STATE OF NEW YORK
COUNTY OF WESTCHESTER
TOWN OF EASTCHESTER
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TRANSCRIPT OF
THE ZONING BOARD OF APPEALS MEETING
OCTOBER 13, 2015

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

B E F O R E:

ALAN PILLA, CHAIRMAN
JOSEPH MILLER, MEMBER
MICHAEL CAHALIN, MEMBER
PETER NURZIA, MEMBER

P R E S E N T:

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

TOWN OF EASTCHESTER
BUILDING AND PLANNING DEPARTMENT
OCT 30 2015
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DINA M. MORGAN, REPORTER

THE CHAIRMAN: Good evening, everybody. Welcome to the October 13th, 2015 town of Eastchester Zoning Board of Appeals 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/one

vote, a two/two is a denial. So if you are here, then I'll give you the option. If you're not, then we're going to go to resolution.

So let's start with old business: Item 1, 15-57, 277 White Plains Road; is the applicant here?

Okay. We're proceeding to resolution.

Item 2, 15-42, 33 Lyons Road; is the applicant here? Mr. Cotugno, do you want to proceed to resolution?

MR. COTUGNO: Yes.

THE CHAIRMAN: Okay. Number 3, 15-46, 28 Downer Avenue; applicant?

Okay, that will also proceed to a resolution and a vote.

Number 4, 15-74, 79 White Road; is the applicant here?

Okay, that's proceeding to a resolution.

Number 5, 15-55, 675 White Plains Road.

Same thing, we'll go to resolution.

Number 6, 15-56, 3 Interlaken Drive; applicant, are you ready to proceed? Okay.

Items under old business: Item 7, 13-36, 504 New Rochelle Road; is the applicant here and ready to proceed? Okay.

Number 8, 15-43, 79 Maple Street; ready to proceed?

Number 9, 15-45, 152 Summerfield Street; proceeding?

Under new business, Number 10, 15-62, 7 Howard Avenue; ready to proceed? Great.

So before actually we start with the old business and the resolutions, is there a motion to approve the minutes from the September 8th, 2015 meeting?

MR. CAHALIN: So moved.

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

MR. MILLER: Second.

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

(All aye.)

THE CHAIRMAN: Minutes have been approved. Okay.

Item 1, 15-57, 277 White Plains Road. There is a resolution that is part of the

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.

MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Miller.
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nurzia.
MR. NURZIA: Yes.
THE CHAIRMAN: I vote yes. That's been approved four nothing.
Item 4, 15-54, 79 White Road. There's a resolution denying that application as part of the record. Your vote if you agree with the denial is yes; your vote no means you are with the applicant. So, Mr. Cahalin, your vote.
MR. CAHALIN: I vote yes.
THE CHAIRMAN: Mr. Miller.
MR. MILLER: I vote no.
THE CHAIRMAN: Mr. Nurzia.
MR. NURZIA: Yes.
THE CHAIRMAN: I vote yes. The application has been denied three to one.
Number 5, 15-55, 675 White Plains Road. A resolution has been made part of the record approving that application. Mr. Cahalin, your vote.
MR. CAHALIN: I will vote yes.

THE CHAIRMAN: Mr. Miller.
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nurzia.
MR. NURZIA: Yes.
THE CHAIRMAN: I vote yes. Your application has been approved four nothing.
Last item on old business, Number 6, 15-56, 3 Interlaken Drive. There is a resolution that approves that application as part of the record. The vote: Mr. Cahalin.
MR. CAHALIN: Yes.
THE CHAIRMAN: Mr. Miller.
MR. MILLER: Yes.
THE CHAIRMAN: Mr. Nurzia.
MR. NURZIA: No.
THE CHAIRMAN: And I vote yes. That application has been approved three to one.
We're going to take one item out of sequence tonight because of the nature of the calendar, and we're going to hear the application under new business of 7 Howard Avenue. I ask the applicant to come up and state your name for the record.
Just to let you know while you're

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 tonight. 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.

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

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.

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,

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

slightly this way. You can't see my mouse up there, can you?
MR. CAHALIN: No.
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.
THE CHAIRMAN: If I may interrupt. You can also point it out on the board if you would like.
MS. MARTIN: Can that switch back and forth, because nobody will be able to see it?
THE CHAIRMAN: I'm not sure. Gary, how advanced are we? Can we go back and forth? Pardon?
MR. TUDISCO: There may be a delay.
THE CHAIRMAN: You know something, I apologize. Why don't you finish. I didn't mean to derail you. Go ahead.
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.

