

# TOWN OF MOUNT PLEASANT

MINUTES OF THE  
MEETING OF THE ZONING BOARD  
TOWN OF MOUNT PLEASANT  
WESTCHESTER COUNTY, N.Y.  
HELD MARCH 14, 2024

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## CONTINUING APPLICATIONS:

**Clare Pierson (Owner) of property located on Bedford Road (proposed as 747 Bedford Road) Sleepy Hollow, NY.** Section 111.15-1-2. The application is for the proposed 2-lot subdivision which is currently seeking Planning Board approval on a legal parcel (6.86 acres) in the R-40 Zone. **The following variance(s) are requested:**

**Z-23-59 Pierson/747 Bedford Road, Sleepy Hollow, NY**  
Application was adjourned.

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## NEW APPLICATIONS:

**Michael & Susan Martinez (Owners) of property located on 10 High Street, Valhalla, NY.** Section 117.19, Block 1, Lot 58. The application is for the legalization of an existing 7.5-foot retaining wall on a legal standard parcel (10,018 SF.) in the R-10 Zone. **The following variance(s) are requested:**

**Z-24-2 Martinez /10 High Street, Valhalla, NY.**

Mr. Martinez: A storm came and knocked over my neighbor's retaining wall, which is holding up half of my yard. The storm that happened the previous November. Then the topography of the right, with the topography of the backyard to begin with and what was holding up my yard, was knocked over when my neighbor's wall fell over, which they didn't replace.

**Board Member Mr. DeCicco;** What was there before you put up this wall? What did it look like beforehand? Mr. Martinez replied; Well, there's my neighbor's retaining wall, which held up about 5 feet of my yard. Then I had my fence on top of the yard, which is pretty much, you know, parallel to my backyard up on the slope. The storm came and knocked over their wall, which was like 4 or 5 feet. So, now that's why that huge giant gap was there. The way the backyard sloped up was still 4 feet. There still would have been 4 or 5 feet of exposed dirt on top of

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that.

**Board Member Mr. Hlapatsos;** When did you become aware that you needed a variance? Mr. Martinez replied: Probably about a month or so later. My neighbor was going to replace something there, and it was never replaced, and the dirt just kept eroding into his yard. So, we kind of figured out we needed to get it done. We wanted to get all the permits and just do it the proper way.

**Board Member Mr. Hlapatsos;** See what I'm getting at is just, and you're not the first person to appear before this board having done work and then subsequently realized that you needed to have a permit, and therefore you needed to get a variance. So, what was it again that precipitated you to go and follow the requirements to get it started? Mr. Martinez replied" We realized how much that had to be excavated and how far it basically went down. So, once it kind of started going down and up, we kind of knew we had to get a variance. I always had a permit when the Inspector came out and saw the way that it was, and we knew we had to get a variance.

A motion was made by Herb Doerr, to approve the application as submitted, seconded by George Hlapatsos, carried 5-0 AYE.

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**Hawthorne Fire Department (Owner) of premises located at 25 Home Street, Hawthorne, NY.** Section 112.13, Block 3, Lot 7. The application is for a proposed LED message board for Fire Department and Community events. On a legal standard parcel (44,200 SF.) in the R-10 Zone. **The following variance(s) are requested:**

**Z-24-4 Hawthorne Fire Department /25 Home Street, Hawthorne, NY.**

**Mr. Desimone:** The application is for a proposed LED message board, for the fire department and also for community events.

**Chairman Mr. Prezner:** The parcel is 44,000 square feet. Is it going to be in the same position where the existing sign is now? Mr. Desimone replied" You really can't see very well with the new telephone pole that they put in front of it, so what we're going to do is that, just south of the entrance to the parking lot off Elwood Avenue, there's a little horseshoe indentation of evergreens, and that's where we're we are going to put the sign, perpendicular to Elwood Avenue. So, you can see the sign coming north, and you'll be able to see the sign heading south.

