantee you that floor to the top of that
 25 doorway is 8 feet. Put that on top of a 10

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 2 foot wall and what are you looking at?
 3 THE CHAIRMAN: I'm sorry to interrupt
 4 you. The fence is not actually going on the
 5 wall. If I may, what I was thinking of doing
 6 is allow you to come back and continue on your
 7 presentation, but there seems to be some gaps
 8 in where things are going to go, so I would
 9 like maybe Mr. Ottomanelli to be a little more
 10 specific on where the fence is located, where
 11 the arborvitaes are going to be, etcetera, and
 12 then you could continue your commentary. How
 13 does that sound?
 14 MR. GIANNELLI: I'm fine with that.
 15 THE CHAIRMAN: Mr. Ottomanelli, could
 16 you come up and be a little more specific?
 17 MR. OTTOMANELLI: Do you mind if I use
 18 the chart here?
 19 THE CHAIRMAN: Please.
 20 MR. OTTOMANELLI: The fence is going
 21 to go behind the current retaining wall that's
 22 there. So it's going to be 3 feet behind the
 23 retaining wall and that's where -- after that,
 24 that's where the arborvitae is going to go.
 25 THE CHAIRMAN: When you say after, the

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 2 arborvitae are going to be closer to your home?
 3 MR. OTTOMANELLI: Yes.
 4 THE CHAIRMAN: And behind that fence?
 5 MR. OTTOMANELLI: Yes.
 6 THE CHAIRMAN: So there's going to be
 7 3 foot gap between the fence and the wall?
 8 MR. OTTOMANELLI: Right.
 9 THE CHAIRMAN: Okay.
 10 MR. OTTOMANELLI: What else do you
 11 need to know?
 12 THE CHAIRMAN: Anything else you would
 13 like to add? Again, your commentary is coming
 14 from the viewpoint of your rear neighbor who is
 15 making comments that are in opposition to your
 16 application, so anything you could do to
 17 highlight an explanation as to what you're
 18 doing would probably be of assistance.
 19 MR. OTTOMANELLI: Basically after the
 20 fence is put up -- 8 feet is not what he's
 21 talking about, 8 feet is 8 feet from the ground
 22 to slightly higher than what I am right now.
 23 THE CHAIRMAN: Okay. May I ask you
 24 one thing?
 25 MR. OTTOMANELLI: Yes.

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2 THE CHAIRMAN: You could put a fence
3 up 6 feet as of right, you don't even have to
4 be here, the extra 2 feet are intended for
5 what?

6 MR. OTTOMANELLI: The basic reason is
7 because I would just like a little more privacy
8 and he's asking for more privacy.

9 THE CHAIRMAN: So privacy is the
10 reason.

11 MR. OTTOMANELLI: And frankly, this
12 way he gets his privacy and I get my privacy,
13 and I'm going to put the arborvitae up after
14 the fence is put up.

15 THE CHAIRMAN: Okay. So your fence
16 initially may exceed the height of the
17 arborvitae. Obviously when they grow if you're
18 putting in 6 to 7 foot arborvitae if you get an
19 8 foot fence, they'll be at least a foot short
20 of that.

21 MR. OTTOMANELLI: Right. Exactly.
22 We'll put them up, I mean, that's fine.

23 THE CHAIRMAN: The arborvitae are part
24 of law right now. That was part of the
25 decision by the board.

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2 MR. OTTOMANELLI: Right.

3 THE CHAIRMAN: That makes it a little
4 more understandable. If you would like to come
5 back up and speak, please.

6 MR. GIANNELLI: Two additional
7 questions. One is, so does the existing --

8 THE CHAIRMAN: Make your comments.
9 The cross talk is not going to work with the
10 public.

11 MR. GIANNELLI: What happens with the
12 existing chain link fence that's there? Is it
13 a corridor that we're creating, two fences that
14 are 3 feet apart? What is going in that area;
15 is it grass; is it weeds; is it dirt? How is
16 it maintained?

17 THE CHAIRMAN: Mr. Ottomanelli.

18 MR. OTTOMANELLI: Probably be dirt.

19 THE CHAIRMAN: And the fence is going
20 to remain, the current fence that's on --

21 MR. OTTOMANELLI: On the retaining
22 wall?

23 THE CHAIRMAN: Yes.

24 MR. OTTOMANELLI: Yes.

25 THE CHAIRMAN: Okay. So that answers

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2 that question. Do you have any commentary as
3 it relates to that?

4 MR. GIANNELLI: That is odd and ugly,
5 I'm sorry. From giving up -- we don't have big
6 pieces of property. To give up a 3 foot patch
7 of your property in this town is, well, mighty
8 big of you. You don't have to do it on my
9 behalf. I mean, like I said, the fence that's
10 there is -- I don't have an issue with it.

11 It's a 4 foot chain link fence. It's not
12 obtrusive. Stick a row of plants in front of
13 it. In a year, those plants will grow to the 2
14 feet. It's a softer look. What you're talking
15 about is a hardened look and a white plastic
16 fence is a very hard look.

17 THE CHAIRMAN: Thank you for your
18 comments.

19 MR. GIANNELLI: The other issues I was
20 just going to raise in terms of, you know --
21 Margaret, again, I appreciate that in terms of
22 taking into account the wall factor, that it's
23 really a 4 foot fence that's allowed there and
24 6 foot is really I think the first variance to
25 it if you look at Section G of the law and Item

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2 3.

