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have the option to proceed or to adjourn your
resolution for the next meeting.

So what I'm going to do is call the
roll on not only old business but new business,
let me know that you're here, and for the items
that are on resolution, let me know whether you
want to proceed.

Before we do the roll call, I just
want to make a public note that an old item,
13-36, 504 New Rochelle Road has been adjourned
to next meeting.

Okay. Old business resolutions, item
number 1, 15-74, 36 Park Avenue; are you here
to proceed? Ready to go forward? Okay.

Number 2, 15-78, 35 Forbes Boulevard.
APPLICANT: Yes.

THE CHAIRMAN: You would like to
proceed to resolution?

APPLICANT: Yes.

THE CHAIRMAN: Okay, 15-79, 68 Ewart
Street. Ready to proceed? Great.

On new business items on our agenda,
number 5, 16-05, 33 Ridge Street; is the
applicant here?

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approves this application.

The vote: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: I'm a yes. The application has been denied 3 to 1.

Number 2, 15-78, 35 Forbes Boulevard.

I also have an application -- I'm sorry, a resolution as part of the record that approves that application.

To the vote: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Yes.

THE CHAIRMAN: And I vote yes. That application has been approved 3 to 1.

Item number 3, 15-79, 68 Ewart Street, I also have a resolution that's made part of the record approving this application.

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you this evening for the first time, Mr. Robert Sterling.

So I'm going to try to focus on the new material. I'm going to take one quick step backwards. You will recall that we were here at the last meeting and presented in connection with 164 Summerfield Avenue that in our opinion the subject property, which currently has a garage repair area and a parts storage area, is a continuation of a preexisting, non-conforming use, and we had asked you to consider and entertain an interpretation to that effect. We discussed it at some length, there was a fair amount of testimony, we made a written submission, and our sense was that the board did not find those arguments particularly compelling and several of you talked about the notion of entertaining a use variance with regard to the property.

We subsequently did file, we amended our application, and we're now here tonight for, in the alternative, a use variance to allow the continued operation of an auto repair facility by JC Auto in this portion of the property.

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Mr. Cahalin?

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Yes.

THE CHAIRMAN: And I vote yes. That application has been approved four nothing.

On to new business -- actually, I'm sorry, I overlooked one item of old business, 15-73, JC Auto Repair. Proceeding?

MR. STEINMETZ: Proceeding.

THE CHAIRMAN: Then you may proceed.

I'm sorry I overlooked you in the roll call.

MR. STEINMETZ: No offence taken, Mr. Chairman.

THE CHAIRMAN: None was intended.

MR. STEINMETZ: Good evening, Mr. Chairman, members of the board. Good to see you all again. David Steinmetz from the law firm of Zaron & Steinmetz here representing Jeff and John Casale and JC Auto. With me this evening, our project architect, John Iannacito, as well as an appraiser who's appearing before.

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1 continued operation of the auto repair
2 facility, and maybe even more significantly,
3 that they see no value of that space for their
4 operation. They see no value in expanding into
5 that area, it was not conducive, there is a
6 difference in topography or level and,
7 therefore, does not lend itself to utilization
8 as part of Flourish Baking.
9
10 So, therefore, we’re really here
11 tonight with regard to a use variance analysis
12 concerning those two areas in the red box, the
13 parts department, the additional garage. You
14 are all well aware that under the use variance
15 standard it is incumbent upon us as the
16 applicant to submit to you compelling testimony
17 in the form of financial analysis and/or
18 appraisal testimony as to why that area cannot
19 be used in conjunction with permissive uses or
20 permitted uses under your zoning ordinance.
21
22 I am please tonight that we are going
23 to be able to present appraisal testimony. I
24 apologize that you do not have a written
25 appraisal from my clients. You will get one at
26 the end of this evening. I want Mr. Sterling
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1 to lay a foundation and explain his report and
2 we’re going to make it part of the record and
3 we’re more than happy to come back should you
4 decide to keep the public hearing open. We
5 tried to get this submitted earlier. My client
6 actually had reached out to a number of
7 different appraisers to try to secure appraisal
8 testimony. Sometimes you get very lucky if you
9 look in your own backyard. You happen to have
10 here in the town of Eastchester probably one of
11 the preeminent MIA certified real estate
12 appraisers in Westchester County. Bob Sterling
13 is someone whom I met cross-examining him as he
14 was representing the other side in a
15 litigation. Bob and I have had the pleasure to
16 work together a number of times, and he
17 literally is right here in the town of
18 Eastchester and was good enough to very quickly
19 assist my clients. Unfortunately, we could not
20 get his written report prepared and assembled
21 sufficiently in advance for you to all read it.
22 We’re going to make it part of the record
23 tonight.
24
25 So what I’ve asked Mr. Sterling to do
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into 1500 feet that might not have fit into 1200 square feet. His testimony nonetheless will support our conclusion that under the applicable New York State use variance test, indeed, this property really can't be used for anything other than an auto repair facility.

MR. CAHALIN: Mr. Chairman?

THE CHAIRMAN: Yes.

MR. CAHALIN: I have no problem, I just think we're at a disadvantage, I would like to see the report before I listen to the expert.

THE CHAIRMAN: Let me, if you don't mind, because I think -- I appreciate your specificity about the square footage, but I think in this instance it may even be better to hear this in a synopsized, non-adversarial manner, and the public hearing will be open and remain open so that the public has an opportunity to review and the board members have an opportunity to review it rather than defer -- for me anyway -- I'm obviously not speaking for Mr. Cahalin -- for me I would rather hear it first rather than read it.

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MR. STEINMETZ: If I could just -- Mr. Cahalin --

THE CHAIRMAN: Please.

MR. STEINMETZ: I hear you loud and clear, and please understand, and you could question my client under oath, it wasn't planned to do this this way. You could check with staff --

MR. CAHALIN: I didn't infer it at all. It's just I like to see the appraisals, when I look at real estate, especially when you're asking me to look at an appraisal, if I don't have it ahead of time, there may be things that I won't hear because he's going to be spewing information up here, okay. So then I have to go back and get the transcript, then I'm going to get the report, then I'm going to sit down -- I've already had questions about the square footage, I've had questions about the cost per square foot that you submitted through the real estate agent, which he conveniently left out the cost per square foot for this property. So I don't understand why that was left out. Now you're going to ask me

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THE CHAIRMAN: Thank you, counselor.
My thoughts were that were implicit, but I'm glad you spelled it out. So as we get to the end of this procedurally, I can't predict what's going to happen, but as long as the public hearing is opened, and it will probably remain open under a direction that their expert return. I thought that was implied, but I appreciate you being specific. It doesn't hurt.

