ORIGINAL

VILLAGE OF SLEEPY HOLLOW

ZONING BOARD

- -X

RE: OPEN DOOR MEDICAL CENTER

- -X

February 27, 2013

8:08 p.m.

Village Hall of Sleepy Hollow

28 Beekman Avenue, 2nd Floor

Tarrytown, New York

B E F O R E :

PETER KOFFLER, CHAIRMAN

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LINDA MOIRON, BOARD MEMBER

TIMOTHY JUDGE, BOARD MEMBER

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12 White Plains, New York 10601
13 BY: GERALDINE N. TORTORELLA, ESQ.
14
15 ALSO PRESENT:
16 JANET GANDOLFO, VILLAGE ATTORNEY
17 SEAN McCARTHY, VILLAGE ARCHITECT
18 LINDSAY FARRELL, CEO OPEN DOOR
19 GARY GIANFRANCESCO, ARCHITECT FOR OPEN DOOR
20 BERNARD ADLER, P.E., ADLER CONSULTING
21 VINCE FERRANDINO, AICP FERRANDINO&ASSOCIATES
22 STEPHAN A. MAFFIA, P.E., FERRANDINO &
23 ASSOCIATES
24

1 MR. CHAIRMAN: Okay. We can begin now.
2 I'm going to take the agenda items in order
3 this evening.
4 The first item is the continued
5 application for the Open Door Family Medical
6 Center. Since last meeting, I believe we
7 have some additional pieces of information,
8 submissions.
9 There's a letter -- a few cases in
10 particular. There's a letter dated February
11 25th from counsel for the applicant to the
12 mayor and the members of the board of
13 trustees.
14 There's also a -- looks like a parking
15 study reanalyzing the prior Adler study
16 submitted by the applicant by Ferrandino &
17 Associates, dated February 26th, 2013.
18 So I think as a -- I know the applicant
19 only received this today, so you probably
20 haven't had a chance to approve this.
21 First, I think I'd like to have somebody
22 from Ferrandino talk to us a little bit about
23 the analysis in front of us.
24 MR. FERRANDINO: Good evening, Mr. Chair

1 and members of the board. My name is Vince
2 Ferrandino, principal of Ferrandino &
3 Associates based in Elmsford, and we have
4 recently been retained by the village to view
5 the parking and traffic aspects of the
6 application.
7 Steve Maffia to my left is a senior
8 associate at the firm, and Steve actually
9 conducted the analysis and the study.
10 So my job is easy tonight. I'm going to
11 hand it off to Steve and Steve is going to
12 give you an overview of the eight or
13 nine-page report that he prepared. Steve.
14 MR. MAFFIA: Thanks, Vince. And as Vince
15 gave you the introduction, I'll just get
16 right into the letters that we put together.
17 We meet initially with representatives of
18 the village back in early February, and they
19 related to us some concerns that the zoning
20 board and the board of trustees had with
21 certain issues regarding the Open Door
22 application.
23 They expressed those concerns. We were
24 eventually retained by the village to take a

1 closer look at some of the -- these items,
2 which I'll enumerate for you in a minute.
3 What we first did to get some additional
4 information for our own review was to meet
5 with the representatives of the consultants
6 who did the traffic study for Open Door,
7 that's Adler Consulting.
8 And I met with one of their senior
9 associates, Michael O'Rourke, back on the
10 19th of February.
11 On February 20th I also did a site visit
12 where I actually drove the streets and the
13 parking areas surrounding the site of the
14 Open Door application which is the address
15 that we've been going on, 1 New Broadway.
16 And I took a look at the way the signal
17 operated, the level of pedestrians in the
18 area, parking, and other issues that were
19 expressed as a level of concern.
20 The memo which we produced which is dated
21 February 26th, which the chairman just
22 mentioned, was the result of those -- of the
23 meeting with Adler Consulting and the site
24 plan.

1 We developed what we thought were the
2 four most important issues in terms of the
3 zoning board's concerns, which were the
4 travel long survey that was conducted by not
5 only Adler consulting, but an earlier
6 traveling proposed survey that was conducted
7 by the architect, Arconics, on behalf of Open
8 Door.
9 Parking in the area surrounding the site,
10 circulation which is just the maneuvering of
11 vehicles trying to park on the site, which is
12 a relatively small parking area, and safety.
13 Generally, the safety issues involved with
14 crossing North Broadway from the west side of
15 North Broadway to the east side which is
16 where the -- the proposed Open Door location
17 is situated.
18 I'll talk about patient and staff travel
19 mode survey first: The reason why that
20 became an issue for us is that the initial
21 Arconics study, which was done back in
22 mid-2011, indicated that the number of people
23 who walked to the Open Door facility was
24 about 50 percent of all of the trips that

1 were made to that site, to the existing site
2 which is on Beekman Avenue.
3 The Adler study, which was conducted on
4 two separate occasions, the first time right
5 after Thanksgiving in 2011, then again in
6 March of 2012, indicated that the percent of
7 people who walked to the site was around 70
8 percent.
9 That's a significant difference between
10 the Arconics results and the Adler results.
11 And so we brought that to their attention and
12 asked Adler if they could explain why there
13 was that kind of a difference.
14 They were unable to spell out for me the
15 reasons why the Arconics study was at 50
16 percent and thought that possibly it was
17 because it was a relatively informal study
18 conducted over the course of several days, in
19 July and August, and that it wasn't as
20 dependable in terms of the results as the
21 study that they ran.
22 They were able to give me the information
23 for their own studies which included copies
24 of the actual survey forms that they used to

1 collect the information, which I reviewed and
2 was able to confirm that certainly if you're
3 going by the numbers relative to the
4 questions that they asked in their surveys,
5 that 70 percent was about the right number
6 for the number of trips, people who were
7 walking to the site.
8 And the other 30 percent were either --
9 drove themselves in their own vehicles or
10 were dropped off in a car by the vehicles and
11 taxi or the bus -- those numbers -- or some
12 other form of transit.
13 Those numbers are relatively small, but I
14 think the key here is that it's the result
15 of, as far as travel mode is concerned, of a
16 service area that is concentrated within the
17 village of Sleepy Hollow, particularly the
18 areas and neighborhoods to the west of North
19 Broadway, certainly with enough population to
20 and close enough to the existing site to
21 result in that many walking trips.
22 Our issue with that though is whether or
23 not that percentage can be applied to the new
24 service area once the -- assuming that the

1 proposal is approved and Open Door opens its
2 new facility at New Broadway.
3 If that service area or market area, if
4 you will, and community center served by Open
5 Door is expanded in such a way that patients
6 are coming from farther distances, then it's
7 not likely that there'll be that many walking
8 trips. That a lot of the trips, because of
9 the distances involved, would be made by some
10 vehicle -- would be drive or be driven or be
11 dropped off by some other vehicle, taxi, or
12 bus.
13 The reason why this is important is that
14 it affects a number of key items that are
15 part of the application. Parking, for
16 example, if there are to be more vehicle
17 trips than they're estimating because there's
18 a lower percentage of walking trips, then
19 there will be a need for more parking spaces
20 in the vicinity of the site.
21 That also affects circulation within the
22 site. If more cars are showing up to try to
23 park and their first attempt to park is on
24 the site, if all of the spaces on the site