3 THE CHAIRMAN: Thank you. Would
4 anyone else like to be heard on this
5 application? Please. Name, address, and speak
6 freely.

7 MRS. GIANNELLI: Hi. Good evening.
8 My name is Toni Giannelli. I also live at 29
9 Lisperard, directly behind Mr. and Mrs.
10 Ottomanelli.

11 We're very -- we're happy that Mr. and
12 Mrs. Ottomanelli want to improve their home.
13 Their home improvement improves our home,
14 there's no doubt about that. Coming into the
15 setback was not great for us but we excepted
16 that, and you guys made that certainly more
17 palatable by understanding the fact that
18 between us the arborvitae made a true amount
19 of difference.

20 The chain link fence that's up there
21 now is 4 feet, the wall is 10 feet. The wall
22 was built -- it's a beautiful stone wall -- the
23 wall was built when the homes were built in the
24 Forties. It's maintained. To put a white
25 piece of vinyl on top what is structurally just

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1 a beautiful -- it's almost like a piece of art
2 that wall -- would just be -- it's
3 disheartening to me that somebody would want to
4 do that when he's going to put the arborvitaes
5 in front of it, as Larry pointed out. So he's
6 going to leave the chain link on our side for
7 the weeds to come through and grow in that
8 dirt, which nobody is going to be able to get
9 to, not even us if we wanted to maintain it.

10 Now he's going to go 3 foot further,
11 he's going to put an 8 foot fence, which is
12 totally, for lack of a better word, I'm sorry,
13 spiteful. It is not going to gain Mr. and Mrs.
14 Ottomanelli any privacy, it's certainly not
15 going to gain us any privacy. The extension
16 they're building and their deck is on the
17 second story of their house, which is way over
18 8 feet. They're not gaining anything. The
19 arborvitaes do everything that fence would do
20 and more. It's natural, it's green, it's
21 friendly. No one else on the entire block has
22 anything over 4 feet, including the
23 Ottomanelli's.

24 However, additionally, I do know that

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1 one of the neighbors was so upset by this that
2 they came to us, because they couldn't be here
3 tonight, to tell us that even though Mr. and
4 Mrs. Ottomanelli claimed that putting in the
5 arborvitaes would be a hardship first round and
6 wanted to put the vinyl fence in, you as the
7 board said, no, that wouldn't be appropriate
8 for the town and the community, and we, you
9 know, wholeheartedly, respectfully appreciate
10 that, they offered him a thousand dollars
11 towards the trees not to do the fence. They so
12 don't want to look at this fence that they were
13 willing to help him. He refused it. He told
14 them, no.

15 I think what he's doing is being
16 spiteful and malicious because we simply want
17 the green to remain in front of the chain link.
18 The 8 foot fence is totally, totally
19 disrespectful to anyone in the neighborhood,
20 not just us. We're going to be looking at the
21 back of the fence. And why he wants to put a
22 white fence up with the arborvitaes in front of
23 it and give up 6 feet of his property I can't
24 justify, but I can tell you from my side I get

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1 nothing from vinyl, nothing. Our house is
2 surrounded by a green fence of forsythias.
3 Larry maintains them on both sides of our
4 neighbors' properties because we respect the
5 fact that it's a green fence and it allows
6 light to filter through, sun to filter through,
7 life to be appreciated, greenery. This is not
8 happening with a white vinyl fence, and that's
9 the reason why nobody on California or
10 Lispenard, for that matter, has a vinyl fence.
11 Across from us is the parkway. There's not a
12 vinyl fence there, there's woods. The woods
13 are appreciated by the community. We don't
14 petition for you guys to come in and say, just
15 put up a big, white vinyl fence so we don't
16 have to see the woods anymore. I'm just
17 disheartened by the fact that he's trying to
18 kind of use us as a reason to gain privacy when
19 we're not going to gain any privacy from that.
20 He's building on the second story. He's coming
21 right into our house either way. That's his
22 right, I get that, but to try to spin this
23 around, I don't get.

24 I really hope that you will take the

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1 action that's appropriate, which is to -- if
2 he's going to put up a fence, he should replace
3 the chain link fence, he should replace it with
4 another 4 foot fence, or leave the chain link
5 fence as it is and put the arborvitaes in,
6 which was originally agreed with. This
7 petition for this was something that was done
8 way before and now is coming kind of after.

9 I think from our perspective, you
10 know, we have no problem with their extension,
11 we have no problem with what they want to do,
12 we do have a problem with the vinyl and the
13 fact that it will change the architecture of
14 the neighborhood and that's unfortunate. So I
15 hope that you'll consider that.

16 Please feel free at any time to come
17 to our house or come into our yard or view our
18 pictures, we will provide them to show you that
19 this is not the fabric of this neighborhood or
20 community. Thank you.

21 **THE CHAIRMAN:** Thank you for your
22 time.

23 **MR. MILLER:** Mr. Chairman, may I ask a
24 question?

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2 THE CHAIRMAN: Please.

3 MRS. GIANNELLI: Yes, certainly.

4 MR. MILLER: Let's assume we deny his
5 application and he puts up a 6 foot fence,
6 you're going to have the same -- correct me if
7 I'm wrong, but you're going to have the same
8 situation a year from now if you're worried
9 about weeds growing between the fence, the
10 arborvitaes, and then the second fence which is
11 on your property.

