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you're calling in from a phone, you'll use star nine. Our Deputy Town Attorney Robert Tudisco will acknowledge you and invite you to speak.

You'll give your name and address for the record. You have to unmute your microphone, and then you'll be able to proceed.

As part of some of the items that we are not able to do remotely, we're not able to call the roll tonight. So I'll just let everyone know that we have two items on for Resolution, we have three new business items, and we have one application that has been adjourned to possibly the June meeting, but it has been adjourned for this evening.

Having said that, we will get right into the meeting. The first item on for Resolution, I make a motion to approve Application 21-07, this is 22 Club Way, subject to the following two conditions:

One, that the side yard setback to the proposed addition must be increased from 8 feet to 9 feet whereas a 12 foot setback is required.

Number 2, prior to the issuance of the

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MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes with a similar comment to Mr. Miller, that my approval for the application would have only required one condition, and that is the Arborvitae, not the change of setback. That application has been approved 5 to 0 with the two conditions.

Next item. I make a motion to approve Application 22-14, 62 Vernon Drive. Is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. To the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: I vote yes. That application has been approved 5 to 0.

Now, getting back to the ground rules on new business. The three matters of new business that are on tonight, they've all been marked submitted, your documents are part of a public record, they've been reviewed by the board, and in many instances the board has either been in the vicinity or been on the premises. Just so the applicants understand procedurally, you're not under an obligation to sit here and read your entire application or the five part test. I would ask that you just briefly summarize. You can read it if you want. It won't help or hurt your application.

But again, the board is familiar with your application, and procedurally you will give your presentation, the board has an opportunity to ask questions and make comments, the public will be heard, and then you'll have an opportunity to respond, and then the board will have a final opportunity to ask question or comments.

Starting with new business item number 1, this is 2 Pasadena Road.

MR. MAIORANO: Can you hear me?

THE CHAIRMAN: Yes.

MR. MAIORANO: Thanks again, Margaret

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and the board for the scheduling accommodations. Very much appreciated.

Good evening. My name is Adamo Maiorano from Community Designs and Engineering. On behalf of the applicant and owner, Cynthia Roberto, we are proposing a one story addition over an existing non-conforming one story structure in the year yard of 2 Pasadena Road, which is situated in an R-7.5 zoning district.

I'm going to share my screen. Can you see that?

MS. UHLE: Yes.

THE CHAIRMAN: Yes.

MR. MAIORANO: This project had been before you back in 2019. For certain reasons, the applicant did not start the work, obviously with the Covid outbreak, and we're back here today seeking approval again for the same condition as we did present back in 2019.

Nothing is changing for the proposed action. Again, it's a one story addition over an existing one story structure in the rear yard.

The setback that exists today is 14.5 feet in...
THE CHAIRMAN: It would be too easy for me to say that your application has gone to the dogs, right?

Thank for your presentation, Mr. Maiorano. At this point now, I'll allow the board to ask any questions or comments that they may have. Mr. Cahalin?

Mr. CAHALIN: None.

THE CHAIRMAN: Mr. Miller?

Mr. MILLER: Sorry. None.

THE CHAIRMAN: Mr. Nurzia?

Mr. NURZIA: None.

THE CHAIRMAN: Mr. DeMarco?

Mr. DE MARCO: None.

THE CHAIRMAN: I don't have anything at this time.

I make a motion to open the matter to the public for a public hearing. Is there a second?

Mr. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

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

Mr. TUDISCO: I am checking now. If there is anyone from the public who wishes to be heard on this application or to address the board, please raise your hand feature and I will invite you to un-mute yourself.

Mr. Chairman, at this time I don't see any members of the public who wish to address the board on this application.

THE CHAIRMAN: Thak you. So I make a motion to close the public hearing on this application. Is there a second?

Mr. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Mr. Cahalin, anything on this application?

Mr. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

Mr. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

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THE CHAIRMAN: Thank you for your presentation. You may proceed.

