STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER

MINUTES OF THE
EASTCHESTER ZONING BOARD OF APPEALS
APRIL 14, 2015

HELD AT:        Eastchester Town Hall
                 40 Mill Road
                 Eastchester, New York 10709
                 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
GARRETT BURGER, ASSISTANT PLANNER
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY
JAY KING, BUILDING INSPECTOR

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

DINA M. MORGAN, REPORTER
THE CHAIRMAN: Good evening. Welcome to the April 14th, 2015 Zoning Board of Appeals for the Town of Eastchester meeting. If we could start with the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Before we take roll call, I just, as I do at every meeting, reaffirm the Board's long-standing policy that applications that are first time on are not decided, in conjunction with just about every other municipality in the County of Westchester. So for the viewing public at home, if you're considering an application, we meet May and June. We do not meet in July and August.

Let's start with roll call. We have four items on that are for resolution old business.

Number one is 15-06 Lake Shore Drive North. Is there anyone here? (No comments.)

THE CHAIRMAN: We'll go to resolution any way.

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Number two, 15-12, 36 Park Avenue; number three, 14-58, that's 221 Hillside Place; and number four, 15-11, 4 Wildway.

Now, on the agenda under old business is 15-36, 504 New Rochelle Road. Is an applicant here proceeding? Okay.

For new business there is Item 15-18, 102 White Road. Is there an applicant here proceeding? Ready to proceed? Okay.

On 15-08, that's 185 Summerfield Street, the application. Okay.

First, resolution that I have on 132 Lake Shore Drive North, which was an application for an area variance to legalize an existing one-story pool house and masonry barbecue and oven, I have a resolution in favor of the application. Is there a second?

MR. DE MARCO: Second.

THE CHAIRMAN: I'll take roll call.

Mr. Cahalin.

MR. CAHALIN: Aye.

THE CHAIRMAN: Was that a yes, sir?

MR. CAHALIN: That's aye.

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MR. DE MARCO: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: And I vote, yes. The application is approved five nothing.

MR. CAHALIN: Mr. Chairman?

THE CHAIRMAN: Yes.

MR. CAHALIN: We need to approve the minutes from last month.

THE CHAIRMAN: Is there a motion to approve the minutes from the March 10th, 2015 meeting?

MR. MILLER: So moved.

THE CHAIRMAN: By Mr. Miller.

MR. CAHALIN: Second.

THE CHAIRMAN: Second by Mr. Cahalin.

All in favor.

(All aye.)

THE CHAIRMAN: Okay. Application 15-12, 36 Park Avenue. This was an application for an area variance to permit a proposed second story addition to an existing single family residence. I have an application that it be marked as part of the record -- a resolution -- and I move for that. Is there a second to that motion?

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MR. NURZIA: Second.
THE CHAIRMAN: Second by Mr. Nurzia.
Vote. 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: I vote yes.

Application approved five nothing.
Okay, 14-58, 221 Hillside Place. This was an application for an area variance to repair and replace an existing steel deck at the rear of a three family residence. I also have a resolution be made part of the record, and I move that this motion in favor be made part of the record. Is there a second?
Mr. De Marco: Yes.
The Chairman: Mr. Nurzia.
Mr. Nurzia: Yes.
The Chairman: I vote yes. That application is also approved five-zero.

We have a resolution, and I make a motion to have it as part of the record, on 4 Wildway in favor of an application for an area variance to permit a 36 square foot addition to an existing single family residence. Mr. De Marco.

Mr. De Marco: Yes.
The Chairman: Mr. Nurzia.
Mr. Nurzia: Yes.
The Chairman: Mr. Cahalin.
Mr. Cahalin: Yes.
The Chairman: Mr. Miller.

Mr. Miller: Yes.
The Chairman: I vote, yes. That application is also approved five nothing.

Moving on to old business, 504 New Rochelle Road, please.

Mr. Parker: Good evening, Scott Parker, with the owner.
First, I want to apologize for not being here last month. There was a
m is c ommunication on who was covering the
meeting.

That being said, what we've done, and
I think this was in the submission package that
actually you got before the last meeting but we
weren't here to discuss it with you, is after
further concerns about a parking spot over in
that area, we did remove one parking spot there
and move it to that area. So we did not reduce
it by another parking spot. We did move the
one that was closest to the road that there was
a concern with backing out into the entrance.

Other than that, we removed the
propane storage due to some comments on it
being illegal in the town.