12 MRS. GIANNELLI: Well, I guess if the
13 arborvitaes were a hardship to Mr. and Mrs.
14 Ottomanelli, then why is taking down the chain
15 link fence, which is not compromised, it's been
16 there for 50 years, nothing wrong with it, it's
17 solid as could be, to put up something vinyl,
18 which cannot be anchored into the stone wall --
19 (Speaking from the audience.)

20 THE CHAIRMAN: Hold on a second,
21 please. Just to focus everyone's attention,
22 those are discretionary actions by the
23 applicant. The only issue before the board is
24 whether the applicant will be allowed to erect
25 an 8 foot fence, 6 foot, as Mr. Miller is

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2 stating, is as of right. So all we're really
3 deciding today -- not deciding today but
4 hearing today -- is the application to put an 8
5 foot fence. The arborvitaes are part of the
6 law, that's a requirement.

7 MRS. GIANNELLI: So I guess my answer
8 to that is, Mr. Ottomanelli's zoning flyer to
9 us was not descriptive of this. It didn't
10 mention anything about it being set back, it
11 didn't mention anything. However, in the town
12 of Eastchester, properties must be maintained
13 within a certain level. Even if there's dirt
14 there --

15 THE CHAIRMAN: But that's beyond the
16 scope of this.

17 MRS. GIANNELLI: Who is going to be
18 able to maintain --

19 THE CHAIRMAN: We're talking about an
20 8 foot fence now.

21 MRS. GIANNELLI: But 8 foot -- there's
22 just no reason for an 8 foot fence.

23 THE CHAIRMAN: That's a different
24 question. That's what you've been speaking on.

25 MRS. GIANNELLI: Okay. So the 8 foot

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2 fence, I feel, is obtrusive, and I don't feel
3 that he's going to gain any privacy, nor am I
4 going to gain any privacy from their extension,
5 which is what is kind of pushing this all along
6 is the extension. I don't see how we're going
7 to gain anything more from having a chain link
8 and then an 8 foot fence and then plants in
9 front of it.

10 MR. MILLER: What I think you're
11 trying to argue is that it's unnecessary. The
12 fact that this board ordered the arborvitaes be
13 placed in there are going to satisfy the
14 requirement of the privacy issue, and that the
15 additional 8 foot fence is an unnecessary
16 measure, therefore, I think you're making the
17 argument that it's not needed.

18 MRS. GIANNELLI: Exactly.

19 MR. MILLER: As Mr. Chairman has
20 reminded people on many occasions, and I can't
21 repeat his phrase that he uses all the time, be
22 careful what you ask for because he can put a 6
23 foot fence there and you're going to end up
24 with the same exact scenario you're concerned
25 with now of weeds growing.

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2 MRS. GIANNELLI: Well, he can't put a
3 6 foot fence where the chain link is because
4 that is on the retaining wall. He can only put
5 4 feet there.

6 THE CHAIRMAN: But the application is
7 for a fence that's not on a retaining wall.

8 MRS. GIANNELLI: When Mr. Ottomanelli
9 got up to the stand, he said, I'm only asking
10 to replace what I have, 2 feet higher. He's
11 got a 4 foot chain link. So he's replacing --

12 MS. UHLE: I did clarify this to you
13 over the phone. I know it was a little bit
14 confusing. When he says he's amending what he
15 has, he was referring to the fact that he
16 submitted an application for a 6 foot fence and
17 he's amending that application that was
18 submitted to the Building Department for an 8
19 foot fence. I did clarify that to you. It
20 wasn't quite clear in the way that it was
21 noticed but that's what he wants.

22 MRS. GIANNELLI: So our understanding
23 this evening was that the chain link would come
24 out and the 8 foot would be erected. Whether
25 that 8 foot is 3 foot in or not, it's

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1 obtrusive, and especially the fact that he's
2 asking for it to be white vinyl. I mean, I
3 don't see anything except a commercial property
4 in this community -- and even then -- I mean, I
5 watched the Zoning Boarding this weekend on the
6 wintery day, Saturday, when it was rather cold,
7 people one after another, we're going to put
8 plants in front of it, we're going to make the
9 sign smaller, they're trying to be respectful
10 and responsive to each other's needs and that's
11 what we're trying to do. We're happy for them
12 and we want them to have their extension, but
13 they should be respectful of the fact that the
14 community they live in does not warrant or the
15 fabric of this community does not show those
16 kinds of fences. They're spiteful. They're
17 just mean.

19 MR. MILLER: Well, again, my question
20 is, is your ultimate point you're trying to
21 make here that because this board has already
22 ordered or directed that arborvitaes are to be
23 placed, which will ultimately be 8 feet,
24 9 feet, 10 feet, that the placement of the
25 fence being 8 feet is unnecessary, and

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1 therefore, the application should be denied; is
2 that your ultimate point?

4 MRS. GIANNELLI: Yes, that is my
5 ultimate point.

6 My secondary point to that would also
7 be, I think -- and this is only my
8 perception -- I'm not sure -- I didn't get from
9 this that Mr. Ottomanelli thought that this was
10 in lieu of the arborvitaes. This was a very
11 unclear request when we got to zoning. I don't
12 think anybody on the block who got it really
13 understood.