Ms. LO BALBO: I'm just sharing my screen now. This is for the application at 84 Lakeview Avenue. I'm Katherine LoBalbo, the architect presenting for applicants Daniel Rosenberg and (inaudible).

The Rosenbergs are proposing to renovate an existing garage to a family room. This will allow the applicant's father, who is living with a disability due to a stroke, to have a better level of accessibility to their home, when he visits with his grandchildren. The modification will improve the quality of life for their family, but it requires the applicant to seek relief from this board on the R-5 zone requirement for two parking spaces for single family homes.

The driveway is capable of providing off-street parking in a number of formats. You're actually able to do the two cars in tandem and two cars side by side. However, in tandem, the parking space that would be closest
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1. to the street is actually within the town
2. right-of-way. The driveway itself is just
3. under 40 feet long, but of that, 19 and a half
4. feet are in the town right-of-way. If you put
5. them side by side, they are smaller than the
6. prescribed zoning regulations. This is why the
7. applicant is seeking to have a variance to
8. allow one parking space at Lakeview.
9. We took some photos in the
10. neighborhood. You could see this would be
11. somewhat in keeping with what's occurring
12. already in the neighborhood where there are
13. cars parked, you know, relatively just off the
14. driveway. We think this with continue to be in
15. keeping with the neighborhood. Off-street
16. parking for cars will be safe and possible, so
17. we're here to respectfully request
18. consideration from your board.
19. THE CHAIRMAN: Thank you for your
20. presentation. At this juncture, we'll have the
21. board ask any questions or make comments.
22. Mr. Cahalin?
23. MR. CAHALIN: I have none.
24. THE CHAIRMAN: Mr. Miller?
25. DINA M. MORGAN, REPORTER

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1. wish to address the board on this application.
2. THE CHAIRMAN: Okay. Thank you, Mr.
3. Tudisco. I make a motion to close the public
4. hearing on this matter. Is there a second?
5. MR. CAHALIN: Second.
6. THE CHAIRMAN: Mr. Cahalin. All in
7. favor.
8. (AYE)
9. THE CHAIRMAN: Back to the board. Mr.
10. Cahalin, any comments or questions?
11. MR. CAHALIN: None.
12. THE CHAIRMAN: Mr. Miller?
13. MR. MILLER: Still none.
14. THE CHAIRMAN: Mr. Nurzia?
15. MR. NURZIA: None.
16. THE CHAIRMAN: Mr. DeMarco?
17. MR. DE MARCO: Nothing.
18. THE CHAIRMAN: I just have the comment
19. that your presentation was clear and concise,
20. and for my purposes adequately addressed the
21. five part test.
22. I make a motion to resolve this matter
23. for Resolution at the next meeting. Is there a
24. second?
25. DINA M. MORGAN, REPORTER