**Chairman Mr. Prezner:** So, we're looking at probably, like, 7 o'clock in the morning and by 10 or 10:30 at night. Shut it off? Mr. Yeah. It'll be it'll be turned off. We can set everything up like that. I wanted to make sure of that because I didn't want it to go all night long. You know, nobody's going to want to see that sign blinking, you know, 2 o'clock in the morning. So that's why we wanted to make sure that we were able to get a sign that could turn off or not. Gotcha.

**Board Member Mr. Trivella;** I see the model here you submitted is it going to look just like that? Mr. Desimone replied" It's going to look very similar to that. Now do you have any idea how much light this gives off? Not off the top of my head. No. I don't remember how much light it gives off. That's why we wanted to make sure that come, time, we were able to shut it off, you know, at a certain time at

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night so it didn't bother anybody. The 2 people that are right across the street, they're right across from the firehouse. They've got, what, 12-15-foot -high hedges. So, it's located just a little bit to the north and to the south, but I don't know, there's enough space there that I think it'll be okay.

**Motion was made by Herb Doerr, to approve the application as submitted, seconded by Scott Trivella, carried 5-0 AYE.**

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**Sam Sjoberg (Owner) of premises located at 261 Marietta Avenue, Hawthorne, NY.** Section 112.14, Block 1, Lot 6. The application is for a proposed two-story addition to an existing single-family dwelling, on a legal substandard parcel (7,500 SF.) in the R-10 Zone. **The following variance(s) is requested:**

**Z-24-7 Sjoberg /261 Marietta Avenue, Hawthorne, NY.**

We are adding a two-story addition to an existing single-family dwelling. We are expanding the footprint. But above the basic? Yes. So, we were adding a small addition, 5 and a half feet off the left side, south side of the property. Where is the deck?

**Chairman Prezner:** So, what you're actually doing is, I believe, is an overhang. Mr. Sjoberg replied: Yeah. A roof over-hangs. We're taking down the existing roof. Obviously, it's a mid-century modern built in 1965. We're going to bring it in more in context with the surrounding neighborhood. It pivots us based on that in terms of livability, because it's split-level.

Mr. Sjoberg replied: Livable area. We explored providing an addition in this area here, decommissioning a bedroom, providing a whole closet in order to have access to a primary suite. We still need a variance for it, and we would probably have to get a 4th variance for area coverage building development. So, we fell within the more subtle approach by adding a 3.75, 3-foot 9 addition off the back, which would be on piers, not a typical, you know, poor foundation and a continuous spread footing. And then a 5.5-foot addition here.

**Board Member Mr. Doerr:** So that cave, you call it a room? Mr. Sjoberg replied: Yeah. We plan on removing it and utilizing it. When we proposed, it looked like there was some prior foundation in front of that under the existing deck. Correct. And we can't, you know, rely on what's there, so, we're planning on replacing it in kind. So, is that room enclosed? That room is being closed and being utilized as storage because it's, you know, it's a very small lot undersized for an R10. So, this part back here that you're extending out of that, off the house is, like you said, off the piers? Yep. Correct. So, we'll maintain the same access underneath. It'll be in the same elevation line.

**Motion was made by Herb Doerr, to approve the application as submitted, seconded by Scott Trivella, carried 5-0 AYE.**

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**Julio C. Rizo (Owner) of property located on a vacant Parcel on Holly Lane, Valhalla, NY.** Section 117.10, Block 2, Lot 21. The application is for a proposed area variance for the 25-foot required street frontage set forth in Town Code §218-9(B)(6), on a legal standard parcel (10,895 SF.) in the R-10 Zone. **The**

**following variance(s) are requested:**

**Z-24-8 Rizo /Vacant Parcel on Holly Lane, Valhalla, NY.**

There has been a right of way in that location since 1957. That right of way has been in place since at least 1975, when the home at 6 Holly Lane was constructed. So that driveway runs through our parcel, as well as part lot number 22, which fronts Holly Lane. The parcel in the front is owned by some other individual which is a separate entity. It's, it was conveyed by Deep, in 1957. We also have a 1974 easement agreement that makes reference to it as well as a recorded map that was approved by the planning board in 1986. Alright.