14 THE CHAIRMAN: Okay. Well, let's
15 assume for argument sake that that's correct.
16 Now we're clearing it up, you're making your
17 commentary, and we're focusing or at least
18 attempting to focus on an 8 foot fence. So do
19 you have any further comment as it relates to
20 an 8 foot fence?

21 MRS. GIANNELLI: I still will object
22 to the 8 foot fence.

23 THE CHAIRMAN: Clearly, you've
24 expressed that. Clearly, that's the case.

25 MR. CAHALIN: We get that.

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1 THE CHAIRMAN: Is there anything else
2 you'd like to add?

4 MRS. GIANNELLI: No. I think at this
5 time I think the board -- I will go with what
6 the board's decision is.

7 THE CHAIRMAN: I thank you for your
8 comments. Is there anyone else that would like
9 to be heard on this application?

10 MR. OTTOMANELLI: Can I respond?

11 THE CHAIRMAN: You will have an
12 opportunity to respond in a minute. I just
13 want to see if there is anyone else that is
14 interested in being heard.

15 Seeing no one else as far as the
16 public hearing is concerned, I make a motion to
17 close the public hearing; is there a second to
18 my motion?

19 MR. NURZIA: Second.

20 THE CHAIRMAN: Mr. Nurzia. All in
21 favor.

22 (All aye.)

23 THE CHAIRMAN: Okay, the applicant
24 please come forward. You are free to respond,
25 and then the board will have any questions or

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1 comments.

3 MR. OTTOMANELLI: I just wanted to
4 clarify a couple of things. First of all --

5 THE CHAIRMAN: Please.

6 MR. OTTOMANELLI: The chain link fence
7 that's on the retaining wall is going to stay
8 there, it's not going anywhere. The fence that
9 I want to put up, whether it's 6 foot or 8
10 foot, is going to be behind that retaining
11 wall. It's not going to bother anybody except
12 for the fact that they don't like the 8 foot or
13 a 6 foot fence for that matter. Then I'm going
14 to put the arborvitae behind the fence. I
15 don't understand what their issue is at this
16 point other than -- they're talking about being
17 spiteful, I think they're being spiteful to me.
18 So that's the only thing I wanted to say.

19 THE CHAIRMAN: Okay. Questions or
20 comments; Mr. Cahalin?

21 MR. CAHALIN: I have several.

22 THE CHAIRMAN: Please, go ahead, speak
23 freely.

24 MR. CAHALIN: Historically, as I've
25 sat in this seat, I've always opposed variances

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2 on fences. I've been pretty consistent in my
3 decisions.

4 This 8 foot fence is 2 foot of
5 lattice; correct?

6 MR. OTTOMANELLI: Right.

7 MR. CAHALIN: So I think there goes
8 your privacy issue right out the window. I
9 don't see it. I've been to the site. In fact,
10 it's easier to see from the other side, from
11 the side where the neighbors live, and it is
12 beautifully green and everything else but
13 everybody has a right -- you have a right to a
14 6 foot fence and that's where I'm at. I mean,
15 I just don't see the need for an 8 foot fence
16 back there. I don't buy the argument that it's
17 privacy, especially when it's 2 foot of
18 lattice.

19 The elevation there, you know, it's
20 your property, if you want to go back 3 feet
21 and put up an 8 foot fence if the board so
22 decides, that's, you know, something that will
23 happen. Right now, you know, I'm going to play
24 my cards out and say I'm not on board with an 8
25 foot fence in general because I think we have

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2 an obligation to the rest of the town, and we
3 see this every so often where this happens and
4 then it perpetuates itself. We've had it
5 recently with driveways and curb cuts and this
6 is another thing, everybody thinks it's nothing
7 big, it's only 2 feet, but the town is -- you
8 know, for 12,000 people in the town, it's a
9 small town, and everybody sees this and
10 everybody understands it and our job is, you
11 know, to try and keep the integrity of what
12 this town is, and I see this as something that
13 could change not only this application -- I
14 mean, I don't see it that way but I worry about
15 the general thing, that's why I can't get on
16 board with an 8 foot fence. If he wants to do
17 it by right and put up a 6 foot, that's his
18 business, but I could tell you right now, you
19 know, on this resolution I'll vote no for the
20 fence. That's where I'm at.

21 THE CHAIRMAN: Thank you for your
22 comments, Mr. Cahalin. Mr. Miller?

23 MR. MILLER: I don't know if this is
24 going to be questions or comments. I'm trying
25 to struggle with the question of why. You're

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2 going to be putting up the arborvitaes, which
3 are going to grow -- they can get pretty high.
4 So they're going to give you adequate privacy
5 or at least this board feels they're going to
6 give you adequate privacy, as well as your
7 neighbors adequate privacy, that's why we
8 directed that as part of the last resolution
9 that was in your favor. So now you're going to
10 put up an 8 foot fence which is basically going
11 to be in front of the arborvitaes, so I don't
12 see how that's going to give you any type of
13 additional privacy. Unless, of course, your
14 fear is that the arborvitaes are going to die,
15 wither away over time, which could be the case,
16 but you're going to probably find that you
17 would then have to put those arborvitaes back
18 under our directive.