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1. application to the public for a public hearing.
2. Is there a second?
3. MR. CAHALIN: Second.
4. THE CHAIRMAN: Mr. Cahalin. All in
5. favor.
6. (AYE)
7. THE CHAIRMAN: Thank you for your
8. presentation.
9. MS. LO BALBO: Thank you, Mr.
10. Chairman.
11. THE CHAIRMAN: Last item on our
12. calendar under new business and for the evening
13. is 21-13, this is 4 Sprague Road.
14. MS. UHLE: Just bare with me one
15. minute. Okay, they're coming on.
16. MR. HAYNES: Hi, good evening, members
17. of the board. This is Thomas Haynes from
18. Haynes Architecture. I hope you're all well
19. tonight. I am the architect of record for Mr.
20. Thomas Messina with the project located at 4
21. Sprague Road. Mr. Messina is on the Zoom
22. currently, and he will be leading the
23. presentation tonight, and I'm happy to answer
24. any questions that you all may have.
25. Margaret, is it possible to please
26. give Mr. Messina the floor to make the
27. DINA M. MORGAN, REPORTER
1. presentation?
2. MS. UHLE: Sure. Of course. He's
3. been promoted, so he could just start when he's
4. ready.
5. MR. HAYNES: Sorry, I don't see him
6. yet. Oh, there he is. Thank you.
7. MR. MESSINA: Thanks, Tom, and thanks,
8. Margaret, and thank you, board, for allowing me
9. to present this important matter to you today.
10. My name is Thomas Messina. I am the homeowner
11. at 4 Sprague Road. I'm here today to request
12. five variances. Let me see if I can try to
13. share my screen here. I take it everyone can
14. see this?
15. THE CHAIRMAN: Yes.
16. MR. MESSINA: Great. Just to give you
17. a little background on myself, my wife and I
18. have resided in Eastchester since 2005 at 4
19. Sprague Road. Prior to that, we were in
20. Tuckahoe. We both grew up in Westchester; my
21. wife in Yonkers; myself in Mt. Vernon. We have
22. two daughters, 13 and 10, that attend the
23. public schools in Eastchester.
24. Anyway, let me get to the request
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1. EASTCHESTER ZBA - 5/11/21
2. April of 2020 and we were in the midst of Covid
3. and, you know, we were concerned that we may
4. not be able to use our screened-in porch
5. because it was connected to our house and, you
6. know, there were all sorts of uncertainties at
7. this time. So we decided just instead of
8. putting in the screened-in porch, just to
9. converting our existing wooden deck to a Trex
10. deck. We did continue to put in the pavers.
11. Originally, we had planned to put in two dry
12. wells as a condition of the approval by the
13. board of the variance, and that was due to, you
14. know, the amount of impervious space and the
15. coverage of the screened-in porch. Even though
16. we didn't build the screened-in porch and we
17. just converted our existing wooden deck to a
18. Trex deck, we decided to keep those two dry
19. wells in the backyard, and we actually went in
20. and included a third one. We did this for a
21. number of reasons. I'm not a big fan of water,
22. and I know my neighbors aren't either, so we
23. wanted to be really sure that we wouldn't have
24. a water issue in the backyard. We have those
25. three dry wells in today. Two of them are
26. DINA M. MORGAN, REPORTER