**Chairman Prezner** we have state law 280. Are you familiar with that? Mr. Sjoberg replied" I am familiar with that. Okay. That's a sticking point. In that, an easement is not considered frontage on a street. That is correct, but that does also permit variance by 267B, which brings us here before you today for a variance. It does also define access as 15 feet in width as being sufficient. We do have 25 feet in this instance. It is improved, it is paved. So, we feel that, given the circumstances, I couldn't go through each of the elements under 267 b, but we feel that we do meet those requirements, and that the benefit to the applicant does outweigh the detriment, if any, to the community.

**Chairman Prezner;** I'm going to be honest with you. In all the years that I've served on this board, longer than you've probably been practicing law, we've never had the problem of coming up with conflict between state law and town law, and state law supersedes town law. I'm not a lawyer, but what you were trying to do here with the ZBA is when the building inspector said. No, we try to find some sort of thing with 267B. It is created 99% of the time. Does it have an effect on the community? Yes. Is it good or is it bad? Is there an alternate way? Which is the most important statement? What is there a way we can resolve this so that the applicant can still get something? Nobody walks out of here with a full loaf of bread. But at least to get whatever they want done, part of it done. I don't know in this case. I really don't. I'm going to reserve this for the other members of the board. Okay?

**Mr. Sjoberg;** So, in this instance, it's already created a lot. We're not asking to create the lot itself. The easement's been in place for, as I said, a number of years, since 1975 at least, so going out 50 years at a minimum. In this instance, in this case, nothing is changing, by granting this variance, so that we would still have to go back to the planning board to ensure there are no other impacts environmentally, should anything be built on this lot. So, there are safeguards put in place, but in this instance, this lot is just over shy of 10,000 square feet or just over 10,000 square feet, so it meets a lot of area requirements, but we do not have the frontage. The lot was already in this. It's been in play as its own single tax lot for a number of years. So, the relief is granted here, allowing the lots to actually be constructed on and utilizing an easement that's already in place that's already been constructed. I believe it's a significant benefit to the owner, and it's not something that's unique. It's not something that's going to set a precedent for this board. At this time, we're just trying to get the lot to be deemed buildable. So that's why we're before you with a vacant lot in the survey. But there's no plan to

do anything that would be otherwise not permitted within the R-10 zoning district. It'd be consistent with the district. Thank you.

**Board Member Mr. Doerr:** When we were there on Saturday, I noticed that the easement, the driveway or driveway where you're being used for, was that gravel, or is it macadam? I mean, what equipment is it to get all the way up to that house, back to the house? I'd have to confirm. Mr. Sjoberg replied "I believe a portion of it is paved. It is blacktop. **Mr. Doerr;** Then we also noticed that they were already clearing trees off of that lot on Saturday? The tree trimmer in there? I actually had a big tree in the driveway because it was right there, and needed to be supported. So, there was a tree that rotted out on the property that was near the driveway that was removed. Was damage prevented? **Mr. Doerr;** So, they were removing trees from the vacant lot? Actually, in the middle of the driveway.

**Board Member Mr. Hlapatsos:** Did they know that the lot couldn't be developed in the condition that they purchased? They did not. Did they not know that? They thought that the land lock was going to be buildable, and then they were surprised to find that it wasn't. That's my understanding. That she was she conveyed this stating that this would be a buildable lot. That's the seller of the 2 lots, the one in the far rear and the lot that you're proposing to develop now. The seller of those lots to the current owner, your client. Verbally advised that she believed when she sold the property that it was going to be developable as a 2 lot, 2 independent homes on 2 parcels of the land she was selling.