We are not changing the amount of fuel dispensers or the canopy above them. We are making some traffic changes and some landscaping changes.
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.
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.

It's just a jurisdictional thing as to whether or not those are counted. In some jurisdictions those would be counted. In that case we would have 14, which is the required minimum. It's our experience that people tend to park, get gas, and then go into the convenience store. So they somewhat act as parking spots. We have also gone back and forth and at some point had additional parking that has been removed in favor for landscaping. So that has been a back and forth between the town and us.
The second variance is the building setback distance from the zone R-5 property. The dark gray line is the property zone distinctions. To the left is R-5 and to the right is RB. So our property is adjacent to two different zones. The variance is only for zone R-5. In zone RB we are compliant. In the red you can see the exact area where the setback will be 5.5 feet as proposed. Currently, the setback is 20.5 feet, which is already an existing non-conformity. I would like to point out that although that property

is R-5 and it is a one family district, it is currently being used for commercial use, which you can see here you have J & G Deli and Elia Taverna, and the various businesses between them in that little shopping center. So although it's a family residence district, it's being used commercially, which is the same for RB.
The parking setback distance, that variance is also for the small portion of the parking that's abuts R-5 as opposed to RB. As you can see circled in red, it is half of the handicapped spot and the loading for that handicapped spot. That is 5.5 feet as opposed to, I believe, the required 20. Again, it conforms for RB, which is directly next to it.
The last variance is for the backup aisle width. This is just given the nature of the site, the current location of the dispensers, and the ability to put as much parking as possible on the site. Again, this is the proposed site alterations when everything is done. That's it for me for right now.

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.

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.

Last September, we did traffic counts at the existing site to document what kind of traffic is generated at this site today with the gas and the small convenience operation that's there today.
In our October letter, I think it was October 27, 2014 letter, we outline the documentation of existing traffic conditions. We don't only rely on our own data. In this particular case, Westchester County also has some historical traffic count data. If we just focus on the site location for a minute, again, Cross County Parkway, the exit ramp, and our site is here at the corner of Hillcrest adjacent to the shopping center. So on this section of New Rochelle Road today handles somewhere between 14 and 15,000 vehicles per day, okay. That's what's called an average daily traffic. That's based on the County information. During peak hours, and when I talk about peak hours because that's what we usually focus on in terms of traffic and traffic generation, we have morning commuter hours generally between 7 and 9, and afternoon

commuter and other traffic hours primarily between 4 and 6 p.m., during those time periods on this section of New Rochelle Road, there's somewhere in the order of -- varying, you know, on the particular hour -- between 1300 and 1500 vehicles per hour. That's total both directions passing this site. In the morning, the split is slightly different than the afternoon. However, that's the amount of volume that's there today.
This site today, based on our counts last September, September of 2014, generates somewhere between 20 to 30 vehicles entering and a similar number of vehicles exiting in a one hour period. I always talk about a peak one hour period. So, for example, between 8 and 9 in the morning, 8 a.m., 9 a.m., we observed somewhere around 25 to 30 vehicles entering and about the same number of vehicles exiting. So the site is generating traffic today.
We also compared those with what's called the Institute of Transportation Engineers, which we use. If this was a vacant

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

in and out of the site.

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

conflicts.

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

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

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

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.

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

this one, and if it was one way, then we wouldn't have any point of conflict.

THE CHAIRMAN: Thank you, Mr. Grealy. Okay. Mr. Cahalin -- I'm sorry.

MS. UHLE: One other quick comment not really related to the variances specifically, but I did want to mention that we also did require that the applicant retain a licensed landscape architect to do a landscape plan for the site and also to look at how to clean up some of the existing wooded areas and existing shrubbery, which if you grant the variances will be subject to the review of the Planning Board, but they were accommodating as far as that was concerned.

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

applicant right now was -- last winter was piling the snow, so these spaces were not usable. So we looked for areas on the site where snow could be stored. The problem is that, you know, if you're going to store them where these landscape islands are that there's limited area. We had made a recommendation that one of the conditions if this was ever approved, is that the applicant be required to remove the snow off site so that you would have the spaces available, that circulation could be maintained. When you go through a winter like last winter, those piles can get pretty high. So I forget the exact language, but it was that within a certain amount of snow fall that the applicant would actually have to remove the snow from the site to make sure that this plan was kept intact in terms of the spaces available.

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.

MR. GREALY: That's correct.

THE CHAIRMAN: Thank you, 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. GREALY: 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 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. GREALY: Absolutely.

