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THE CHAIRMAN: Good evening, everybody. Welcome to the October 13th, 2015 meeting. We start our meeting with the Pledge of Allegiance, so please rise.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Okay. Prior to calling the roll, I just want to make a note, which I do before every meeting, that any member of the public that is considering an application before this Board, as clearly printed on every application, applications are not decided upon the first time they’re heard. This year we have one more meeting, which is November, which means any application in November will not be decided until January at the earliest.

Now I’m going to call the roll, and it’s pertinent, particularly with the old business items that are on for resolution, if the applicant is here, you have the option to not have your resolution decided upon tonight because we have a four member board, and with a four member board you must have a three/eight.

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record approving that application. We'll now
take the vote. Mr. Cahalin.

MR. CAHALIN: Yes.

THE CHAIRMAN: Mr. Miller.

MR. MILLER: Yes.

THE CHAIRMAN: Mr. Nurzia.

MR. NURZIA: Yes.

THE CHAIRMAN: I vote yes. The
application has been approved four nothing.
15-42, 33 Lyons Road. There's a
resolution that's part of the record that
approves that application. We'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: And I vote yes. That
application has been approved four nothing.
Number 3, 15-46, 28 Downer Avenue.
Once again, there is a resolution in the record
approving that application. We'll take the
vote. Mr. Cahalin.

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getting ready, the Board has your submissions.
We've read your answers to the five part test,
so you don't have to reread that, but we'd ask
that you summarize it for us, please.

MR. CHEVERKO: Thanks for having us	onight. Craig and my wife Katie Cheverko.

We're looking to convert our garage
into a family room. I understand we need two
cars parking space in our driveway. Right now
we comfortably have two cars in our driveway
despite the fact that there are a number of
feet required that we're a little bit short of.

Basically we're just a growing family here in
the Eastchester community, we get along with
our neighbors, we need a little bit more space
to kind of convert our existing living room
back into a living room instead of like FAO
Schwartz. We have two young children and a
family room would make things a whole lot more
comfortable for us.

MS. CHEVERKO: So we're just asking
for the one parking spot for you guys to
approve that.

THE CHAIRMAN: Okay.

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MS. CHEVERKO: We've also got signatures from neighbors -- I don't know if that helps -- that they are okay with that.

THE CHAIRMAN: Our attorney, is that okay? Town attorney?

MR. TUDISCO: If they would like to submit it.

MR. CAHALIN: Did we get the notices?

MS. UHLE: Yes. She passed them to us previously.

THE CHAIRMAN: Okay. Let's take a pass at the Board. Mr. Cahalin, do you have any questions?

MR. CAHALIN: Nothing at this time.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions or concerns.

THE CHAIRMAN: I don't either. It's a fairly straightforward application. So is there a motion to open this matter to a public hearing?

MR. CAHALIN: So moved.

THE CHAIRMAN: By Mr. Cahalin. Is

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there a second?

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Is there anyone from the public that would like to speak on this application?

(No comments.)

THE CHAIRMAN: Seeing nobody, is there a motion to close the public hearing?

MR. MILLER: So moved.

THE CHAIRMAN: Mr. Miller.

MR. CAHALIN: Second.

THE CHAIRMAN: Mr. Cahalin. All in favor.

(All aye.)

THE CHAIRMAN: Okay. It doesn't seem like there's much commentary on this, but I'll pass the Board one more time; Mr. Cahalin, anything?

MR. CAHALIN: Nothing.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: Still nothing.

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THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: I reiterate it's a very straightforward application. We thank you, and the resolution will be read into the record at the November meeting.

MS. CHEVERKO: Thank you.

MR. CHEVERKO: Thank you very much.

THE CHAIRMAN: You're welcome.

Okay. Next item on the agenda under old business is 504 New Rochelle Road. I will tell you how we are going to proceed. I'm going to ask the applicant to summarize the application as it stands today. Then I'm going to have the Board ask any questions they would like of the applicant. Then our traffic expert, Mr. Grealy, is going to speak on this application and summarize his findings, and then the Board will be able to ask Mr. Grealy any questions. Then, as the public hearing is open, the public will have a full opportunity to speak on this. I would ask that the public limit the commentary to what this Board is hearing, which is essentially parking, traffic,

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and the expansion of the structure. We are not hearing any issue as it relates to hours of usage or usage. So that's what we're limited to, and I would ask that the commentary be directed at that and that it is stated in a as dignified a manner as we had mentioned last time.

So we are going to start with the applicant, and we're going to ask you, please, to summarize this application.

MS. MARTIN: I'm going to attempt to put up a PowerPoint presentation.

For the record, my name is Jillian Martin. I'm the construction manager with Chestnut Petroleum. I'm here tonight to discuss 504 New Rochelle Road here in the town of Eastchester.

To quickly summarize, this is what the existing site and the surrounding area looks like. Right here the red locator is 504 New Rochelle Road. You can see the cross sections and the surrounding businesses. What we are proposing to do will expand the existing convenience store slightly this way and
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1 slightly this way. You can't see my mouse up there, can you?
2 MR. CAHALIN: No.
3 MS. MARTIN: No. Unfortunate. So it's a little bit back towards the property line and a little bit over. So closer to Elia Taverna and the house behind.
4 THE CHAIRMAN: If I may interrupt.
5 You can also point it out on the board if you would like.
6 MS. MARTIN: Can that switch back and forth, because nobody will be able to see it?
7 THE CHAIRMAN: I'm not sure. Gary, how advanced are we? Can we go back and forth?
8 Pardon?
9 MR. TUDISCO: There may be a delay.
11 MS. MARTIN: Okay. This is what we're proposing, so this is probably easier for everyone to see. The building is being expanded. That darker brown area is the expansion. We're delineating parking spots.

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1 We are not changing the amount of fuel dispensers or the canopy above them. We are making some traffic changes and some landscaping changes.
2 There are four variances that we are requesting. One is for the parking. We are currently proposing six parking spaces where there is a minimum of 14 required. We have a separation distance of 5.5 feet between our property and the family residence district property adjacent to us, where there is a minimum of 40 feet required. We have a separation distance of 5.5 feet between the parking and that one family residence district property adjacent to us, and the backup aisle width is 16.3 feet where there is a minimum of 21 feet required.
3 The first variance for the parking, circled in red you can see the six spots that we are currently showing. As you can see on the existing on the left there are no parking spots currently delineated on the site. Some notes about this: The parking spaces do not include the eight spaces that are at the pumps.

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THE CHAIRMAN: Thank you.

MS. MARTIN: You're welcome.

THE CHAIRMAN: Question from the Board; Mr. Cahalin, any questions?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No.

THE CHAIRMAN: I have a couple of questions. To simplify this, the L shaped brown area on the south and west side of the structure, that's what you're looking to add. Let's talk first about the actual existing structure. Within that existing structure are the bays that are now an abandoned use; are they within that existing structure?

MS. MARTIN: Yes, they are within the existing structure.