**Chairman Prezner;** Alright. I did receive an email from Joseph. I'll read it for the record. My comment on the proposal for Holly Lane is that the Board should deny the variance. Not every lot needs to be built upon, especially if it doesn't meet the current building standards. One of the reasons my family moved to this area is because of space and openness between homes. There's no need to over develop the area. The concerns like I said, you're creating something that we're creating a third lot. There is nothing stopping somebody later coming in and saying, you know what? I have got to have a similar thing, and therefore, I can do the same thing. But the problem is, we have conflicts between state Law and Town Law and county law. There are constant conflicts. And, like I mentioned before, in all the years I've served on this board, both as chairman and as member, and even prior to that, we've never approved a variance where there wasn't access to the road, and you don't have that with the right of way. Certainly, if the applicant wants to further be heard, I have no problem if you want to present anything additional. But I mean, I think at this time, I mean, there have been some questions I'd like to get some answers to, so I can actually adequately answer the questions for you as to the history of the property. So, in that instance, I would request that there be an adjournment given that the feedback that I've received so far from the board, I'd like to at least have a full record and answer the questions that you do have before you make that decision.

So, would you like an adjournment to the next meeting? I would like to do that. Brian replied: Yes, please. Okay. Alright. K. Mister chairman, please.

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**Maria & Roberto Molina (Owners) of premises located at 41 Rosalind Avenue, Pleasantville, NY.** Section 106.14, Block 1. Lot 8. The application is for

the legalization of an existing 6-foot high fence in the front yard of Rosalind Avenue, on a legal substandard parcel (.11 Acres) in the R-10 Zone. **The following variance(s) are requested:**

**Z-24-9 Molina /41 Rosalind Avenue, Pleasantville, NY.**

Application was adjourned and will be heard on the April 11, 2024 meeting.

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**Brighton Avenue Properties, LLC., (Owner) of premises located on a vacant parcel on Bradhurst Avenue, Hawthorne, NY.** Section 112.9, block 1, lot 3. The application is currently seeking Planning Board approval for the application of a Lot Line Change, Steep Slope and Site Plan for the development of vacant land to support the construction of a new 3,000 SF. landscape supply storage barn, 200 SF. modular office building, new access driveway at the Bradhurst Avenue/Brighton Avenue, at 0 BRADHURST AVE HAWTHORNE NY, NY 10595 C-NR. **The following variance(s) are requested:**

**Z-24-10 Brighton Avenue Properties, LLC. /Bradhurst Avenue, Hawthorne, NY.**

David Sessions from KSCJ Consulting appeared on behalf of the application. We're engineers, landscape architects, and planners. One variance is the minimum distance between the main structures, and the second one is the accessory building height. I think you've got it. It's all yours. Just as an intro, we've been before the planning board for a steep slope site plan, three times now. So, we've been before the planning board on 3 different occasions now. We've had comments from both the town engineer and the town planner. The planning board did not want to refer this application over to your board until the town engineer and the town planner were satisfied with all of their technical concerns. We have satisfied them. We also need a New York State DOT curb cut permit for the proposed driveway, which I'll get into later. We have had positive feedback from DOT. They've now accepted our proposed location, which, by the way, is also an existing location of a former curb cut. I'll deal with that. But, so we're on board with the DOT. We've not issued the approval. We're in the process of dealing with the paperwork board until not only the town engineer and town planner were satisfied, but the DOT was satisfied. So, we've got those ducks in a row, so here we are tonight. The applicant owns 2 pieces of property. The smaller property located here is lot 3 and that's about 24,000 square feet and that is in the neighborhood retail district. The second property known as lot 2 is in the R-10 residential district. Bradhurst is located here. Brighton is located here and Jackson Avenue here and these are the existing adjacent residences to the west. Lot 3, as I mentioned before, was previously developed, with a driveway curb cut, which is here, coming back to a dwelling. There was a garage, utilities, water, and sewer. For the most part, it's a vacant piece of property now. The proposal, as you mentioned, is to build 2 structures, the larger being the landscape supply storage barn and the smaller structure being the modular office building. The landscape storage barn, you cannot build without a primary structure. In other words, this zoning district

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needs an accepted primary structure, which is office use. It's one of many uses that can be built on this property.