1 are filled, then there are issues with cars
2 trying to turn around in a relatively small
3 area. And subsequent vehicles showing up end
4 up having to wait either in the driveway or
5 out on Broadway while maneuvering within
6 site, finishes and the space they enter and
7 turn around again.
8 There's also issue with parking in the
9 streets surrounding the site and that's the
10 second issue that we looked at. And in
11 answer to our initial questions what was the
12 parking supply area or PSA that they used,
13 that they mentioned a quarter-mile radius
14 with the New Broadway site at the center of
15 that area.
16 We felt that a more accurate
17 representation would be about that distance,
18 maybe a little less about 1200 feet would be
19 the maximum walking distance that most people
20 would be comfortable with, and that the
21 distance should be measured along the
22 streets, not in a radius -- from a circle
23 surrounding center point.
24 The several aerial pictures that I

1 included in the memo show those distances.
2 We have a color copy. It's the yellow line
3 that -- that is traced along Hudson Terrace
4 in the first one, Lawrence Avenue in the
5 second, Maple Street, Pine Street, New
6 Broadway, Beekman Avenue.
7 Within those areas, along those
8 distances, which are about 1200 feet, I
9 identified 184 parking spaces in total, and
10 that includes spaces that are available for
11 parking in the municipal lot on Beekman
12 Avenue right across the street from village
13 hall.
14 What I did then was I used the occupancy
15 numbers that Adler Consulting had put in
16 their November study and compared that to the
17 total number of parking spaces in the PSA and
18 found that, in general, during the day
19 there's between 60 and 70 empty parking
20 spaces in that 1200-foot walking distance.
21 That that number drops significantly in
22 the late afternoon to around 25 or less in,
23 you know, within that 1200-foot walking
24 distance.

1 We felt that at that level, and certainly
2 if the -- if the service area is expanded and
3 includes more people who are driving to the
4 site, that 25 parking spaces may not be
5 enough to satisfy the parking demand of the
6 new site and that what we would like to do,
7 what we're asking is that the applicant
8 provide some information regarding the
9 expanded service area, and to comment on
10 whether or not the parking on the street is,
11 in fact, what they believe it was initially.
12 I talked about the site circulation and
13 the difficulty in turning around on the site
14 especially all seven or ten parking spaces
15 that were proposed for the site are full, and
16 that this could result in spill back on to
17 Broadway -- North Broadway and that could
18 affect traffic flow on Broadway and certainly
19 safety issues that would arise from that.
20 As far as safety is concerned, Adler
21 Consulting did put together a fairly
22 extensive research of the accident history at
23 a number of locations along North Broadway in
24 the area of the site, and, in particular, at

1 the New Broadway/North Broadway intersection.
2 And they found that while there was, you
3 know, a typical share of accidents which
4 you'd expect for an arterial like North
5 Broadway, there were no pedestrian accidents
6 of any kind at the locations that they looked
7 at.
8 It's difficult to predict based on that
9 whether there will be pedestrian accidents.
10 There's really no way in traffic engineering
11 to predict accidents anyway, but the --
12 certainly the history to date at that
13 location is one we're happy there have been
14 no pedestrian accidents.
15 There are other issues regarding the
16 operation of the traffic signal and the
17 crossing of Broadway and North Broadway. We
18 found -- or I found it on my site visit that
19 the traffic signal time is set up so that
20 crossing North Broadway at the New Broadway
21 crossing is done under the protection of the
22 signal.
23 That while the light is green on New
24 Broadway that -- that traffic, if it's

1 turning right, would be the only traffic that
2 interacts with anybody crossing at New
3 Broadway. That line is very low and would
4 stay that way in the future.
5 Another issue had to do with the shuttle
6 service that the applicant is proposing and
7 the use of parking spaces at the Phelps
8 Hospital garage.
9 I observed current parking usage at the
10 garage on the 20th in the late afternoon and
11 found that there were well over a hundred
12 empty parking spaces in the lower level of
13 the garage, and that part of the fourth level
14 and all of the fifth level was roped off so
15 it was completely empty.
16 Certainly, on its face, it would seem
17 that there's significant available parking
18 spaces at the Phelps garage. However, we do
19 not know if Phelps has any plans for
20 reserving those parking spaces or using those
21 parking spaces for any of the uses on Phelps
22 Hospital grounds.
23 And certainly, if there are plans to
24 reserve some of that parking, it would have

1 an impact on how much parking is available
2 that could be used by the Open Door shuttle
3 service.
4 We would like the applicant to try to get
5 us information that tells us that they
6 actually can put together an agreement with
7 Phelps Hospital that includes confirmation
8 that parking spaces will be available for
9 their use in running the shuttle service.
10 A couple of other items that we looked at
11 that came out of some concerns that the board
12 of trustees had talked about included a
13 crossing guard -- an offer for a crossing
14 guard by Open Door at the New Broadway
15 crosswalk.
16 And the issue relating the use of a
17 shuttle service using the Beekman Avenue lot
18 as a staging area at this end of the trip and
19 the crossing guard issue is one that has to
20 be a joint effort on behalf of the village
21 and the applicant.
22 It is considered, in the language of the
23 Department of Transportation, New York State,
24 as a traffic control device because the

1 crossing guard would have the ability to
2 control traffic, motor-vehicle traffic in
3 order to help pedestrians safely cross the
4 roadway. As such, the -- it is required to
5 get the written approval of the New York
6 State Department of Transportation.
7 Last year states went over North
8 Broadway, U.S. Route 9, in the village to
9 approve a crossing guard. There's no
10 indication that they will or they won't, but,
11 certainly, it would help if a request from
12 the village for a crossing guard was made to
13 the DOT.
14 And DOT would respond better to a request
15 from a local municipality as opposed to a
16 private entity.
17 A crossing guard would be employed by the
18 village, although I understand that Open Door
19 has proposed to infer the cost of having one
20 at that location.
21 The last item that I'll talk about is the
22 use of the Beekman Avenue lot for a staging
23 area put together an aerial and a couple of
24 photographs, ground level to show that there

1 is a space at the back of a lot just outside
2 the opening to the police lot where you can
3 stand to park a shuttle vehicle around the
4 staff members to the board who get off the
5 bus or shuttle bus at that point. And while
6 that vehicle is standing at that point, the
7 other vehicles can pass by -- get past that
8 vehicle. It won't block the aisle, that
9 area.
10 If it were, we would ask though that the
11 village make sure that the applicant confirms
12 that that's the location that they would use,
13 and that they would not block the access to
14 the police lot or an adjacent landscape
15 business that operates on the back of that
16 lot as well, and that the driver of the
17 shuttle stays with the vehicle during the
18 drop-off and pickup activities.
19 So those are the comments and the review
20 that we did in summary, and we will be happy
21 to answer any questions.
22 MR. CHAIRMAN: Thank you.
23 MS. BISHKO: I have a question on the
24 spill back issue.