THE CHAIRMAN: That very mall strip on the south side, what is that going to add to this proposal; what is going to be the use in that strip?

MS. MARTIN: Walk-in cooler space.

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THE CHAIRMAN: Okay. And to the rear side of that going toward Elia Taverna, what will that more substantial addition house?

MS. MARTIN: That will be -- so the entire area once the renovations are complete will be one large convenience store, and it will be convenience store space.

THE CHAIRMAN: You're just adding to the length of the convenience store?

MS. MARTIN: Correct.

THE CHAIRMAN: Okay. I have nothing further. Thank you for your application.

Mr. Grealy, if you don't mind.

MR. GREALY: Absolutely.

THE CHAIRMAN: Thank you.

MR. GREALY: Good evening. Philip Grealy, Maser Consulting, professional engineer.

As you know, the Board, we reviewed this application. We were first provided copies of an existing site plan with some proposed modifications. We were asked to look at it relative to traffic and parking, both existing conditions and potential impacts.

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site and we had to prepare estimates for that site, we would use that document. It's the standard. Based on that document, we also can look at what the effect of expansion or a change in use might be. This site does have a small convenience store there already. We looked at both with and without the expansion, and with the expansion area we found that this site could generate another 20 or so vehicles per hour coming in and exiting. Again, based on square footage and the amount of typical traffic generation there would be.

Now, on this particular site, most of that traffic is attracted from the existing traffic stream. When we look at convenience and gas stations with that kind of volume passing this site, it's what we call pass by and diverted link trips. So the majority of those trips are people that, okay, I could stop in, get a cup of coffee, etcetera. We also looked at what that volume would mean. So you're talking about, you know, another 20 or so vehicles per hour. So you're almost doubling, potentially, the traffic that comes.

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So the next thing we did was look at what was proposed, and at the time the site plan was really just, you know, painting some parking spaces, adding some sidewalk around the building but really didn't look at traffic flow. So in our letter from October 27th, in addition to commenting on the additional traffic generation, we looked at the parking and we looked at some potential improvements to cut down on some of the conflicts. Today when you visit the site, you will see that the site is very tight. The curb cuts on New Rochelle Road are very expansive in terms of their width, so it creates a lot of conflict points. The driveway closest to Hillcrest is very close, and during our surveys we saw where people were exiting the gas station at the same time that people were trying to make a left out of Hillcrest, and it just added to confusion. So what we tried to do was identify some improvements that could be done to the plan to better define the parking spaces, improve circulation, cut down on some of those.

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The applicant resubmitted a plan in December of 2014, which addressed some of our comments. We also commented on, you know, showing truck deliveries, how they would circulate, where those trucks would be arriving from, to look at modifications of the area near the pumps so that when vehicles were parked at a fueling position, that the traffic could circulate and get past.

The revised plan came back in December incorporating many of those comments. Again, the driveway area here was closed off so that we don't have that increased conflict point. The area on Hillcrest was more defined and created an area for some low landscaping to clean up that corner and provide some separation between the turning movements. We also looked at the parking spaces, and right now they are not delineated, but basically whenever people do park it's kind of haphazard there today and it blocks the drive aisle. So we suggested angled parking. We actually had some more spaces here to maximize the number of...

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parking spaces. In discussions with the applicant and the Board, for example, another space was removed here to give traffic coming off of New Rochelle Road more distance before they would enter or exit a space. So comments that we made on that December plan were in our February 2015 memo to Ms. Uhle, and again, refining some of the changes.

In this area here, the sidewalk in front of the convenience store was cut back so that if a vehicle was parked here, traffic could circulate past. The driveway on Hillcrest was better defined. We wanted some clearing of some brush and branches here to improve sight distance. Also, the crosswalk across New Rochelle Road was modified to get it such that it wasn't entering right into the driveway. That also gave better visibility for the people were -- traffic leaving from the adjacent shopping center would be able to see the pedestrians at that point.

The applicant showed the truck circulation path, how they would make their deliveries. I believe there was some talk...
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About restrictions of times when those deliveries could occur in terms of their fueling deliveries because that's the largest truck. It was my understanding also, that some of the storage areas here that were present on the site were going to be eliminated by the new building area, I believe. So that was something that was a clean up on the site.

Again, this latest plan reflects the comments that we had in our original letter, as well as our February recommendations. It creates more of a circulation -- a one way circulation pattern, allows vehicles to exit. This distance here is now adequate that even if a vehicle is parked at a pump at this angle, they could exit and maneuver.

So really what we are trying to do is improve the site the way it functions today. There will be more traffic. There is no question there will be more traffic here. With a site like this sometimes what happens is if it gets real difficult to make left turns exiting, you may only get traffic from one direction; make a right turn in and right turn.

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Grealy, were they all adopted in the applicant's updated plan?

MS. UHLE: Yes, I believe they were all accommodated. There was a little bit of a compromise with regard to, I believe, allowing both entrance and exit.

MR. GREALY: Yes. We had originally recommended in addition to closure of this I'll call it the easterly or southerly driveway, to see if this could become one way entry only. The problem was with the delivery vehicles it was problematic and it also -- there was a concern that if anybody did come in off of Hillcrest and was facing the wrong way, that it would create more conflict points on the site.

So that's the only item of our circulation recommendations that the applicant demonstrated why they couldn't do it.

So one thought we had there was maybe it could be restricted at certain times of the day, but again, they did present why they had a problem with that happening. The concept was that if it was one way, then it would reduce an additional conflict point. We were eliminating.

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Out. So that becomes a little bit of self-enforcing. So our estimates based on published data and what we saw at the existing site could add another 20 to 25 vehicles an hour at the driveway. So you still have to account for the turning movements even though they may already be passing by the site whether they're going from the parkways or heading over towards New Rochelle.

That's pretty much it. So I think our recommendations that we had to improve circulation are incorporated in the plan. Clearly, there will be more traffic. The traffic conditions there today there's times when traffic does back up from the traffic lights at parkway plaza, etcetera. It's a common occurrence. We saw it during our surveys. Again, this type of use will attract mostly from people that are on the roadway as it is today.

THE CHAIRMAN: Thank you, Mr. Grealy.

Before we have any questions from the Board of your synopsis, as point of order, Mrs. Uhle, the recommendations from the Board and from Mr.

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THE CHAIRMAN: Thank you, Mrs. Uhle.

Mr. Cahalin, any questions of Mr. Grealy?

MR. CAHALIN: No.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No, Mr. Grealy, but I think we also recommended we impose a condition with respect to snow removal?

MR. GREALY: Yes. In fact, last December when we received the revised plan, the

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MR. MILLER: From my perspective, I think that’s important because if you suddenly can’t park your car all the way into that space, it now creates a problem with everyone being able to get around.

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MR. GREALLY: That’s correct.

THE CHAIRMAN: That’s correct. Mr. Miller.

Mr. Nurzia?

MR. NURZIA: Just for my clarification, the two parking spots that are closest to Hillcrest, those two right there, are those for like an air gage or is that employee parking; can you just clarify those two spots right there?