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Other than that, we haven't changed
anything since the last submission.

THE CHAIRMAN: Okay. The public
hearing has been closed on this issue. So I
would like to get comments or questions from
the Board. Mr. Cahalin.

MR. CAHALIN: My only comment is, you
know, I think the applicant has done a good job
with our direction and done everything we asked
him to do. I was at the site again this week,
and it's a tough site, there is no question
about it, but I wonder what other use would we put at this site? You're not going to put a restaurant, you're not going to put a Hallmark card store, you're not going to put something like that there. So the way I weigh it is, is this the highest and best use? I don't know. It could be. I think the site improvements will definitely help. Is it nirvana? By no stretch of the imagination. I think they've done the best job they possibly could do with this site from where we started three or four months ago, and that's my final comment.

THE CHAIRMAN: Thank you, Mr. Cahalin.

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truck putting gas in -- one of your service
tucks putting gas into there, and I didn't
realize how tight that actually was. So I do
actually want a comment from our engineer on
that, because I saw the dynamics of how that
tuck had to position itself, and then how that
might affect somebody trying to get out of one
of those parking spots and get around, which
I'm assuming you figured out already, getting
around, and it was very tight.
I was impressed, to be honest with

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you, that you eliminated one of those parking,
spots because that was one of my concerns
coming in there that I've expressed. I like
that you have two additional spots -- you moved
the two additional spots to the other side, but
I still have that little concern after
seeing -- a bigger concern after seeing that
tuck. Everything else I'm pretty much
satisfied with at this point. I just want to
get some comments from the engineer on that.

THE CHAIRMAN: Sure, why not.

MR. GREALY: Good evening. Philip

Grealy, Maser Consulting.
The applicant had provided turning
diagrams. We've seen the deliveries. It is
tight. Some of those spaces are difficult to get out of when the vehicle is making the delivery. I think, in general, people tend to avoid when a delivery is being made. I don't know if the applicant has any control of times of deliveries. There are stations where the fuel deliveries can be limited -- from their operation standpoint, they don't want the fuel deliveries during the busiest time period, so I

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think they have a good handle on that, but that is something the Board could ask or recommend. Clearly, the improvements that have been made in response to the different memos and the comments from the Board have gone a long way to improve circulation patterns, but it is tight when a fuel delivery is being made.

THE CHAIRMAN: Mr. Miller, any follow-up with that?

MR. MILLER: I guess I'll ask the magic question: In your opinion, to a reasonable degree of engineering certainty, is there sufficient room to move if a truck is there?

MR. GREALY: If the truck is there, you can -- I think there's one space that you can't get out of if the truck is in there
making the fuel delivery. The other spaces you can get around. The area near the building where we've cut back the curb line allows traffic to move as good as you're going to move. I think it's a condition that it's as good as it's going to get. Regardless of the expansion, you're going to have kind of the

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same situation. I think the changes to the plan make it better for those vehicles, because, you know, as you can see out there today, the vehicles just kind of pull in, especially against the adjacent shopping center. So this will provide a better situation because traffic will flow more orderly, but again, there's, I think, one space there that's going to be difficult.

MR. MILLER: Thank you.

THE CHAIRMAN: Thank you.

MR. MILLER: Do you have a schedule on the deliveries?

MR. PARKER: Just to speak on that, the use is going to change. Now it's not as busy, and I don't know if there was actually a car there that was blocked in at the time. If it was, it was probably an employee car, because we tell our driver's obviously not to
anger our patrons by blocking them in if they're making a delivery. With increased usage, we will adjust deliveries and we do have control over that. So they will come later at night or at different times, and, like I said,

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we make sure we don't block anybody in.

THE CHAIRMAN: Thank you. Mr. Nurzia.

MR. NURZIA: The plans as they are right now obviously are better than they were, the ingress and egress and all that. I don't have a comment about that.

I guess my question is, now that we're kind of focusing in on some of the other details, there are other variances required. Two of them are the distance from the side lot. I think you need a 40 foot setback to the right where the -- to the right of the proposed addition on the right-hand side there is only something like five and a half feet.

MR. PARKER: That's correct.

MR. NURZIA: Is there going to be a fence there or is there currently a fence? When you drive by, you really can't see on that corner what's there. What will be there or what's proposed to be there?