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2. here. I'm requesting five variances. I trust
3. you've all read through this. Just quickly,
4. two of the variances have to do with a spa, hot
5. tub in my backyard, the rear and the side
6. setbacks. Two variances regarding a shed, side
7. setback and setback from my house. The last
8. variance is regarding impervious space, upping
9. it from the 2765 square feet to 3,369 square
10. feet.
11. I wanted to present to you today
12. because I think it was a little over a year ago
13. I was in front of you again asking for
14. variances. Originally, my wife and I wanted to
15. create a screened-in porch in our backyard and
16. to put in pavers to address some water issues
17. that we had. At that time in January of 2020,
18. we asked for three variances. Two of the
19. variances had to do with the screened-in porch,
20. one of the variances had to do with the
21. impervious surface coverage.
22. In February of 2020, the board
23. approved the three variances. My wife and I
24. were all set to submit a permit to build the
25. screened-in porch, however, this is now in
26. DINA M. MORGAN, REPORTER
1 house and also 10 feet from the property line.
2 I do have enough room for it. I would have to
3 offset the shed at least 10 feet from the
4 house, as well as 5 feet from the property
5 lines. We did this sort of weird arrangement
6 here, which I think is suboptimal to not only
7 myself but to my neighbors, and I'll explain.
8 If I were to have to move my spa here, I would
9 have to remove that one dry well that we have
10 in reserve in the event there are any water
11 issues that we may experience in the future
12 because we would have to put in a concrete
13 slap, which is, you know, I don't think optimal
14 for anyone. In addition, by moving everything
15 to the center line, what was sort of hidden
16 from view on the side is now sort of in the
17 sight line of all the neighbors. Again, it's
18 something I think is suboptimal to everyone.
19 So what I wanted to do is -- I
20 understand people have privacy and visibility
21 issues, aesthetic issues. I don't want to hurt
22 the property values of my house, nor do I want
23 to do that of my neighbors. So what I propose
24 is to kind of improve the privacy of the
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2 house, currently today -- I'm going to go
3 back to this side -- on the left and right, I
4 have these evergreens, which obstruct view from
5 the left and right property line. What I
6 propose is, if the board were to approve the
7 variances that I request, I would install 11
8 fully grown evergreen trees at least 16 high,
9 which I believe would improve the privacy not
10 only for my family, but also for the family to
11 the rear of my property.
12 So on that note, I pass it back to the
13 board for any questions you may have or the
14 public for that matter.
15 THE CHAIRMAN: Thank you for your
16 presentation. At this time, I'll see if the
17 board has any questions or comments. We'll
18 start with Mr. Cahalin.
19 MR. CAHALIN: Thank you, Mr. Chairman.
20 Yes, I have several. I visited the site on
21 Saturday and Sunday. I don't think Covid was
22 the reason you did this. That shed is just not
23 safe where it's located. You can't get around
24 it. The spa is right up against the fence.
25 The gazebo, you know, we have this thing called
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1   wrong, like I said, it's beautiful, but you
2   have a basketball net by the side of the steps,
3   that's there. That's something that I guess
4   the kids play with, which is great, but the
5   gazebo is huge. It's like another shelter back
6   there. That's right up against the property
7   line. That is there for your convenience and
8   you didn't think about your neighbors because
9   it should be closer to your house if you were
10  concerned about the neighbors. Same thing with
11  the spa. The shed to me is a hazard because
12  there's just no way around it. That's my
13  comments at this point, Mr. Chairman.
14
15  THE CHAIRMAN: Thank you, Mr. Cahalin.
16  Mr. Miller?
17  MR. MILLER: No comments.
18  THE CHAIRMAN: Mr. Nurzia?
19  MR. NURZIA: Just following up on Mr.
20  Cahalin's comments, I mean, I guess my general
21  concerns are if the layout of this backyard
22  were different or if that house to your rear,
23  which is actually his side, was situated
24  differently, I guess I would be less concerned.
25  Given that everything is kind of like put in
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27  DINAM. MORGAN, REPORTER

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left-hand side. The shed tucked in that
does not really affect the adjacent
neighbors.

In addition, the spa location where it
would be fully compliant if it was located in
the center, he would have additional issues
with safety, with height requirements for pools
and spas, where the spa in that location,
although it would meet zoning code
requirements, it would not meet building code
requirements unless he had a much higher
railing around his Trex deck because in theory
a child and what have you could hop off the
Trex deck into the spa, so that becomes a
safety hazard. It also, in that location,
would be more in line with the rear property,
which would be viewing right down into the spa.
I think that the screening that Mr. Messina
proposes along the rear would be a substantial
improvement in creating green space and
providing screening between the adjacent
dwelling and the property of the subject now.
Lastly, I just wanted to point out
that the proposed gazebo, which is existing in
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items into locations that were fully compliant,
you know, I, personally, feel that the adjacent
property immediately behind them would not be
happy with those locations even though they
were fully complaint.

THE CHAIRMAN: Okay. Thank you for
your reply. Just as a point of order --

MR. CAHALIN: Mr. Chairman --

THE CHAIRMAN: One moment, please. As
a point of order, I just want to make a note
that the gazebo is not before us, and it is not
an issue at this time. Who was requesting
recognition? I'm sorry.

MR. CAHALIN: Mr. Chairman, it's Mr.
Cahalin.

THE CHAIRMAN: Mr. Cahalin, please
proceed.