MR. GREALLY: I believe there is no restriction on the use of those spaces. There was talk that those would be used by employees, but I don’t believe that was a restriction. There are some equipment areas over there, but the concept was that those would be available, I believe.

MR. NURZIA: That was it.

THE CHAIRMAN: Thank you, Mr. Nurzia.

Mr. Grealy, I don’t have anything at this time.

I would ask, under the theory that no good deed goes unpunished, to wait until after the public hearing is over in case we need further clarification on something.

MR. GREALLY: Absolutely.

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1 there are at least 16 service stations doing
2 repair work while also selling gas. This is
3 important, because at least two times during
4 the previous five hearings on this application
5 one of the reasons for converting it to a
6 convenience store is that, quote: No one uses
7 local service stations anymore. I have one 10
8 year old car and one 50 year old car. I use
9 local service stations.
10
11 It has been noted that since the
12 station has not been used for repair work for
13 the legally prescribed period of time, it can
14 no longer be used as such without seeking a use
15 variance. I suggest that the applicant seek a
16 use variance. The neighborhood lived in
17 harmony with a well run repair shop for at
18 least 41 years prior to this sale and probably
19 a lot longer than that. I'm sure that station
20 dates to the Forties, and I believe Hanna
21 across the street dates to the Thirties, if I'm
22 not mistaken.
23
24 The zoning code states in making its
25 determination as to the granting of an area
26 variance, the Zoning Board of Appeals shall
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1 neighborhood or a detriment to nearby
2 properties will be created by the granting of
3 an area variance. The traffic engineer has
4 testified to his expectation of a substantial
5 increase in the number of cars attempting to
6 enter and exit the station on a road that's
7 already a mess. Listening to him tonight, I
8 think the estimate was about double the number
9 of cars that currently use it. The neighbors
10 have also spoke of a detriment to their
11 wellbeing from the expanded store footprint,
12 the air conditioning, and the refrigeration
13 noise, and the increased traffic.
14 Two, again to the zoning code:
15 Whether the benefit sought by the applicant can
16 be achieved by some method feasible for the
17 applicant to pursue other than an area
18 variance. I've read the minutes of all the
19 previous meetings regarding this application at
20 least once, maybe twice and found one statement
21 by the applicant stating this location is not
22 meeting his business plan. I found no other
23 information indicating an attempt to resolve
24 this matter other than by significant variances
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1 take into consideration the benefit to the
2 applicant if the variance is granted as weighed
3 against the detriment to the health and safety
4 and welfare of the neighborhood by such a
5 grant. You've heard a number of neighbors
6 speak here on the subject of traffic, parking,
7 and further encroachment on their quality of
8 life. In fact, comments made by the applicant
9 himself, as well as the traffic consultant and
10 Board members, have referred to problems. I
11 quote from the minutes: "There is not a whole
12 lot we can do with this location. "It's
13 difficult to get in and out of now. "The
14 parking as you're pulling in to get gas is
15 horrible." "It's fluid, there's not a lot of
16 space in at least two of those parking spaces,
17 so it's going to be a problem. It's going to
18 be a mess there." I excerpted only a few of
19 these. There are many, many comments like
20 those in the minutes.
21
22 The zoning code further states that in
23 making such a determination the Board shall
24 consider, one, whether an undesirable change
25 will be produced in the character of the
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1 and increased traffic.
2 Three, whether the requested area
3 variance is substantial. The parking has a
4 deficiency of 57 percent, separation
5 requirement between the buildings and a one
6 family residence has a deficiency of
7 87 percent. The separation between the parking
8 and a one family residence district has a
9 deficiency of 72 percent. The backup aisle
10 width requirement has a deficiency of
11 22 percent. I don't think there could be any
12 doubt that these variances are substantial.
13 Four, whether the proposed variance
14 will have an adverse effect or impact on the
15 physical or environmental conditions in the
16 neighbor or district. You've heard testimony
17 from a number of individuals as to the impact
18 additional cars and traffic will have on the
19 conditions, as well as safety in the
20 neighborhood. It should also be noted that
21 there is a school bus stop right at the corner
22 of Hillcrest and New Rochelle Road right where
23 cars will be attempting to turn.
24 Five, whether the alleged difficulty
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1

was self-created. According to information
2

obtained on the Internet, this applicant has
3

approximately 400 locations, many, but not all
4

of them, mini marts. I would imagine he should
5

be very familiar with zoning and planning
6

issues. Therefore, this difficulty appears to
7

be self-created.
8

This application does not appear to meet any of the tests of the zoning code and
9

should be denied. Thanks very much.
10

THE CHAIRMAN: Mr. Magliano, thank you
11

for your presentation.
12

(Appplause from the audience.)
13

THE CHAIRMAN: Does anyone else want
to be heard on this? Sir. I'm sorry. Okay.
14

MR. CARROLL: Gentlemen, lady, William
15

Carroll, 67 Parkview Drive, Chester Heights.
16

I've been here since 1976. My good friend and
17

neighbor, John Magliano, he has all the detail
18

I'm not going to go into. I'll just say a
question or two or a statement.
19

The consultant, the consultant is paid
by the Board, I assume; is that correct? He
doesn't represent the applicant?

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1

MR. TUDISCO: Yes, that's correct.
2

The consultant is a consultant that is retained
by the town that is the town consultant.
What we do do is have the applicants put money
in escrow so the town can retain our consultant
without cost to the taxpayers.
3

MR. CARROLL: Great, because I
wouldn't want the consultant to be paid by the
applicant.
4

MR. TUDISCO: Correct. That's not the
case.
5

MR. CARROLL: That would not be a good
thing. Impact on the residents versus
business. There was a woman here last time,
she had spoke very eloquently about this, in
fact, I think you, Mr. Pilla, you even
complimented her. She talked about the
resident versus the business interest. The
impact on the resident who is right behind this
gas station who has already been impacted by
the variances that have put in place for some
years already and now we're going to pile on --
my word -- impact it even further. I just
don't think that's right. I don't think that's

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that gas station convenience store, okay,
that's just going to add to it, and some of
those people are going to want to go across the
traffic. That's not good. That's a bad --
that's an accident waiting to happen. Already
people are coming out of that Hillcrest trying
to make a left. Thankfully, we haven't had
many, but you're just going to do that now.
So I realize some of things that we
talked about last time are maybe not the
pursview of this Board, but sometimes it's like
untended consequences. Your focus is here,
but there's a bigger picture here that you got
a lot of other action going on and maybe the
next board handles that and maybe the next
board and maybe they don't. So our concern is
that are you looking at all of these things in
addition to the key things like the parking and
the traffic usage.

