EASTCHESTER ZBA - 11/14/17

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 a 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 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 16A-14, 500 White Plains Road has been adjourned on consent of the applicant.

So for roll call, number 1, 17-46, 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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8 feet is allowed.

Please state your name for the record and proceed.

MR. OTTOMANELLI: Good evening. My name is Vito Ottomanelli and I am here because I just want to increase the height of the fence. You approved me for a 6 foot fence and all I'm doing is adding 2 feet to that, that's all.

THE CHAIRMAN: Okay. Also, in reviewing your submission and your application package, there was nowhere within that package the tests for the area variance, the five part test. Can you go through that for us, please, if you don't mind?

MR. OTTOMANELLI: Basically -- let me just get that out -- I was going by the 6 foot. Like I said, it's the same fence. I'm not doing anything different except adding 2 feet to the original 6 foot fence. That's why I didn't think I needed a variance to that.

THE CHAIRMAN: Well, that's why you're here, your application is at variance with the law. The Building Department denied the application, now you have to get a variance for...
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my variance or my fence not covering what they
want to cover.

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

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

THE CHAIRMAN: Please.

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

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

MR. OTTOMANELLI: Yes.

MS. UHLE: And he agreed to that.

MR. OTTOMANELLI: Yes. Yes.

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

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

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

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

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there would really be an eyesore. But if it's
setback and the trees -- so I understand it,
the trees are going to be on my side of the
property then?

MR. OTTOMANELLI: No, they'll be on my
side of the property. That's what you wanted.

THE CHAIRMAN: You could address that
after he finishes his comments.

MR. GIANNELLI: Well, I'll go through
my notes. My understanding is, what was
approved back in May was that the existing
fence -- which myself and my wife have no issue
with -- would remain there, and what was
decided by the Zoning Board was that 22 to 24 6
to 7 foot arborvitaeas would be installed on
that fence, on his side of the fence. There is
no issue with that. It provides the screening
we require. So the whole thing with this 8
foot fence I don't get. It's non-conforming in
a residential environment. I would hope that
the plants would grow. Why you would want to
give up 3 feet of your property to put a fence
in front of it, I don't understand that. If
the trees were behind it and there was
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irrigation provided behind that, that would be
fine.

Other things I would raise in terms of
it is these homes have -- the rear of Vito's
home, the front of my home is direct easterly
facing, you put up an 8 foot fence there, you
will have vegetation growth problems. Because
of the elevation of that property, you will not
get any growth between the hours of 11 and
1:00, that is your sunlight time there.

So those are concerns. Also, from the
sightliness of this. I respect the decision
that was made by the board in terms of
coming -- the variance that was granted. It
does come into our area or our personal space.
It is their property, I understand that, but it
does step forward. If you put an 8 foot fence
in there, you just compounded the issue that
much further. It makes it unsightly,
obtrusive, and invasive into our yard. You're
all intelligent guys, you obviously know what
measurements are, but to give you an idea, I
guarantee you that floor to the top of that
doorway is 8 feet. Put that on top of a 10
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foot wall and what are you looking at?
THE CHAIRMAN: I'm sorry to interrupt
you. The fence is not actually going on the
wall. If I may, what I was thinking of doing
is allow you to come back and continue on your
presentation, but there seems to be some gaps
in where things are going to go, so I would
like maybe Mr. Ottomaneli to be a little more
specific on where the fence is located, where
the arborvitaeas are going to be, etcetera, and
then you could continue your commentary. How
does that sound?

MR. GIANNELLI: I'm fine with that.
THE CHAIRMAN: Mr. Ottomaneli, could
you come up and be a little more specific?

MR. OTTOMANELLI: Do you mind if I use
the chart here?

THE CHAIRMAN: Please.

MR. OTTOMANELLI: The fence is going
to go behind the current retaining wall that's
there. So it's going to be 3 feet behind the
retaining wall and that's where -- after that,
that's where the arborvitae is going to go.

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

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

THE CHAIRMAN: So privacy is the reason.

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

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

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

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

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

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

THE CHAIRMAN: Thank you for your comments.

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

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

MRS. GIANNELLI: Hi. Good evening. My name is Toni Giannelli. I also live at 29 Lispenard, directly behind Mr. and Mrs. Ottomaneli.

THE CHAIRMAN: We're very -- we're happy that Mr. and Mrs. Ottomaneli want to improve their home. Their home improvement improves our home, there's no doubt about that. Coming into the setback was not great for us but we excepted that, and you guys made that certainly more palatable by understanding the fact that between us the arborvitaes made a true amount of difference.