1 MR. MAFFIA: Yes.
2 MS. BISHKO: Can you comment on how long
3 it takes, say, during peak hours, 10 a.m. --
4 I don't know. 9 to 10, if there is spill
5 back. For example, someone is going north
6 and a car is trying to exit, there's cars
7 turning around, that car stops. The traffic
8 backs up on Route 9.
9 In your experience, how long does it take
10 for a significant traffic jam to occur? I'm
11 looking as a point of reference of the C-Town
12 property. I don't know if you're familiar
13 with that in Tarrytown. That's been
14 expanded, and there's often spill back issues
15 where the cars can't turn.
16 And in my experience, those traffic jams
17 result pretty quickly where Route 9
18 (indiscernible) is backed up.
19 Do you see something similar happening here
20 both north and the south.
21 MR. MAFFIA: Yes, that is our concern.
22 That there is that potential for vehicles
23 that are waiting to get into the lot. And
24 they can't because someone is in the lot, and

1 there's no room for another vehicle to enter,
2 and it throws itself off the roadway and on
3 the site. And so they end up either waiting
4 in the driveway in the -- the opening on
5 North Broadway with their turn signal on
6 waiting for there to be a clearance within
7 the lot so that they can go in.
8 Once that happens, there is that sort of
9 domino effect that all vehicles waiting out
10 on the street some of them behind -- you
11 know, the next vehicles behind can't get
12 through, so they try to get around.
13 And that spill back then is sort of a
14 domino effect, you know, under peak
15 conditions could fairly rapidly turn into a
16 congestion that extends not only where it
17 exists not only at that driveway, but it
18 exists coming out of North Broadway.
19 MS. BISHKO: Okay. To me that seems like
20 a no-brainer, that's possibly going to happen
21 and it happens quite often. Like a daily --
22 MR. MAFFIA: It would. It would. But
23 there are -- obviously, if there's to be
24 approval of any kind and that is a concern of

1 the board, that could be a condition that
2 prohibits any vehicles other than vehicles
3 that are reserved with, you know, use of that
4 lot by only doctors or certain staff members
5 that drive to the site and not available to
6 patients or other visitors.
7 And if there's a signpost that says
8 "visitor parking only," then in that case
9 everyone else other than whoever those spaces
10 are for has to look for parking on the
11 street.
12 And again, and that feeds into our other
13 concern about parking in general on the local
14 street system. If all of the patients, the
15 visitors to the site have to park off-site
16 because the seven spaces aren't available
17 because of the spill back issue, then that
18 creates -- or could create issues in terms of
19 parking supply off-site.
20 MS. CROWE: My question goes back to on
21 your report in regard to using the Beekman
22 Avenue parking lot to drop off the employees
23 of -- from the shuttle. And I say, why would
24 you recommend this? Because from what I

1 gather from their side, that they would be
2 dropped off at the site like in their little
3 parking lot. That was also our concern that
4 there would be a problem --
5 MS. GANDOLFO: Perhaps I can just answer
6 that. The applicant has made a request to
7 the board of trustees for three items. One
8 is to use the 21 Avenue lot as a drop-off and
9 pickup for the residents, and they would do
10 that by shuttle. So instead of transporting
11 the residents directly to the site by the
12 shuttle and parking in the lot, they're
13 asking to do it across the street.
14 That's how that issue came up. The
15 planner is not suggesting that. Yeah, the
16 request is coming from the application so --
17 MS. CROWE: So that's why he did the
18 survey?
19 MS. GANDOLFO: Yes.
20 MS. CROWE: Got it. I understand now
21 which makes sense. Like I said, your report
22 was very good, but I do have concern. I
23 still, like everybody else, have the concern
24 of those seven spots, and getting in and out

1 of those, it's very tight.
2 I just don't know how this is going to
3 work if it's just for patients. I do like
4 your suggestion it be just reserved, and
5 patients would have to park someplace else.
6 MR. MAFFIA: And again, that's only my
7 suggestion. It's completely up to the
8 applicant as to whether or not they would
9 approach it that way or differently. And the
10 shuttle service itself, as I mentioned, has
11 certain issues at the Phelps end as well
12 where we would ask that they confirm for the
13 village that those spaces that they need for
14 staff at the hospital and in the garage are
15 and will be available.
16 MS. MOIRON: Janet, you said the
17 residents. Does that mean --
18 MS. GANDOLFO: I'm talking about the
19 doctors in the residency program. I didn't
20 mean the residents of the village.
21 MS. MOIRON: No, no, I know that. I
22 mean, as opposed to the doctors and the
23 support staff and the nurses and --
24 MS. GANDOLFO: I guess anyone that they

1 decide is --
2 MS. MOIRON: Is an employee.
3 MS. CROWE: Is coming in the shuttle.
4 MS. MOIRON: Okay. So there wouldn't be
5 two different drop-off points, one for
6 residents and one for --
7 MS. GANDOLFO: I don't think so. I think
8 this would be the drop-off point, at least
9 that's the request. And the board is going
10 to be taking that issue up in a work session
11 next week.
12 MR. CHAIRMAN: One observation that I
13 had, an observation that I had with the Adler
14 report as well as yours is that there's --
15 each of these factors, parking site
16 circulation, pedestrian safety, traffic
17 safety, all of these issues have been gone
18 into a fair amount of depth, but they're all
19 looked as essentially stand-alone issues.
20 I don't see any analysis or weight being
21 given to the cumulative effect of these
22 various factors.
23 So for instance, increased traffic could
24 have a disproportionate impact on pedestrian

1 safety, and you know, pedestrian -- you know,
2 shuttle issues can have an effect on, you
3 know, not just traffic, but other safety.
4 And so in a sense they could magnify the
5 effect.
6 I don't see any of that addressed. Maybe
7 you can comment on that and see how that
8 concept fits into some of this because things
9 are looked at in a sense as a stand-alone
10 concept.
11 MR. MAFFIA: Yes. We do that as a
12 general rule in terms of the standard
13 approach, the traffic engineer reviews, and
14 traffic engineer studies.
15 But the idea certainly has merit, and I
16 think we touch on that cumulative effect in
17 our request that the applicant provide more
18 information about the future service area,
19 because that will have an impact on traffic
20 laws.
21 Because if the level of people who walk
22 to that location is not as high a number, as
23 high a percentage as they're saying, it will
24 increase the vehicular traffic. And that

