STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

TRANSCRIPT OF TOWN OF EASTCHESTER
ZONING BOARD OF APPEALS MEETING
MARCH 10, 2015

HELD AT:        Eastchester Town Hall
40 Mill Road
Eastchester, New York 10709
March 10, 2015 7:00 p.m.

BEFORE:

ALAN PILLA, CHAIRMAN
MARK DE MARCO, MEMBER
JOSEPH MILLER, MEMBER
MICHAEL CAHALIN, MEMBER
PETER NURZIA, MEMBER

PRESENT:

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

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

DINA M. MORGAN, REPORTER
THE CHAIRMAN: Good evening. I'm going to call to order the March 10, 2015, Town of Eastchester Zoning Board of Appeals meeting. We would like to start the meeting with the Pledge of Allegiance, please.

(whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: We have three items on for resolution tonight, two items for more information, and three items of new business. I'm going to call the roll, and I'm going to ask that if you are here for the application, just let me know whether you're proceeding. So the first item under old business, 15-04, 140 Highland Avenue. Okay.

Number two, 15-05, 1 Corwood Road, which is on for resolution.

Number three, 15-07, 7 Hunter Drive. Okay.

Item number four, 13-36, 504 New Rochelle Road. Is there anyone here that is going to be proceeding? Margaret, did you hear...
MS. UHLE: Yes. I had understood that they would be here. Hopefully, they are on their way.

THE CHAIRMAN: If needed, I'll push that off to make sure that we don't have our traffic expert come back at another time. Super. Thank you.

Number five, 15-06, 132 Lake Shore Drive North. Proceeding. Okay.
Seven, 14-58, 221 Hillside Place. Proceeding. Okay.


Before we start our agenda, is there a motion to approve the minutes from the February 10th, 2015 meeting?

MR. CAHALIN: So moved.

THE CHAIRMAN: Moved by Mr. Cahalin.
Is there a second?

MR. MILLER: Second.
THE CHAIRMAN: Application 15-04, this is 140 Highland Avenue. This is an application for an area variance to legalize an existing deck. I have a resolution, and I'm making a motion to make that resolution part of the record in favor of the application. Is there a second?

MR. Nurzia: Second.

THE CHAIRMAN: I'll take 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: And I vote yes. The resolution passes five nothing. The application has been approved.

Old business number two, 1 Corwood Road. This was an application for an area variance to permit a 19,331 square foot building where the minimum was 20,000 square
feet. I similarly have a motion to have a resolution into the record. Is there a second?

MR. CAHALIN: I'll second.

THE CHAIRMAN: By Mr. Cahalin. I'll take the vote. We'll start with Mr. DeMarco.

MR. DE MARCO: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: And I vote yes.

MS. UHLE: We may want to clarify that these resolutions have been drafted in favor.

THE CHAIRMAN: Yes. What she said.

MS. UHLE: In favor of the application in both cases.

THE CHAIRMAN: Of course. We're a very accommodating Board, what else would it be?

Application 15-07, 7 Hunter Drive. I have a resolution in favor, and I am making a motion to have this adopted as part of the record. Is there a second.

MR. MILLER: Second.
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THE CHAIRMAN: By Mr. Miller. Let's take a 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: And I vote yes.

Application has been approved five to nothing.

Moving on to number four, 504 New Rochelle Road. I haven't seen anyone else come in, so, I'm sorry, we'll put it over and we'll move on to 15-06, 132 Lake Shore Drive North.

Mr. Iannacito.

MR. IANNACITO: Good evening. My name

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is John Iannacito. I'm an architect, and I'm representing Mr. and Mrs. Lugo (Ph.) this evening, the owners of the single family residence. Based on the comments that we received at the February 10th Zoning Board meeting, we are proposing to remove the existing walkway along the left side of the property. The removal of this walkway will result in a 689 square foot net decrease to the

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total impervious surfaces, and will eliminate the need for the impervious surface coverage area variance.

So the revised application as presented this evening will require two area variances. The first will be for a side yard setback to the existing pool house, and the second is for a side yard setback to the existing masonry barbecue. Thank you.

THE CHAIRMAN: Thank you. Any further commentary from the Board? Mr. Cahalin, any comments or questions?

MR. CAHALIN: Yes, actually I do. John, if I understand, the walkway is going to be replaced with grass?

MR. IANNACITO: Yes.