But, in prior meetings with the town, it was suggested that we consider either a temporary or permanent modular office building, which would take care of the primary structure, and then the accessory structure would be the storage barn. The two variances that are required have to do with the height of the proposed storage barn, and the proximity of the storage barn to the primary use, which is the modular office building. Variance number 1, a 12-foot minimum distance is required between the two buildings. There are a lot of reasons why we've located this building so close to this building. And that is one of the reasons is that the lot is extremely narrow. The proposed use has trucks, some trailers that come in and out in the morning, come in the morning, come back at the end of the day, and there are turnaround requirements. And we have, as part of the town engineer and the DOT's requirements, we were charged with showing 40 to 40 5- foot trucks entering the site, coming in, making turnarounds just to make sure that all the circulation work, especially with a fire truck, you know, we apparatus. We had to do that. And the combination of the parking on both sides that's required and the truck turnarounds, was great. It's a very narrow site. We needed this area here for a truck turnaround. We also need the area in front of the buildings, and this is, per the town engineer, to temporarily store personal vehicles while the business vehicles are being pulled out in the morning. In other words, the workers will arrive in their own vehicle. The construction vehicles are parked in this parking space already. You've got to get the construction vehicle out temporarily, park your personal vehicle, and then pull the construction vehicle out. We needed storage space, and this was a town engineer requirement that we provided here. The proximity of this turnaround is very important in that location. If we were to move the modular office building any further away, the traffic wouldn't work. So that was a that was a primary reason why this little turnaround had to be there, which means that the temporary office building is a lot closer to the storage barn. So that was really a circulation and an engineering issue that we've resolved at least internally with the town engineer. So that's the primary reason why they have to be so close together.

The height is very important, because that's where they store their materials, that's where they store their equipment. You know, they would love to be able to expand this and put the office actually within the barn. They just literally don't have enough floor space in the barn. At this point, the proposal is to, for lack of a better way to describe it, try the modular office building out for a year or 2. If they've determined that they really don't need 100% of the space inside, they would consider eliminating this and building it somewhere inside. Then this would be reworked. Now, the applicant understands that he would have to come back to your board, I think your board, but maybe the planning board, so that this would then be the primary building as opposed to the accessory building. So there is a lot of history there. But, the fact of the matter is, this building is, and I'm segueing into the second variance now. The second variance is an accessory building that cannot

be more than 15 feet in height. Now the truth of the matter is, even though this is labeled as an accessory building, it really is the primary building. But it's being deemed the accessory building because the office has to be deemed the primary in this case. Now you're allowed up to 2 and a half stories and 35 feet in height for a primary building or anybody's house in a residential district, right? That's per cove. 35 feet high, 2 and a half stories. This building is only 27 feet high to the ridge, and essentially 1 story. Even though it's an accessory building, it exceeds the 15-foot height of an accessory building, it's still 8 or 9 feet lower than a typical home that could be built.

**Chairman Mr. Prezner:** You got commercial and private cars coming off at 9. You have people coming down off of Bradhurst. You got people coming through Brighton. When you pull it, when you come out of that driveway, alright, and you've got a St. Christopher medal on you, hanging on your windshield, He's going to drop the kid and run. It's dangerous. And I don't know who approved that sight distance thing, but it might have either been Ray Charles or Stevie Wonder, because people don't travel at 30 miles an hour. And the reason I say that is I had to go into the city and I had to drive on the sawmill that has a 50 mile an hour speed limit. I was at 6 o'clock in the morning It was in the right-hand lane doing 70, trying to keep up with the car in front of me, and everybody on the left lane was passing me as if I was going backwards. So, these street signs or speed limits are just suggestions, and the way people drive in a lot of areas, police are afraid to go out on the road. I totally appreciate it. And I've been out there, I can't tell you how many times. Right now, the existing sight distance, what you're seeing as we speak, is about a 135 to 140 feet sight distance. Now the DOT measures it from 3 and a half feet off the pavement to an object 3 and a half feet off the pavement as you're looking at it. That's what you're seeing now.