19 MR. OTTOMANELLI: Right. The only
20 reason that I'm putting the fence up is because
21 they needed privacy. That's what they said. I
22 felt in order to give them the privacy that
23 they require, I will put the fence up and this
24 way put the arborvitae behind the fence on my
25 side of the property so that they have no

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2 issues with the privacy.

3 MR. MILLER: I think it's commendable
4 that you're trying to do it for the privacy of
5 your neighbors, it's certainly commendable, but
6 let's assume for the sake of this discussion
7 that your neighbors don't want the fence and
8 they don't care if they don't have that
9 privacy, does that affect your decision?

10 MR. OTTOMANELLI: I don't know how to
11 that, to be honest with you.

12 MR. MILLER: Well, if your goal is to
13 provide privacy for your neighbors because you
14 feel that's what they need but your neighbors
15 are coming here saying they don't feel they
16 need you to put up an 8 foot fence to protect
17 their privacy and your goal is to protect their
18 privacy with that fence, does that affect your
19 need or reason to put it up?

20 MR. OTTOMANELLI: Yes, because this
21 way they get what they want and I get to have
22 privacy on my side as well, because this way we
23 don't have to worry about anybody looking into
24 their backyard or looking into my backyard.

25 MR. MILLER: Well, correct me if I'm

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2 wrong, my board members will jump on me, but I
3 think that's the purpose of why we ordered the
4 arborvitaes be placed there, for your privacy.

5 MR. OTTOMANELLI: I'm sorry, I didn't
6 hear what you said.

7 MR. MILLER: The reason both sides are
8 going to have privacy is the reason why we
9 directed the arborvitaes be placed.

10 MR. OTTOMANELLI: Right. This is just
11 an extra added measure of privacy for both of
12 us.

13 MR. MILLER: But does it actually --
14 does an extra 2 feet, as Mr. Cahalin very
15 eloquently stated, actually give you any extra
16 privacy?

17 MR. CAHALIN: I'm not eloquent but
18 that's okay.

19 MR. MILLER: You're asking us to give
20 you a variance, and I want to know why you need
21 these extra 2 feet if you're going to put up a
22 lattice, which can be seen through, and we've
23 already directed arborvitaes be put up. We're
24 making a decision that's going to affect future
25 applications.

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2 MR. OTTOMANELLI: I understand. If
3 the lattice is an issue, I can always take away
4 the lattice and just make it 8 foot, that's not
5 a problem. I mean, my person that's putting in
6 the fence said he could go either way. I just
7 thought it may have looked a little nicer by
8 having the lattice there. If you don't think
9 that it's an issue in terms of having the --
10 I'm sorry, if you think it's an issue having
11 the lattice there, then I'll just take away the
12 lattice and just put plain, white fence, that's
13 all.

14 MR. MILLER: My issue is that we
15 ordered arborvitaes and now you're sticking a
16 white fence in front of arborvitaes, and I'm
17 trying to understand why you need to do that.
18 Is it your privacy or your neighbor's privacy?

19 MR. OTTOMANELLI: Both. Both.

20 MR. MILLER: Your neighbors don't care
21 at this time, so now it's really just your
22 privacy; is that the ultimate goal?

23 MR. OTTOMANELLI: I guess, yes, all
24 right.

25 MR. MILLER: Okay, that's fine, that's

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2 what I'm trying to get at.

3 THE CHAIRMAN: Anything further, Mr.
4 Miller?

5 MR. CAHALIN: Thank you, counselor.

6 MR. MILLER: No.

7 THE CHAIRMAN: Mr. Nurzia?

8 MR. NURZIA: Well, you know the old
9 saying, tall fences make for good neighbors,
10 but I think there's a limit to that. I think
11 that limit may be at the 6 foot, at least in my
12 eyes. I mean, ultimately -- not to get too
13 technical here -- there was a five part test,
14 and I'm not sure if you've convincingly met
15 that test, and there are some issues about
16 whether the fence is for you, whether the fence
17 is for what you thought the neighbors wanted.
18 To follow up on just another comment, there is
19 also a precedent aspect to this. So I'm a
20 little sceptical about all of this. That was
21 my comment.

22 MR. OTTOMANELLI: Okay.

23 THE CHAIRMAN: I'm certainly not going
24 to waste time and be repetitive. I began with
25 the question, and they were almost leading

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2 questions about what Mr. Nurzia alluded to,
3 which was the lack of a submission on the five
4 part test. We're bound -- our counselor will
5 support me on this -- we're bound by law to
6 follow the five part test. We don't make this
7 stuff up. So we follow for an area variance a
8 specific five part test and we're guided by
9 that and applicants need to meet that. So
10 that's why I highlighted that, and I wanted you
11 to see if you would be able to be able to reply
12 to those five parts. That's certainly going to
13 be part of the consideration here, because
14 really we're -- I am, at least, gleaning from
15 what you've said and how I fit that into the
16 concept of the five part test because there's
17 really no submission on that.

18 Having said that, unless you want to
19 add anything else, I'm going to make a motion
20 to adjourn this matter for resolution. Mrs.
21 Uhle, would you like to add something?

22 MS. UHLE: Sorry about that.

23 THE CHAIRMAN: Please.

24 MS. UHLE: The only thing I wanted to
25 say, Mr. Ottomanelli, is whether you put up the

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1 8 foot fence or the 6 foot fence, the only
2 thing that I would want you to consider or that
3 I would be concerned about is that area between
4 the wall and the fence, that 3 feet. Even if
5 you kept or removed the chain link fence, you,
6 ultimately, are responsible for maintenance of
7 that portion of the property.