MR. CAHALIN: My other comment: The more I looked at these plans -- that barbecue, can you do anything with it, because that variance -- the pool house I understand, but even when I visited the site, between the pool house and the barbecue it's very tight, very, very tight. Is there any way some of it can be removed or pushed back? There's plenty of land back there.

MR. IANNACITO: As it sits today, it's
a masonry structure.

MR. CAHALIN: I know. With an oven and everything else. I don't know which came first, the barbecue or the pool house?

MR. DE MARCO: What about the chicken or the egg?

MR. CAHALIN: Exactly. If they built the barbecue first, I understand why the pool house is so close, but if they put the pool house first and then they put the barbecue there deliberately --.

MR. IANNACITTO: Well, I would think it would be the barbecue came first, because the pool house has a full kitchen in the pool house. I think it would make sense that the barbecue came first.

MR. CAHALIN: I just have a problem with the variance for that piece. I'm okay with the pool house.

MR. IANNACITTO: Without dismantling the entire barbecue, I think it would be very difficult to move it. It is cemented. It's on cement block.

MR. CAHALIN: I know what is. I saw it. I could appreciate it. I just think you're asking for too much and the home owner
MR. IANNACITO: They inherited this. They bought the house this way.

MR. CAHALIN: I don't know what the solution is. I'm hard pressed to approve that variance, to vote in favor of that variance. I get the pool house. I was hoping maybe they could push it back or they could do something with it.

MR. IANNACITO: Well, we tried to accommodate the Board based on the comments we had received at the last meeting where we understand that the impervious surface was already non-conforming before the pool house and the barbecue were even built, and in order to alleviate the need for that variance we reduced it substantially.

MR. CAHALIN: Absolutely. That's great for the impervious surface and stuff like that. Still, if you visit the property and walk back there, it's tight. It's really tight. It's just --

MR. DE MARCO: You know what, it must really be tight for Mr. Cahalin to object to a barbecue.
MR. CAHALIN: Exactly. Exactly.

MR. IANNACITO: I think that space in that corner of the property is used basically in the summertime when they're using the pool. It is backing up to the Lake Isle property. It's lower than all the shrubs that are — there are plantings along that property line that really screen the entire property from the neighboring property. Along that whole side here there are tall -- and you probably don't even see the pool house from there.

MR. CAHALIN: The Chairman wanted any other comments, that's my comment. Everybody else may disagree with me, and that's fine, but that's where I am.

MR. IANNACITO: The height of the barbecue is actually 66 inches without the little chimney at the pizza oven.

MR. CAHALIN: It's a pretty good size structure, there's no question about that.

MR. IANNACITO: Well, six feet is -- it's not a huge structure. I understand it's close to the property line.

THE CHAIRMAN: Thank you, Mr. Cahalin. Mr. Miller, do you have any comments or questions?
MR. MILLER: No, no questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions, no comments.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: Did you say pizza oven?

MR. IANNACITTO: There is a pizza oven in this little area here and a built-in barbecue.

MR. DE MARCO: Nothing further.

THE CHAIRMAN: As I see it, my focus at the last meeting was the nature of the impervious surface and the substantiality of that variance request, and I think you've, at least for my concerns, met them with the transformation and removal of those -- of that pavement. So to me it's not a problem. It's fairly straightforward at this juncture.

Seeing that the public hearing was closed and no further questions or comments, is there a motion to set this down for a resolution or vote at the next meeting?

MR. DE MARCO: So moved.

THE CHAIRMAN: So moved by Mr. DeMarco. Is there a second?

MR. MILLER: Second.
THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

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MR. IANNACITO: Thank you.

THE CHAIRMAN: Ms. Uhle, I'm going to move on to new business and hold the 504 New Rochelle Road. We will hear from our traffic expert at the end even if the applicant is not here, and we'll move it from there.

On new business, six, 15-12, 36 Park Avenue. If you could come up.

MR. IANNACITO: I'm here. Thank you.

Good evening, again. My name is John Iannacito, an architect, and I'm representing Mr. Alfredo Mariano this evening, who is with me.