1 leads to the cumulative impact on more cars
2 in the area, and more cars looking for places
3 to park, more cars trying to access the site.
4 You know, if they're looking for parking
5 within the site and then not finding it
6 having to turn around and have to leave.
7 MR. CHAIRMAN: No, I agree. But I would
8 also point to that effect is not only is it
9 just a traffic issue, but then it becomes
10 potentially pedestrian safety issue that's
11 not otherwise accounted for, and then it
12 becomes a circulation issue. The variables,
13 in a sense, affect each other without each
14 stand-alone analysis.
15 MR. MAFFIA: I -- I -- it is unstated,
16 but it is true that to play (indiscernible).
17 MR. CHAIRMAN: Anything else? Okay.
18 Thank you very much.
19 MR. MAFFIA: Thank you.
20 MR. CHAIRMAN: Okay. I invite the
21 applicant to present whatever responses or
22 additional information.
23 MS. TORTORELLA: Good evening, Geraldine
24 Tortorella of Hocherman Tortorella &

1 Wekstein. We're counsel for the applicant.
2 We are not prepared to address any comments
3 tonight with respect to the traffic analysis.
4 In fact, we didn't even realize that the
5 variance application was on tonight's agenda
6 because we had requested that it be put over
7 to March. And when we last checked the
8 agenda at the end of last week, it was not on
9 the temporary lease authorization application
10 was on.
11 So we, thankfully, have been able to get
12 our team here tonight just to listen to the
13 presentation. We appreciate it. We
14 appreciate receiving a copy which we just got
15 a little while ago, and we will respond to
16 it.
17 Some of the items that were raised and
18 the information that were asked for actually
19 have already been identified by this board
20 and by the village architect. For example,
21 demonstrating the capacity of parking on the
22 Phelps site and ensuring that the reservation
23 for spaces for Open Door will not put the
24 Phelps uses at risk of not having adequate

1 parking to support their uses.
2 So that is something that we have been
3 working with Phelps to develop. And we will
4 be submitting a response to that in a detail
5 to confirm that there is adequate space, not
6 just a feel good sense, but from a zoning
7 compliance point of view and an operational
8 point of view as well, so we're looking into
9 that as well.
10 And we will address the other questions
11 that were raised. There are a number of
12 considerations, one that we keep coming back
13 to and we've been working on internally is
14 what do you do about the concern about
15 traffic backing up.
16 You've raised that a number of times at
17 hearings, and other board members have, as
18 well. And we've been looking at the geometry
19 of the roadway and we've been looking at the
20 width of North Broadway and how it relates to
21 the rest of this area.
22 And we will be providing information with
23 respect to that as well as responding to the
24 questions and comments that have been raised

1 and addressing some of the items that have
2 been raised in the Ferrandino report. And
3 our intention is to put together a written
4 submission, like we have in the past, to
5 submit to the board in advance, well in
6 advance of the March 20th, I think is the
7 date of your March meeting, so that the board
8 will have it and we can discuss it further.
9 MR. CHAIRMAN: Yes. We would appreciate
10 it if you can get it in writing in advance so
11 that way we can move along.
12 MS. TORTORELLA: Good. We would like to
13 do that too. And I'm hoping that Mr.
14 Ferrandino and Mr. Maffia will be at that
15 meeting on the 20th of March, so that we have
16 a de -- an opportunity or a need to have a
17 detailed discussion. We'll be able to do
18 that as well so, hopefully, the board will
19 invite them back for that meeting. That
20 would be helpful for all purposes.
21 MR. CHAIRMAN: We'll invite them back.
22 MS. TORTORELLA: So we have nothing
23 further to really discuss with respect to the
24 variance application tonight, although we

1 have a separate request that's on for
2 discussion.
3 MR. CHAIRMAN: Sean, you had sent a later
4 in December 12th with 10 or 11 itemized
5 requests. At this point, have those requests
6 been responded to sufficiently?
7 MR. McCARTHY: No, I think those are
8 some of the outstanding items that she was
9 just discussing.
10 MR. CHAIRMAN: Okay.
11 MS. TORTORELLA: We did respond. I think
12 that that the meeting that we had in December
13 we got further clarification of what was
14 being looked for. And one of the big pieces,
15 I think, is really the kind of zoning
16 compliance analysis on the Phelps site with
17 respect to parking.
18 MR. CHAIRMAN: Got it. Anybody have any
19 questions while the applicant is here? Okay.
20 I make a motion to further adjourn to next
21 month.
22 MR. WERNECK: Second.
23 MR. CHAIRMAN: All in favor.
24 MS. BISHKO: Aye.

1 MR. JUDGE: Aye.
2 MR. CHAIRMAN: I will see you next month.
3 I look forward to your submissions.
4 MS. TORTORELLA: You'll see me in two
5 minutes. I have the next item too.
6 MR. CHAIRMAN: Okay. The next item on
7 the agenda is also Open Door Family Medical
8 Center.
9 Sean, are the returns in on this?
10 MR. McCARTHY: Yes.
11 MR. CHAIRMAN: Okay. Please take notice
12 that the zoning board of appeals of the
13 Village of Sleepy Hollow will hold a public
14 hearing on Wednesday, February 27th, 2013, at
15 8 p.m. in the municipal building, 28 Beekman
16 Avenue, Sleepy Hollow, New York to hear and
17 consider the request by the Open Door Family
18 Medical Centers pursuant to Chapter 62-40D of
19 the village zoning code for a temporary use
20 permit to have parking of its mobile dental
21 clinic in the building located at 1 New
22 Broadway. The property is situated in a C-1
23 zoning district and is shown in the town
24 assessment maps as sections 115.11, Lot 4,

1 Lot 27.
2 All people are invited to attend the
3 hearing and will be heard. And all I have, I
4 have a notice, I have a letter dated January
5 15th, and I have a second letter from
6 Hocherman Tortorella and a second letter
7 dated January 15th from your law firm.
8 That's it.
9 MS. TORTORELLA: Good evening. For the
10 record, Geraldine Tortorella of Hocherman
11 Tortorella & Wekstein in White Plains and
12 we're here on behalf of Open Door this
13 evening.
14 We have our usual group with us this
15 evening. Kyle McGovern is here from Lyons
16 McGovern. Gary Gianfrancesco is here from
17 Arconics Architecture. Bernie Adler happens
18 to be here as well. He joins us this
19 evening, and we have Lindsay Farrell, the
20 chief executive officer of Open Door.
21 This is a much more discreet application.
22 And this is a copy of the plan that we
23 submitted with our request.
24 In essence, Open Door has a mobile dental