Marc: We're not a retailer. We're a maintenance company, a landscape company. We don't believe in storing a lot of supplies, as far as fertilizers, things like that. It's a waste of money. We have suppliers within a couple of miles of the facility that we just go get what we need. It's mostly equipment; machinery, lawn mowers, anything that you could put on snowplows, anything you could on pallet racks. That's pretty much what we store in the building. So, we don't buy in bulk. We don't buy fertilizers in bulk, seed in bulk, nothing like that. We don't retail. We don't resell. We don't store gravel. We don't store concrete. Nothing like that. Alright. And so, inside, you could probably have a forklift that's going to elevate the products onto shelving? This is exactly what we do in the Bronx. We have, you know, pallet racks secured all around the perimeters, so that our trucks can park inside. They can get loaded inside. It's nice and clean.

**Board Member Mr. DeCicco:** I have several questions. The notice indicates that you're seeking a lot of line change. Can you discuss that, show where that is, and say how that affects the application for the new Sure. Okay. So, this is the existing condition plan and this is lot 2. This is lot 3. What we are proposing is to take this lot line and move it or eliminate it essentially, so that the re or the retail lot is extended to this property line. So now the new shape of the retail lot would be

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that. Again, this was a setback. We were, and this is the reason why, Mark would like to widen the building, but he just couldn't because we needed 50 feet from the street line to here and 30 feet from the rear line to there. So, to be clear, this is what I want to make sure I was clear about that. The plans as you've presented them, whether they're good plans or bad plans or somewhere between, they're dependent on lines being moved. Like, what you've been showing us tonight needs a lot of line to be moved for that to work.

**Board Member Mr. Doerr:** Okay. I'm going to come from a different angle here. I'll first address the chairman's point, just to the public opinion on it. I realize that if you come around that end, we have Amazon around the corner, which's highly written. There's already been a fatality, and that facility hasn't been up and running for more than 2 months. Somebody in a well-lived area. So, we're very cognizant of the DOT and all that type of business stuff. That's not what you're here for. And it's already been approved. That's a different board. You're here for 2 other variances. 1 being the distance between the two structures and then the height. So going forward, I've been up here for over 35 years. When was their last structure on this part?

**Public Comments:**

Scott Core. I live at 338 Jackson Avenue, which is one of the properties that share a property line here. Can you put an average one? Roughly. Yeah. That has the houses right there. Alright. So, this is my house right here. Alright?

Okay. First, I'm going share this with you. My son helped me create it yesterday. A little poster board. Hopefully, it stays out. There you go. Alright. So first, I want to ask you guys, did everybody see the petition from the neighborhood? No. That's submitted to the zoning? That was submitted to the zoning. Yes. It's about submitting the original. Maybe it's the planning board, not the zoning board. It didn't come to me. So, this is a petition here signed by over 50 residents around Jackson Avenue. Alright then. Thank you. No problem. Ralph Jackson Avenue, Brad Hurst, Kelly, Bennett, Atlantic, Newman, just around the general area. Alright. And just to clarify, should the planning board consider this issue? I mean, as far as far as I know, it was in their possession. We met with the family zone at the public hearing, but it wasn't a hearing, but we're going to allow them to speak or, I mean, I think, Tom call it, like, a little, like, you know, like, we made the statement, but we really know, they get into the nitty-gritty of it. You know?

Okay. So first, I want to start by saying, you know, we believe this property to be industrial property for a landscaping construction operation. It's not just storage, like a typical commercial retail development. So, this property is also unique in that it shares a property line with 4 residential neighborhoods and 4 houses.