THE CHAIRMAN: Thank you. We have the application, and you don't need to review it. We've all reviewed the submission and the five part test, and we know this is an application for a second story addition to an existing single family residence. If you could highlight anything in the application you think the Board should be focused on.
MR. IANNACITO: We're constructing the second story additions at the existing one story portions of the building at the front, the rear, and the side of the building. There will be no increase to the existing footprint of the building and no increase to the impervious surfaces on the property, both of which are conforming today. The additions will result in an 855 square foot increase to the total floor area of the house and will be in conformance with the current zoning requirements.

The three variances that we are requesting are all existing non-conforming conditions. The existing and proposed front yard setback is 10.9 feet where a 30 foot setback is required; the second is for the first side yard setback where the proposed and the existing is 4.5 feet and the required is 8 feet; and the third variance is for a second side yard where the existing and proposed is 6.03 feet, where 9 is required, a deficiency of 2.97 feet. So we're increasing the degree of non-conformity as far as the mass of the structure goes but not the distances away from the property line. The impervious surfaces
THE CHAIRMAN: Thank you. Before we hear from the public, I would like to get any questions or comments from the board. Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: None.

THE CHAIRMAN: I don't have anything at this moment. It's fairly straightforward to me. All you're doing is really working on an elevation here, everything else is existing. Having said that, is there a motion to open the public hearing?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. Is there a second?

MR. MILLER: Second.

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

(Aye.)

THE CHAIRMAN: Does anyone want to be heard from the public on this application?

(No comments.)

THE CHAIRMAN: Seeing nobody, I will move to close the public hearing on this. Is there a second?

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Back to the Board. We'll do a pass even though I don't think anyone has any comments. Mr. DeMarco?

MR. DE MARCO: Still nothing.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.
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THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: I have nothing. So I will move to have a resolution and a vote at the next meeting on this application. Is there a second to that?

MR. CAHALIN: I'll second that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Thank you, Mr. Iannacito.

MR. IANNACITO: Thank you. Have a nice evening.

THE CHAIRMAN: You too. Number seven, 14-58, 221 Hillsid e Place. You can come up and state your name.

MR. WOODRUFF: Good evening, Mr. Chairman. My name is John Woodruff, and I'm the architect for Boshana Nikoloski (Ph.). I'm

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representing her to legalize a concrete deck at the rear of their three family house. The deck is about 12 foot by 16 foot, it's at the back of the property. Initially we filed an application to repair it. That's what triggered this. Once we filed with the Building Department, we searched the old records, and there was no record at all of the steel deck at the rear of the house. It's in really bad shape. The way that the property sets up -- I don't know if you visited the property or not -- but there is a long driveway on the right side of the property which goes down into an asphalt yard and then you sort of turn around and come into the garages. Those garages are used by the tenants, and the fact that they have the elevated -- I guess the photos will show a little better -- the fact that the steel deck is elevated allows the cars to turn around and make a U-turn and come back out, face front as they go back out onto Hillside.

We need a rear yard variance. We have 22 feet where 24 is required, and then the big

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We're only 2 feet from the property line where 6 is required. We're hoping to build it back in the same location. There is a logistic problem with this steel deck so there is kind of a hardship for us because the tenant on the first floor uses that primarily as their yard. That really is their space they get to use for barbecuing and entertaining, and we need to keep the area down below where the garages are clear so cars could come in and park. As you know, there is a parking problem on that street, so the parking is very valuable.

We don't know how long this has been there. I have an old survey from 1980, so it's been about 35 years that it has been there. As you can see from that the photos, that upper right-hand corner photo does show a lot of rot. It's very dangerous. You can't even go out on the deck now.

In terms of the criteria for an area variance, I don't feel it's detrimental to the neighborhood. It's in the back of the house, not seen from the street, been there for a long time. We're not creating anymore impervious surface. Environmentally I don't think there
would be a big impact. We had examined as many
options as we can to redesign this within the
current zoning. It is virtually impossible for
us to maintain the in and out of the garages
and to have a way the tenant can come back down
to the yard, so we’re hoping if we could stay
in the same location.

Self-created: I don’t know how long
Ms. Nikoloski has owned the house, but I’m sure
since 1980 it’s been there. I did find the
original -- I’ll put this up here so it could
be seen -- this we found from Mr. King at the
building department. This was a copy of the
old, original plans from the house, it’s a
little hard to see, but you could see what was
there originally, it was just window across the
back and then the garages were always there,
and then someone must have added the steel deck
at some point from 1980 back.