THE CHAIRMAN: Thank you for your testimony. As usual, concise and to the point.

MR. MILLER: Mr. Chairman?

THE CHAIRMAN: Yes.

MR. MILLER: So everybody understands, we've had an opportunity to speak with Mr. Grealy extensively through prior presentations. So ordinarily there would be a lot more questions the Board would be asking of him, but we have already -- he's answered a majority of those questions already. So I don't want anyone in the audience to think or interpret anything from our absence of questions.

THE CHAIRMAN: Thank you, Mr. Miller. All that testimony is part of the public record.

MR. GREALY: Our input, I think the Board had some very good comments that we incorporated into our memos in the follow-up meetings that we had.

THE CHAIRMAN: Yes, I remember. I made most of them. Thank you, Mr. Grealy.

So we're going to continue now with the public hearing portion since the public

hearing is open. What I'll do is anyone who wants to speak on this application if you raise your hand, I'll recognize you, come up, state your name and address for the record, and away you go. So who wants to be heard on this application? Anybody? Sir.

MR. MAGLIANO: Good evening. My name is John Magliano, and I reside at 100 Parkview Drive in Chester Heights. I've lived there for 45 years.

I would like to start by thanking Mrs. Uhle for helping getting information to me in a very timely manner. I really appreciate it.

MS. UHLE: You're welcome.

MR. MAGLIANO: Mike Iannella owned and ran the gas station in question successfully from before I moved in 1970 until he sold it in 2011. During those years and right up until the day he sold, the two repair bays were in constant use. From what I recall, the use of the service bays for automotive work ended when the station was sold.

At the current time in Eastchester, Bronxville, Tuckahoe, Pelham, and Scarsdale,

there are at least 16 service stations doing repair work while also selling gas. This is important, because at least two times during the previous five hearings on this application one of the reasons for converting it to a convenience store is that, quote: No one uses local service stations anymore. I have one 10 year old car and one 50 year old car. I use local service stations.

It has been noted that since the station has not been used for repair work for the legally prescribed period of time, it can no longer be used as such without seeking a use variance. I suggest that the applicant seek a use variance. The neighborhood lived in harmony with a well run repair shop for at least 41 years prior to this sale and probably a lot longer than that. I'm sure that station dates to the Forties, and I believe Hanna across the street dates to the Thirties, if I'm not mistaken.

The zoning code states in making its determination as to the granting of an area variance, the Zoning Board of Appeals shall

take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health and safety and welfare of the neighborhood by such a grant. You've heard a number of neighbors speak here on the subject of traffic, parking, and further encroachment on their quality of life. In fact, comments made by the applicant himself, as well as the traffic consultant and Board members, have referred to problems. I quote from the minutes: "There is not a whole lot we can do with this location. "It's difficult to get in and out of now. "The parking as you're pulling in to get gas is horrible." "It's fluid, there's not a lot of space in at least two of those parking spaces, so it's going to be a problem. It's going to be a mess there." I excerpted only a few of these. There are many, many comments like those in the minutes.

The zoning code further states that in making such a determination the Board shall consider, one, whether an undesirable change will be produced in the character of the

neighborhood or a detriment to nearby properties will be created by the granting of an area variance. The traffic engineer has testified to his expectation of a substantial increase in the number of cars attempting to enter and exit the station on a road that's already a mess. Listening to him tonight, I think the estimate was about double the number of cars that currently use it. The neighbors have also spoke of a detriment to their wellbeing from the expanded store footprint, the air conditioning, and the refrigeration noise, and the increased traffic.

Two, again to the zoning code: Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance. I've read the minutes of all the previous meetings regarding this application at least once, maybe twice and found one statement by the applicant stating this location is not meeting his business plan. I found no other information indicating an attempt to resolve this matter other than by significant variances

and increased traffic.

Three, whether the requested area variance is substantial. The parking has a deficiency of 57 percent, separation requirement between the buildings and a one family residence has a deficiency of 87 percent. The separation between the parking and a one family residence district has a deficiency of 72 percent. The backup aisle width requirement has a deficiency of 22 percent. I don't think there could be any doubt that these variances are substantial.

Four, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighbor or district. You've heard testimony from a number of individuals as to the impact additional cars and traffic will have on the conditions, as well as safety in the neighborhood. It should also be noted that there is a school bus stop right at the corner of Hillcrest and New Rochelle Road right where cars will be attempting to turn.

Five, whether the alleged difficulty

was self-created. According to information obtained on the Internet, this applicant has approximately 400 locations, many, but not all of them, mini marts. I would imagine he should be very familiar with zoning and planning issues. Therefore, this difficulty appears to be self-created.