1 clinic that it uses to provide dental
2 services to people in communities other than
3 Sleepy Hollow on a sliding-fee basis much
4 like it provides its other services, its
5 medical services.
6 And we've provided you with our
7 submission of January 15th, 2013. We did
8 provide photographs of what that dental
9 clinic looks like.
10 The dental clinic has water service to
11 it, so that necessitates that it be in an
12 enclosed area where the temperature won't dip
13 too low so that we can avoid freezing the
14 pipes.
15 Currently that dental clinic van is
16 parked at rental space right now in Mount
17 Kisco, New York. It is taken out on a daily
18 basis. It goes to its sites where the dental
19 services are provided, and then it returns to
20 where it's currently parked. It goes in and
21 out once a day, and that's how it operates
22 and it functions.
23 Our request this evening is to be able to
24 park it in the enclosed garage space

1 underneath the building at 300 North Broadway
2 just for parking purposes. No services would
3 be offered in that location, the -- no, it
4 wouldn't be used for any purpose other than
5 to be able to put it in the parking area --
6 the garage area under the building.
7 And we're seeking a 12-month temporary
8 use authorization permit that's allowed under
9 your code.
10 The opening, the existing opening for the
11 garage space under the building is
12 sufficiently large to accommodate it. We
13 know that because the dental van had been
14 parked underneath the building.
15 I believe it was last year. Open Door,
16 once it closed on the building and purchased
17 the building, it had parked in that space,
18 and it was brought to our attention that that
19 was not permitted. It removed it from the
20 location.
21 We simply -- we recently realized that we
22 could make this request for a temporary use
23 authorization to be able to park it in that
24 location.

1 What would happen as an operational
2 matter is the driver of the van would arrive
3 at the site, approximately 8 a.m., park his
4 personal vehicle in the parking lot on the
5 site, go into the building, retrieve the
6 mobile dental van, pull out.
7 The van would be backed in, so it would
8 be pulling out in a straightforward, not
9 backing out of the parking garage and leave
10 the building. Come back approximately 6
11 p.m., park the dental mobile clinic van
12 underneath the building, pick up his vehicle
13 and leave; in and out once a day, five days a
14 week.
15 There is no expectation that there'd be
16 (indiscernible) any way to do this on a
17 weekend. The van is currently not used on
18 the weekend, and there's no plan to use it on
19 a weekend.
20 The services, again, are provided in
21 other locations where there's a need for the
22 dental services. And Open Door might not
23 provide them anywhere other than medical
24 offices even though they have offices in Port

1 Chester and Mount Kisco and some other
2 locations.
3 So that's really how it operates and
4 functions. You know, we have a pending
5 application that we just talked about in the
6 variances. It's our expectation that those
7 variances are granted. We move ahead with
8 the renovations, then this use would be
9 discontinued at the time that would occur.
10 We would not be seeking to do renovations
11 around the dental mobile clinic. We're not
12 proposing to do that. That's it.
13 MR. CHAIRMAN: It then seems from the
14 photos that it's schematic. It looks
15 sizable.
16 Is any formal or informal analysis -- I
17 see it's backed in the diagram. Has any
18 analysis been made whether the parking area
19 is sufficient for a vehicle that size could
20 pull in or reverse and back into a garage?
21 How would that work?
22 Would you have to use the street for
23 that, or is the area big enough.
24 MS. TORTORELLA: I have not done a

1 diagram for you, because we actually know
2 that the driver of the dental mobile clinic
3 has in the past been able to pull it in and
4 back into the parking area of the garage, so
5 we know that it actually works.
6 MR. CHAIRMAN: So it works?
7 MS. TORTORELLA: Yes, it has worked.
8 MR. CHAIRMAN: Assuming the rest of the
9 lot is empty.
10 MS. TORTORELLA: Right. Well, that's the
11 idea. We are not looking to have any
12 operation on the site at the same time.
13 MR. CHAIRMAN: Right. And to be clear
14 this is obviously purely for parking storage
15 of the vehicle. No use, no operation of it?
16 MS. TORTORELLA: No use, no operation, no
17 maintenance, no anything. Just giving it a
18 place to park so that we don't have to pay
19 rent to be able to park it in another
20 location.
21 MR. CHAIRMAN: And right now there's a
22 chain across the lot. If you take the chain
23 off and it's essentially open all day, or
24 would the lot close before he or she leaves

1 and take the van out?
2 MS. TORTORELLA: You know, as a practical
3 matter, it could work either way, and we're
4 flexible about it how it works. The purpose
5 of putting the chain across wasn't really our
6 own.
7 But apparently, there were adjoining uses
8 that were parking their vehicles in our
9 parking lot and there was a concern about
10 that, and we don't want to be bad neighbors,
11 but I think there was a concern on the
12 village's part that that was occurring, and
13 that's why the chain was put across.
14 We could easily have the driver arrive,
15 park in a legal space, take the chain off,
16 open, get in and out. We have to leave the
17 van somewhere on the street. Although, you
18 know, I'll tell you that that lane, based on
19 that analysis, is 20-feet wide. And there
20 are all sorts of trucks that make deliveries
21 -- comparably sized trucks that make
22 deliveries up and down that street all the
23 time.
24 MR. JUDGE: But you'd be parking the

1 vehicle at (inaudible) 8 a.m. in the morning
2 during one of the peak traffic hours. If you
3 were to park it, then you'd have to bring the
4 chain back.
5 MS. TORTORELLA: We could. The other
6 thing we could do is -- I mean, Open Door's
7 existing office is right around the corner,
8 and someone could come over and make sure
9 that they put the chain back. And it
10 wouldn't have the driver have to get in and
11 get out, and we can coordinate it that way as
12 well.
13 MR. CHAIRMAN: Yeah, it's definitely more
14 your concern than ours. Once you take the
15 chain off and leave it open, people will
16 start coming in. And I don't know how likely
17 that there adjoining uses would park there
18 and see an open parking lot and park there.
19 Maybe they'll be no parking signs up. Maybe
20 there will be some other cautions or it maybe
21 makes sense to -- to put the chain back up.
22 MS. TORTORELLA: Yeah. We can do that.
23 To be fair, it's not our concern that other
24 people park there. I don't want to misstate

1 it, but it is a concern, I think, on the
2 village's part. And the only way we knew to
3 deal with it at the time was to put up the
4 chain, because no one was at the building on
5 a regular basis, and nobody was monitoring
6 it.
7 MS. MOIRON: Sean, can you tell me why
8 it's not allowed now just to park there? Why
9 they weren't allowed in the first place?
10 MR. McCARTHY: Because the approvals for
11 the property received variances and a site
12 plan approval for a different use for
13 different activities. So anything that
14 doesn't comply with that approval would
15 require a special temporary use permit.
16 MS. MOIRON: Is it because of the size of
17 the vehicle?
18 MR. McCARTHY: No, it's just the use
19 that was not already previously granted.
20 MS. MOIRON: It's just a garage. What
21 other use would you have? No, I mean, I'm
22 still not -- I guess it doesn't make a
23 difference, but I don't understand what the
24 garage is for except to park vehicles.