I said this before, and I know it's
not your purview: We do not need another
convenience store here. Somebody on one of
these boards has got to hear that. I know the
Supervisor heard it, because he got about 20

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calls after the last meeting we were here and
about resetting the public hearing and all
that. I'm not going to get into that. The
point was, something is wrong here. I
understand the business end of this thing where
the people are not making it on the maintenance
end, but putting a convenience store in there
is not in the interest of Chester Heights or
Eastchester and we are thoroughly against that
as an association. I said last time when I was
here, if you want a hundred signatures or more
from residents and homeowners in Chester
Heights, I'll bring them up here. Deliver them
right to you. That's our end of it.

We would like to see these people be
successful. As John said, maybe they should
put their investment into the maintenance. I
used to bring my car up there and get the tires
changed, my wife's oil changed, all of that,
okay. They don't want to go that way. Okay,
that's their call. That doesn't mean they need
to put another convenience store in there.
Thank you very much.

THE CHAIRMAN: Thank you, Mr. Carroll.

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(Appause from the audience.)

THE CHAIRMAN: Is there anyone else
that would like to be heard on this
application? Sir, come on up. You are
definitely next, and my vague point didn't
help, so I'm sorry.

MR. HASTINGS: Good evening. My name
is Roy Hastings. I'm a resident of Alta Drive
in Chester Heights.

Regarding the traffic issue, the
traffic is currently horrendous on New Rochelle
Road. I come home from work every night and
ever since some other changes have been made to
the intersection of Alta Drive and New Rochelle
Road, which is one block from the site, I now
have to wait at California Road and New
Rochelle Road in two lanes of stopped traffic
while you still have two lanes of traffic
getting off of the Cross County Parkway all
merging into one single lane. Now, once that
traffic gets going, there's a traffic light
down by Elia Taverna and then you have
Hillcrest Road. I will not, as a resident of
that area, come out of Hillcrest Road and try

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to make a left-hand turn onto New Rochelle
Road. Currently, it is almost impossible to
make a turn onto New Rochelle Road from
Hillcrest. So what's the solution to that
issue if they bring in more traffic? Well,
eventually the solution is going to be people
are going to start calling for a traffic
signal. In my line of business where I work, I
happen to know how much it would cost the town

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intersection, and that's something that I don't
think the town wants to take on, because it
will probably be between 175 and $200,000 to do
the study and install a traffic signal at New
Rochelle Road and Hillcrest Road because they
want to put a store in there with no parking.

These numbers on the percentages, the
town has ordinances and they have ordinances
for a reason, and failing to meet these
requirements by more than 50 percent tells me
that it's a bad deal right there, right off the
bat. It's just something that shouldn't be
done. It shouldn't be squeezed into the
neighborhood, and without the parking it's just

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going to take a bad situation and make it progressively worse. That's all I have to say.

Thank you.

THE CHAIRMAN: Thank you for your time, sir.

(Appplause from the audience.)

MR. PIZZONIA: Thank you. My name is Mario Pizzonia. I live on Alta Drive also in Eastchester. Unfortunately, I wasn't here at the first meeting that went on. I was part of the notification. I wasn't able to make the last meeting because I was traveling for work, but I committed to coming this evening.

There's a couple of things that you may or may not have addressed during the previous meeting, but I thought I would just take a moment and share my perspective on this. The gentleman who spoke first that talked about the percentages that are outlined in this variance, let me summarize it: It's a 60 percent deficiency if you do the averages.

I know we don't work on this, but there's a gap of 60 percent.

Secondly, I'm sure that some of the

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things that may have been commented on that we as homeowners when we purchased our homes -- I've lived there since '96 -- were aware that the gas station is there. We know the stores are there, we know the gas station is there. So the current owner of the gas station needs to realize the limitations of that property when they purchased it. The limitations are such that you have sort of a strip mall there next door, J & G, you have a home right behind it, and you have a street. If I may point. If I may. There is nothing different here that's being displayed. This is exactly the way it is now. There is an entrance and exit right from that side of Hillcrest. There is nothing different here other than the sidewalk. Also, I don't know again if it was omitted, one gentleman mentioned the bus stop, there is also a Bee Line Bus stop there, okay, that's right in front of the gas station or close proximity to that. I don't know if that was mentioned in the presentation or previously. I'm just presenting it to the Board for consideration.

Also, someone mentioned about the

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current traffic flow. A couple of years ago living in Chester Heights having small children, we had a concern with the traffic and we asked the Eastchester Police Department and Lieutenant Hunter to increase patrols in the area, and they've done a phenomenal job of getting people going through red lights. So when they run a red light on New Rochelle Road, they get pulled over somewhere. Where are they getting pulled over? On New Rochelle Road.

Again, police officers have to be safe, they pull their cars out into traffic so they can write the tickets, which folks deserve. So now we're increasing traffic another layer. Again, not displayed anywhere in any of these diagrams. If they are, I apologize.

The other thing that's missing from this, and it may or may not be, I'm not an architect or an engineer, but I can tell you that -- again if I may point -- these two spots here, directly in front of that are garbage containers that are used for garbage. The trucks come 4, 5, 6:00 in the morning to dump, which they should because it's a business. My

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question is: Where are the dumpsters going to go now? Of course you're going to need a bigger dumpster because you have a bigger location. Where do we put the dumpsters? I don't know. Just a question.

I think the words that we used here "doubling" the traffic flow of a very tight location. It's limited. Just like I bought my house, it's limited. If I come to you for a variance, you'll decide on it. This is very limited. They can't knock down the building next door. They're literally on top of the neighbors behind them. There's a street here. There's nowhere to go. So unfortunately for the business owner when they bought the property, that was it, and now we as residents shouldn't be the ones that have to come out and say, we don't want this in here, this is why. We're trying to share that with the Board.

I also know at the last meeting -- I watched it on videotape as much as I could -- I know it got a little tense, let's say. We just want to make sure we're being heard, because this is in an area that's very busy.

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Last but not least, and I don't know if this is part of the application, maybe it is, maybe it isn't, I didn't read as thoroughly as the first gentleman did, but to put a convenience store there, the question is: What value will it bring to the neighborhood? Well, I don't know. I'm not a businessman. But I would say this: If it converts into a 24/7 convenience store, you have to consider the following: Directly across the street there is a park. There is nothing to stop anyone from going into that convenience store, buying whatever they want to buy, eating and drinking all hours of the night in the park. Is there any way we could police that? Absolutely not. The size of the convenience store that's in there right now is very, very small. I go in there to buy a newspaper, etcetera, and I could understand them wanting to expand it, but to expand it to that capacity is unreasonable. So with that being said, I would respectfully request that this application be denied for the variances that are proposed here in light of the fact that, as the first

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Thank you for your time.

THE CHAIRMAN: Thank you for your time.

(Applause from the audience.)

THE CHAIRMAN: Is there anyone else that would like to be heard on this application? Go ahead.

MR. CARROLL: Bill Carroll again.

24 hours, where are we on that? I heard that last time.

THE CHAIRMAN: That's not before this Board. We have nothing to do with that. We're hearing parking, traffic, and the variances for the side and rear yard setback. That is it. We have nothing to do with that.