This application does not appear to meet any of the tests of the zoning code and should be denied. Thanks very much.

THE CHAIRMAN: Mr. Magliano, thank you for your presentation.

(Applause from the audience.)

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

MR. CARROLL: Gentlemen, lady, William Carroll, 67 Parkview Drive, Chester Heights. I've been there since 1976. My good friend and neighbor, John Magliano, he has all the detail I'm not going to go into. I'll just say a question or two or a statement.

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

MR. TUDISCO: Yes, that's correct. The consultant is a consultant that is retained by the town that is the town's 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.

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

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

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

what the town of Eastchester is about. Was there a question?

MR. TUDISCO: I was asking if there were currently variances that were on the property. I wasn't aware if there were.

MR. CARROLL: Isn't there supposed to be like a certain number of feet between the business?

MS. UHLE: I think the site is pre-existing non-conforming. I'm not sure whether those are -- I don't believe that those were a result of prior variances, but there are prior non-conformities.

MR. CARROLL: That's what I was saying. So just to kind of add on to that --

MR. TUDISCO: In terms of -- not to interrupt you -- in terms of the clarifications that we're trying to make, it's just important to recognize that in addition to those of you who have all come out and have an absolute right to speak, and I'm sure the Board is happy to hear your comments, there are people watching at home. So we try to keep the record as clear as possible.

MR. CARROLL: Good. Thank you.

THE CHAIRMAN: This is must see reality TV.

MR. CARROLL: I get it. Parking, traffic. Many of the people here tonight live there. We live there. We live the parking. We live the traffic patterns. If you know this area, this is a thoroughfare through going across to New Rochelle, a lot of Iona traffic. It's a major thoroughfare through there. The Cross County backs up. You can't even get into New Rochelle Road on peak hours. So even just to add one car I'm against. We're talking potentially 20 or 25 additional usage. Now, the gentleman said maybe those are existing cars. Maybe they're not. He doesn't know that, and I don't know that, and you don't know that. If there is any more traffic in there, go down there and sit there. By the way, with all due respect to him, it's not 4 to 6 or 4 to 7, school gets out, take a look at that at about 2:30, 3, 3:15 in the afternoon, it's jammed up, folks. Now you're going to potentially add more people going in and out of

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 purview of this Board, but sometimes it's like unintended 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

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.

(Applause 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

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 to install a traffic signal at that 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

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.

(Applause 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

things that may have been commented on that we as home owners 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

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 garage. The trucks come 4, 5, 6:00 in the morning to dump, which they should because it's a business. My

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.

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

gentleman stated, the impact on the community. 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

they are not comfortable with a 24-hour operation. So that I truly don't think needs to be a concern. It's just that the Zoning Board doesn't have the authority to limit those hours but the Planning Board does.

MR. TUDISCO: There is also something else I wanted to add to that. For all of you who are here and those of you who are at home, that issue, should it come to that, is something that would be involving another public hearing on that issue. So I respect the fact that you are curious about that issue, but since this Board is not addressing that issue, when and if the Planning Board does address any particular conditions or the hours of operation, for instance, that would be another item where the public would have an opportunity to be heard as well.

MR. CARROLL: Okay. Last comment. One of the board members I think is not here tonight.

THE CHAIRMAN: Mr. DeMarco is missing. We know where he is, he's just missing tonight.

MR. CARROLL: The words "dignified

manner" were used here earlier.

THE CHAIRMAN: Yes.

MR. CARROLL: I think everyone has conducted themselves in a pretty dignified manner tonight.

THE CHAIRMAN: A model way to conduct this, actually.

MR. CARROLL: Thank you. I was very discouraged last time I was here. Just at the end of the open meeting, one of my friends got up, Johnny, made a presentation, sat down, did his thing. The gentleman here, who is not here tonight, he took a real shot at him, which was very undignified, and I think he deserves an apology from somebody on this Board. Namely this gentleman who is not here, who I would say to tonight if he was. Because what happened was, after we sat down and some comments were made and you asked does anyone have a comment and everybody was fine, this gentleman here then decided to make a statement and say, well, you were on the board for 15 years, why didn't you do something about the commercial.