1 MS. TORTORELLA: Well -- and, you know,
2 there were, you know, non-passenger vehicles
3 that were intended to be parked there. But
4 as a practical matter, it works and we're
5 just seeking the village's cooperation to do
6 it so that we can avoid having to pay rent in
7 another location.
8 And if you have a particular preference
9 about whether the chain is across the
10 driveway or not, please tell us, and I'm sure
11 we can figure out some sort of suitable
12 arrangement.
13 MR. CHAIRMAN: Yeah, that's one -- so you
14 think there is a feasible way other than
15 leaving the van on the street during our 8
16 a.m. hour. Is there a way -- is there a
17 feasible alternative to get the chain back
18 across at the beginning of the day and at the
19 end of the day?
20 MS. TORTORELLA: Well, I mean, you know,
21 there are people who are at the office that's
22 right around the corner, so, yes, we would
23 commit to doing that.
24 I don't want to be unclear. I mean, what

1 I would like to represent to you is that, you
2 know, at some point after the van is removed
3 close to 8:00, it may not be right at 8:00,
4 it may not be the driver right then and
5 there, so someone from Open Door's existing
6 office at 80 Beekman can come over --
7 MR. CHAIRMAN: No. No. Understood.
8 Once people see that there's a chain across,
9 no one is going to park there. They'll
10 realize they can be chained in, presumably.
11 MS. TORTORELLA: Right.
12 MR. JUDGE: My concern is simply that if
13 you were to ask the driver to do that that
14 would be crossing an undue traffic
15 obstruction during a peak hour. There's
16 quite a bit of traffic on Route 9. That was
17 simply it.
18 MS. TORTORELLA: I'm going to try to
19 convince you something different next month,
20 but I accept your comment.
21 MR. CHAIRMAN: Anyone else? This doesn't
22 particularly seem problematic to me. Are you
23 prepared to make a motion to approve --
24 MS. GANDOLFO: Well, Mr. Chairman, I

1 think you have a public hearing.
2 MR. CHAIRMAN: I'm sorry. I'm getting
3 ahead. I make a motion to open the public
4 hearing -- public portion of the hearing.
5 Anyone from the public would like to speak on
6 this application, please stand if you can and
7 state your name and address for the record.
8 MS. MCMANUS: Rosemarie McManus,
9 M-C-M-A-N-U-S. We weren't able to ask
10 questions for the first -- first -- the
11 transportation traffic report.
12 I have two questions I wanted to ask, and
13 you didn't open it to us. Was that normal?
14 MR. CHAIRMAN: Well, we -- well, it's a
15 continuation. Janet, we didn't open the
16 public hearing for that portion because it
17 was so abbreviated.
18 MS. GANDOLFO: It was abbreviated and the
19 applicant had actually asked to put it over
20 till March, so it was really on just for the
21 purpose of the presentation. But if the
22 speaker wants to ask the questions, we will
23 certainly make sure that they're answered
24 before the next meeting to her directly and

1 get them into the record. We can do that.
2 MR. CHAIRMAN: No, I think that's fine,
3 but we don't want to minimize any convenience
4 of having you come back next month.
5 If you would like to speak on the first
6 application into the record, that is fine.
7 MS. MCMANUS: All right. Thank you. You
8 mentioned about how many parking spaces there
9 were and you mentioned Lawrence Avenue,
10 Newport Way, and Gordon Avenue.
11 I did my own personal study, and since we
12 have alternate side parking he never
13 mentioned that. So I don't know if he was
14 including all these parking spaces as if we
15 did not have existing alternate side parking.
16 Now, to my memory, we have roughly 55, 62
17 parking spaces from the light down to the
18 park on one side of the street. So I don't
19 know where he got his hundred and so many
20 spaces.
21 He never once mentioned the alternate
22 side parking. Does he plan on getting rid of
23 that for us? That's my first question.
24 My second question is: When you make this

1 study for people going across Route 9, which
2 we all have decided is a very dangerous
3 intersection, he's basing it on studies on
4 people who are just walking in general.
5 We're talking anywhere from 3 to 500 people a
6 week crossing that avenue.
7 Now, I'm a visiting nurse. I have to pay
8 a higher insurance because of my potential of
9 having an accident is greater. It would seem
10 to me the same principle is applying to that
11 case.
12 How can you make a statement about no
13 accidents -- no pedestrian accidents
14 happening in the last five years when we
15 never had the flow of traffic -- flow of
16 people that we're going to be anticipating at
17 the Open Door?
18 Those are my two questions that I would
19 like to have answered by the gentlemen who is
20 here.
21 MS. GANDOLFO: We'll have him respond to
22 that, Ms. McManus, and get that answer to
23 you.
24 MS. ROBINSON: Hello. Edna Robinson, 65

1 New Broadway. I would just like to remind
2 the board that one of the things that the
3 local residents are concerned about is that
4 when the congestion becomes apparent,
5 especially at rush hour with traffic going in
6 or out, people will start to avoid the light
7 and will be more traffic on Pine, there will
8 be more traffic on Gordon to avoid the whole
9 -- which brings everybody into Weber Park.
10 Already now we have people going --
11 coming off 448 to go into Pine and down New
12 Broadway and Gordon and making a circuitous
13 route to the restoration. So this will
14 increase with more traffic, because,
15 especially commuters, they become very savvy.
16 Okay. Thank you.
17 MR. CHAIRMAN: Thank you. Anybody else?
18 MR. CATTANO: Good evening, everyone and
19 our board. I'm going to comment on the first
20 person who was up here speaking about this
21 also on the traffic. My name is Donald
22 Cattano [ph.]. I resided in the village here
23 for 53 years.
24 When I speak, I know what I'm speaking

1 about. Thank you. The traffic study that he
2 took, as this young lady just said here, is a
3 hundred percent right.
4 His traffic study is not accurate.
5 Number one, I would like to see photos of his
6 traffic study. Okay. I would like to see
7 counters put onto the state road for his
8 traffic study.
9 I would like to see counters on the
10 crossway over there on his traffic study.
11 Also, we've had a problem in this community
12 for, I got to say, at least 45 years on
13 Lawrence Avenue where there's vehicles that
14 used to park there, and we had the automobile
15 place.
16 We had someone sitting in this room right
17 here now who's been our mayor, who's been our
18 village attorney, and is our village attorney
19 today, who tried to close down the Tappan
20 Motors.
21 And I'm saying this with the truth, okay,
22 because I was on the board at the time when
23 they changed the zoning in different places.
24 And this village has to get away from one

1 thing: Politics leading our taxpayers to
2 suffer here for parking situations. It's not
3 proper.
4 This traffic study that these people made
5 today or when they made it, a week ago,
6 whatever, is out of line.
7 They're going to pay -- we got to pay for
8 a school guard. We did it for years up here
9 on the crossing. That's a number one safety
10 problem. Okay.
11 You have children who cross there, and
12 there isn't a school guard there now; they do
13 it on their own. Okay. You have a building
14 that adjoins right there where the mechanic
15 shop is. You have a body shop in the back.
16 They allow parking on that sidewalk right
17 there, because it's their property.
18 You have a repair shop where the Tappan
19 Motors used to have the garage; it's Lenny's
20 Repair Shop today. That repair shop has no
21 parking. Okay.
22 You have a lot next door who belongs to
23 the taxicab, limousine service, who wanted at
24 one time to put a repair shop in there for