MR. STEINMETZ: The applicant consents to that suggestion. We want this to be open, fair, and fully --


MR. STEINMETZ: I'll let Bob Sterling introduce himself and go through his credentials.

MR. STERLING: My name is Bob Sterling. My office is 157 Fisher Avenue, Eastchester, New York above the post office. I've been a real estate appraiser for over 40 years, all of it in Westchester County, New York. I hold the New York State Certified Real

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Estate General Appraisers Certification from New York State. That's the highest certification you could get in this state. It allows me to appraise all types of properties. I hold the MAI designation of the Appraisal Institute, which is the highest designation that the nation has for an appraiser.

MR. STEINMETZ: Bob, could you just explain what we asked you to do and what you did?

MR. STERLING: Mr. Steinmetz asked me to examine the subject property, its location, and the market to determine whether the existing uses allowed in the RB district are feasible within the 1500 square feet that requires a variance.

MR. STEINMETZ: Just on the notion of the square footage, could you explain how you corrected my measurement?

MR. STERLING: Well, I went to the property with a tape measure and measured the building myself.

THE CHAIRMAN: Thank you.

MR. STEINMETZ: And concluded that the
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Westchester County, and Internet buying, which has really hurt these local stores. If you just go to Mill Road over here, on the north side I counted the storefronts and I came up with -- I forgot what the total numbers are, it's in my report -- it was above a 20 percent vacancy rate. That's excessive. I went to Scarsdale this weekend just to see what was happening in one of our most affluent downtowns and there were six storefront vacancies. At one time there was never any vacancies. This is all, of course, following the great recession that started in December 2007 and the financial crisis that occurred in September 2008, which really put a blow on the economy. The notion that you're going to create new local store space on a street that had no local stores I think is never going to happen.

So my conclusion is if there is insufficient demand to fill local store spaces and establish store locations, there can be no demand to fill -- to create new local store space in a location that's devoid of stores.

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MR. STEINMETZ: What about visibility and parking?

MR. STERLING: Well, those are other factors. This is a street that has no street parking. There's no sidewalks, so there's really no pedestrian safe way to travel up and down that street. There are no stores at all along Summerfield Street, and the property itself, the front of the property, the 1500 square feet that requires the variance, is set back 75 feet from the pavement of the street, and in between the pavement of the street and the overhead garage door are five perpendicular spaces, permit spaces that are perpendicular to the street, and then there's parking on them, crowded parking on the site itself. So as a result, there's limited visibility from the street to the 1500 square feet in question. I took this photograph on the day I inspected the property. It's not staged. I just took it as it was, and that's the visibility that this property has from the street. And physically, also, the property doesn't have a storefront. So it would be...

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understanding he is willing to stipulate that
if he gets the variance here, he will never
apply for a variance in that building. It's
the only building that had an overhead garage
doors which could be used for an auto repair
shop.

MR. STEINMETZ: So the point of
analyzing uniqueness, Mr. Sterling, is to
come that if this was granted, there were
not several other properties up and down the
street that could get a similar variance?
MR. STERLING: Correct.
MR. STEINMETZ: What about the
character of the neighborhood?
MR. STERLING: Well --
MR. STEINMETZ: Do you have any
impressions as an appraiser about the character
of the neighbor?
MR. STERLING: It's a mixed
neighborhood of commercial and residential and
multi-family uses. The end of the street at
Summerfield by Brook Street there is a bunch of
automotive repair shops. So the use variance
here to continue use of the automobile repair

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already using the adjacent 166
Summerfield. 166 being currently a
pre-existing, non-conforming repair facility.
Their testimony is when they purchased this
property, at that time A B Wolfe was already
using it for repair, it had been utilized for
repair, and they only purchased it thinking and
intending to use it for auto repair. Maybe
more significant than anything, they've
tested how it was used for that 20,
30 years; we submitted to you with our original
submission packet a number of Affidavits as to
how that property was being used over the last
several decades; at the last meeting, I had
four or five individuals, some of whom have
resided in the town of Eastchester literally
for decades, indicating how that property had
been used, and it is our position that
regardless of why the town of Eastchester and
the town building department chose not to shut
down that repair facility, my client's position
is the hardship was created, if at all, by the
town in not insisting back in the Sixties,
Seventies, Eighties, Nineties that it not be

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facility will not change the character of the
neighborhood, and it abuts is part of a
larger garage facility and it sits between --
sandwiched between a bakery and the garage.
Two other commercial uses.
MR. STEINMETZ: So you'll get all of
that in the written report. You just basically
got a fairly rapid summary of the analysis and
the conclusions that Mr. Sterling reached.
In his report, as we did in our
submission letter to you, we go through the
prongs for the use variance; why the applicant
cannot earn a reasonable return on this garage
storage space under the applicable zoning, why
the hardship is truly unique, and whether there
will be an impact to the neighborhood.
The last prong, as you're all very
well aware, is the alleged hardship created.
We submitted this to you in our January 25th
letter, and I want to just hit it again, my
client's position and testimony is, and I think
you heard from Jeff Casale and maybe -- I guess
it was Jeff directly at the last meeting --
they bought this property at a time when they

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corroborate the information contained within the letter.

All we're asking for is the orderly continuation of this 1500 square feet pursuant to a use variance granted by your board. If Summerfield was a different street with a different pattern of development and a different character of development, tonight's would be a very different argument. Summerfield is what it is, the surrounding uses are what they are, and we have every right to ask your board to allow this to continue.

Again, I was candid when I appeared the first time. I genuinely believe this is a pre-existing, legal non-conforming use. I believe it's been used this way since the Fifties and Sixties. Some, many, all of you did not feel that my client had compelling testimony to bring us through all of those decades. Fair enough. So having said that, we have come back with testimony that would indicate that were you to deny the use variance and insist upon closure of the facility, certified appraisal testimony and expert DINA M. MORGAN, REPORTER

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opinion is: We're not going to get it to go retail, not going to go bank or professional, there's not enough room for it to be residential, single or multi-family, it's not going to lend itself to some other service industry. It's recessed from the street. It's got a double layer of topography within because of the stairs. It's got cinderblock walls on either side. It's a nook and cranny 1500 square feet that there is really kind of good practical reason why literally for decades it's been auto repair. We're trying to continue it as auto repair. If the bakery said it lends itself to fold into that facility, maybe there would be a countervailing argument. They don't find it lends itself to integration into that portion of the building, they don't need it, they don't want it, and it's never been used in that fashion.