MR. OTTOMANELLI: Yes, I know that.

MS. UHLE: I could just see that
11 becoming a contentious issue between neighbors
12 now as well. It's obviously your prerogative
13 to use your property as you like, I would just
14 think for your own benefit keeping a 4 fence,
15 and whether you wanted to make it white vinyl
16 or not I think is your determination, but a 4
17 foot fence at the wall with the 6 to 7 feet
18 arborvitae, which will grow, will give you the
19 privacy you need, plus allow you to have
20 additional property. I'm just afraid of --
21 regardless of the variance -- I'm a little off
22 topic -- but if you do this setback, you're
23 going to have this no man's land that's going
24 to become a contentious issue. So I just want
25 you to consider that under any circumstances.

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1 motion.
2
3 MR. OTTOMANELLI: Okay. The only
4 thing is, I thought, and this is my own opinion
5 that's why I didn't get this until this
6 evening, about the five part variance --

THE CHAIRMAN: Actually, your
8 application checks off that you submitted it.

MR. OTTOMANELLI: Okay, because I
10 thought it was the same variances that went
11 forward that it was going from the 6 foot fence
12 to the 8 foot fence. We weren't really doing
13 anything different except replacing the height
14 of the fence from 6 foot to 8 foot, so I didn't
15 think I needed to do it all over again.

THE CHAIRMAN: Well, I could offer
17 you, if you would like, if you would like to
18 adjourn your application to the January meeting
19 to submit it if you feel that it's prejudicing
20 your application, you're free to do that and I
21 will withhold my motion for a resolution.
22 Counselor, do you agree or disagree?

MR. TUDISCO: Well, I just wanted to
24 clarify something for whoever might be watching
25 at home on that point of the law.

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1 MR. OTTOMANELLI: Can I ask a
2 question? If I maintain the 6 foot fence and
3 then put the arborvitae behind that, what
4 you're saying is that little strip that's there
5 has to be maintained somehow?

MS. UHLE: That's correct.

MR. OTTOMANELLI: Okay. All we have
9 to do is just take a -- or I would have to do,
10 not them -- all I would have to do is take
11 something to cut whatever is growing back there
12 if there's anything growing back there.

THE CHAIRMAN: Well, I'm going to have
14 to stop this if you don't mind. I appreciate
15 the advisory opinion on the maintenance of your
16 property, but I think it's well beyond the
17 scope of this board and it's going off into
18 areas that I don't want this conversation to
19 go.

MR. OTTOMANELLI: Okay.

THE CHAIRMAN: So what I'm suggesting,
22 if you want to add anything what Mrs. Uhle
23 said, Ms. Uhle was trying to be helpful and I
24 see we're getting in an area we shouldn't be,
25 so continue and then I'm going to make my

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1 THE CHAIRMAN: Please.

MR. TUDISCO: Just to clarify, sir,
4 when a matter has been adjudicated by the
5 Zoning Board and you come in to get an
6 additional variance, that additional variance
7 is subject to the same criteria in the law that
8 your original variances were. So you would be
9 required to address that in your submission
10 anew because you are requesting this board to
11 give you a new variance. So I just want that
12 to be clear.

MR. OTTOMANELLI: Okay.

THE CHAIRMAN: Thank you, counselor.
15 Maybe that wasn't clear and I appreciate it.
16 That's why I was trying to limit discussion on
17 the fence to the fence because this is a brand
18 new application. That application was heard
19 and was decided and now it's law. This is
20 really all about a fence, and this is a new
21 submission about an 8 foot fence. So would you
22 like to adjourn --

MR. OTTOMANELLI: Yes, I would.

THE CHAIRMAN: -- To submit -- Mrs.
25 Uhle, counselor, there will be a submission

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2 that is due prior to that; correct?

3 MR. TUDISCO: That is correct. I
4 would suggest that you reopen the public
5 hearing because if new factual information is
6 going to come in, the public should be able to
7 address it.

8 THE CHAIRMAN: Agreed. I make a
9 motion to reopen the public hearing; is there a
10 second?

11 MR. MILLER: Second.

12 THE CHAIRMAN: Mr. Miller. All in
13 favor.

14 (All aye.)

15 THE CHAIRMAN: Okay, Mr. Ottomanelli,
16 as long as you meet the guidelines for when
17 those documents have to be submitted, they will
18 be considered and this will be heard with the
19 public hearing being open at the next meeting
20 in January.

21 MR. OTTOMANELLI: Thank you very much.

22 THE CHAIRMAN: Thank you for your
23 time.

24 Last item on the calendar is Item 5,
25 17-60, 120 Clarence Road.

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2 measurements in our proposal of what it is
3 we're looking for. Basically we're adding --
4 I'm just going to just give you an
5 architectural rundown really quickly and
6 explain what we're trying to do, and then
7 hopefully that might enlighten you for the
8 reasons some of the variances are required.

9 For the most part, all the houses on
10 Clarence Road are a very similar style. All
11 the setbacks are relatively the same. They're,
12 you know, within a foot or two of one another.
13 I did find by going up and down the neighbors
14 to the left and right of the property, that we
15 are pretty much in conformance with the other
16 houses that are on the street.