What else can I tell you? Like I
said, it’s all non-combustible materials. We

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build is the same way in the same fashion in
the same location. We actually would reuse the
same columns and really just, you know, rebuild
what’s up above.

THE CHAIRMAN: Sure. Thank you for
the synopsis. Again, your application is part of the record, and the tests have been reviewed by the Board members.

So before we have any public hearing on this matter, I would like to ask the Board if they have any questions or comments. Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: None.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: I have only one question: Is that also a means of ingress and egress for that tenant?

MR. WOODRUFF: Correct. I forgot to mention that. That is their means of egress to the back yard.

THE CHAIRMAN: Great. It's also a safety issue.

MR. WOODRUFF: It's a safety issue. Really we just want to have that maintained for that first floor tenant.

THE CHAIRMAN: Thank you.
MR. MILLER: Is that their only means of ingress and egress?

MR. WOODRUFF: No. They could go out through the front of the house as well, but it is one of the means of egress. At one point or another, there was another door on the side of the house which was closed up, so right now it's their second means, which is necessary.

THE CHAIRMAN: Having heard that, I would like to make a motion to open the public hearing. Is there a second to my motion?

MR. NURZIA: Second.

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

(All aye.)

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THE CHAIRMAN: Is there anyone from the public that wants to be heard on this issue?

(No comments.)

THE CHAIRMAN: Seeing nobody, I'll make the motion to close the public hearing. Is there a second?
MR. CAHALIN: I'll second that.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Okay. I'm compelled by my obligation as Chairman to ask: Is there any comments or questions; Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Yes, I actually have a question.

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THE CHAIRMAN: Great.

MR. MILLER: Looking at the upper left-hand photograph, is that deck somewhat serving as a fire exit also?

MR. WOODRUFF: Correct. What happens is -- I think you can see -- oh, I didn't show the fire escape here -- what happens is this fire escape comes just clear of the deck. It's confusing from some of those pictures, but at some point someone could come down that fire escape and then reach over and get on the deck.

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from the second floor. So it does help a little in terms of fire escape.

MR. MILLER: Okay. Thank you.

THE CHAIRMAN: Anything else, Mr. Miller?

MR. MILLER: No. I can't see closer to --

MR. WOODRUFF: For the people at home, this is the fire escape in this corner he's talking about. If I was coming down that fire escape, I could leap over on this and save myself another 8 or 9 feet of the drop.

MR. MILLER: Or conversely you could jump from the deck onto that, if necessary.

MR. WOODRUFF: Exactly. Exactly right.

MR. MILLER: I'm finished.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Okay. My comment, which I made earlier and supporting Mr. Miller's questioning, to me in addition to the merits of your application it also serves as a means of safety for ingress and egress for that tenant. So I certainly -- it's a straightforward application. I have no problem
So is there a motion to have this application heard for resolution and vote at the next meeting?

MR. MILLER: So moved.

THE CHAIRMAN: Move by Mr. Miller. Is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: Mr. DeMarco. All in favor.

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(All aye.)

THE CHAIRMAN: Thank you.

MR. WOODRUFF: Thank you, Mr. Chairman.

THE CHAIRMAN: Application number 8, 15-11 4 Wild Way. While you’re setting up, I’ll just, for the public, I’ll make a note that this is an area variance to permit a 36 square foot addition to an existing single family residence. We have your submission. If you could state your name for the record.

MR. YESTADT: My name is Rick Yestadt, architect. This is a project for -- we’re asking for a variance for a small area on the
corner of the house, which the existing roof already exists and this serves as a porch or a -- not really a porch, but it's a covered entry to the rear of the house at this time. What the client would like to do is capture that square footage for the kitchen renovation and to expand the size of the kitchen. It's a variance that is 10.3 feet from the property line where 14 is required, and as I stated, the roof already exists, so it's a relatively minor addition and variance, and we're asking for the Board's consideration.

THE CHAIRMAN: Thank you. Thank you for your time. Okay. I could take a pass at the Board. Any questions or comments Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: I just want to confirm, all you're doing is just enclosing that open space, that's basically the gist of it?

MR. YESTADT: Yes.

MR. NURZIA: That's it.

THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: Nothing.

THE CHAIRMAN: I have nothing, but I do have an application -- a resolution to open the public hearing. Is there a second to my motion?

MR. CAHALIN: Second.

THE CHAIRMAN: All in favor.

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(All aye.)