MR. PARKER: There are no windows on
that side of the building. It's going to be sided. We can certainly put a fence there or plantings or something like that, if that's

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something that would interested you. If you look toward the back, it just goes straight up -- well, not straight up, but it's a pretty good slope. So they're looking over the station. In the back and side it does come down a little bit. We would certainly be okay with screening it in some way.

THE CHAIRMAN: Anything further?

MR. NURZIA: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No questions.

THE CHAIRMAN: My only comment was, and my focus actually was on the changes that you've made to the circulation, although I had the same concern that Mr. Miller had at times when you're having a delivery, that really is going to be more of an effect on your business because of the new use that you're going to have as, I'll call it a convenience store, if people can't come and park, they're just not going to come and park. So it's not going to create any issue for anyone other than the people who are there at that time.
So at this juncture I don't have any further concerns or questions. The only question I do have is, Mrs. Uhle, if there was some conversation about maybe further screening. Would that be something that would be an issue with planning?

MS. UHLE: I actually was just going to say, I think there are two issues that the Planning Board could look into in a little more detail was this discussion with regard to snow removal, and partially I was going to defer that to the Planning Board because I wanted to talk to the Highway Superintendent about that as well in terms of where that snow could or should be taken, that kind of thing. Anything with regard to the landscaping and fencing, we could ask the Planning Board to look into that in more detail.

THE CHAIRMAN: On our behalf I see no reason to prolong the application, and I think at this point we're ready for a resolution at the next meeting.

MS. UHLE: Okay.

THE CHAIRMAN: Okay. Do you have anything to add, anything further?
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MR. PARKER: I don't. Thank you very much for your time. I apologize for not being here last month. Should we attend next month?

THE CHAIRMAN: It's up to you. It's going to be down for a resolution.

MR. PARKER: Okay.

THE CHAIRMAN: Okay. The one thing I do want to comment for the public as well, as you can see, the four resolutions we had earlier there were no applicants on behalf. If there is a board that has less than five members, a vote -- you're required to have 3-1, a 2-2 would be a denial. Of course, a three man board would mean you need three nothing. So I think it's important for applicants to keep that into consideration. If they don't attend, they don't have the option of saying we want to wait. Of course, we have great attendance records here, so you generally don't have to worry. Thank you for your time.

MR. PARKER: Thank you for your time.

MR. TUDISCO: Do you need a motion to adjourn for resolution?

THE CHAIRMAN: We haven't been. As
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our attorney, what do you think?

MR. TUDISCO: It doesn't hurt. I think it's neater.

THE CHAIRMAN: So we'll move to adjourn for resolution at our next board meeting. Is there a second?

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Moving on to new business, Item 15-18, 102 White Road. Is the applicant here to proceed? Thank you.

MS. UHLE: Garrett provided some additional photographs so you have a better sense of what the driveway would look like in relation to the adjacent driveway.

MR. JUNCAJ: Good evening. My name is Vasel Juncaj, owner of 102 White Road. First time here. As we go along with the project for my house, I find out I would like to widen my driveway a little bit in order to have -- I would like to have room to park two cars parallel, and what we have there is like 9 feet
3, 4 inches, and we would like to ask for a setback on my neighbor's side. As we know, the setback is 3 feet, but that's not enough. If we just go an extra 3 feet for the setback, then that's not enough for what I'm asking. That would not be enough to park two cars in my driveway. I'm asking for an additional 16 inches, I believe, as per drawings there. We still want to keep 1 foot nothing, like plain earth, and then my retaining wall of 8 inches. It's going to be about 20 inches from the borderline.

I did speak to my neighbor before I came here, obviously. I did speak to him and ask his permission actually to see if that's okay to do it, and if he's okay with it, and he was completely fine with my action.

THE CHAIRMAN: Okay. We have your submission, and we've reviewed it.

So at this moment, I would like to ask the board members if they have any questions or comments. Mr. DeMarco?

MR. DE MARCO: Nothing.

THE CHAIRMAN: Mr. Nurzia?

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

MR. MILLER: No questions. No concerns.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No questions.

THE CHAIRMAN: I’ll hold my questions and comments until after the public has their opportunity to be heard.

Is there a motion to open the public hearing?

MR. MILLER: So moved.

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

MR. CAHALIN: Second.

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

(All aye.)

THE CHAIRMAN: Would anybody like to speak on behalf of or against this application?

(No comments.)

THE CHAIRMAN: Seeing nobody, is there a motion close the public hearing?
MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: I think I know the answer, but let’s go back to the Board. Any questions or comments, Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: I think it’s a very straightforward application. I have none. I’m going to make a motion to adjourn for a resolution at our next board meeting. Is there a second to that motion?