So in sum, JC Auto would like to continue cooperatively with the town. We have presented the use variance testimony because we thought it maybe assist your board in allowing this use to continue. The Casales have been DINA M. MORGAN, REPORTER

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good, hard working folks who have employed several good, hard working folks here in the town and would like to continue doing just that. As I suggested to you at the December meeting in connection with the pre-existing, non-conforming use, I'll suggest the same thing again, I absolutely believe your board is in a position to fashion appropriate conditions so that we all make sure that whatever continues there, and the auto repair and parts supply that continue there are orderly and appropriate and you have the ability and we are prepared to offer conditions that would make this board feel that the determination was a right, fair, and a meritorious one.

So, Mr. Chairman, we are here to answer any questions. Bob, do you have that report?

THE CHAIRMAN: Why don't we hold the report first, because, again, I think the board -- I would like to have the board ask any questions or comments.

MR. STEINMETZ: Fair enough. I just want to make sure we submit this this evening. DINA M. MORGAN, REPORTER

THE CHAIRMAN: Fair enough. We could do that. A couple of points of order before we get to that:

I can't speak for the entire board, but I get from the sense of the board that it really wasn't, as you classified it, a feeling. I think the reason that this use interpretation was problematic is because it was against the weight of the evidence. I don't think it was a feeling. I don't think the board works on emotion here. I think that the board, and the comments that they made, felt very strongly about your client's use of the premises and their contribution to the community, but I don't think that includes a conclusion, even though it's your job to be an advocate, that the town was somewhat complicit or was not paying attention to this. The town has a lot of things to do and we're not partners with business. So I want to be clear that the fact that this went on for a long time is a really compelling and strong argument that is a reason for your use application, but it's not any inference that somehow the town, because of DINA M. MORGAN, REPORTER
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1 what went on, did something wrong and,
2 therefore, this has to go on because, as you
3 understand, there is no such thing as municipal
4 estoppel. Even if the town had memos in the
5 this high that said, we recognized that, it
6 doesn't recognize it at all if it's not the
7 legal use. These are just points of order.
8 Now, procedurally, we have the public
9 hearing open on your application for this
10 interpretation; is it your intention to have
11 these decided in tandem or were you withdrawing
12 that application?
13 MR. STEINMETZ: They're alternative
14 arguments like in any --
15 THE CHAIRMAN: Okay.
16 MR. STEINMETZ: You've repeatedly
17 suggested that I kind of know the answer on the
18 interpretation. For purposes of the record, I
19 would leave it, as I am allowed to present
20 arguments, as you know, Mr. Chairman, in the
21 alternative.
22 THE CHAIRMAN: Yes.
23 MR. STEINMETZ: I have presented
24 applications complimenting one another and in
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1 the alternative.
2 THE CHAIRMAN: And I believe they do.
3 MR. STEINMETZ: And they are both
4 pending before you.
5 THE CHAIRMAN: Procedurally, what
6 we're going to do after the board asks
7 questions or makes comments is open -- provided
8 my motion is approved -- open it to a public
9 hearing. I just want the public to focus in on
10 what we're talking about here. We spent a lot
11 of time at the last session talking about the
12 use interpretation, the public hearing is still
13 open so the public may speak on that, but
14 what's open right now and what you presented
15 here 99 percent of it really is the use
16 interpretation.
17 MR. STEINMETZ: Correct.
18 THE CHAIRMAN: So having said all of
19 that, Mr. Nurzia, do you have any questions or
20 comments?
21 MR. NURZIA: One comment, one
22 question. This may be a comment more for Mr.
23 Mr. Ficchi from Berkshire Hathaway, just for
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1 full disclosure, I have actually worked with
2 him on one prior transaction in the past. I
3 just want to mention that and put it on the
4 record. I have no other relationship other
5 than having had a transaction with him.
6 MR. STEINMETZ: I appreciate the
7 disclosure.
8 MR. NURZIA: The only question I have
9 is very direct: If that recessed space was
10 shut down, can your client operate out of the
11 pre-existing building at 166?
12 MR. STEINMETZ: So the answer to that
13 question is: My client can continue to operate
14 in 166, what it's doing in 166. It would lose,
15 however, the parts storage area, the parts
16 department that's illustrated on -- currently
17 that parts department is in the 164 building,
18 and it would lose two bays in the additional
19 garage. So the answer is: JC Auto
20 theoretically continues operating in 166. The
21 activity in 164, the parts storage, the bays,
22 the folks who work there, the materials and
23 things that go on there would obviously
24 terminate. The significance as a matter of law
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1 for this application, we don't believe
2 anything else fills that donut hole.
3 MR. NURZIA: Okay. No other
4 questions. Thank you.
5 THE CHAIRMAN: Thank you, Mr. Nurzia.
6 Mr. Miller?
7 MR. MILLER: I'm going to reserve for
8 now until I hear some public comment.
9 THE CHAIRMAN: Okay. Mr. Cahalin?
10 MR. CAHALIN: Who owns the 160
11 Summerfield?
12 MR. STEINMETZ: One --
13 MR. CAHALIN: 60.
14 MR. STEINMETZ: 1-6-0. Jeff?
15 MR. JEFF CASALE: The tax record is
16 164 --
17 MR. STEINMETZ: Why don't you come
18 forward, Jeff.
19 THE CHAIRMAN: Identify yourself.
20 MR. JEFF CASALE: Sorry about that.
21 My name is Jeff Casale, John's son, who is the
22 owner of the property. For tax reasons the
23 property is listed as 164. So on the tax
24 records that we'll see the postal service
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address is 160 Summerfield Street. Originally, this was multiple lot divisions, which when it was subdivided back in the Eighties was merged into that tax record.

MR. CAHALIN: So who owns 160?
MR. JEFF CASALE: 160 would be John Casale.

MR. CAHALIN: So he owns both?
MR. Jeff CASALE: He owns both properties.

MR. CAHALIN: That was my question, sir.

MR. TUDISCO: Just as a point of order because there are quite a bit of people here, in addition to having a meeting here in the building, there are also people watching at home. So while I certainly appreciate people helping out and clarifying some of the issues that are raised by the board, it is very important that if you need to offer something or you want to make a response, be recognized by the Chair, come up so it could be picked up by the cameras so those at home could watch and follow along.

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

MR. CAHALIN: Not yet.

THE CHAIRMAN: Okay. So then I make a motion to open this matter for a public hearing; is there a second to my motion?

MR. CAHALIN: So moved.