THE CHAIRMAN: Seeing nobody here to speak on behalf of or against this application, is there a motion to close the public hearing?

MR. MILLER: So moved.

THE CHAIRMAN: Moved by Mr. Miller. Is there a second?

MR. CAHALIN: Second.

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

(All aye.)

THE CHAIRMAN: Board members. Mr. Cahalin, anything further?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

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THE CHAIRMAN: Mr. Nurzia, anything?
MR. NURZIA: No.
THE CHAIRMAN: Mr. DeMarco?
MR. DE MARCO: Nothing.
THE CHAIRMAN: I have nothing. We don't vote on the most meritorious application of all time, but it would be in the running if we did have such a vote. So I'm going to move to put this off for a resolution and vote at the next meeting. Is there a second to my application?
MR. MILLER: Second.
THE CHAIRMAN: By Mr. Miller. All in favor.
(All Aye.)
THE CHAIRMAN: Thank you. Last item for tonight is going to be 504 New Rochelle Road. Seeing that the applicant is not here, we're going to hear from our traffic expert, we'll have questions or comments, and we'll take it from there. I'm sorry you had to wait this time.
MR. GREALY: Good evening, Mr. Chairman, members of the Board. Philip Grealy,
Mazur Consulting, professional engineer and principal with the firm.

We had reviewed the previous plans and

We had reviewed the previous plans and

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presented our comments to the Board at the last meeting. We had a letter from October 2014, October 27th, which outlined several comments in terms of additional traffic generation, some recommendations in terms of the plan to improve circulation, parking, access.

The applicant resubmitted a set of plans. We commented on those in February. There were still some concerns that we had. The applicant was concerned about changing the driveway to New Rochelle Road to become one way, so the previous plan maintained this as a two-way driveway. They did close off the other curb cut here, and improved the access out to Hillcrest. At the meeting, we discussed that in terms of circulation some of the problems. The applicant said he would go back and look at the one-way circulation so that this would be an entry only driveway. They modified their plans to accommodate that. So the traffic flow is one way throughout the site. Traffic would enter here.

The other area of changes, one of the

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parking spaces -- there was an additional parking space here that backed up very close to the sidewalk; that was eliminated. The planting area here was increased. The space that they lost here, they modified the curb line on this side of the building, and before they only had one space, they now have two spaces in there. So they eliminated one space here, added a space on this side of the building, on the east side of the building.

In terms of the other comments we had, they had provided a description of the truck deliveries to the site for the fueling deliveries, which use Lockwood to Franklin around to Parkway Place and enter in. Their directions were actually backwards, but they corrected those. And then we had also requested in October to get a truck turning diagram, so they provided that. The truck turning diagram shows their delivery vehicle entering here, driving between the pumps, that's where they would fuel, deliver the fuel, and then exit out onto Hillcrest. In order to accommodate that, they slightly increased the width of the driveway, actually brought it back
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closer to what the existing width is. However, if you look at the plan, the existing driveway was shifted a little bit further to the south to create this landscaped area. So compared to existing conditions, the driveway is about the same width, it's just shifted slightly so that we could get some additional distance away from New Rochelle Road and also to create this planting area.

In terms of this particular plan, we asked the applicant to just show -- to give a feel of when vehicles are parked at the pumps how the circulation would work. As you can see here, there's approximately 23 feet at this point to the pump island, so I think if a vehicle did extend beyond here, somebody pulled in to get gas and wasn't, you know, paying attention, there would still be room for a vehicle to circulate around. That's what we wanted to try to see, if all the pump islands were full, how traffic would flow. It is a tight site, but I think the applicant has tried to do the best he can to do that.

The previous version of the plan had
already incorporated along this area cutting
the sidewalk area back so that when a vehicle
was parked at the fueling position, there would
be enough room for another vehicle to circulate
past them.

So I think those were the major
points. In response to our comments, the most
important was, I think, that they were able to
do the one-way circulation. There was a
concern raised by the applicant that, you know,
if a vehicle came in, you know, would he be
trapped, but there is enough room if the
vehicle came in off of Hillcrest, fueled and
then came back out to follow the path, there is
enough room to maneuver there. Of course there
would be “do not enter” and “one way” signs,
which are shown on the plan here.