The chain link fence that's up there now is 4 feet, the wall is 10 feet. The wall was built -- it's a beautiful stone wall -- the wall was built when the homes were built in the Forties. It's maintained. To put a white 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
dirt, which nobody is going to be able to get
to, not even us if we wanted to maintain it.
11. Now he's going to go 3 foot further,
12. he's going to put an 8 foot fence, which is
totally, for lack of a better word, I'm sorry,
spiteful. It is not going to gain Mr. and Mrs.
Ottomanelli any privacy, it's certainly not
going to gain us any privacy. The extension
they're building and their deck is on the
second story of their house, which is way over
8 feet. They're not gaining anything. The
arborvitaes do everything that fence would do
and more. It's natural, it's green, it's
friendly. No one else on the entire block has
anything over 4 feet, including the
Ottomanelli's.

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

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

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25
THE CHAIRMAN: Please.
MRS. GIANNELLI: Yes, certainly.
MR. MILLER: Let's assume we deny his application and he puts up a 6 foot fence,
you're going to have the same -- correct me if
I'm wrong, but you're going to have the same
situation a year from now if you're worried
about weeds growing between the fence, the
two arborvitaes, and then the second fence which is
on your property.
MRS. GIANNELLI: Well, I guess if the
arborvitaes were a hardship to Mr. and Mrs.
Ottomanelli, then why is taking down the chain
link fence, which is not compromised, it's been
there for 50 years, nothing wrong with it, it's
solid as could be, to put up something vinyl,
which cannot be anchored into the stone wall --
(Speaking from the audience.)
THE CHAIRMAN: Hold on a second,
please. Just to focus everyone's attention,
those are discretionary actions by the
applicant. The only issue before the board is
whether the applicant will be allowed to erect
an 8 foot fence, 6 foot, as Mr. Miller is
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stating, is as of right. So all we're really
deciding today -- not deciding today but
hearing today -- is the application to put an 8
foot fence. The arborvitaes are part of the
law, that's a requirement.
MRS. GIANNELLI: So I guess my answer
to that is, Mr. Ottomanelli's zoning flyer to
us was not descriptive of this. It didn't
mention anything about it being set back, it
didn't mention anything. However, in the town
of Eastchester, properties must be maintained
within a certain level. Even if there's dirt
there --
THE CHAIRMAN: But that's beyond the
scope of this.
MRS. GIANNELLI: Who is going to be
able to maintain --
THE CHAIRMAN: We're talking about an
8 foot fence now.
MRS. GIANNELLI: But 8 foot -- there's
just no reason for an 8 foot fence.
THE CHAIRMAN: That's a different
question. That's what you've been speaking on.
MRS. GIANNELLI: Okay. So the 8 foot
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obtrusive, and especially the fact that he's
asking for it to be white vinyl. I mean, I
don't see anything except a commercial property
in this community -- and even then -- I mean, I
watched the Zoning Boarding this weekend on the
wintery day, Saturday, when it was rather cold,
people one after another, we're going to put
plants in front of it, we're going to make the
sign smaller, they're trying to be respectful
and responsive to each other's needs and that's
what we're trying to do. We're happy for them
and we want them to have their extension, but
they should be respectful of the fact that the
community they live in does not warrant or the
fabric of this community does not show those
types of fences. They're spiteful. They're
just mean.

MR. MILLER: Well, again, my question
is, is your ultimate point you're trying to
make here that because this board has already
ordered or directed that arborvitae are to be
placed, which will ultimately be 8 feet,
9 feet, 10 feet, that the placement of the
fence being 8 feet is unnecessary, and
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therefore, the application should be denied; is
that your ultimate point?

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

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

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

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

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

MR. CAHALIN: We get that.

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on fences. I've been pretty consistent in my
decisions.
4 This 8 foot fence is 2 foot of
5 lattice; correct?
6 MR. OTTO MANELLI: Right.
7 MR. CAHALIN: So I think there goes
8 your privacy issue right out the window. I
don't see it. I've been to the site. In fact,
it's easier to see from the other side, from
the side where the neighbors live, and it is
beautiful green and everything else but
everybody has a right -- you have a right to a
6 foot fence and that's where I'm at. I mean,
I just don't see the need for an 8 foot fence
back there. I don't buy the argument that it's
privacy, especially when it's 2 foot of
lattice.