MR. MILLER: Second.

THE CHAIRMAN: Second by Mr. Miller.

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All in favor.

(All aye.)

THE CHAIRMAN: Thank you for your application.

MR. JUNCAJ: Thank you so much.
THE CHAIRMAN: Final item on our agenda tonight, 15-08, 185 Summerfield Street.

MR. DIBBINI: Good evening, Board. My name is James Dibbin, 570 Yonkers Avenue, Yonkers, New York on behalf of the applicant, 185 Summerfield, Inc. I'm also here with the owner, the architect, Tom Haynes, and our parking study was done by James Garofalo with Tim Miller Associates, and it's correct you don't have a copy of the parking study. I do have these copies here. I would like to hand them out if it's an appropriate time now. I understand that you can't review them now, but I figured I would give them to the entire board.

THE CHAIRMAN: Yes, you should right now.

MR. DIBBINI: How many copies would the Board need, one for each?
the Eastchester Zoning Law, which requires one parking space for each 200 square feet of office use, and one parking space for each 150 square feet of food service establishment.

The property is located at 185 Summerfield Street, as indicated earlier, and is located in an RB zone, retail business district. The building was built in the 1950's, and the property consists of a two story building with a driveway and three door garage located behind the building.

The applicant bought the property last year with the hopes of turning the first floor into a small Italian bistro and keeping the second floor as office space. Currently, the second floor is being rented out as office space, but the first floor is vacant.

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It has been one of the applicant's goal to open up a small Italian restaurant focused on high quality, traditional dishes. Additionally, he wants to open this bistro in Eastchester, because he grew up in Eastchester. The applicant's bistro would be considered a Type 1 food service establishment and have seating for up to 39 guests. Also, it will be managed by a local experienced chef who
runs the popular 805 Bistro in Scarsdale Village.

In order to turn this partially vacant building into a restaurant and renovated office space, the applicant needs to secure a special use permit from the Town of Eastchester’s Planning Board in order to operate in an RB zone. We are in the process of obtaining a special use permit and had our first hearing before the Planning Board on February 26th, 2015.

Additionally, the applicant needs an area variance for 13 parking spaces, and respectfully submits its application requesting that your Honorable Board grant such a variance.

After going through the required five tests for the area variance and weighing the applicant’s and the community’s interest, it is our belief the Board will find that granting this variance will be a nice addition to the community and a simple solution to bringing more business and employment opportunities to the Town of Eastchester.

First, test one, there is no undesirable change in or a detriment to the
character of the neighborhood or nearby properties by granting the area variance. The granting of the requested parking variance will in no way negatively affect the character of the neighborhood or other nearby properties. Instead, permitting such a variance will ultimately improve the Town of Eastchester's community and local economy by bringing in business, employment opportunities, and visitors.

The property at 185 Summerfield Street is situated on one of the retail business districts in Eastchester that features restaurants and several stores. The applicant's restaurant would not be out of character in this neighborhood. Rather, it would strengthen this part of Eastchester's reputation for having high quality restaurants and a convenient shopping area.

Also, there is plenty of metered parking throughout the area to accommodate the small number of guests going to the applicant's restaurant. There are at least 31 metered parking spaces on Summerfield Street. 16 of this metered spots are directly across the street from the subject property, and to the
right of our applicant's property there is an additional four parking spaces behind the building.

Test two, the benefit sought can only be achieved by an area variance. The benefit sought by the applicant cannot be achieved by any other feasible methods other than the issuance of an area variance by the Zoning Board.

Test three, the requested variance is not substantial. The requested parking variance is not substantial in comparison to the neighborhood, the planned size of the bistro and office spaces, and the amount of metered parking spaces available in the area.

The property is situated in a retail business district that is set up to accommodate businesses and their patrons.

Test four, the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. There are no environmental issues or safety standards that will be breached. The applicant's property is already in existence and will not be changing the site of the property.
Finally, test five, the alleged difficulty was not self-created. The applicant is not culpable of a self-created difficulty because he comes before he made any illegal improvements and comes before this Board with clean hands.

The applicant seeks your Honorable Board's approval for a parking variance in order to turn this building into a small bistro with existing office space on the second floor.

I would be happy to take any questions the Board may have. Also, again, I indicated we have Tim Miller firm here regarding the parking study and also the architect and the owner, of course.