1 their own automobiles, and then they said
2 they were going to take some outside
3 business.
4 That also was knocked down in this
5 village done very properly. Okay. Really,
6 you board people sitting here take a great
7 look. Come out of your homes, ride in this
8 village, see the problem we have.
9 I was on the police committee too not too
10 long ago. I am no longer a member on it.
11 They have people on that board that don't
12 know anything about traffic, but they were on
13 it.
14 We've been fighting the state now for
15 that intersection where you pull out of
16 Beekman Avenue. You pull out of Beekman
17 Avenue, two cars come out and they want to
18 continue down to Broadway, you can't do it,
19 the traffic light.
20 You're going try to change something in
21 this community that just cannot be done with
22 that business that they're going to hold over
23 there. Okay.
24 What the village should have done years

1 ago was take the property what they have now
2 when they knocked the bar down, when they
3 knocked those houses down. They should have
4 took that whole corner and done something
5 with it, but, no. Your political power in
6 this community is too much.
7 I've heard, no offense, if you want to
8 take it offense, you want to do something
9 about it, my name is Donald Cattano. I
10 reside at 43 Lawrence Avenue. Okay.
11 I've heard that our village attorney has
12 been going around asking about different
13 approvals in this community to be done and
14 that's improper. Thank you.
15 MR. CHAIRMAN: Thank you. Anybody else?
16 MR. BELANICH: Good evening, everybody.
17 My name is Mario Belanich. Okay. I want to
18 comment on the first -- the gentleman left,
19 but I hate to talk behind people's back, and
20 we have ordinance in this village, this is on
21 the first one.
22 We have ordinance that if you have a
23 parking, you're talking about the shuttle and
24 stuff, any place, it has to be within 200,

1 250 feet from that place. Phelps Memorial
2 Hospital is not 200 or 250 feet away, it's
3 more than that. That's illegal.
4 I don't know, maybe you should give him
5 ordinance copy and let him refresh the memory
6 because you have to do by the law. We all
7 have to obey the law and they have to obey
8 the law. It's not the law just for one, it's
9 for all.
10 Because if that goes through, if that
11 goes through, I am sure that legal action
12 going to be taken. You know, and they're
13 going to win. No matter who's doing it.
14 You're breaking the village code.
15 A code says what you said tell him to
16 read it, but they don't mention that, they
17 stay away from that. I don't know why.
18 Maybe think that everybody else is going to
19 forget, a lot of people remember.
20 So I don't know what they're trying to do
21 now. I want to comment on this dental clinic
22 that they're -- the mobile. You know, they
23 can say there's going to be one doctor, two
24 doctor, three nurses, so how many people are

1 they going to employ there? They didn't
2 mention that. Is anybody here that know
3 about that.
4 MR. CHAIRMAN: Well, it's not going to
5 be --
6 MS. TORTORELLA: Yes, we did.
7 MR. BELANICH: Okay. That's what I was
8 waiting.
9 MR. CHAIRMAN: That's been addressed.
10 MR. BELANICH: But not tonight.
11 MS. TORTORELLA: Yes.
12 MR. BELANICH: How many people are they
13 going to employ?
14 MS. TORTORELLA: None.
15 MR. BELANICH: None. Zero.
16 MR. CHAIRMAN: It's for storage.
17 MS. TORTORELLA: It's just parking.
18 MR. BELANICH: They're going to bring it
19 and out every day?
20 MS. TORTORELLA: No. No.
21 MR. BELANICH: For what? For who?
22 MS. TORTORELLA: It's only for parking.
23 MR. CHAIRMAN: It will be in the minutes,
24 but the short answer is that the proposal is

1 to have a driver -- drive -- have the clinic
2 parked at the facility within the garage,
3 have a driver drive there in his or her
4 personal vehicle, take the van, leave the
5 premises at the beginning of the day, and at
6 the end of the day, bring the van back, put
7 it in the garage, take his or her personal
8 vehicle, exit the premises.
9 MR. BELANICH: And they're not going to
10 do any services there?
11 MS. TORTORELLA: Right.
12 MR. BELANICH: Okay. All right. Maybe
13 I misunderstood. I'm sorry. See if I don't
14 understand something, I ask questions. And
15 another thing, gentleman over there before he
16 said about the parking around here, and I
17 agree. When Tappan Motors was in that corner
18 there, we had a problem. New Broadway had a
19 problem, Lawrence Avenue all the time.
20 Because I've been coming over here
21 listening to the complaints and listening to
22 the suggestions, mostly suggestions. Never
23 mind complaints, we always suggest, that the
24 people are parking and leaving their vehicle

all day. And that's not right.

The alternate side parking, nothing. So I think the residents of this village should have little bit more respect. When the people are going to park and what they're going to do and how they're going to do it. And this -- they want a special permit for this vehicle to park there. For how long is that special permit going to last.

MR. CHAIRMAN: Well, we haven't granted anything yet, but the maximum, if the board were to grant it, would be up to 12 months.

MR. BELANICH: One year?

MR. CHAIRMAN: Correct.

MR. BELANICH: Okay. Well, I think you people should not rush to give any approval tonight. Think about it before you do it. Don't rush. Thank you.

MR. CHAIRMAN: Thank you.

MR. OLIVEIRA: Real quick. I'd just like to submit this to the board. (Handing.) This is a petition of Weber Park residents. Ed Oliveira. O-L-I-V-E-I-R-A.

Just real quickly that petition

1 represents 220 people from the neighborhood.
2 Not -- and the reason I say it that way
3 because, I've reviewed all the documents
4 online.
5 There's quite a few petitions in there,
6 but they're not Hackley people. They are not
7 Ossining people. They are not Tarrytown
8 people.
9 They are people of Weber Park who, if
10 this application were granted, would be
11 affected by the aforementioned situations
12 with parking, circular traffic, people
13 cutting through Pine.
14 So, again, these are the people that
15 would like to be represented really looking
16 for hard representation or good
17 representation -- are the people of Weber
18 Park that really would be impacted the most.
19 Thanks.
20 MR. CHAIRMAN: Thank you.
21 MR. KAMPEN: Michael Kampen, Weber Park,
22 12 Grower [ph.] Road, Michael Kampen. I will
23 want to make this very short today. Just
24 mentioning three items, I hope I remember