THE CHAIRMAN: That's not actually

what he said.
MR. CARROLL: Well, he said something to that effect.
THE CHAIRMAN: I would like to cut that off, if you don't mind.
MR. CARROLL: Let me finish and then you could comment.
THE CHAIRMAN: Your right is not unlimited, so go ahead.
MR. CARROLL: When he said that -- when he said that, we asked to respond to that, but at that point the quote, public hearing was closed.
THE CHAIRMAN: That is false as well. The public hearing wasn't closed. I was asking for no crosstalk when someone else is speaking because, A, the public can't hear it, and B, there is a manner in which to conduct a meeting, and that is not a way in which to conduct a meeting, and this meeting will not be conducted that way, and there should be no offense taken when someone asks others to elevate their behavior. I always want my behavior to be elevated, and no one should be

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

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

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

their arrival time at home. There are some people in the community who spend maybe an hour a day killing time waiting for this two loop bus system to get everybody to and from school, and if you add in the fact that there are all these traffic issues that we're looking at currently and we're looking at the possibility of those being worsened, those buses could get backed up and they may not make it back to school in time.

So I hope that any decision that may be made in favor of this application, and hopefully at this point there's enough evidence to justify not approving this applicant, I hope will be taken into consideration and talk to the school administration and maybe the bus company about how these changes might affect them as well. Again, I want to echo everything that was said, I don't want to rehash it, but it's all very valid. Thank you.

THE CHAIRMAN: Thank you for your time. Is there anyone else that wants to be heard? Anybody?

(No comments.)

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

MR. MILLER: So moved.

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

MR. NURZIA: Second.

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

(All aye.)

THE CHAIRMAN: Okay. So comments from the Board; Mr. Cahalin firstly.

MR. CAHALIN: As I said in the past, we live in the community, we understand, we've been down there for a year almost looking at this thing on and off, and it's hard to balance. We understand that they can't use it as a gas station unless they get a different type of variance, which is a much harder variance to obtain. So that's one consideration, I guess, that the applicant had to face. We hear the people all the time. As the Chairman says, we live here, we understand. We live with the same things that we approve.

We're here. I live across from the train station on Dale Road. The train has been there since God only knows when. I bought my house, I understood the train was there. My wife doesn't like it now 20 years later, but it's still there.

The gas station has been there since the Forties. Maybe in a different format, but the gas station is still there. The information and site plan from when we started is tremendously different, good, bad, or indifferent. I think it's been improved. It is disturbing to not know if the additional 20 to 25 cars will be new cars coming in to that area or existing cars stopping and getting something. So that's one piece of data that I picked up this evening that I was missing. So it's an important fact.

This is going to be one of those soul searching applications for me at least, again. So it's a tough application. We hear you, we really do, but we have to do the balancing. Is it better to have the site deteriorate and then go vacant and then have nothing there? Forget

about the tax roll. I never look at the taxes. That's not important. The use is important. It's an existing convenience store. Yes, they're asking to be making it bigger, but again, then I think, will they really pick up 20 cars because it's bigger? Aren't they going to basically have the same stuff in it? What's going to be really new except that there's new refrigeration about it and maybe they have a couple more thing in there? I don't know.

So this is one I'll think about. I'm going to go back to the site. This will probably be my sixth visit. So I'll go back and take a look again before next month, and I'll stand out there or I'll sit in my car for a little while and I'll take it all in again, and that's my comments.

THE CHAIRMAN: Mr. Cahalin, thank you for your consideration. Mr. Miller?

MR. MILLER: Just so everybody understands, the Board is extremely serious in the way we look at everything. I can tell you that we all agonize over these decisions. We all live there. As I said in multiple

meetings, I'm on that road every day. I know what the traffic is like. I crawled around in the back of the Mobil. I know how far the fence from the garbage station is. I've been there like five or six times. I've parked my car. I moved it in and out. I grilled Mr. Grealy in the beginning of these sessions, you know, how do you turn a car; you don't turn a car. So we take things very seriously. We live here. We understand it. This board I've been on five years. I can tell you from presenting to other boards in my profession, this board is extremely serious in applying the facts to the law, hearing the people to try to make the best decisions we can. We're going to do that again. If you follow the board in the past two years, we've had some extremely controversial applications. We've worked really hard to get the right results. We're going to continue to do that.

Mr. Grealy has been tremendous with the assistance he's given us. Comments here have been tremendous. There's things that we didn't know that we know. I have to be honest

with you, the young lady who just mentioned the bus route, again, that is not something we could really do much about, that's a school district issue, but we take into consideration it may affect traffic. Everything you gave us is helpful. So I just want you to know that my colleagues here are extremely serious in what they do. We study these things very hard, and we'll do the best we can.

THE CHAIRMAN: Thank you for your consideration, Mr. Miller. Mr. Nurzia?