THE CHAIRMAN: Okay. Thank you for your application. Let's start with questions or comments from the Board. Mr. Cahalin?

MR. CAHALIN: I've got a few. How many employees are going to be on staff at peak times?

MR. DIBBINI: Do you mind if I bring up the owner to confirm that?

MR. CAHALIN: Whoever can answer the question.

MR. DIBBINI: My client has told me
MR. CAHALIN: That's kitchen staff and wait staff?

MR. DIBBINI: Yes.

MR. CAHALIN: So eight at any one time. So how many does the owner think are going to drive to that location and need parking?

MR. DIBBINI: I'm not sure they have an answer to that, but we have inquired with the town with respect to obtaining permit parking. We understand that there may be waiting list for that. So we would be interested in getting on the waiting list.

MR. CAHALIN: That's wonderful, but that doesn't help your situation. Unless we have permits to give you, how are you going to accommodate your staff?

MR. DIBBINI: I'm not sure that they would all be driving in, quite frankly.

MR. CAHALIN: That's what I asked first. How many do you anticipate will be coming to the location by car; is it going to be two, four, six, all eight people?

MR. DIBBINI: I don't think it would be all eight. A lot of times with the kitchen

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parking?
staff I don't think they own cars, and the wait staff would be in the same position, using public transportation, sharing rides.

MR. CAHALIN: That was one question that I had. Let's see. If I read the proposal correctly, this is going to be 39 seats?

MR. DIBBINI: Yes.

MR. CAHALIN: So there will be no -- will it be available for party use?

MR. DIBBINI: It would only accommodate 39 people, so there would not be any catering.

MR. CAHALIN: If it was a private party, they could close the restaurant?

MR. DIBBINI: And accommodate the 39 seats, yes. They would not go over that number.

MR. CAHALIN: Okay. That was another question. I think that the variance at 76 percent is pretty substantial. I read your submission and I heard what you said, which was in your submission. I don't know how you could get around that 76 percent is not substantial. You do have the Fish Gourmet right there. That's right on the corner. That's going to be using -- although your food may be different.
than their food, it's going to be compete --
the parking spaces are going to compete. When
I visited the site, you know, all but like

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seven or eight spots were full and that was
after 6:00 on a weekday. I can't imagine those
spots to be available on a Friday or Saturday
night. I haven't had the time to go look at
it, but I will this weekend to see what's going
on in the evening and how many spots are really
available.

Will the hours that you're going to be
open conflict with the office space or overlap
at all?

MR. DIBBINI: I don't think there will
be much overlap with the office space. The
office is pretty much 9 to 5.

MR. CAHALIN: The restaurant is going
to be open just for dinner or also for lunch?

MR. DIBBINI: It would be 11 to 11.

MR. CAHALIN: There is almost a half a
day of overlap. So where are the people that
are working in the office supposed to -- are
they also walking to work? Are we to believe
that?

MR. DIBBINI: No, I don't think
they're walking to work.
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Mr. Chairman. That's all I have right now.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: No, I'll reserve for later, if that's okay with you.

THE CHAIRMAN: That's fine. Mr.

Nurzia?

MR. NURZIA: Yes, I have a question.

Thumbing through the parking analysis here, which, unfortunately, we didn't get it until a few moments ago, but here I see there are comments about the Eastchester Fish Gourmet, the parking that they utilize on the street at certain times. Obviously when they're open, there is usage there. So how is your timing going to conflict or be in conjunction with the Eastchester Fish Gourmet? I guess that's my main concern right now.

MR. DIBBINI: I think the times would probably be similar, but if I could call up James Garofalo, the author of that document, maybe he could answer your question a little more succinctly.

MR. GAROFALO: As far a conflict with
the Fish Gourmet, there will be some conflict. They're open for lunch on Thursday and Friday. The study looks at Friday. That's a Friday in Lent, so it was expected that that Friday would be an extreme case. We also looked at a Saturday, and looked at from 12 to 8, figuring that that's going to be the time where you're going to have the most customers, and yes, there would be some conflict in the customers. In this whole area, I looked at the parking lot here on White Plains, the parking lot here over at Ackerman, Dunwoodie and Brook Street, as well as looking at the on-street parking in these areas, and what happens is during the day you have these offices and the auto repair filling these spaces up and when they do have lunch, which is not the full afternoon but partial afternoon, many of these spaces also get used, and these are used. What's going to happen is their customers will basically take some spaces and the size of the area that's parked heavily will increase slightly. There is a tremendous amount of spaces here, there are some spaces here and some here, but not a
lot. Later on in the afternoon when the offices clear out and the auto shop is done working on their cars, these spaces become available when the fish market and this restaurant would need more spaces, so what happens is the fish market's parking begins to move down the hill, and what would happen is that area that's covered would basically expand in terms of customer parking. So the customers for the two stores would be mixing in here. But in this whole area there's a tremendous amount of parking not only for customers, but there is long term parking here, which is virtually empty, and there's long term parking over here. This is a little closer. There's no sidewalks here. It's uphill.