MS. UHLE: I can tell you if it moves on to the Planning Board, the zoning law gives them explicit authority to limit those hours of operation. I've already indicated to the applicant that the Planning Board will not approve a 24-hour operation. They've indicated that they will agree to limit the hours. The police department has also indicated to me that

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1
2 what he said.
3 MR. CARROLL: Well, he said something
to that effect.
4 THE CHAIRMAN: I would like to cut
5 that off, if you don't mind.
6 Mr. Carroll: Let me finish and then
7 you could comment.
8 THE CHAIRMAN: Your right is not
9 unlimited, so go ahead.
10
11 MR. CARROLL: When he said that --
12 when he said that, we asked to respond to that,
13 but at that point the quote, public hearing was
14 closed.
15 THE CHAIRMAN: That is false as well.
16 The public hearing wasn't closed. I was asking
17 for no crosstalk when someone else is speaking
18 because, A, the public can't hear it, and B,
19 there is a manner in which to conduct a
20 meeting, and that is not a way in which to
21 conduct a meeting, and this meeting will not be
22 conducted that way, and there should be no
23 offense taken when someone asks others to
24 elevate their behavior. I always want my
25 behavior to be elevated, and no one should be

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1
2 offended when you ask people to behave in a
3 certain manner.
4 MR. CARROLL: Right.
5 THE CHAIRMAN: I heard every word he
6 said and there was zero wrong with what he
7 said. It should not be taken personally. He
8 was commenting on the history and evolution of
9 the site. He was not saying, you did this. He
10 didn't say that. I know we're a little
11 sensitive because it affects our neighborhood.
12 I live in Eastchester, okay. I live on the
13 north side on Park Drive. I have the carnival
14 in my ear for four days, and I have what I call
15 the north star where I don't need any
16 electrical in the back of my home because of
17 the tennis bubble. So I get it. We don't come
18 here, make decisions, and then go home. We
19 live in the community. I'm 21 years in this
20 community. So when someone asks people to
21 elevate their behavior, they should be happy to
22 do so, not be angry about it. Okay?
23 MR. CARROLL: Now I listened to you
24 respectfully, and I would ask you to just
25 listen to me once more.

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1 THE CHAIRMAN: If it's about the
2 application, fine. I don't want to get any
3 further discussion about what Mr. DeMarco said,
4 because he's not here to defend himself as
5 well. I heard what he said. It was commentary
6 on the evolution of the property. I will not
7 hear anything more about that. So continue.
8 MR. CARROLL: Okay. He made it
9 personal, that's what I will say. Go back and
10 listen to it.
11 THE CHAIRMAN: I respectfully
12 disagree, and we're wasting time.
13 MR. CARROLL: We agree to disagree.
14 He made it personal. You should go back and
15 listen to it, and if it is personal, you should
16 give an apology.
17 THE CHAIRMAN: I don't need to go back
18 and listen to it, I was here live.
19 MR. CARROLL: Just listen to it. I
20 heard it.
21 THE CHAIRMAN: Look, we're not going
22 to win at who gets the last word, because I
23 just did. I heard it and you are incorrect.
24 Does anyone have anything else to say

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1 on this application? Ma'am, please.
2 MS. MIELE: Good evening. I'm Susan
3 Miele. I'm shorter than most, I guess. I live
4 on Archer Drive in Chester Heights, and I want
5 to echo what everybody else has said here
6 tonight. I won't rehash it, because everybody
7 wants to move on, but I do just want to add a
8 consideration about the bus routes for the
9 school buses. As you may be aware, we talked
10 about the bus stop on New Rochelle Road, but
11 additionally, a change that developed in the
12 last couple of years for the Tuckahoe Schools,
13 which that bus route serves, is that there are
14 now two loops, as they're referred to. So the
15 bus goes to part of Chester Heights and then
16 goes back to the school and then goes to a
17 different part of Chester Heights and goes back
18 to the school. As it is, the children are
19 affected by this because they have to sit at
20 school and wait for the buses to come back and
21 get them or bring back their peers, and any
22 delay that's further caused by additional
23 traffic is going to have he deleterious effect
24 on the student's arrival time for school and

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1
2 their arrival time at home. There are some
3 people in the community who spend maybe an hour
4 a day killing time waiting for this two loop
5 bus system to get everybody to and from school,
6 and if you add in the fact that there are all
7 these traffic issues that we’re looking at
8 currently and we’re looking at the possibility
9 of those being worsened, those buses could get
10 backed up and they may not make it back to
11 school in time.
12 So I hope that any decision that may
13 be made in favor of this application, and
14 hopefully at this point there’s enough evidence
15 to justify not approving this applicant, I hope
16 will be taken into consideration and talk to
17 the school administration and maybe the bus
18 company about how these changes might affect
19 them as well. Again, I want to echo everything
20 that was said, I don’t want to rehash it, but
21 it’s all very valid. Thank you.
22 THE CHAIRMAN: Thank you for your
23 time. Is there anyone else that wants to be
24 heard? Anybody?
25 (No comments.)

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1
2 THE CHAIRMAN: Okay, seeing no one
3 further, is there a motion to close the public
4 hearing portion of this application?
5 MR. MILLER: So moved.
6 THE CHAIRMAN: By Mr. Miller. Is
7 there a second?
8 MR. NURZIA: Second.
9 THE CHAIRMAN: By Mr. Nurzia. All in
10 favor.
11 (Aye.)
12 THE CHAIRMAN: Okay. So comments from
13 the Board; Mr. Cahalin firstly.
14 MR. CAHALIN: As I said in the past,
15 we live in the community, we understand, we’ve
16 been down there for a year almost looking at
17 this thing on and off, and it’s hard to
18 balance. We understand that they can’t use it
19 as a gas station unless they get a different
20 type of variance, which is a much harder
21 variance to obtain. So that’s one
22 consideration, I guess, that the applicant had
23 to face. We hear the people all the time. As
24 the Chairman says, we live here, we understand.
25 We live with the same things that we approve.

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1  meetings, I'm on that road every day. I know
2  what the traffic is like. I crawled around in
3  the back of the Mobil. I know how far the
4  fence from the garbage station is. I've been
5  there like five or six times. I've parked my
6  car. I moved it in and out. I grilled Mr.
7  Grealy in the beginning of these sessions, you
8  know, how do you turn a car; you don't turn a
9  car. So we take things very seriously. We
10  live here. We understand it. This board I've
11  been on five years. I can tell you from
12  presenting to other boards in my profession,
13  this board is extremely serious in applying the
14  facts to the law, hearing the people to try to
15  make the best decisions we can. We're going to
16  do that again. If you follow the board in the
17  past two years, we've had some extremely
18  controversial applications. We've worked
19  really hard to get the right results. We're
20  going to continue to do that.
21  
22  Mr. Grealy has been tremendous with
23  the assistance he's given us. Comments here
24  have been tremendous. There's things that we
25  didn't know that we know. I have to be honest