MR. NURZIA: Just to restate the prior comments. I mean, this is a tough case. I mean, you've got conflicting interests here, and we're trying to balance everything. We're taking these facts in, we're reviewing them, and we are applying the facts to what's in front of us. From the first submission to the latest submission by the applicant, I mean, it's been like night and day. They've modified it many times based upon our concerns. So they have been following what we're saying and the concerns that were raised by us, but there are also some other concerns. I'm not sure if this

is the right time to raise it, but somebody mentioned that there is a Bee Line Bus stop, I'm not sure in relation to this spot in particular, but that's something I'm concerned about. I'm not sure if Mr. Grealy has any information on that now or if that's something for the applicant to give us some information about that, but I would like to get a little clarification on that. That's my comment.

THE CHAIRMAN: Thank you, Mr. Nurzia. Any time an application like this comes before the Board, the applicant is a resident and they're a member of Eastchester and they're looking to do something with their property, and then there's the surrounding area residents who are residents and also affected. You're comments are given a tremendous amount of consideration and weight. Among the three issues I see, in descending conflict, the easiest was, for me, the parking issue. I think at the beginning it looked like a fire drill the way it was being proposed. I think with the assistance of the Board, Mr. Grealy, and the applicant being flexible, I think the

parking situation as it has been proposed now is superior to the way it is now.

The second issue, which is the more difficult issue, is the expansion of the structure. So you're legal non-conforming now, you want to be more legal non-conforming. Now, it's somewhat mitigated by the fact that there is a pad and a trailer in the rear that's going to be replaced by a smaller structure on the north side, and on the west side you're bordering actually only a commercial use, but it's still an issue that is a concern of mine because you're setting a precedent for a large variance to that site. But again, the effect is something I need to knock around.

The biggest concern I have, and some of the comments made tonight by the public reminded me of those concerns and the most conflict that I have is really the traffic. There's a business issue here where if I'm driving by and I want to go in and there are no parking spaces, I'm not going to circle around, I'm going to go elsewhere, but I am generating traffic, and it's a high traffic area. So

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

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

estimates because you're drawing from an area, but approximately 70 percent of the trips generated here in the peak hours, okay, and whether you're talking about 7 to 8 or even 2 to 3 in the afternoon or 4 to 5, you're looking at roughly 70 percent of them would be attracted off the existing traffic stream. So that's based on my experience and what we've seen at other facilities.

Relative to the Bee Line Bus that travels past here, yes, in fact, one of the reasons for the closure of the driveway in addition to the conflicts, the southerly driveway or easterly driveway, is to clean up that area for pedestrians, including people using the bus. Now, I can't tell you the number of buses that stop, I would have to go back to our data, but when we did the traffic counts, they were both the Bee Line Buses as well as the school buses. So as long as the loop that was referred to, the two loop system was in effect last September, those would have been captured in our traffic counts. I think that's pretty much all I could add to it.

THE CHAIRMAN: Thank you, Mr. Grealy.

MR. MILLER: Mr. Chairman?

THE CHAIRMAN: Yes, Mr. Miller.

MR. MILLER: I'm kind of taken with this concept of will it be new traffic or off the existing traffic I guess is the best way I would say it. I'm up and down that road constantly in the mornings, and everybody here knows much better than me, it's a nightmare going into the bakery. Chester Heights Bakery trying to get in there you have to kind of go through the parking lot for the bagel store and swing yourself around. The bagel store is an absolute nightmare. I wish somebody would just arrest people for the way they park and move in and out there. They have no regard for anything.

(Applause from the audience.)

MR. MILLER: But from what I see is that if you're going to stop at the convenience store -- you want a cup of coffee, you go to the bagel store; you want a bagel, you go to the bagel store; you may go to J & G -- is it J & G? J & G. So my experience is you're not

going to get up in the morning and say, oh, let me go to the convenience store. You might just be driving down New Rochelle Road and say, I want a, whatever, cup of coffee and gas, I'm going to pull in there. So the way I can look at it is, and you can answer it not me, is it's not really going to be new traffic, it's going to be the existing traffic is going to shoot in. That's what I do.

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

is, based on the volume that's on the roadway, forgetting about the fact that there's backups and difficulty making turns, that at least 70 percent of those vehicles that we're talking about as trips here with the added square footage would be either taken out of the existing traffic stream as bypass. So if I came off the parkway and I was going to Iona College or somewhere they're teaching in New Rochelle High School, I may stop in, get a coffee, and continue on my way. So we refer to them as bypass or diverted link trips. Based on the amount of volume that's on this road, I'm saying it's probably at least 70 percent. It could be everybody that's already on the road, but you still have to count them as turning movements at the driveway, that's the point.