MR. CAHALIN: I'm not a botanist or a
landscaper, but putting in full grown
Arborvitae in that 5 foot space, would they
even fit? The root base has got to be bigger
than that. Are they going to fit in that
location, honestly? That's my first question.
The second question is, we still
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that location, does not need variances or is
fully compliant with zoning requirements. So
whether the fact that Mr. Messina chose to put
his gazebo in that location or closer to his
home, he's fully compliant. So it's a moot
point to even discuss the gazebo at this point.
If that something that the neighbors disapprove
of, and again, I'm not putting words in their
mouth, I don't know that they do, but I know
that Mr. Cahalin had brought that to the
board's attention and to the public's
attention, again, I feel that's a moot point
because it's fully compliant here. We're not
asking for a variance on the gazebo.
So with those points said, I
understand that we're asking for a minimal
increase of impervious area to what was
formally approved. Essentially we're asking
for an increase of essentially the shed size.
Mr. Messina is entitled to have a shed, he's
entitled to have a spa, he's entitled to have a
gazebo. At this point, I would really request
that the board give consideration to these
points, and understand that had he moved these
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THE CHAIRMAN: Yes, Mr. Tudisco.

MR. TUDISCO: There is currently a case pending for a lot of these improvements that were done without permits in court. Also, part of the issue is, the gazebo required a permit that was not obtained, and there are setback requirements for a structure back there. Whether it's part of this application or not at this point in time, I don't know why it wasn't included, but there is a current violation for that structure, and it's more than just a covering. My understanding -- and I've seen photographs -- is that it is a full enclosure.

MR. CAHALIN: It is.

MR. TUDISCO: -- That it is an illegal structure, that is in violation of the setback requirements.

MS. UHLE: It's not, actually, Rob.

THE CHAIRMAN: I'm sorry, I was going to reply to that, Mrs. Uhle. If you would like to proceed.

MS. UHLE: Yes. The gazebo actually does meet the setback requirements. Mr. Tudisco is correct in that it required a permit. So the violation in court with regard to the gazebo is with regard to the fact that the permit had not been obtained, but it actually does meet the setback requirements for accessory structures. The Building Department has zero discretion with regard to modifying those setbacks if they meet the zoning requirements. There might have been some misunderstanding initially, but the survey confirmed that the gazebo does meet the setback requirements.

THE CHAIRMAN: Thank you, Mrs. Uhle. At this point, I'm making a motion to open this application to the public for a public hearing. Is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Mr. Tudisco.

MR. TUDISCO: Yes, there is a member of the public that wishes to address the board. It says Peter. I'm going to invite you to speak.

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my home. So I think it’s unacceptable. As you
could see, this is a backyard to side yard
situation, and it makes a world of difference.
My side yard is 7 feet wide.
The plan also can’t tell you how
7 disruptive and potentially dangerous it is to
8 me as a neighbor. The structures had been in
9 full use last, as I said, and I can tell you
10 for a fact it is both. I can’t open windows on
11 that side of my home while either structure is
12 in use.
13 I find it telling that the shed was
14 placed next to their home, but the hot tub was
15 placed as far away from their home as possible. 16
I have been awakened on at least three
17 different occasions, as late as 11:40 p.m. or
18 weeknights when the hot tub is being closed for
19 the evening. The gazebo, as I said, has a fire
20 pit in it, which makes it a 24 hour, 7 day a
21 week, 365 day social gathering room. To call
22 it a roof structure or an accessory structure
23 is just not accurate. This is a detached
24 addition to their home. It’s particularly
25 disturbing to me since it is approximately

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1 12 feet from my home and the roof vent is
2 directly under a bedroom window. It has been
3 used as a cigar lounge. The smoke and odors
4 rise through the roof vent and are in my home
5 within seconds if the windows are open. My
6 wife is asthmatic, and I take it very
7 seriously. This is a very dangerous situation.
8 No one should have the right to make my home
9 dangerous or toxic to my wife.
10 I do have a question, though. The
11 approved application allow for an enlarged and
12 enclosed deck attached to the home, why was it
13 decided to cancel and build a gazebo instead?
14 I heard your answer tonight, so it kind of was
15 answered to me, but I’m going to ask the
16 question again anyway. What I believe is, it’s
17 absolutely because they don’t want a fire pit
18 or cigars close to their home, so let’s put
19 them far away from our home as possible and,
20 you know, tough bologna for me if that’s where
21 it ends up.
22 In closing, I implore you to consider
23 these facts. The work was done illegally after
24 permits were granted for a different scope of