MS. UHLE: You can open it, and then I have a comment.

THE CHAIRMAN: Why don't you make your comment first?

MS. UHLE: Well, because it's kind of part of the public hearing.

THE CHAIRMAN: Okay, then why don't someone decide on my motion.

MR. CAHALIN: I did.

THE CHAIRMAN: Second by Mr. Cahalin.

All in favor.

(All aye.)

THE CHAIRMAN: Public hearing is now open. Before I invite the public to come and speak, Ms. Uhle, go ahead.

MS. UHLE: This afternoon, as you know, and the applicant's attorney I don't need -- (Applause.)

THE CHAIRMAN: You're very popular.

MR. CAMILLONE: -- I can count on that. Besides that, I think personalities play a very important part. I haven't seen any finer people in this town than the Casale family. They bend over backwards. I think that should be taken into consideration of all.

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talk is aware, I did receive two e-mails from people that were not able to attend the public hearing. One is from a neighbor, Mrs. Rosman, that spoke in favor of the application, and the other is from a Dorothy Petruccell who read an article in the newspaper and wanted to clarify that as a former employee of A B Wolle & Company she did not believe it was ever operated as an auto repair shop.

So I received both of these, one of these at 4:28 and the other a little bit earlier this afternoon. They were forwarded to you, but I wanted the applicant to know that too.

THE CHAIRMAN: Thank you, Ms. Uhle.

Okay. Is anyone interested in speaking on this application? Come forward, give us your name and address, and fire away in a pithy manor.

MR. CAMILLONE: Good evening. My name is Nick Camillone. I reside at 13 Elba Place in Eastchester. I was born and raised at 774 Post Road, now the owner of Nick's Electrical Service.

The question was asked: Could he
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2. the things they to do to this community. To me
3. that's very important. Thank you for your
4. time.
5. 
6. THE CHAIRMAN: Thank you for your
7. time. Who was next? Please come up.
8. 
9. MR. NARDONE: My name is Sam Nardone,
10. owner of Nardone & Sons Auto Body in Larchmont.
11. I've known John Casale since I'm nine years
12. old. He's a major part of my business staying
13. open. He does a lot of repairs in that garage,
14. always doing the air conditionings in that
15. garage for me. I can call him any time, he
16. does it one, two, three and never says no
17. because that garage is fine for him because the
18. other garage they do all the heavy work and
19. over there they do all the minor stuff. So he
20. does a lot my air conditioning stuff.
21. As far as A B Wolle, I've been on that
22. street since I'm nine years old working for Ted
23. Herrmann. A B Wolle used to fix all their vans
24. in that building. I used to be there all the
25. time as a kid. I used to go through their vans
26. and everything. So I know what was going on
27. there. But he is major help to my business. I
28. 
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2. mean, if he wasn't to use the garage, I'd
3. probably never get my cars in there. Thank you
4. very much.
5. 
6. THE CHAIRMAN: Thank you for your
7. time. Who was next? Are you coming up to
8. speak? Okay.
9. 
10. MR. PROMER: Hi. My name is Alan
11. Promer (Ph.). I've lived in the area for
12. 30 years. John has repaired -- at times I've
13. owned as many as four cars. Sometimes I found
14. it very difficult to get appointments because
15. he was so busy. He's always taken care of my
16. family, my cars, and it's important to me that
17. he exists in the community. I recommended
18. about 20 people to him, and as a result I've
19. increased his business because of those 20
20. people, and it's very important that he
21. continue at the level of service that he's been
22. able to provide for us.
23. 
24. So I would urge the board very much to
25. grant that variance so he could continue to
26. maintain the level of service that he has to
27. the community.
28. 
29. THE CHAIRMAN: Thank you for your
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2. time. Who was next? Please come up.
3. 
4. MR. DIAMOND: Hi there. Paul Diamond,
5. 5 Circle Road, Scarsdale. I was born and
6. raised in this community. I've known John
7. Casale for over 40 years. So when I first got
8. there, he was a one bay, one man operation. I
9. just have to say that when it comes to
10. integrity and someone, you know, working hard,
11. being honest, I think that's the reason why his
12. business has thrived and succeeded the way it
13. did. For him 17 years ago to have gone ahead
14. and purchased that other building with the
15. understanding that A B Wolle had been operating
16. out of it doing service to their vehicles and
17. other light manufacturing and so forth, is
18. absolutely a complete truth. So I understand
19. that perhaps the use was in question even at
20. that time but that was certainly the mindset
21. when that all occurred.
22. Clearly, as he has built his business
23. and been able to keep the bays operating in his
24. main facility plus two more bays and a parts
25. department, that's created, you know, jobs for
26. people, it's created, you know, a resource for
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2. the community as well, whether it's servicing
3. residents or servicing Nick's Electric or
4. whatever.
5. 
6. I think it's very important that the
7. board really gives strong consideration. After
8. I heard the assessment of the potential uses
9. and so forth, I would have to say it seems
10. rather clear that there's not a lot of other
11. uses there. So to vacate it from the current
12. uses to a building that has 1500 square feet
13. that may not be used for any other purpose just
14. seems to me to be a tremendous hardship upon
15. him. Thank you.
16. 
17. THE CHAIRMAN: Thank you for your
18. time. Sir. I saw you sneaking up, so you're
19. next, and then you're next. Okay.
20. 
21. MR. MARCILIA: Yes. Good evening. My
22. name is Steve Marcilia (Ph.). I'm an insurance
23. property claims expert. I just wanted to speak
24. to the comment that the person who could not be
25. here made about A B Wolle. In fact, I met John
26. Casale back in the mid-Eighties because I was
27. working for Allstate at the time and we use to
28. hire A B Wolle to do analysis for us on oil
29. DINA M. MORGAN, REPORTER
burners. So I was down to A B Wolle, and I think we need to clarify, they, in fact, did do repairs on their vehicles in that space. I think the person who made that comment was thinking in terms of repairs to the public, but A B Wolle was doing repairs on their vehicles in that space. Thank you.

THE CHAIRMAN: Thank you for your time. Sir.

MR. FISHMAN: My name is Alan Fishman. This summer would be 42 years that I’ve lived in Edgemont. In 1978, when I was having trouble with a vehicle and nobody would fix it properly and overcharged me, etcetera, I was introduced to John Casale. At that point, I learned the importance of having a mechanic who knows what he’s doing, who has all the integrity in the world, who doesn’t overcharge, and cares about your needs.