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

license themselves to Dunkin Donuts or Starbucks, all of a sudden they would become a point of going there to get coffee and that would create a havoc.

MR. GREALY: I guess the question that we have in terms of when we first started looking at this application, I don't know if a Dunkin Donuts is permitted there because that would change some of the numbers. That was one of the questions I think --

MS. UHLE: Dunkin Donuts is not permitted there.

MR. MILLER: They could license themselves to sell the Dunkin Donuts coffee or license themselves to sell the Starbucks' coffee. So that just popped into my head.

MS. UHLE: Just the coffee but not donuts.

MR. MILLER: But that will change the entire nature of whether or not people will be turning in there or not turning in there as a destination point.

MR. GREALY: If it's there as a license is different than if it's an area

that's set aside where they're selling the donuts and the products by Dunkin Donuts. We see that difference in traffic generation.

MR. MILLER: I understand, but put a Starbucks there and watch how many people go.

MR. GREALY: Absolutely.

MR. MILLER: It's something I think should be brought up.

MS. UHLE: That's something we could ask the applicant too.

THE CHAIRMAN: Thank you, Mr. Grealy.

MR. MILLER: Thanks, Mr. Grealy. Again, invaluable as always.

MS. MARTIN: So those relationships as far as just selling the coffee for that particular license of Dunkin Donuts or Starbucks is something that's developed over time, but as far as I know, we will be selling Lava Java, which is our own brand of coffee.

THE CHAIRMAN: Thank you. Anyone have any questions about any of the products or services?

MR. MILLER: No.

THE CHAIRMAN: Mr. Nurzia?

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

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

and a mud room is on the left side of the house or the westerly side of the house, and that's why we planned to put a driveway there and have steps coming up. On the opposite side of the house, the easterly side of the house, there's no real door there and there is no sidewalk. So you would have to walk out into the street, which Maple is kind of a busy street; there's a school across the street and everything else. Although it's not a shared driveway, it is a common driveway. Their asphalt blends right in with the neighbor's asphalt. When you combine the two driveways together, it's a very narrow two person, two property owner driveway, and the people who live next door, their garage is much further forward so they tend to park their cars right near the front, which causes like a visual obstruction as my clients are backing out of their driveway. So the driveway on the opposite side of the house is not only more convenient to where they enter the house, it's also a safer situation for everybody.

The last time I think you asked for more photographs, and that's the only new

information I provided at this time.

THE CHAIRMAN: Yes, and it's part of the public record. I thank you for synopsizing that. The Board, any questions; Mr. Cahalin?

MR. CAHALIN: We got some information from a neighbor. Do you have a box truck?

MR. COTUGNO: What? I can't hear you.

MR. CAHALIN: A box truck. That box truck, according to the pictures that I'm seeing, that's where you park it now in that space?

APPLICANT: We're doing our lawn up there at the moment, so I'll bring it up. It was never parked there overnight. I always take it away.

MR. CAHALIN: I see there's a backhoe back there too. I mean, it's a dangerous line here, because allowing second curb cuts is a dangerous thing in the town. I can see people come walking in and pointing to this application all the time. I know the Highway Department has a problem with this type of stuff. So that's my biggest concern is setting a precedent for the, what is it, other million

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 esoteric 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?

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 gravely 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

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

on Google Earth. When I look at Google Earth, I can see the curb cut and I can see the -- you can see sort of the old right-of-way or the old gravely 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

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

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

residential units.
Two things were asked for, which we submitted, was a traffic report, and the second thing was a landscape plan. We show the existing vegetation and some added vegetation on that site plan.
THE CHAIRMAN: Okay. Any questions from the Board; Mr. Cahalin?
MR. CAHALIN: Not just yet.
THE CHAIRMAN: Okay. Mr. Miller?
MR. MILLER: No, I'm okay at this point.
THE CHAIRMAN: Mr. Nurzia?
MR. NURZIA: No questions or comments.
THE CHAIRMAN: At this time, I have nothing. I'll reserve.
So the public hearing had been opened at the last meeting, so I'm continuing the public hearing. Is there anyone here that wants to be heard? Sir, come up, give us your name and address for the record, and give us your commentary, please.
MR. D'ADAMO: Joseph D'Adamo, 99 Alkamont. I wasn't here last month. I'm not