One of the other modifications, which
was in the earlier version of their plan, was
to shift the crosswalk location so it wouldn’t
be in the middle of the driveway where vehicles
are attempting to turn in. That also was
beneficial, because traffic exiting from the
adjacent shopping center is under the signal

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control. As you remember, this driveway was never under the control of the signal, but the shopping center exit here is under the signal control, and by having the crosswalk there it's a better location for visibility for people exiting the shopping center to see the pedestrians.

I believe those are the major changes to address our comments and the Board's comments, and at this time we have no additional comments on the plans.

THE CHAIRMAN: Okay. Thank you for your further testimony, and if we can keep you up here just one more minute, we have some questions and comments from the Board.

Mr. Cahalin?

MR. CAHALIN: No. I think they did exactly what we asked them to do. They took out the spot, they relocated it. Everything we talked about at the last meeting somehow was able to be achieved. It now flows, has a flow, as opposed to when we first got it there was no flow. There was no -- the two-way driveway and all that other stuff. It's not an ideal location for this type of thing, but they did do a good job answering our questions and
THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: I give the applicant credit for doing what we asked them to do and make the modifications, but as I stated at the last meeting, it's, in my view, too small. To accomplish what they want to accomplish with parking the cars, with cars moving in and out, I, personally, don't think that there is enough space there to do it. I think it's too tight. I think you're asking for trouble. I've been there at least another 15 times since our last meeting, and I attempted to park diagonally, and I just don't think if you park the cars diagonally you have the sufficient space -- I mean, I'm obviously not criticizing you -- I'm saying, I don't think there is sufficient space to accomplish what they want to accomplish. If you try and make that left turn closest to the bays, you go in and you try to make that left turn with a car already at the pump, it becomes extremely difficult to get around and then past, and then you got people walking out of the convenience store, you're driving right into their path. To me it's a problem.
MS. UHLE: Could I make one comment?

THE CHAIRMAN: Please, Ms. Uhle.

MS. UHLE: I'm a little concerned with having this discussion without the applicant here to respond. I think it's nice for Mr. Grealy to kind of fill you in on his work, but I think we're going to need the applicant to come back to hear and respond to some of these comments.

THE CHAIRMAN: I appreciate your comment. I do want to hear from the Board, because my take on this, being an agent on behalf of the Board actually, at some point we can't save the applicant from themselves, and the Board and our expert seem to be having more interest and input in this application than the applicant. Again, I'm not here to scold the applicant -- maybe it's my Catholic school education -- and I don't know what happened, but the applicant is not even here to further defend this application. So I want to hear from -- I appreciate your comment -- I'm going to hear from the Board, and I'm going to leave this open. I will not be taking the resolution to close this for a decision so that the applicant can be heard so we can further help.
MR. TUDISCO: I would suggest that if you are going to have the applicant come back on a later date, the concerns that have been raised by Mr. Miller, any of the concerns that the Board members have, I think we should somehow memorialize them, and they be put to applicant so he can address them when he does come in.

MS. UHLE: They will be in the transcript. So we'll forward the transcript to them.

THE CHAIRMAN: Thank you. As our attorney, thank you.

Mr. DeMarco, any questions or comments?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: My only comment, I think just echoing the other Board members, is that the revisions are what we wanted him to revise, so that's been addressed, but given the fact that what they project as the volume with these changes, are these diagrams where you've got four cars and a certain number of cars parked for pumping gas, is that realistic? I would
like to get some classification on the timing and volume.

MR. GREALY: I think in terms of traffic generation numbers, right now this site without any other changes is generating between 20 and 30 vehicles entering and the same number exiting in a one-hour period, because we did actual counts just to see what is being generated. When you add in the additional square footage for the convenience store expansion basically and the fueling will remain the same, those numbers will almost double in certain peak hours, okay, assuming that people can get in and out and there's parking, okay. I believe those numbers may be a little high. If I'm driving by and I don't see a space, I'm not going to go in. So the numbers that we presented in our October 27th are assuming there's enough parking, that when I drive I come in, that's the type of increase in turning movement. The purpose of these changes were to make sure when those turning movements occurred, that we would have some order to the property. So I think the diagrams here in terms of every one of these spaces being filled is, you know, worst case scenario. The reason
we asked the applicant to show them was so we can get a dimension in terms of being able to circulate on the site. In terms of our traffic projections, they would even be higher if every one of these spaces were filled for the entire period, okay.