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1  is the right time to raise it, but somebody
2  mentioned that there is a Bee Line Bus stop,
3  I'm not sure in relation to this spot in
4  particular, but that's something I'm concerned
5  about. I'm not sure if Mr. Grealy has any
6  information on that now or if that's something
7  for the applicant to give us some information
8  about that, but I would like to get a little
9  clarification on that. That's my comment.
10  
11  THE CHAIRMAN: Thank you, Mr. Nurzia.
12  Any time an application like this comes before
13  the Board, the applicant is a resident and
14  they're a member of Eastchester and they're
15  looking to do something with their property,
16  and then there's the surrounding area residents
17  who are residents and also affected. You're
18  comments are given a tremendous amount of
19  consideration and weight. Among the three
20  issues I see, in descending conflict, the
21  easiest was, for me, the parking issue. I
22  think at the beginning it looked like a fire
23  drill the way it was being proposed. I think
24  with the assistance of the Board, Mr. Grealy,
25  and the applicant being flexible, I think the

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1  with you, the young lady who just mentioned the
2  bus route, again, that is not something we
3  could really do much about, that's a school
4  district issue, but we take into consideration
5  it may affect traffic. Everything you gave us
6  is helpful. So I just want you to know that my
7  colleagues here are extremely serious in what
8  they do. We study these things very hard, and
9  we'll do the best we can.
11  
12  THE CHAIRMAN: Thank you for your
13  consideration, Mr. Miller. Mr. Nurzia?
14  
15  MR. NURZIA: Just to restate the prior
16  comments. I mean, this is a tough case. I
17  mean, you've got conflicting interests here,
18  and we're trying to balance everything. We're
19  taking these facts in, we're reviewing them,
20  and we are applying the facts to what's in
21  front of us. From the first submission to the
22  latest submission by the applicant, I mean,
23  it's been like night and day. They've modified
24  it many times based upon our concerns. So they
25  have been following what we're saying and the

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irrespective of whether or not 25 or 30 or 15
are new, there are so many different dynamics,
some of which were raised tonight reminded me
about buses and police pulling people over and
other issues, that it’s the chaos theory: When
you’re putting more things together, you have
more things that could go wrong. That’s the
largest concern I have with the traffic, and to
echo Mr. Nurzia’s concern, it’s something that
I’m going to need to think about in considering
this application.

The only comment I have that affects
this site, again, goes back to my comment about
the fact that the applicant is a resident and
the bays are an antiquated use. We may like to
have someone who’s been there for 90 years
making buggy whips, but no one needs a buggy
whip anymore, and these bays are not used. I
saw what happened at a site that I drive past
on 22 on the way home every day and that --
again, I’m a public official so this may not be
as dignified as the manner in which I want
people to speak -- to me it looks awful. That
site has abandoned bays and nothing is going
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on. It looks terrible. So I think about that.
Again, getting back to my comment,
it’s the traffic that is the biggest concern
for me, and I’ll revisit that, as Mr. Nurzia
commented, and I’ll review Mr. Grealy’s
commentary, but that is it.
I make a motion for a resolution at
the next --

MS. UHLE: I think Mr. Grealy may be
able to respond to Mr. Nurzia’s comment and
also maybe clarify this issue about whether
there’s potentially 25 or 50 additional.

THE CHAIRMAN: That’s fine, but I need
to know first, is Mr. Grealy a Met fan?
MR. GREALY: I’m sorry.

THE CHAIRMAN: Are you a Met fan?
MR. GREALY: I like baseball.

THE CHAIRMAN: Good. So that means
you’re going to be concise.
MR. GREALY: Maybe I’ll just go in
reverse order.

Relative to the number of trips that
are new for a site like this with the volume
that’s on the roadway today, again, they’re
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MR. GREALY: Correct. When I talk about the 70 percent, that’s what we see. I mean on some roads on a site like this, there is no new traffic. It’s all pass by or what we call diverted trips. So, for example, you may have a diverted trip. Let’s say someone on Alta Drive says, you know what, I like the coffee in that convenience store now, so they may go there and stop and get the coffee even if they are heading back to the Cross County Parkway. So that would be a diverted link trip, because right now they’re not passing the sight but they could come out of Alta, come over, make a right turn, come in, if they desire to. But at this site what I was saying

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MR. MILLER: Here is something which I see every day, you see this all the time, Starbucks licenses itself now to almost anybody, Dunkin Donuts licenses itself now to almost anybody; the wild card here, and I don’t know if they’re going to do it, but if they

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MR. NURZIA: No.
THE CHAIRMAN: So I move to read a resolution and vote on this application at the next meeting. Is there a second to my motion?
MR. CAHALIN: Did we close the public hearing?
THE CHAIRMAN: Yes, we did.
MR. CAHALIN: I missed that.
THE CHAIRMAN: Are you going to second my motion?
MR. CAHALIN: I will.
THE CHAIRMAN: Mr. Cahalin. All in favor.
(All aye.)
THE CHAIRMAN: Okay. Next item, 15-43, 79 Maple Street. Okay. I'm sorry, Mr. Cotugno, we were waiting for the crowd to disperse.
MR. COTUGNO: Good evening. My name is John Cotugno. I'm the architect. With me tonight is one of the homeowners, Noah. He bought this house a couple of years ago. He built a detached garage in the back for his commercial construction vehicle and DINA M. MORGAN, REPORTER

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there was a curb cut already, of course, for the existing garage, but he wants a second curb cut. That curb cut always existed. It was an easement to the commercial property on White Plains Post Road. So he would like to turn that curb cut into a second driveway and that's why we're here. There's an ordinance in Eastchester you could only have one driveway per house.
THE CHAIRMAN: Mr. Cotugno, may I just make a point? Distinguishing the easement or right-of-way, was there actually a curb cut?
MR. COTUGNO: Yes, the curb cut was there.
THE CHAIRMAN: Thank you. I'm sorry to cut you off. I just wanted to make sure. MR. COTUGNO: The curb cut has always been there. In fact, it wasn't only an easement, that was a separate piece of property that was deeded to this property. So the property came with two curb cuts. The reason why, again just to reiterate what you asked for last time, what we spoke about last time is the main door to the house where there's a kitchen
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people in Eastchester that are here? 14,000, I think. Another 14,000 people could come and apply for another curb cut with similar circumstances. I wonder how many more types of applications we'd see and we would be creating a situation that we don't have right now.

That's my concern.

THE CHAIRMAN: Thank you, Mr. Cahalin.

Mr. Miller?

MR. MILLER: I have no questions.

The CHAIRMAN: Mr. Nurzia?

MR. NURZIA: I have one question.

It's probably more of an esterotic type question, but where that curb cut is right now where you've parked the truck and there was a backhoe I noticed yesterday, even though you mentioned that it's gone now, but that was part of an easement that connected to a property further back?

MR. COTUGNO: Commercial property.

MR. NURZIA: That was just an easement from getting from point A to point B. Was the easement ever part of the right to park a car there?

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MR. COTUGNO: It was more than an easement, it was an unpaved path.