sure if anybody touched on this. There were a few points I want to go over.
First one, I have a little experience in this, I'm a New York City firefighter, have been for 13 years, and I'm wondering if anybody brang (sic) up the point that basement fires are the worst fires that I encounter on the job? Basement fire, the apartment is below grade, and I'm assuming this apartment, Margaret, is below grade?
MS. UHLE: It is, yes.
MR. D'ADAMO: Okay. So you're going to see all that fire, the super heated gasses, the smoke, it all wants to vent up and out. With a basement apartment you have smaller windows, you have less visibility. Technically, pretty much that apartment turns into an oven, the fire spreads, there is nowhere for it to go. It's super dangerous for an occupant to be in that apartment. So the lawyer mentioned last month he might want to have a single person, a single mother maybe with a child. That's a bad idea. It's also not a good idea for the Eastchester Fire

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 who own these types of, you know, multi-families see this, then what stops them from coming in and wanting to make their

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

apartment itself? Is there windows to the outside in the downstairs basement? Do we have sprinkler systems that are required? I'm not sure. We may want to look into them. Construction material for apartments in basements requires special requirements for doors and metal construction pieces to be included in the design of the downstairs apartment. I'm assuming that the Eastchester Fire Department will sign off on the requirements for the apartment.

I took a look at the property, and by the way, Steven, the building looks great, it really does. I can't say that for the neighbor next door, but that building looks very good. I took a walk around the entire neighborhood, as I usually do, from Montgomery to Summerfield, and I couldn't walk on any of the sidewalks; Dunwoodie, Summerfield, Montgomery, zero. All the spaces were taken. As you're all aware, Summerfield Gardens, which is going to be directly across the street, is going to have 100 underneath the ground parking facilities, and I have no idea where their

guests are going to park, and we just last month included a restaurant at the top of the hill that's going to have somewhere between 20 and 40 spaces. Every traffic advisory committee that I'm involved with, 90 percent of it is parking. Where am I going to take my parking? Where can I get parking? People migrate from Scarsdale down to Woodruff Avenue to park their cars. Why? Because there are no meters there.

Getting back to this particular application, the variances that are being requested, are they for the single apartment or a combination of all the apartments in the building?

MS. UHLE: They're for a combination, because, again, this is a situation where the building is legal non-conforming. What the law says is as soon as you want to increase the degree of non-conformity, you have to bring the entire building up to code essentially. It already does not meet current parking requirements, but now the variance reflects everything that would be necessary for all six

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

he's trying to extend for one additional apartment. I would really like to know the footprint of what the basement looks like now and the footprint of what the apartment looks like. It's a very simple question. Do we have the answer?
MS. UHLE: I think John can address that. John, can you explain --
MR. COTUGNO: What was the question?
MR. SWEENEY: The question was: What is the footprint of the building, the basement?
MR. COTUGNO: Oh, the footprint. About 600 square feet.
MR. SWEENEY: And the apartment?
MR. COTUGNO: There are three egresses from the apartment. You mentioned egress. There are windows.
MR. SWEENEY: There are windows. That's great.
MR. COTUGNO: And a sprinkler system.
MR. SWEENEY: And the size of the apartment?
MR. COTUGNO: I said 600 square feet.
MR. SWEENEY: What is the overall size

of the basement? The footprint of the building.
MR. COTUGNO: There is one room that will be a utility room and one room would be a storage room that is not included in the 600 square feet.
MR. SWEENEY: So it's a modest sized apartment?
MR. COTUGNO: Yes.
MR. SWEENEY: Okay. The egress is in the front or rear of the building?
MR. COTUGNO: There is one in the rear, there is one on the right side, there is one on the left side. All three sides.
MR. SWEENEY: Do they have external windows?
MR. COTUGNO: Yes.
MR. SWEENEY: They do.
MR. COTUGNO: Three windows.
MR. SWEENEY: Okay. I said my piece.
THE CHAIRMAN: Thank you, Mr. Sweeney.
MR. SWEENEY: Thank you.
THE CHAIRMAN: Please.
MR. GALANEK: Good evening. Charlie

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

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

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

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?

MR. MILLER: I have no comments.

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.

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

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.

(All aye.)

THE CHAIRMAN: Okay. I also make a motion to close the meeting and we'll reconvene for November. Is there a second to that motion?

MR. MILLER: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you.

MS. UHLE: Thank you, everybody.

(MEETING ADJOURNED.)

C E R T I F I C A T I O N

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

CORRECTION SHEET

PAGE	CORRECTION

DINA M. MORGAN, REPORTER