17 What we're looking to do is basically
18 put on a garage. The whole project started
19 because we needed a garage to actually fit a
20 car in. The garage is only 9 foot 4 inches
21 wide. They have a Honda Pilot and a Honda
22 Accord, and they cannot get either one of those
23 cars in that garage. So basically they've got
24 a garage they cannot use.

25 The property and the way it's

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2 This is an application for an area
3 variance to construct a new two story addition
4 and front portico on an existing single family
5 home.

6 While you're setting up and before you
7 give us your name and address for the record,
8 as a general rule I tell all applicants that
9 they don't need to recite the five part test
10 that's been submitted because it's been
11 submitted and the board has read it. I did not
12 say that in the prior application for the
13 specific reason that it wasn't submitted. Just
14 so that you know, you don't have to sit here
15 and read that, it's part of the record, your
16 application won't be helped or hurt by reading
17 it. If you would like to please summarize your
18 application and proceed.

19 MR. FINELLI: Sure. Good evening, Mr.
20 Chairman, members of the board. My name is
21 Gennaro Michael Finelli. I'm the architect of
22 record for the project. Mr. and Mrs. Saputo
23 could not be here, the owners.

24 This evening we're here to ask for a
25 variance. We've outlined the exact

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2 positioned on the site, basically it slopes
3 front to back, there's a walkout across the
4 back of the property, so the easiest solution
5 would have been to put an addition on the back
6 of the house. Where that sounds like that
7 would have been great, simple to do, it would
8 have ended up three stories out of the ground
9 because there's a full walkout, a full first
10 floor, and in the project the owners also
11 wanted to add a bedroom because they've got
12 three young boys and it's a three bedroom
13 house. So they're just basically looking for a
14 four bedroom house, which is pretty standard
15 for most families, I guess, nowadays in
16 Eastchester.

17 With that said, the project basically
18 takes down the left-hand side of the house --
19 that area right there -- which is a garage that
20 sits on an excavated subbasement level which
21 basically floods with water all the time. So
22 they want to fill that in, get rid of that
23 problem, put a garage in that they could
24 actually use, and add a master bedroom across
25 the top.

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1 That being said, we came across from
 2 right to left on the property 12 foot 6 inches,
 3 which will give them a usable garage now that
 4 they could actually pull into, a one car
 5 garage, not oversized, not undersized, 20 feet
 6 deep, nothing too crazy. They also have a
 7 bathroom on the first floor, which is exactly 3
 8 foot 2 inches wide by 4 foot 7. So to get into
 9 this bathroom, you've got to skirt around the
 10 sink to actually use the bathroom. They've got
 11 three boys, they're all under nine years old,
 12 they've got twins and a younger guy who's six,
 13 so they really wanted a functioning bathroom.
 14 So we decided because the plumbing was to the
 15 rear of the house, we're going to add a
 16 bathroom to the rear of the garage since it was
 17 the new area. With the leftover space, we
 18 create a mudroom that they could walk through
 19 the garage, dump their stuff, and come into the
 20 house. Pretty simple.

21 If you look at the existing floor
 22 plan, the only closet they have in the entire
 23 house on the first floor is in the foyer. It's
 24 less than a foot and a half deep and maybe 2
 25

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1 and a half feet wide. They don't have a
 2 functioning closet. So they wanted to add a
 3 couple of closets. The only place we could add
 4 them was to the front of the house, and that's
 5 where the bump out in the front of the house
 6 comes from. So basically we're creating two 3
 7 foot closets in the front of the house that
 8 pushes out just that bay at the front foyer.
 9 The rest of the house remains at the plain that
 10 it exists, and to that they're adding a 3 foot
 11 portico, just a place to stand and open your
 12 door covered and not got rained on. By law we
 13 need 3 feet, we need a 3 foot platform at the
 14 stairs, so that's where that number came from.
 15 I'm giving you a little background just to show
 16 you that it just didn't get pulled out of air.

17 That being said, we're asking for the
 18 variances that we are. I did a little
 19 research, as I said, I have it diagramed here,
 20 which basically shows -- by the way, we were
 21 able to get some neighbors to, I guess, write
 22 some letters. They showed a few of the
 23 neighbors the project. They all seem to be on
 24 board with it. As a matter of fact, the house
 25

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1 that I'm going to point out to you now is one
 2 of the neighbors that said they would be okay
 3 with the project. Two houses to their left,
 4 they have the exact same front yard setback
 5 that we're asking for, 21.7 feet. They do have
 6 a deficiency on the left-hand side if that were a
 7 10 foot setback. We're asking for a little bit
 8 more, we're putting our 8 foot setback, our
 9 short side, on that side. So that's where the
 10 shorter side is coming from as far as our
 11 setback. As far as the front yard setbacks,
 12 we're very much in line with the neighborhood.
 13 It's just that one side yard setback that I
 14 think we're a little deficient, and if that
 15 becomes a real issue -- we're talking about I
 16 think it's 8 and a half inches -- I would be
 17 happy to and more than willing to shave that
 18 off the house and just kind of squeeze it up so
 19 that becomes a moot point if that becomes a
 20 real stickler in moving the project forward.
 21 As I said, everything was basically like bare
 22 bones minimum, and that was probably the little
 23 bit of fat that I left in the project just to
 24 give them a vanity big enough -- a standard
 25

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1 size 40 inch vanity. So if we have to shrink
 2 that down in the master, I'll make it work and
 3 I could pull that out.