I think about 16 years ago, you may have all seen or read that JC Auto burnt down in the middle of the night. It was a travesty. To give you an idea of the kind of asset this gentleman is to your community, he was wiped out, he had to rebuild from scratch, and he was using those two bays that are now in question to repair whatever he could do. He kept his full staff of mechanics on duty at full pay out of his pockets, which were going empty, constantly, until the place was finally rebuilt and he was able to recoup himself.

To give you an idea of what his customers think of him, there were a number of customers, including myself, that offered their own money to help him out to rebuild. If my wife, Anna, could tell me, Honey, you’re right, I’ll wait for my new kitchen, if John needs it, give it to him, that tells you the kind of man he is and how fortunate I believe your town is to have a gentleman like this as a businessman serving your community.

If you cut out those two bays and you cut at that parts area — I’m familiar with the space quite well, quite familiar with it — he’s going to be squeezed down substantially. You’re going to be making life difficult for the rest of us and the communities surrounding JC Auto who need their cars repaired in a reasonable time. There will be a line going around the corner for people, because there are people who will not go anywhere else to get their cars repaired. I have stood waiting to get my car after a repair Friday afternoon, Saturday morning, whatever, and over the years have met a number of people who were waiting for the same thing that came to pick up their cars, and I found out, oh, I’m in Edgemont, where are you, and they would tell me that they are now living in different states, not just different towns, different states, and they won’t let anybody else touch their cars. They don’t trust them, they don’t believe that they’re authentic, their cars don’t get fixed correctly, they’re overcharged, they still have problems, and they will not let anybody else — once you go to JC Auto — if you haven’t done so I suggest you do if you have a problem with your car — you will find that this is a family. The way he treats his customers, the way he treats his staff, and the way they treat us is an absolute asset to your community. You should try to find the wherewith all to do what I’m going to be 73 in two months and that number of years — zip it — that number of years gives you a sense of perspective and common sense we hope in life and to try to stick to an exact regiment, because it’s easy to say no, when there’s a bigger picture to look at I think evades growth and common sense. So I would hope that you would continue to allow John to continue to stay there with his full staff so he could continue to service the rest of your community fully so there isn’t a line outside waiting or weeks waiting to get the car repaired. Thanks.

THE CHAIRMAN: Thank you, sir.

(Applause.)

THE CHAIRMAN: Is there anyone else who would like to be heard on this application?

Would you like to be heard on this application?

Well, then come on up.

MR. LABRIOLA: Thank you. My name is Larry Labriola. I have a property that has frontage on Summerfield Street, 841 White.
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By the sounds of it, John has a lot of people that are in favor of him continuing his business there. I would like to also make my statement that I would like to request your approval of his variance. He very much deserves it. He has high integrity, hard working.

I just wonder if that definition of personal service doesn't really come into play where a permitted use is personal service, and it seems to me he's been providing a personal service to quite a bit of his customers, and it just so happens that he repairs their cars.

I'm in the business of cutting grass. I could pretty much say, hey, I cut grass for a living. My average customers are probably making or spending over 50,000. You would say, well, am I really cutting gross or am I providing personal service. John has been providing a personal service for everybody in the community, and I would be nice to keep him where he is. I appreciate your consideration.

THE CHAIRMAN: Thank you for your consideration.

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always a repair facility. There were things being repaired in that area. Thank you.

THE CHAIRMAN: Thank you for your time.

Well, Mr. Casale, if this were the New Hampshire primary, you would win in a landslide. You seem to have a lot of support. So I will not close the public hearing for other reasons, but if anyone else would like to come up and speak, I think at this point it may be redundant, I think if I were a judge I would take judicial notice of the fact that Mr. Casale is an asset to this community, so I'm not sure if it's needed. Counselor.

MR. SCALISE: Good evening, Mr. Chairman. I'm here to speak with respect to this application.

THE CHAIRMAN: Oh, really?

MR. SCALISE: Yes.

THE CHAIRMAN: Okay.

MR. SCALISE: James Scalise, 670 White Plains Road, Scarsdale, New York. I represent Margaret Mignone, who lives at 161 Summerfield Street.

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time. Anyone else? Sir.

MR. ALTAMURA: Hi. I'm Steven Altamura from 14 Elba Place, Eastchester speaking on behalf of the variance in favor of it.

John provides a great service to the community. You were asking what happens if you lose those two bays. What basically happens is you have loss of service, longer wait times.

John has always been able to take care of cars when there's an emergency or some sort of dire need for that repair.

Just like everybody else has said, I'll echo the same thing, he's a standup guy.

My wife has no problem going there without me if I'm at work.

Basically I've lived in the town for a long time. Every time passing that area, I've always seen vehicles worked on. My family have lived in town for five generations, we've been around a long time, and that area and the boiler repair shop that was there before, I had personally saw as a kid going by there on my bike or driving by with my father that it was

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This was not legal at the time. Mr. Steinmetz, who did a fine job representing his clients with respect to that presentation, mentioned that Mr. Casale, JC Auto got this permit out of an abundance of caution, but really what had happened here is he didn't have the right to use it as such, and it would be wrong for Mr. Casale to take the position that somehow the town made a mistake here. The town knew exactly what they were doing. They were being compassionate to Mr. Casale and JC Auto back at the time when he suffered this fire and this loss. So I think that's an important point for the board to understand, that the Building Department was aware of this, they took a position with respect to it and by its nature was a temporary permit and then by its nature, therefore, there came a point where it should have expired. It was at that point where Mr. Casale, JC Auto wanted to take further action on it, that was the time in which to do it.

Now, with respect to the use variance, as this board is well aware, if the matter has

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been self-created, it is fatal to the application. This matter has been self-created. Mr. Casale and JC Auto bought this property in 1998. At the time, this was not a permitted use. For whatever reason, apparently they did not do their due diligence and deal with the Building Department as to whether or not they could operate in this facility here. As such, they created this situation and, therefore, because they created it, it's self-created. This board must deny the use variance.

Now, as you had mentioned, Mr. Casale and JC Auto are wonderful people, wonderful entity in the area, and if that was the test for this board to consider, then, by all means, you should grant the use variance, but it's not. This board is well aware of the test, and the self-created nature of this destroys this and it's fatal. Thank you.

THE CHAIRMAN: Thank you for your time, counselor. Please, it's not necessary. Don't do that.

Does anyone else want to be heard on

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this application? Please.

MR. COLLINS: My name is Mike Collins. I work at JC Auto.