MR. CAHALIN: So it was a shared driveway.

MS. UHLE: Can I clarify something?

It wasn't really an easement. Urstadt Biddle, which is the property behind --

MR. CAHALIN: It was a flag lot.

MS. UHLE: -- owned that strip of land. Yes, it was more like a flag lot.

MR. CAHALIN: It was a flag lot.

MS. UHLE: I believe at some point there was a utility main that went through there, so it allowed access from Maple Street through to Urstadt Biddle for maintenance purposes. I don't think it was used very often, if at all, and it was sort of a grassy gravelly type.

Then a couple of years ago, Urstadt Biddle purchased the current homeowner's property, subdivided it, and as part of that subdivision approval the front part of that flag type lot was merged with the current owner's property, and I think at that time when

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it was merged the Planning Board -- it never occurred to anyone that somebody would use that as a driveway. It just added 20 feet to the green space and the yard. So it was never really a driveway, it was an access way, and it was owned by Urstadt Biddle, and then merged during a subdivision approval process a few years ago with the current owner's property.

MR. NURZIA: Actually, I got the answer from her. That's it. Thank you.

THE CHAIRMAN: Thank you, Mr. Nurzia.

I don't have anything at this time. The public hearing is open. So is there anyone from the public that would like to speak on this? Sir, come up, give me your name and address for the record, and make your comments.

MR. PHILIPS: My name is Ralph Philips, and I live on Shady Lane. I just have a bit of confusion. I was looking at the Google street view of the site and I didn't see an existing curb cut where this was. I just saw a wall. So I'm just confused about that, what the deal was there.

MS. UHLE: I also check everything now

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on Google Earth. When I look at Google Earth, I can see the curb cut and I can see the -- you can sort the old right-of-way or the old gravelly street there. It may just have been you're oriented a little bit differently. When the photographs were taken for Google Earth, it wasn't the same address. It's immediately adjacent, so you kind of have to move in between the two homes to see it.

MR. PHILIPS: Thank you.

THE CHAIRMAN: Thank you, sir. Would anyone else like to speak on this application?

(No comments.)

THE CHAIRMAN: Okay, seeing no one further, is there a motion to close the public hearing on this application?

MR. CAHALIN: So moved.

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

MR. NURZIA: Second.

THE CHAIRMAN: Mr. Nurzia. All in favor.

(All aye.)

THE CHAIRMAN: Okay. Back to the
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Board for any comments or questions; Mr. Cahalin?

MR. CAHALIN: I said my piece.

THE CHAIRMAN: Mr. Miller?

MR. MILLER: No. Just to follow-up on Mr. Cahalin’s comment; has the Department of Highway weighed in on this?

MS. UHLE: They’re very uncomfortable with it, I think for the reasons that Mr. Cahalin stated. It is something that I think a lot of residents want to do, because everybody is trying to find additional areas on their property for parking. It’s a little bit of an awkward situation, because the Highway Department typically would have to for a curb cut grant a permit, but actually the curb cut already exists there, but on their right-of-way if they wanted to come and install a curb, they could also deny the applicant the ability to pave within the right-of-way there. So even if the Zoning Board granted the variance, it’s a little bit awkward in working with the Building Department whether they’re willing and able to grant the permit to pave within the

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right-of-way.

MR. MILLER: No questions.

THE CHAIRMAN: Mr. Nurzia?

MR. NURZIA: No questions.

THE CHAIRMAN: And I have nothing further. So I’ll make a motion to adjourn this application for a resolution and vote at the next meeting. Is there a second?

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Thank you. Last item under old business, 15-45, 152 Summerfield Street. Mr. Cotugno.

MR. COTUGNO: I’m still here. John Cotugno. My client is walking up, Steve Farley.

We’re here to get a variance or several variances related to parking and the width of the driveway and vegetation, a total of five, and we were here last month. The purpose is to create a fifth apartment in this four residential units to turn it into five

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Department. It's dangerous for them. You have to understand, you know, a typical fire you're fighting fire level or maybe going up, like I said, everything is venting up so it's easy for them to attack moving the hose line to attack that fire. Going into a basement apartment, all that heat, everything is coming up at you, and you're going down fighting it. So two things right there I'm not sure if anybody considered, but I just want to bring that up to you guys.

Another point: We're voting on school bond in a week for $22 million because of Eastchester's escalating school enrollment. I just think it's a bad precedent to set to have landlords, you know, that they could, you know, just make an apartment in every little nook and cranny of a building now. I know it's legal. I talked to Margaret and she said you can do it with a certain amount of egress and windows, but I just think it's bad to set the pace. When other people own these types of, you know, multi-families see this, then what stops them from coming in and wanting to make their...

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basement apartments legal?
The last thing is, I mean, it's a five unit apartment building, I think the guy is doing pretty good, I mean, to squeeze one more apartment out of there I think it's just a lot to ask for. That's it. Thank you.

THE CHAIRMAN: Thank you for your time. Would anyone else like to speak on this?

Mr. Sweeney, would you like to come up and state your name, even though we know who you are, and address.

Mr. Sweeney: Frank Sweeney, 22 Lakeview Avenue.

In reading the request for variances for a downstairs apartment, it seems like the variance requested is substantial. Now, I'm not sure whether these were required before he put the apartment in or as a subsequent event that he now needs this many variances, but I would like to just raise a few questions. What is the footprint of the building and what is the size of the apartment that he is going to put in there? Number of rooms? Joe mentioned the egress. Is the egress available from the...

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2 of those apartments.
3 MR. SWEENEY: I think it's really at a
4 point, particularly with the people in the
5 north end that have had it, just about have had
6 it. Summerfield should really be a rose garden
7 because there is nothing left. This particular
8 application, he has people -- not to his -- he
9 has people backing out over the sidewalk to get
10 into the parking spaces. I know he's a good
11 tenant, he keeps the building nice, but the
12 idea of this is overkill, and that's what we're
13 really here to talk about. Is this application
14 overkill in reference to the building that's
15 there now in the surrounding areas? This
16 building is going to be right next door to a
17 $17 million senior citizen proposal, you're
18 going to have cars parking on the sidewalk? We
19 fought tooth and nail to have parking put down
20 underneath the building, and now we're
21 continually chipping away and having cars park
22 out on the right-of-way of the property.
23 So I ask you to take into
24 consideration that I believe this particular
25 application is overkill for the building that

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2 he's trying to extend for one additional
3 apartment. I would really like to know the
4 footprint of what the basement looks like now
5 and the footprint of what the apartment looks
6 like. It's a very simple question. Do we have
7 the answer?
8 MS. UHLE: I think John can address
9 that. John, can you explain --
10 MR. COTUGNO: What was the question?
11 MR. SWEENEY: The question was: What
12 is the footprint of the building, the basement?
13 MR. COTUGNO: Oh, the footprint.
14 About 600 square feet.
15 MR. SWEENEY: And the apartment?
16 MR. COTUGNO: There are three egresses
17 from the apartment. You mentioned egress.
18 There are windows.
19 MR. SWEENEY: There are windows.
20 That's great.
21 MR. COTUGNO: And a sprinkler system.
22 MR. SWEENEY: And the size of the
23 apartment?
24 MR. COTUGNO: I said 600 square feet.
25 MR. SWEENEY: What is the overall size