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1 work. Also, please consider the homeowner is
2 not asking for variances to have the structures
3 moved closer to his home than permitted, he did
4 just the opposite, he placed the party venues
5 as far away from his home as possible. Most
6 importantly, these two party structures are
7 closer to my home than to their own home.
8 There’s an old saying, it is easier to ask for
9 forgiveness than to ask for permission. I
10 certainly hope that is not true in this case.
11 I would like to thank you all for your
12 time, and I would like to just address one
13 thing they brought up. I was never going to
14 bring up Covid. I don’t think to bring up
15 Covid in a trivial situation is fair. Covid
16 has devastated many, many people. I’m going to
17 tell you my issues with Covid. My issue with
18 Covid is not, do I have a swimming pool that I
19 could swim in. My issue with Covid is, since
20 last year when Covid began, my wife and I have
21 lost 22 people to Covid. 22. You can’t make
23 that number up.
24 It started on my birthday. A dear
25 friend of mine passed away from Covid. You

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10:56 at night the conversations, if you want
to call it that, coming out of that property.
10:56 at night. As I said, Covid affected me
just as much as them. I'm not worried about a
pool. I'm worried about keeping my wife alive.
You're going to now put her at risk of an
asthma attack, that I have to take her to the
hospital during times of Covid. I have a
friend of mine who went to the hospital during
times of Covid. He wasn't feeling well. He
never came home. He contracted Covid while he
was there and he passed away. No one has the
right to put my wife's life in jeopardy while
she's sitting in her own room in her own home.
I feel adamant about this. I feel terrible
that this is what its come to, but I just think
there's been no consideration given to me as a
homeowner, and I think there has to be some
protection for me as a homeowner that states
that you can't have a gazebo with a fire pit
that you use to smoke whatever you're smoking
in there, closer to my home than to your own.
That, to me, is the telling statistic there,
it's closer to my home than to theirs.

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As far as, well, we'll put up Cypress
now, you're only offering that now, why,
because you got caught. You did all this work
illegally, now to try and rectify it, we'll put
it up. Why didn't you do it when you were
doing this work if you were so concerned about
the neighbors? You don't want to move the hot
tub because, well, then more people will see
it, but it's okay that I have to see this
entire set up from three rooms of my house,
actually maybe four rooms of my house. It's
just not right.
I am asking this board for your help.
You're the only people that can help me. This
is an inappropriate request, it's an
inappropriate project, and I do need your help.
Thank you for your time.  
THE CHAIRMAN: Thank you for your
presentation, Mr. Telesco.
Mr. Tudisco, is there anyone else from
the public that would like to be heard?
MR. TUDISCO: One second, I'm
checking.
At this time, if there is anyone who

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would like to address the board, please raise
your hand.
Mr. Chairman, at this time, I don't
see any hands raised indicating any members of
the public that wish to address the board on
this application.
THE CHAIRMAN: Okay. Seeing no one
further, I make a motion to close the public
hearing on this application. Is there a
second?
MR. CAHALIN: Second.
THE CHAIRMAN: Mr. Cahalin. All in
favor.
(AYE)
THE CHAIRMAN: Back to the board. Mr.
Cahalin, any further commentary, any questions?
MR. CAHALIN: I mean, I just think
that, you know, to legalize this, they should
move the structures and get them the right
setbacks. I still have a problem with the
impervious surface. That is, you know, one of
the serious variances. They were given a lot
of latitude with the previous one, to take 68
square feet more, to me is just being not fair.