So I don't know if that answered your question, but I think the idea is to just demonstrate if a car was parked in a certain spot and -- part of the problem here today is it's a free for all because nothing is really cleanly marked over here. I think that's what the focus was, and what we asked the applicant was to try to bring some order to what goes on here. It's a tight site, there's no question, but we were looking at trying to get the applicant to improve the circulation, and I think that's what they attempted to do with this plan in terms of addressing the comments. So there will be increased traffic. I think it may be somewhat self-monitoring because of the site and the size of it and the ability to move in and out. But again, we based our projections -- we based our existing numbers on what we counted as actuals, and then the projections are standard projections per
square foot of convenience at a gas station, and they could be somewhat self-limiting in this particular case.

THE CHAIRMAN: Thank you. Do you have something else, Mr. Miller?

MR. MILLER: I just had a follow-up question, practical question. Maybe we're going to get these winters all the time, I have no idea, but if you went there right now --

MR. GREALY: You can't park because the snow is there.

MR. MILLER: You can't park, you can't move, you can't do anything that's how tight that space is.

MR. GREALY: One of the things, and I'm not representing the applicant, I'm just looking at it from a practical standpoint, and we've done this in other municipalities where one of the requirements of the site plan is, because there is no snow storage area on this plan -- there's very -- I mean, if you look at the landscaped areas, yeah, there's a little bit of area, but you don't want to be ruining your landscape every season, and I don't know if the town has ever done this before, but there are municipalities that put a requirement
that within X number of hours of the snow fall, that the snow has to be removed from the site. They actually have to get someone to come in and they truck it out. This is done on tight sites. I've had it done in some retail shopping center sites where they've actually made that a stipulation. So it is a problem out there, absolutely, after a winter like this especially noticeable, and that's one way to deal with that.

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a non-issue, because if there is no parking, people are not coming in. If there is no room at the bays, people are not going to come and get gas, they're going to keep driving. If there's no parking, they're not going to come in and they're not going to buy because there is nowhere for them to idle. Having an appropriate traffic flow is going to prevent

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the chaos that currently exists now. So I think what we've helped the applicant along with is actually superior to what exists in terms of the traffic flow.

Again, I'm just commenting for the public and giving my point of view at this juncture in the application, but, Ms. Uhle, I guess in conjunction with your commentary I think what I would like to do is make an application simply to adjourn this application to the next meeting. Procedurally the public hearing was closed. Now, because there's been new or different information, do we have to re-hear and do they have to re-notice?

MS. UHLE: I think this is just a simple modification to the plan that was discussed, so I don't think you would have to re-notice the public hearing. If you wanted to
do that, you could. The applicant would have
to post it in the newspaper and notify
neighbors within a 200 foot radius. I don't
think the changes were substantial that were
made to the plan, and they were in specific
response to modifications that you wanted to

THE CHAIRMAN: Our attorney, what do
you think?

MR. TUDISCO: I think that's a call
that you have to make. Certainly, it's always
safer to notice another public hearing, but
based upon this, this was a direct response,
it's not like the applicant is bringing in
additional information. I don't know if there
was public comment before. It's really your
call, Mr. Chairman.

THE CHAIRMAN: Okay. Well, then if
it's my call, I'm going to say that we don't
need to re-notice the public hearing based on
the facts on the ground, and that is no one has come here. We haven't had, to my memory, many or any commentary, and all of this information, including our expert testimony, has been on the record.

MS. UHLE: And there really hasn't been new information provided. There's been modest changes to the plan, but there hasn't been new information provided. I think you're fine.

THE CHAIRMAN: Okay. So do I have an application to adjourn this application to our next meeting?

MR. CAHALIN: I'll take a --

THE CHAIRMAN: By Mr. Cahalin. Is there a second?

MR. NURZIA: Second.

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

(All aye.)

THE CHAIRMAN: Thank you for your testimony tonight and your time. I'm sorry you have to come back again.

Okay. Is there an application to
close the meeting today -- is there a motion?

MR. CAHALIN: A motion, yes, I will make a motion to adjourn.

THE CHAIRMAN: And is there a second to adjourn?

MR. DE MARCO: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Good evening, everybody.

(MEETING ADJOURNED.)
CERTIFICATION

STATE OF NEW YORK )  Ss.
COUNTY OF WESTCHESTER) 

I, DINAM. 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 20th day of March, 2015.

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DINA M. MORGAN
Court Reporter