(Indicating.)

MR. CAHALIN: What's the distance between the Dunwoodie lot and the location of the restaurant, approximately?

MR. GAROFALO: That's like half -- it's a half a block.

MR. CAHALIN: A half a block?

MR. GAROFALO: Yes. The Dunwoodie lot
is right here on the corner.

MR. CAHALIN: I don't think it's a half a block. I would say it's closer to an eighth of a mile, and it's uphill if you're going to the restaurant. After you've eaten, going downhill is a great thing, but going to the restaurant that's going to be a tough hike.

MR. GAROFALO: This would be more for employees of either the office or -- because this is 12 hour parking. This is also -- they have 12 hour parking over here also. This is a flatter, nicer walk with the sidewalk, and there's a pedestrian crossing signal here, so it's very easy for pedestrians to traverse that route. With the parking on Brook Street, more likely they would go through the lot, although they certainly have the option of taking the sidewalk and going around.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Thank you for the explanation. The other question I had, and I guess it's really maybe for both of you, and you may or may not know the answer at this point, but is there going to be takeout service? If you have takeout service and somebody just wants to stop in, quickly get
something and hit the road, if there are no spots right in front of the restaurant, where do they go? Somebody is not going to, in my opinion, park an eighth of a mile away or a block away for something that's very quick? So how do you handle that type of situation?

MR. DIBBINI: At this point, they are intending on takeout service, but it's curbside. So someone from the restaurant would come out and deliver to the patron who pulled up at that time.

MR. NURZIA: Okay.

THE CHAIRMAN: Anything further?

MR. NURZIA: No.

THE CHAIRMAN: Thank you, Mr. Nurzia.

Mr. DeMarco?

MR. DE MARCO: No, nothing.

THE CHAIRMAN: I would reserve my comments until later. Is there a motion to open the application to a public hearing?

MR. DE MARCO: So moved.

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

MR. NURZIA: Second.

THE CHAIRMAN: By Mr. Nurzia. All in favor.
THE CHAIRMAN: Please step up, name and address for the record.

MR. ROSS: Good evening. My name is Rick Ross, the owner of Eastchester Fish Gourmet.

I don't like to see empty stores in the area, it doesn't really help the business, but I've been a merchant for 35 plus years here, and there is a problem with parking. It's a big problem. The police department now is putting permit spots where the meters are because there is such a problem.

Just a couple of things. The office building at 200 Summerfield rents the parking lot across the street because there is such a problem with parking. That building is also right next to the -- the parking is right next to 185 Summerfield. If you go down Summerfield at any time of the day, you notice it's a very congested area. There's a lot of times bottlenecks on Summerfield. We're really surprised no one has been injured on Summerfield because of congestion.

The other issue that is very important is, the new senior citizen housing that's going
to be going in at the bottom of Summerfield is going to create more traffic on Summerfield. This is something, you know, Summerfield is so overcrowded that, you know, I think to have another restaurant in the area would make parking very difficult for not just Eastchester Fish Gourmet, but for all the other businesses, because we all have the stores along White Plains Road that we all use the Summerfield area.

So, you know, with this in mind, I think there could be better use for that store.

That's all I have to stay. Thank you.

THE CHAIRMAN: Thank you for your time. Anyone else want to be heard? Please.

MR. SWEENEY: Good evening. Frank Sweeney, 22 Lakeview Avenue, representing the North Eastchester Civic Association.
there's currently about 14 meters that are
going to be changed into metered parking, and
this is going to have a direct impact not only
on the Eastchester Gourmet, but anybody else on
that street. I know you've traveled that
street many times. It's an absolute nightmare,
because nothing can get through there. Now, I
know there's a lot of auto body shops that make
their living repairing cars, but they also make
a living parking or double parking their cars
on the street. It's very, very tough in terms
of our ability to manage it, as well as enforce
it. If you're going to have another 39 clients
coming to a restaurant, let's cut it in half,
they come in twos, it's another 16, 32 -- I
don't know how many times they're going to turn

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the restaurant over in the evening, but maybe
it's another 50 cars. There's not 50 spaces in
any of the lots, in any of the meters, or in
any of the permit spaces.
I'm not trying to put the restaurant
down in terms of its capability to make a
living, but the idea is that we're trying to
jamb too much in too little space, and then
what we have is we have an aftermath of what do
we do. We already have a crunch on the police
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The Chairman: Thank you for your time.