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THE CHAIRMAN: I don't have anything further, other than the comments that were previously made.
I make a motion to adjourn --
MR. MESSINA: I'm sorry, Mr. Chairman, may I say one last thing?

MR. MESSINA: I really appreciate Peter's comments.
THE CHAIRMAN: Who is Peter you're referring to?
MR. MESSINA: I think the individual -- my neighbor.
THE CHAIRMAN: Okay, because there is a board member named Peter Nurzia.
MR. MESSINA: I'm sorry. A couple of things. I was not aware of this, that it was bothering him this much. He never spoke to me about any of this and his concerns. I would have certainly heard him out. My first time being aware of this was a notice from the Inspector that said I exceeded my impervious surface allowance and, you know, it's been, you

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know, a long time coming to get here and additional things have come out. That's just because we were doing our due diligence. Again, I know that people think that I've gone about this to potentially upset my neighbor, maybe, or whatever it may be, but that's not the intention. Regarding the lights on March 12th, I've had flood lights in the back that were sensor driven and, you know, they've been there for 12 years. Maybe because we haven't used our backyard, it's never been an issue. We were immediately notified by the Inspector that it's a concern, it's a violation, and three days later it was fixed. That won't happen again, and I didn't even know it was an issue. I have cameras, they go off for 75 seconds. I looked over the multiple periods and they don't go off that often. Maybe it was just that night and his wife wasn't feeling well, I don't know.

Second, again, the placement of the structures were totally -- they weren't based upon annoying my neighbor. If you look at it,

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they just seem to fit the best in that space. The fire pit is a propane, mobile thing. It doesn't have flares. If there are flares, they're coming from my cigars. Everything is legal back there. I smoke cigars. I probably smoke cigars once a week. I've had people there, maybe three or four times they had cigars. It's what you do, you know. I don't want to hurt his wife, but I also want to be able to enjoy the property that I have, and I haven't enjoyed it for 15 years. For 15 years, I couldn't use my backyard because it was a swimming pool, okay, and hence, the reason we have all those drains and impervious surface. It was grass, and it didn't go anywhere. It was all grass. I have video. I've shared it with Margaret in the previous variance. If you look at it, it's a swimming pool. We haven't had any water, and I haven't heard Mr. Telecko, who was here last time, who expressed his concern about water, say he has a water problem. So I went out of my way to address his earlier concern, and it would have been nice if he had come to me and

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had said something about some of the layouts of my backyard. We could have talked about. I would have legalized it any way. I wasn't even aware of it. That's sort of where I stand with that. Again, I'm not here to upset my neighbor. I never intended to. I hadn't heard from my neighbor in 16 years, but I also hadn't used my backyard either. Anyway, that's sort of my closing statement.

THE CHAIRMAN: You could rest assured, as you probably determined from last time, that your application will be judged -- nothing is person here. There is an old maxim this board goes by, we review the application, not the applicant. So whatever is the animus or dynamics between neighbors, does not factor into our review of an application. Having said that, I make a motion to adjourn this application for Resolution --

MR. TUDISCO: I just wanted to put something out there. I just noticed that Peter, the neighbor's hand went up, but the public hearing is now closed.

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THE CHAIRMAN: It will remain closed.

So this is my third attempt at making a motion, that under Robert's Rules I really should be able to make, so I'm going to make it again. I make a motion to adjourn this application for Resolution at the next meeting. Is there a second to my motion?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(AYE)

THE CHAIRMAN: Thank you. Just as a note, the next meeting will be the Tuesday -- excuse me -- the June meeting will be Tuesday, June 8th. I now make a motion to adjourn tonight's meeting. Is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(AYE)

THE CHAIRMAN: Thank you. Goodnight.

MS. UHLE: Thank you. Goodnight.

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

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

That the above transcript was taken from a video of the Zoom meeting. I was not present for such meeting. The video was taken and transcribed by me to the best of my ability. And, I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of June, 2021.

DINA M. MORGAN
Court Reporter

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