The gentleman who just came up to speak representing Mrs. Mignone across the street, I just want to let you guys be aware that she's lived there for probably 40, 50 years and because of the argument where her -- whatever happened, happened, it's not important. We have fixed her cars for her, her sons, her husband, their cousins for 30, 40 years and there's never been an issue. If she was so concerned about this in 1999, I'm not sure why it's an issue now. I think the board should take that into consideration that she's lived there and looked at this and we fixed her cars, her sons' cars in these bays. Why is it a problem -- why is she hiring an attorney now? I think that should be looked at. That's all.

THE CHAIRMAN: Thank you for your time. Anyone else want to be heard on this? Sir, please.

MR. SENDEROFF: Thank you for the
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1. would you like to just reply to a couple of the comments? Go ahead, please.
2. MR. STEINMETZ: Very briefly, Mr. Chairman, I appreciate it, while it’s fresh in the board’s mind.
3. I spent too many nights awake and too many times at the microphone representing developers. It’s nice once in awhile to actually be able to come to the microphone and represent somebody who is kind of the salt of the earth and part of the community, and I appreciate the humor about the New Hampshire primary comment. The fact of the matter is, a lot of what you’ve heard tonight I think goes to a very important issue and that’s credibility, believability and kind of why we’re here.
4. Mr. Scalise very thoughtfully had you focus on the temporary permit from 1999. We talked a little bit about that at the first meeting. He gave you his hearsay and his conjecture. I find it interesting that his contention was that the Building Department in 1999 was aware and compassionate. If that’s true.

5. what was going on in 1999, and, Mr. Chairman, I am not casting fault on the Building Department, that’s not my roll, my roll is to tell it like it is, if there was awareness and compassion in ’99, I guess there was awareness and compassion in 2000, in 2001, in 2002. It seems to have continued here in the town of Eastchester for 16 years at a minimum. But, more importantly, let’s remember what Mr. Casale said when he came to the microphone at the December meeting, he bought the property because he thought he could use it. That’s the only testimony you have before you in terms of firsthand what was going on in his mind in terms of hardship.

6. I’m going to end with one simple concept that we’ve talked about before: Zoning is in derogation of common law property rights. Back in the good old days, if you had property, you could do what you wanted and that was it. Some time in the 20th Century, the beginning of the 20th century, the government determined that it should be able to regulate how we live, what we do on our property, where it belongs.
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MR. STEINMETZ: I'm not seeking to replace anything. We're simply seeking to demonstrate --

MR. CAHALIN: I'm trying to get you to prove to me the financial hardship on a cost per square foot basis for this gentleman.

MR. STEINMETZ: We will certainly take that question under advisement.

MR. CAHALIN: Thank you.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Yes. Again, an excellent presentation by Mr. Steinmetz. I have to be frank with you, as we all know -- I'm reading right out of your thing -- the hardship is not self-created. Essentially what you're saying, if I'm reading it correctly, is it's not self-created because when your client purchased the property he didn't realize what it was being used for was not permitted and the town's at fault because it didn't catch it. I don't see how that amounts to the hardship not being self-created. It's essentially saying, well, the town didn't know what was going wrong, then it figured out it was going wrong so it did.

THE CHAIRMAN: Please.

MR. STEINMETZ: -- into the record.

On behalf my client, my clients' apologies that this was not available sooner, but it is available now and we would like to make this part of the record.

THE CHAIRMAN: Thank you, counselor.

And again, this is now becoming part of

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MR. CAHALIN: That's rude.

MR. MILLER: I think you need to convince me a little more, because right now saying the town didn't catch it, that's not getting past the test. So I need you to convince me a little more on that point. So if you've got cases, some more evidence. For me, I would like you to focus a little bit more on that.

THE CHAIRMAN: Okay. Mr. Nurzia?

MR. NURZIA: Just to follow-up on Mr. Miller's comments, if you could focus on that, personally, I would like to hear some more information regarding that issue.

THE CHAIRMAN: Anything else, Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mrs. Uhle, go ahead.

MS. UHLE: Just one clarification, and can confirm this at the next meeting.

THE CHAIRMAN: Please.

MS. UHLE: I think one thing that

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1. might explain the -- understanding why the town
didn't follow-up could potentially be the
temporary permit was issued in December of 1999
and I'm fairly certain the following year in
2000 when one building inspector retired and
another building inspector was hired. I do
think it could have been something that -- back
then things were not logged on to the computer
so it could have just fallen through the hoops.
I do think it's interesting to know there was a
change in building inspectors pretty much
immediately after the issuance of the temporary
permit.

THE CHAIRMAN: I appreciate that.
MR. MILLER: When did the permit
expire?

MS. UHLE: It was just listed as a
temporary permit. It was not given an -- an
expiration date was not noted on the permit.
MR. CAHALIN: The building permit has
an expiration date. Usually it's one year, as
far as I know, when we grant them to start.

JAY?

MS. UHLE: The expiration date on the
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1. building permit.

MR. KING: If I'm not mistaken, on
that permit it said, for the repair of the fire
damage.

MS. UHLE: I think the understanding
was when the fire damage was repaired.

THE CHAIRMAN: Thank you, Mr. King.

That was, for the people watching at home, was
our building inspector. You're like Don Pardo.
No one knew what that booming voice was. So
now everyone knows.

So I make a motion to adjourn this
application to the next ZBA meeting; is there a
second to my motion?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. All in
favor.

(All aye.)

THE CHAIRMAN: Thank you.

MR. STEINMETZ: Thank you, all.

THE CHAIRMAN: So we'll take a second
to allow it looks like there will be a lot of
people leaving so we don't interrupt the next
application. If you're leaving, please do so

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clear the outside of all the ruff raf now. It's not fair for you to make an application and have to holler over it. Thank you, counselor. 
MR. CAHALIN: Good job.
THE CHAIRMAN: Mr. Luca, continue.
MR. LUCA: As I was saying, in the opposite corner of the property there is a very large, mature tree which I definitely want to keep, so I don't want to affect the root system, as well as having still a play area for my kids to play. That's really it.
THE CHAIRMAN: We have your submission and your answer to the five part test, so you don't need to repeat that. So let's see if the board has any questions. Mr. Cahalin, do you have any questions?
MR. CAHALIN: Yes, I do.
THE CHAIRMAN: Please.
MR. CAHALIN: I mean, I didn't get a chance to get out to the property yet but I will before next month, but just looking at the way it's sketched out it would make sense to...