Mr. Galanek: Good evening, Charlie Galanek, 21 Potter Place, Scarsdale.

One comment on the takeout service.

If any of you, which I know you have, been in any establishment like a restaurant that has a takeout service, an example would be Outback right here in Yonkers, even though they have two runners, people drop off people to get in a restaurant, out of a restaurant. If there's a delay with the order, cars just park there and then there's a backup of traffic going in to just picking up something. So it sounds great that you're going to have someone bringing something out to the car. If it was just simply at a window, you take it in and take it out real quick, that would be nice, but reality

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it's not going to happen.

Now, for parking, we're all town members, we're all town people, we all know what's going on in this town with parking. I mean, you have businesses that are all around town, and they don't have enough parking for their employees. Now, in the north end, we have cars that are going from Brook Street parking all the way up to Lakeview Avenue. Some have signs for no parking, some have signs with restricted parking, some have no signs whatsoever, and that's where the employees park, especially if there's no restrictions, because they have to park, and they don't want to park in some place where they have to move it two or four hours later.

As it was brought out that the municipal lot is just a throw stone away, it was brought out that it's not, and it's downhill. Reality of life, do you think people are going to do that? We can't get people when they're playing in Dunwoodie park to go down there on level ground, yet you're going to have customers to that? Of course not.

Reality of life is we can't keep on rubber stamping things and when you don't have
enough, you're going to say, we have enough.

It's just you can't to it anymore. We can't to it anymore. The town is getting too big, too many things. We're getting overcrowded. If we had maybe a municipal parking lot, you know, where we could put multiple cars, that might be a big question to the problems that we have, but we don't have that. We're not a city like White Plains or Yonkers.

I'm asking you to really think twice...

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before you approve anything that goes over what the town code says, 1.2 cars per space, per movement of a parking lot, and not go backwards but go forward. Thank you.

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

(No comments.)

THE CHAIRMAN: Ms. Uhle, as a matter of procedure, I'm going to leave -- I'm going to allow the applicant to reply to all of that, but I'm also going to leave the public hearing open because the parking study that has been performed by the applicant hasn't been available to the public. I think the board members need to digest that there may be more...
public conversation on it, and also our traffic
and parking expert will have an opportunity to
review and come back at the next meeting and
speak on it. So I'm going to keep the public
hearing open on this matter.

Now, if the applicant would like to
reply to anything that was said at the public
hearing.

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MR. DIBBINI: I would just like to
thank the public for participating and giving
their comments. We appreciate that. I also
welcome the opportunity to meet with any one of
them to see if there is some way we could find
a resolution to their concerns.

What I would also like to say is ask
the Board to review the traffic study report,
which I think really takes a comprehensive
approach to the entire parking situation, and
it was done methodically and done by a firm
that's been in the business a long time doing
these types of studies, and I'm sure the Board
is going to take time to do it and may engage
their own study to do the same and then really
make a decision based on sound facts and
statistics instead of just, you know, some
opinions that indicate a general overcrowding
THE CHAIRMAN: Thank you.

MS. UHLE: Can I ask a question?

THE CHAIRMAN: Of course.

MS. UHLE: I know Mr. Garofalo responded to some questions, but would you like him to actually present his findings in his report at this point, or do you want to wait and be able to read it and have our traffic engineer read it first?

THE CHAIRMAN: I think as a matter of procedure we should have our traffic and parking expert review it firstly, let the Board have an opportunity to review, because the presentation, in my judgment, is already in written form and it's just going to be read to us, where at our next meeting, if this is heard, we can also ask questions of the proponent, and I thank that would make more sense. Unless you feel -- I don't know if I could trump your opinion, Ms. Uhle.