1 them right now.
2 One is traffic study. We heard now
3 several times already that alternate side
4 parking routes are not really perfectly
5 considered. Maybe -- I did not see the
6 traffic study today that was presented, but
7 certainly the Adler study was not properly
8 presented.
9 But what was only once mentioned and
10 (indiscernible) there was a snow removal
11 emergency site which, I think -- for example,
12 New Broadway toward west side, the snow
13 emergency. So in the winter, you're not
14 allowed to park there.
15 I'm not sure how the situation is in
16 Hudson Terrace and other neighborhoods
17 exactly, but snow emergency site parking
18 should also be considered.
19 Secondly, when we talk about
20 safety-related traffic, I have to say taking
21 a video of six hours and then concluded
22 there's not really any problem disturbs me in
23 two ways.
24 One is it really disregards a lot of

1 testimony from the neighborhood of residents
2 who lived here much longer than I live in
3 this neighborhood, who even already in front
4 of the planning board made numerous
5 representations of near accidents that they
6 personally experienced.
7 And to dismiss that on the basis of a
8 six-hour video like the applicant tries, I
9 think that's not right.
10 And I also want to say, any look into the
11 history of pedestrian accidents at that
12 intersection need to consider that this
13 property was vacant for the last five years.
14 I mean, nothing happened in the last five
15 years, so to extrapolate something that in an
16 area where nothing was there to -- there may
17 not be a problem -- once a 10,000-patient
18 hospital moves into this area cannot have any
19 relevance.
20 So I feel very uncomfortable thinking,
21 oh, it was a safe vacant area. It will be
22 safe with a 10,000-patient clinic.
23 And so that's what I wanted to say. And
24 the last thing about dental mobile van

1 application, I think there is not, per se, a
2 problem with that because it's just parking
3 there, as long somehow it is absolutely made
4 sure that this is not somehow an entranceway
5 and, in any way, influences original variance
6 application.
7 Something like, oh, you see we now have
8 operated this mobile van for three months,
9 see nothing happened, no accidents, so now we
10 should go ahead, the variance application
11 should be granted.
12 So as long as this is like completely
13 independent and simply just parking the van
14 for a maximum up to 12 months, and there's no
15 interference whatsoever with the original
16 variance application, I personally -- my
17 personal opinion would not have a problem.
18 Thank you.
19 MR. CHAIRMAN: Thank you. Anybody else?
20 Okay. Thank you. Okay --
21 MR. CATTANO: May I just give one more
22 pointer.
23 MR. CHAIRMAN: You may.
24 MR. CATTANO: When that was approved for

1 this plumbing supply place, the same
2 property, that was approved improperly
3 because the New York State reads that they
4 have to have at least a 25-foot opening on
5 their apron, and that was shortened down to
6 about 18 to 20.
7 Therefore, that parking lot should have
8 never gone in, but that's politics for you in
9 this community. If Mr. Sean, our building
10 inspector, checks that out, he'll find out
11 that I'm telling the truth.
12 I own property where state roads are, and
13 I know I fought them and I just couldn't do
14 it. Unless it's approved by the state, you
15 can't do it.
16 MR. CHAIRMAN: Thank you.
17 MR. CATTANO: You're welcome.
18 MR. CHAIRMAN: Okay. Motion to close the
19 public hearing. All in favor?
20 MR. JUDGE: Aye.
21 MS. BISHKO: Aye.
22 MR. WERNECK: Aye.
23 MS. CROWE: Aye.
24 MS. MOIRON: Aye.

1 MR. CHAIRMAN: Okay. Apologize for
2 getting ahead of myself before. I don't see
3 a problem necessarily with the application
4 that's presented with respect to the parking,
5 and I'm prepared to make a motion to approve.
6 MS. MOIRON: May I just ask really
7 quickly the findings --
8 MR. CHAIRMAN: We're not down by that
9 material. It is really a subjective call
10 provided that it follows what we've heard
11 this evening, which is once the vehicle parks
12 indoors, no use simply bringing it in, taking
13 it out.
14 I would like to see some means by which
15 the lines closed off during the day by chain
16 or some other method which I'm -- the public
17 portion is closed at this point.
18 And that basis -- unless anyone else has
19 any other criteria, I make a motion to
20 approve on that basis.
21 MR. CATTANO: Can you make a motion --
22 you're out of order. How can you make a
23 motion on something that's on the floor right
24 now? That's not -- how can you make a motion

1 on something, Mr. Chairman?
2 MR. CHAIRMAN: The public portion is
3 closed. If you have a question, you can
4 speak to --
5 MR. CATTANO: You didn't close it.
6 MR. JUDGE: We just did.
7 MR. CATTANO: Well, it's not closed. We
8 need to take a vote on it. How can you make
9 a motion --
10 MR. JUDGE: We just did vote to close
11 it, Don.
12 MR. CHAIRMAN: We just closed the public
13 portion of the hearing.
14 MR. CATTANO: Bunch of politicians.
15 MR. JUDGE: Excuse me, Mr. Cattano,
16 we're actually all volunteers.
17 MR. CATTANO: I don't get paid. I did
18 the job. I was on the board. I know what
19 goes on. That's why I'm not there no longer
20 because I wouldn't do it.
21 MR. CHAIRMAN: This is not a place for
22 this dialogue. Thank you.
23 MR. CATTANO: You want to put the carwash
24 down there; it was told by the mayor. Go

1 vote.
2 MR. CHAIRMAN: Vote to close.
3 MS. MOIRON: I'll second.
4 MR. CHAIRMAN: Motion seconded. And all
5 in favored say aye.
6 MS. CROWE: Aye.
7 MS. BISHKO: Aye.
8 MS. MCMANUS: You know something, we
9 really can't hear. Even though there's
10 microphones and things, we can't hear nothing
11 back here. Those don't work, at all. We
12 can't hear.
13 MR. CHAIRMAN: Sorry. We can speak
14 louder.
15 MS. MCMANUS: No, I'm saying when you
16 guys talk, we cannot hear a thing. Those
17 microphones don't work at all.
18 MR. CHAIRMAN: These microphones, I
19 believe, don't amplify our voices. These
20 microphones are actually for the record. All
21 one has to do is ask, and we'll be happy to
22 speak louder.
23 MR. CATTANO: People think they're
24 picking on you people. We're not picking on

1 you.
2 MR. CHAIRMAN: This is not a dialogue
3 with the -- if we cannot be sufficiently
4 heard, all one has to do is ask and we will
5 speak louder. These microphones are for the
6 record and not to amplify our voices.
7 We've never had a single complaint that
8 we could not be heard sufficiently. This is
9 the first time.
10 MR. JUDGE: Glad to speak up.
11
12
13 (Time noted: 9:17 p.m.)
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1 C E R T I F I C A T E

2

3

4 I, MICHAEL A. DEMASI, a Court

5 Reporter and Notary Public of the State of New

6 York, do hereby certify that the transcript of the

7 foregoing proceedings, taken at the time and place

8 aforesaid, is a true and correct transcription of

9 my shorthand notes.

10

11

12

13

14 Michael A. Demasi

15 MICHAEL A. DEMASI

16 Court Reporter

17

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