move the pool out someplace centered in the yard as opposed to hidden behind the garage. MR. LUCA: Can I answer that? If I move the pool towards the opposite side, I'm going to kill the root system of this tree. The tree will die.
MR. CAHALIN: I'm not an arborist, but if it's that mature, you're not going to go down that far. Those roots are probably spread out in all different areas. I wouldn't want to kill a tree like that but from a -- you're looking for a 50 percent variance on the setbacks. That's a pretty severe setback variance as far as what we do. They don't come much bigger than that for something like this. And again, you're putting in a small pool. I mean, it would almost make sense to put in an above ground pool there as opposed to what you're proposing but that's your choice. To me the way it's laid out, it's not correct. I think you're not utilizing the space properly.
MR. LUCA: Again, I would like my backyard to be an area for my kids to play.
MR. CAHALIN: You get that behind the...

still suits your purposes?
MR. LUCA: Honestly, that's where I really wanted the pool set. I wouldn't really want to move the pool to anywhere else. I could make the pool even smaller. I mean, the pool is half the size of a normal pool for that purpose, you know, it's just for the kids to cool off, and I don't want to affect the tree. The tree separates three properties. In the summer when it's full you can't see the properties because of that tree.
MR. NURZIA: Instead of would you, could you?
MR. LUCA: Could you without affecting the tree? No.
THE CHAIRMAN: Anything further, Mr. Nurtzia?

MR. NURZIA: No, that's it.
THE CHAIRMAN: I have nothing else at this time, but I have a motion to open this matter to the public hearing; is there a second to my motion?
MR. CAHALIN: So moved.
THE CHAIRMAN: Mr. Cahalin. All in...
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MS. UHLE: In any case, you have those options.

THE CHAIRMAN: Thank you, Mr. King.

MR. LUCA: It's a salt water pool.

THE CHAIRMAN: Say that again.

MR. LUCA: It's a salt water pool.

MR. MILLER: No more questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No, no questions.

THE CHAIRMAN: And I don't have anything either. But I do have a motion to close this application to a public -- we did close it, actually. I have a motion to adjourn it for resolution at the next meeting; is there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: Second by Mr. Miller.

All in favor.

(All aye.)

THE CHAIRMAN: Mr. Luca, at the next meeting there will be a decision on your application. Thank you for your time.

Next application, number 6, 16-02, 5 Leticia Road. While you're setting up, I just want to say that we have one question: Do you think all us short, Italian lawyers look alike? You addressed this to Chairman Louis Satriale.

MR. STEIN: My apologies.

THE CHAIRMAN: That's okay. He was the chairman before me. I'm better looking and younger, so I'm not sure why you did that, but --

MR. CAHALIN: That's debatable.

MS. UHLE: Actually, there was one in between.

THE CHAIRMAN: I only recognized myself and Louis Satriale. There were two in between, but they weren't short, Italian lawyers.

MR. STEIN: My apologies.

THE CHAIRMAN: You needn't apologize, I'm just having fun with you.

MR. STEIN: No problem. Good evening.

My name is Michael Stein, president of Hudson Engineering. We're the engineers of record for the project. We're here this evening for a variance for a front yard setback for a front portico.

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The zoning requirements in this
district require a 30 foot setback to the front
of the structure; however, it's reduced down to
26 feet for a covered front porch.
In this case, the existing house is
located 25 feet from the front yard, so it's
already an existing non-conformity. So,
therefore, any extension to the front of the
house does require a variance. We're
requesting a variance of 6.95 feet. We're
bringing the porch out, covered porch out 6
feet from the face of the existing building.
We had submitted letters of support
from all the neighbors who we were required to
notice. There was a total of nine neighbors.
All had provided letters of support of the
project. I'm here to answer any questions.
The CHAIRMAN: Thank you for your
conciseness, and we have your submission and
it's been reviewed by the board.
So we will go to the board now with
any questions or comments. Mr. Nurzia?
MR. NURZIA: No questions or comments.
The CHAIRMAN: Mr. Miller?
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MR. MILLER: None.
The CHAIRMAN: Mr. Cahalin?
MR. CAHALIN: Me too, nothing.
The CHAIRMAN: I don't have any. It's
very straightforward di minimus.
Having said that, I make a motion to
open the public hearing. Is there a second?
MR. CAHALIN: So moved.
The CHAIRMAN: By Mr. Cahalin. All in
favor.
(All aye.)
The CHAIRMAN: Is there anyone here to
speak on this application?
(No comments.)
MR. CAHALIN: Move to close it.
MR. MILLER: Second.
The CHAIRMAN: Motion by Mr. Cahalin.
Second by Mr. Miller. All in favor.
(All aye.)
The CHAIRMAN: Okay. I'm procedurally
bound to ask: Mr. Cahalin, anything?
MR. CAHALIN: Still no.
The CHAIRMAN: Mr. Miller?
MR. MILLER: Still no.
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also adding a front portico, which is not only
from weather or whatnot, the aesthetics kind of
brings together the composition of the
elevation. Obviously, the driveway we're at
that 20 foot max and to get a car in and out,
they have vehicles that are SUV and pickup
trucks, he would like to be able to get in out
and of his garage easily.

As far as the characteristics of the
neighborhood, we are pretty much, I would say,
within the characteristics of the neighborhood
very similar to up the street at 42 Orchard
Street. I believe on the drawing that I handed
in it actually says 38, but 42 Orchard Street
there is a three car garage, it has a very wide
front elevation. Next door has a two car
garage, wide feel. 41 Orchard Street same kind
of condition, very dominant feature with the
front elevation with the two car garage.

We did try to soften up the addition
by lowering the eve heights to not give it
that, you know, kind of dominant feel and being
nested in with the neighborhood.

Any questions, I would be happy to
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So I will start. I usually don't, but
I'll say although neatness doesn't count, it is
substantial but you did a very good job tying
it into the topography and the character of the
neighborhood. So I have no questions or
comments at this time. Mr. Nurzia?

MR. NURZIA: No, no questions or
comments.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No. I'm just focusing on
the font right now.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: Yeah, I have questions.

THE CHAIRMAN: Fire away, Mr.
Chairman.

MR. CAHALIN: You know, to kind of
piggyback or not piggyback on what you said,
Mr. Chairman, I think we're getting caught in a
mode here with these additions that as long as
they're kind of like with the topography, it's
okay to make the house as big as they want.
So, you know, I have a real problem with that,
as you know from the application earlier this
evening.

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Again, it looks like you're doubling
the square footage of this house?

MR. MAIORANO: If I could comment on
that.

MR. CAHALIN: Please.

MR. MAIORANO: I understand it does
seem like we are making a massive addition.

MR. CAHALIN: Either it is or it
isn't.