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2 of the basement? The footprint of the
3 building.
4 MR. COTUGNO: There is one room that
5 will be a utility room and one room would be a
6 storage room that is not included in the 600
7 square feet.
8 MR. SWEENEY: So it's a modest sized
9 apartment?
10 MR. COTUGNO: Yes.
11 MR. SWEENEY: Okay. The egress is in
12 the front or rear of the building?
13 MR. COTUGNO: There is one in the
14 rear, there is one on the right side, there is
15 one on the left side. All three sides.
16 MR. SWEENEY: Do they have external
17 windows?
18 MR. COTUGNO: Yes.
19 MR. SWEENEY: They do.
20 MR. COTUGNO: Three windows.
21 MR. SWEENEY: Okay. I said my piece.
22 THE CHAIRMAN: Thank you, Mr. Sweeney.
23 MR. SWEENEY: Thank you.
24 THE CHAIRMAN: Please.
25 MR. GALANEK: Good evening, Charlie

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2 Galaneck, Potter Place. Echoing basically what
3 Frank said. Of course, I agree with what he
4 said.
5 When do we say, hold on partner? When
6 is that ever going to be heard? We have a
7 deficiency in parking to begin with.
8 Summerfield is coming up now and we know that
9 if you follow that through, which you did,
10 you'll know that the owners of that project are
11 saying to their future tenants they're going to
12 give them a reduction in rent if they don't
13 park there. All right, so that's nice; where
14 do they park the cars? On the street. What
15 happens in the winter time? They have to park
16 someplace. Here you have five apartments and
17 now we're going for six. Is it that we have to
18 always worry about a person that owns something
19 and wants more from that investment? When do
20 we say, enough is enough? Right now we're
21 squeezing how many cars and there's only about
22 four spaces there and we're going to 55 percent
23 deficiency? We know what Summerfield is.
24 Frank explained. We all know Summerfield
25 Gardens and the restaurant up above. That's

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not even saying anything about the businesses that are there during the day. For all of you that are familiar with the north end, you see what happens. It's a rippling effect. So then they come to the Traffic Board, Traffic and Parking Board, and they ask for -- the people want relief that live on those streets as these cars continue going north. So you park for two hours and then they have to move the cars.

Then they go to another street that has no signs. Sooner or later, this town is not going to have anything but signs because there won't be any more available parking. I think this is where we have to start drawing the line in the sand and say, when is enough enough?

When it comes to parking when you sign off on these things it's done, and then they come to us in the Parking and Traffic Committee and then they want more spaces, they want this. Where are we going to park in town? You're all familiar with the limited space that we have. I'm asking you now, please, all these residents that are coming up, both residential and businesses, to really consider the parking when

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someone is going and blowing it out 55 percent more. Thank you.

THE CHAIRMAN: Thank you for your time. Is there anyone else who would like to be heard on this application?

(NO comments.)

THE CHAIRMAN: Okay, seeing no one further, is there a motion to close the public hearing on this?

MR. CAHALIN: So moved.

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

MR. MILLER: Second.

THE CHAIRMAN: Mr. Miller. All in favor.

(All aye.)

THE CHAIRMAN: Okay. Final comments from the Board; Mr. Cahalin?

MR. CAHALIN: Yeah. I didn't like this plan when I got it the first time, and I still don't like it. To put in four or five bushes in the front of the building, I had a problem with the side not being landscaped. It's a 10 foot driveway where there's supposed

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to be 12. There's a variance to be able -- they can't turn around on the property. They got to back out of the property. You know, unlike the rest of you guys, I did vote no on Summerfield, if you're aware of that. I did vote no on 185 Summerfield, okay.

I think the north end has an issue and this to me is just another -- this just doesn't work. I don't see how we could grant this variance. It's my own personal opinion. This is a problem. This shouldn't be. I'm not trying to diminish the man's ability to earn money in any way, but these variances, to me, are too substantial, and I think it's time -- at least I'm going to tell you right now when this resolution comes up I'm voting no. I'm getting tired of trying to put five pounds of crap in a two pound bag. That's what we're doing here. We continue to do that to the north end and that's the way I feel. So I'm done with this application.

THE CHAIRMAN: Thank you, Mr. Cahalin.

MR. MILLER: I have no comments.

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THE CHAIRMAN: Okay. Mr. Nurzia?

MR. NURZIA: I don't have any comments.

THE CHAIRMAN: Okay. I just have one.

I appreciate when the public turns out, and Mr. Sweeney, Mr. Galanek are fine examples of what you want in your community, people who care about your community. For me, I just want to be clear on something. In the last two years, there have been four applications on Summerfield; two of them have been denied, and --

MR. CAHALIN: Which two?

THE CHAIRMAN: There was a use variance on a basement apartment and there was one that was seeking additional law office parking.

MR. CAHALIN: The law office was not on Summerfield, it was Harney Road.

MS. UHLE: That was Brook Street.

MR. CAHALIN: It's not Summerfield.

THE CHAIRMAN: Okay.

MR. CAHALIN: I voted no on that one too.

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THE CHAIRMAN: Summerfield Gardens was as of right. My point is --

MR. CAHALIN: No, it wasn't.

THE CHAIRMAN: The use of Summerfield Gardens was as of right.

MR. CAHALIN: Not the parking.

THE CHAIRMAN: The use of Summerfield Gardens was as of right.

MR. CAHALIN: I don't want to argue with you, Alan, it's already a done deal.

THE CHAIRMAN: There is actually nothing to argue about. The use of Summerfield Gardens --

MR. CAHALIN: We can argue. You're an attorney and I'm not, so we can argue.

THE CHAIRMAN: I'm just telling you that the use -- my point is, whether I have to clarify for the public or a board member, that each application is determined on its own merit. There is no preexisting condition toward or disposition toward having a decision in a certain area on the north end. So I want to clarify that. Again, I voted no on two out of the four applications in this area. So each

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application gets heard on it's own and on it's own merits.

MR. CAHALIN: And on its own merits these variances are very tough to accept.

THE CHAIRMAN: And that's why there are five members of the Board and that's why your input is appreciated. You put the time in, you go to the sites, you get chased by dogs, you give us wonderful metaphors that sometimes don't meet the dignity that I'm asking for, but that's fine. You're a valued member of this Board.

MR. CAHALIN: You can stop blowing smoke.

THE CHAIRMAN: And that's it. Anyway, anyone else?

(No comments.)

THE CHAIRMAN: Thank you. I'm making a motion to have a resolution heard and voted upon at the next meeting on this application.

Is there a second?

MR. MILLER: Second.

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

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CERTIFICATION

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of October, 2015.

DINA M. MORGAN
Court Reporter