4 That being said, if you want, I'm
 5 happy to just kind of go through the tests real
 6 quick. If you see the pictures for the
 7 architectural design on the front elevation of
 8 the house, part of the driving force was to
 9 dress the house up a little bit, make it a
 10 little bit more than what it was, which was
 11 very flat. There's an aluminum awning on the
 12 front. We're going to get rid of it and go
 13 with a traditional style portico, which you
 14 drive through Eastchester they're everywhere.
 15 This is the character of Eastchester. We're
 16 going to put a little roof line across the
 17 garage with a few brackets, again dress it up a
 18 little bit, make it more carriage style, dress
 19 up the garage door. For the most part, keep
 20 the same type of line for the house, it's not
 21 going to change too much as far as
 22 architectural style, which just going to
 23 enhance it a little bit, that's pretty much
 24 what we're going for.
 25

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2 Beyond that, I'm happy to answer any
3 questions, but I believe -- I hope I hit most
4 of the points. There's really nowhere else we
5 could put this because of the location on the
6 site. I hope I hit them all, but I'm happy to
7 answer any questions.

8 THE CHAIRMAN: Actually, very nice
9 presentation. You fleshed out some things that
10 at least I wasn't aware of that are not on
11 paper. We've already read what's on paper. So
12 I appreciate your presentation. At this time
13 we usually reserve for the board to ask
14 questions. So let's start with Mr. Nurzia this
15 time. Do you have any questions, Mr. Nurzia?

16 MR. NURZIA: No, no questions.

17 THE CHAIRMAN: Mr. Miller?

18 MR. MILLER: None.

19 THE CHAIRMAN: Mr. Cahalin?

20 MR. CAHALIN: No.

21 THE CHAIRMAN: I don't have any
22 questions at this time.

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

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2 MR. MILLER: I'll second.

3 THE CHAIRMAN: Mr. Miller. All in
4 favor.

5 (All aye.)

6 THE CHAIRMAN: Is there anyone here
7 that would like to be heard on this
8 application?

9 (No comments.)

10 THE CHAIRMAN: Okay, seeing nobody,
11 I'll make a motion to close the public hearing;
12 is there a second?

13 MR. MILLER: Second.

14 THE CHAIRMAN: Mr. Miller. All in
15 favor.

16 (All aye.)

17 THE CHAIRMAN: Mr. Miller is very fast
18 on his feet tonight.

19 MR. CAHALIN: I was going to say, he's
20 awake.

21 THE CHAIRMAN: All in favor.

22 (All aye.)

23 THE CHAIRMAN: Okay. So we'll get to
24 questions and comments, if any. Mr. Cahalin,
25 any comments?

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2 MR. CAHALIN: No, none.

3 THE CHAIRMAN: Mr. Miller?

4 MR. MILLER: No.

5 THE CHAIRMAN: Mr. Nurzia?

6 MR. NURZIA: No.

7 THE CHAIRMAN: I think it's a very
8 straightforward application. I think that
9 you've tried to minimize any of the variances
10 that you've applied for. I don't have any
11 problem with this application.

12 I do have a motion, though, to adjourn
13 this for a resolution at our next meeting; is
14 there a second?

15 MR. CAHALIN: Second.

16 THE CHAIRMAN: Mr. Cahalin. All in
17 favor.

18 (All aye.)

19 MR. FINELLI: Thank you very much.

20 THE CHAIRMAN: Thank you.

21 MR. FINELLI: Have a nice holiday
22 break.

23 THE CHAIRMAN: You as well.

24 MR. MILLER: Thank you.

25 THE CHAIRMAN: Well, there's one

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2 motion left. I make a motion to adjourn, and
3 also, I guess, I'm going to have to wish
4 everyone good holidays, Thanksgiving,
5 Christmas, Hanukah, etcetera, right into New
6 Year's because we don't meet until January. So
7 I make a motion to close; is there a second to
8 my motion?

9 MR. CAHALIN: Second.

10 THE CHAIRMAN: Mr. Cahalin. All in
11 favor.

12 (All aye.)

13 (MEETING ADJOURNED.)

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2 C E R T I F I C A T I O N
3

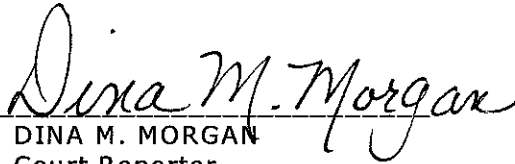
4 STATE OF NEW YORK)
) Ss.
5 COUNTY OF WESTCHESTER)

6
7 I, DINA M. MORGAN, Court Reporter and
8 Notary Public within and for the County of
9 Westchester, State of New York, do hereby
10 certify:

11 That the above transcript was taken from
12 a videotape of the actual hearing. I was not
13 present for such hearing. The videotape was
14 taken and transcribed by me to the best of my
15 ability.

16 And, I further certify that I am not
17 related to any of the parties to this action by
18 blood or marriage, and that I am in no way
19 interested in the outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto set
21 my hand this 4th day of December, 2017.

22
23 
24 DINA M. MORGAN
25 Court Reporter

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3 CORRECTION SHEET

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6 PAGE CORRECTION
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