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

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

MR. OTTO MANELLI: Right. The only
reason that I'm putting the fence up is because
they needed privacy. That's what they said. I
felt in order to give them the privacy that
they require, I will put the fence up and this
way put the arborvitaes behind the fence on my
side of the property so that they have no

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

THE CHAIRMAN: Thank you for your

2 comments, Mr. Cahalin. Mr. Miller?

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

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1. MR. OTTOMANELLI: I understand. If the lattice is an issue, I can always take away the lattice and just make it 8 foot, that's not a problem. I mean, my person that's putting in the fence said he could go either way. I just thought it may have looked a little nicer by having the lattice there. If you don't think that it's an issue in terms of having the --

10. I'm sorry, if you think it's an issue having the lattice there, then I'll just take away the lattice and just put plain, white fence, that's all.

14. MR. MILLER: My issue is that we ordered arborvitaes and now you're sticking a white fence in front of arborvitaes, and I'm trying to understand why you need to do that.

18. Is it your privacy or your neighbor's privacy?


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

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

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

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1. what I'm trying to get at.

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

5. MR. CAHALIN: Thank you, counselor.

6. MR. MILLER: No.

7. THE CHAIRMAN: Mr. Nurtzia?

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

20. MR. OTTOMANELLI: Okay.

23. THE CHAIRMAN: I'm certainly not going to waste time and be repetitive. I began with the question, and they were almost leading...
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8 foot fence or the 6 foot fence, the only thing that I would want you to consider or that I would be concerned about is that area between the wall and the fence, that 3 feet. Even if you kept or removed the chain link fence, you, ultimately, are responsible for maintenance of that portion of the property.

MR. OTTOMANELLI: Yes, I know that.

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

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

MS. UHLE: That's correct.

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

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

MR. OTTOMANELLI: Okay.

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

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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. Ottomaneli,
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. OTTOMANELI: 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 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 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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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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2 and a half feet wide. They don't have a
3 functioning closet. So they wanted to add a
4 couple of closets. The only place we could add
5 them was to the front of the house, and that's
6 where the bump out in the front of the house
7 comes from. So basically we're creating two 3
8 foot closets in the front of the house that
9 pushes out just that bay at the front foyer.
10 The rest of the house remains at the plain that
11 it exists, and to that they're adding a 3 foot
12 portico, just a place to stand and open your
13 door covered and not got rained on. By law we
14 need 3 feet, we need a 3 foot platform at the
15 stairs, so that's where that number came from.
16 I'm giving you a little background just to show
17 you that it just didn't get pulled out of air.
18 That being said, we're asking for the
19 variances that we are. I did a little
20 research, as I said, I have it diagramed here,
21 which basically shows -- by the way, we were
22 able to get some neighbors to, I guess, write
23 some letters. They showed a few of the
24 neighbors the project. They all seem to be on
25 board with it. As a matter of fact, the house
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2 that I'm going to point out to you now is one
3 of the neighbors that said they would be okay
4 with the project. Two houses to their left,
5 they have the exact same front yard setback
6 that we're asking for, 21.7 feet. They do have
7 deficiency on the left-hand side if that were a
8 10 foot setback. We're asking for a little bit
9 more, we're putting our 8 foot setback, our
10 short side, on that side. So that's where the
11 shorter side is coming from as far as our
12 setback. As far as the front yard setbacks,
13 we're very much in line with the neighborhood.
14 It's just that one side yard setback that I
15 think we're a little deficient, and if that
16 becomes a real issue -- we're talking about I
17 think it's 8 and a half inches -- I would be
18 happy to and more than willing to shave that
19 off the house and just kind of squeeze it up so
20 that becomes a moot point if that becomes a
21 real stickler in moving the project forward.
22 As I said, everything was basically like bare
23 bones minimum, and that was probably the little
24 bit of fat that I left in the project just to
25 give them a vanity big enough -- a standard
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Beyond that, I'm happy to answer any questions, but I believe -- I hope I hit most of the points. There's really nowhere else we could put this because of the location on the site. I hope I hit them all, but I'm happy to answer any questions.

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

MR. NURZIA: No, no questions.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

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

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MR. MILLER: I'll second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

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

(No comments.)

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

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

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

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

THE CHAIRMAN: All in favor.

(All aye.)

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

DINA M. MORGAN, REPORTER
STATE OF NEW YORK

COUNTY OF WESTCHESTER

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

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

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

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

DINA M. MORGAN
Court Reporter

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