MS. UHLE: I think that the biggest issue obviously is parking, and like the applicant's attorney said, I think it's nice to have the determination made on actual statistics and analysis and there might be some
additional analysis that needs to be done. I guess my question is: Did you want to hear this now or did you want to wait until -- I think at some point the applicant should present his findings and then at some point our consultant, who happens to be Mr. Grealy here tonight, should be able to respond. I still think they need to present their findings, but I don't know if you want to do that tonight or wait for the next meeting.

THE CHAIRMAN: Maybe we should concern ourselves with the person whose opinion we would be most reliant upon, and maybe ask Mr. Grealy if you have a preference in terms of whether you are going to review and reply or whether you would like to hear a presentation tonight and review and reply at a later time, because, for the Board, we're flexible.

MR. GREALY: Do you want me to come up to the mic?

THE CHAIRMAN: No, that's okay.

MR. GREALY: I took a quick look at the parking study. I don't need a presentation. I know Mr. Garofalo. I know one comment that was made by the public, which would have been a comment we would make, is
the 152 Summerfield, the senior project --

MR. CAHALIN: 155.

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MR. GREALY: 155 should be considered, because while they've taking a look at parking conditions in the immediate area and then a bigger area and a bigger area, that would influence it. I think that's something the applicant should -- even before we review and get any other comments -- should get a jump on and look at the studies that were done and make sure that that's addressed. We'll go through it in detail and get comments back to Margaret. That's my initial comment.

THE CHAIRMAN: I think to synopsize then, at the next board meeting you can, I guess, crystalize your presentation, which will include any commentary on this future use of the senior residence at Summerfield, and then we can -- you can present and comment at that time. So we'll reserve your presentation to that point.

MS. UHLE: One other comment. I'm not sure again because I haven't read your report, whether you are or are not aware what Mr. Sweeney brought up, it is my understanding that metered spaces on Summerfield are now going to
be changed to permit spaces, which actually
could work in favor of or against the
applicant, because there may be an opportunity
for the applicant to obtain some of those
permits, or it may limit the amount of parking.
I think we need to have an understanding of the
status of those metered parking spaces on
Summerfield, because my understanding is those
are in transition right as we speak.

THE CHAIRMAN: Okay. What do we know
about that process at this point?

MS. UHLE: I would get in touch with
both the town clerk and the police department
to understand where that process is.

THE CHAIRMAN: Okay. Well, again, in
addition to the public having an opportunity to
be heard on that and to have knowledge, I think
the Board would need to know where that is
going.

MS. UHLE: That's why I'm asking the
two traffic engineers to understand.


Thank you, Mrs. Uhle. Mr. Miller.

MR. MILLER: I don't know if this is
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feasible, because I can't grasp right now if there's any other open lots which would be privately owned in that immediate vicinity, but have you considered trying to get a license from somebody else to use their lot? There are restaurants in town that do that.

MR. DIBBINI: We've reached out to some of the neighbors, and we have some discussions that are underway now. Nothing concrete, but we're looking to maybe utilize across the street the office building at night. We would really not have any demand for their parking space being used, and we're trying to work something out with them where we could get use of it in the evenings.

THE CHAIRMAN: Anything further?

MR. MILLER: No.

THE CHAIRMAN: Mr. Cahalin?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. DeMarco?

MR. DE MARCO: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: Actually, yes, just one follow-up question. There is that garage
behind the building. From the photos it looks like it's just commercial garage, storage space, something like that. Is that an active driveway? Would there be any effect with any usage of that garage with any of the spots behind the building?

MR. DIBBINI: The way it's been laid out now is that would be available to accommodate part of the parking.

MR. NURZIA: How many parking spots are there?

MR. DIBBINI: Four, two in the garage and two outside.

MR. NURZIA: Okay. There was an open blacktop spot behind the building before the garage. That will be open?

MR. DIBBINI: Right. Correct.

MR. NURZIA: Okay. No other questions.

THE CHAIRMAN: I have nothing at this time. So seeing that we have no other commentary on this, I'm going to make a motion to adjourn and continue this application at the next board meeting. Is there a second?
MR. NURZIA: Second.

THE COURT: All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

MR. DIBBINI: Thank you.

THE CHAIRMAN: Seeing nothing further, I make a motion to close our April 14th, 2015 Zoning Board of Appeals meeting. Is there a second?

MR. MILLER: Second.

THE CHAIRMAN: All in favor.

(All aye.)

(Meeting adjourned.)

DINA M. MORGAN, REPORTER
STATE OF NEW YORK
COUNTY OF WESTCHESTER

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of May, 2015.

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CORRECTION SHEET

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