MR. MAIORANO: So now since the
garage -- usually you don't count the square
footage in the garage --

MR. CAHALIN: I'm aware of the code.

MR. MAIORANO: Because it's an open
space, we have to account for I think it's like
300 and something square feet into that as well
as the garage. Yes, we're at close to the max
square footage that we are allowed.

MR. CAHALIN: Okay. You're pushing
max density here.

MR. MAIORANO: Yes.

MR. CAHALIN: The thing that gets me
is, you know, nobody -- it just seems like the
variances keep getting bigger and bigger. This
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1 is a 40 percent and a 50 percent variance. I remember on my first stint on the board there was almost a standing rule if it was above 10 percent it would be denied.

6 MS. UHLE: Can I clarify something? They're not asking for a variance with regard to the gross floor area.

9 MR. CAHALIN: I understand that.

11 MS. UHLE: But there's a huge difference in the 10 percent rule -- which was not really a rule -- that had to do with gross floor area. I also think that, again, the existing house is only 16 feet, if they were to meet the requirement of a 30 foot front yard setback, they would literally be almost behind the existing house. So I just think that you have to look at the existing conditions. Again, the gross floor area, the fact that they're doubling it, that's according to code and they're within it. So the variances are really for the setbacks.

19 MR. CAHALIN: I get that, but they're still substantial setbacks. They're 40 percent and 50 percent.

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2 MR. CAHALIN: We're going back to almost the Mcmansions again.

4 THE CHAIRMAN: So that's what I was driving at when I said it was a policy comment.

6 MR. CAHALIN: That's okay because that's not in question, I get that, and that's not what I'm talking about, okay. My point is very simple: Is that we have a very -- because of the building lot and the envelope, we still have substantial variances, do we not? Would you consider 40 or 50 percent substantial?

13 THE CHAIRMAN: Why don't you direct your question to --

15 MR. CAHALIN: Do you consider them?

16 I'm sorry, I got caught up here.

17 MR. MAIORANO: Personally, I live in town, I've lived in town my whole life, and I design in town, and I would have a tough time trying to design something that I think wouldn't kind of fit on that lot and --

22 MR. CAHALIN: You couldn't do it.

23 MR. MAIORANO: I'm sorry, what was that?

25 MR. CAHALIN: You couldn't do it.

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2 otherwise. That's why you're here.

3 MR. MAIORANO: Across the street -- I don't know if you could see it -- there actually is a house that sort of house that crazy addtion where it's set back so far and it makes the house less appealing.

8 MR. CAHALIN: Again, I usually go out and visit all of the sites but because of the snow and work, but I'll get there before the next meeting and that may change my mind or it may finalize how I feel about the application, because I find looking at the properties and looking at your plans is the best way of seeing the impact to the neighborhood, which is always a part of the test. So I'm remiss tonight by not doing my job but I will. Now I'm finished.

16 THE CHAIRMAN: Thank you, Mr. Cahalin.

19 Did you want to further address that?

20 MR. MAIORANO: I believe that was it now.

22 THE CHAIRMAN: Okay. Seeing that we've had the board's commentary, let me make my motion to open this to the public hearing; is there a second to my motion?

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MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Would anyone like to speak on this application? Please, sir, come up, give your name.

MR. COLLIGNON: Robert Collignon, 29 Orchard Street, right next door.

THE CHAIRMAN: Okay.

MR. COLLIGNON: One of the comments that was made, the house across the street with the large setback looks like it probably fits into code but it is a bit of an eyesore for the neighborhood. It's architecturally not very appealing to the rest. Additions as they go on I think that's a huge part of our community. Our community cost a lot more to live here, it's a big struggle at times, but we know it's worth it because it's a much nicer neighborhood. McMansions, there's a little bit to be said about that. I understand that. But I think architecturally if they change much more than that to conform, it's really going to DINA M. MORGAN, REPORTER

THE CHAIRMAN: Okay. Back to the board. I'll entertain questions or comments. Mr. Cahalin, anything further?

MR. CAHALIN: I've done enough damage. THE CHAIRMAN: Mr. Miller?

MR. MILLER: No, I'm all good.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions or comments.

THE CHAIRMAN: I just have one and then we'll let our counselor -- maybe our DINA M. MORGAN, REPORTER

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2 look like a bit of what we already have across the street. So take that into consideration.

3 It's not a far drive. You could walk there.

4 MR. CAHALIN: I usually get out but my schedule didn't allow for it. I will.

5 MR. COLLIGNON: The one setback that they're looking for is 50 percent, I believe, with the driveway in between our houses. It's really pretty much right there as is now. It's not going to be a big deal. I don't think that's one to really contend with.

6 THE CHAIRMAN: Okay. Anything further?

7 MR. COLLIGNON: You could see on our house there's a setback -- if you flip it over -- when our house was added to before we owned it, me and my wife owned it, the setback here conforms a little bit more and it gives it the split look. It's not a real cohesive look.

8 It would have been better if it could have been drawn up forward more. A lot of people get confused, we thought they're side by side houses. I think he did a great job architecturally with the house.

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THE CHAIRMAN: I know you're not billing by the hour so I should have let you continue. The motion was to close the public hearing and there are no conditions on that. My only comment was really more procedural in that sometimes -- maybe this comment is more for the public -- what gets lost is that we're a Zoning Board of Appeals, everything that comes before us is at variance with the law, that's why it's called a variance. The idea DINA M. MORGAN, REPORTER
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that sometimes comes across here is, well, why
don't you just obey the rules. If that were
the case, we would have no existence. We're
here specifically for these reasons. Again,
every board member has their own way of looking
at these things.

So having said that, I am making a
motion to adjourn this application for
resolution at the next meeting; is there a
second to my motion?

MR. NURZIA: Second.
THE CHAIRMAN: By Mr. Nurzia. All in
favor.

(All aye.)
THE CHAIRMAN: Thank you for your
application.

MR. MAIORANO: Thank you very much.
THE CHAIRMAN: With nothing further
before us, I now make a motion to close our
meeting; is there a second to my motion?

MR. MILLER: Second.

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CERTIFICATION

STATE OF NEW YORK )
) SS.
COUNTY OF WESTCHESTER)

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

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

And, I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.
IN WITNESS WHEREOF, I have hereunto set
my hand this 29th day of February, 2016.

DINA M. MORGAN
Court Reporter
DINA M. MORGAN, REPORTER

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THE CHAIRMAN: All in favor.

(All aye.)
THE CHAIRMAN: Have a good evening,
everybody.

(MEETING ADJOURNED.)

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