Right? So, any increase in this lot negatively impacts the neighborhood by allowing the operation to expand and become more intrusive to the neighborhood. So, if that property, this flagpole lot, comes up, this is my backyard here now. He said that it's 33 feet up, but the backyards here are tiered. So, it's not quite 33 feet. You know, the lower yards are, you know, become more equal with it. Right? So, also, I want to point out that there's no other operation of this nature outside the

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industrial park areas. Right? These types of operations are by the train station. Right? What are the pictures here? Right? And also, by the cemetery where I think Bright House operates. Right? So, we have numerous concerns about this as well. Right? So, there will be unreasonable noise from the trucks beeping. Right? You see how the lines are now? It looks nice in that drawing, but, you know, kind of looks like somebody sold Christmas trees out of it, you know. So, so also, you know, I just want to say, take note of these pictures, you know. Everybody starts with good intentions. Can you show a tip point those pictures are from? So, that is if you come by train to the whole train station here.

Thomas. I live at 339 Bradhurst Avenue. Okay. So, we understand that they may have good intentions now, but that you can see how the properties of the state should age over the years. Maybe not this year, maybe next year. Maybe Mark sells the property and, you know, the next guy looks like that. But this is, you know, these are the concerns of the neighborhood. You know, I want to thank you guys for, you know, letting them speak. Thank you. It was a good night. I'm right where I guess where I'm at. Where do you look? You're near the gas station. Your hands on the gas station there. My property line is right around the bank. It's a bank if the guy is aware of what the situation is. I have so much trouble getting out of my driveway now. And this guy is going to tell me that by putting a driveway at the end of my property line, they're going to have no problems. I've taken pictures of accidents that occurred at that intersection here. Now the DOT is going to prove this. I would like to know who did it. I want to find out the person's name because I like to find I want this to be on a report that if anything should happen, accidents are going to happen like you mentioned. K? I've been living there since 1980. And nobody's ever built anything on that piece of property. There was a house there prior to my house, burnt down to the ground. And I had a contractor put up my home right there. Now in over 40 years, I know you know, I read the fact. I don't even have my wife go out of my driveway because it's so big. And I just, just want to let you know that doesn't sound right to me.

Greg Lukaske. I live at 336 Jackson Avenue. I am getting dressed for this tonight. Thank you. I reflect on everything that Scott, my neighbor, said. My concerns are not as much as they are, but not as much as the sight line, the trees. I don't want anything on my property planted. I'm concerned about the sound, the emissions, and the danger which has been pointed out. I fail to see where there are 200 feet of sight line. It occurs to me that you people have gone there and done a site visit. That is a disaster now. It's a disaster now. As Tom said, you can't pull out, you can't pull in. Even outside of Jackson, it's dangerous. So, what has occurred most recently is the new ShopRite on 9. So, the trucks used to come straight up, so that they were in between the Shell and the Getty. Now they're coming from 9, coming up the hill. I disagree with Mister Sessions in the sense that he says it's better that they're coming up. I disagree because they accelerate more. So, either way, there's no visibility. None. The fact of children is one of the things my house looks right like, so I'm elevated next to Scott. I like it when I can see the trees, and hear the birds, and everything else. And, as it is now, I'm here 30 years. I feel there's an

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over development of Hawthorne since I got here. Nobody's thrilled with Amazon, but we're not going to stop that. But we have other eyesores which I think this is going to be. We have an eyesore on liberty and commerce on a big building. It got built. It seems like they stopped construction on that. It's right flush to the road. We don't need more of that. None of us moved here, and there's a lot of us here, and there's more people. There are more people that are not here tonight so that we can get everybody here. You saw the petition. So, it was pointed out there was a fatality. We can't predict the future, but it's ripe for more fatalities, more accidents. People like this gentleman, mister, prisoners. People are driving crazy. I invite you all to come and stand in my kitchen window and look out. You can't believe how cars come up and cars come down. We lost 3 pets on that road that wandered off. I think it devalues everybody's house. But I think the absolute I'm going to quote. I had all these notes after that. I can't even read that. But I really believe the best absolute assessment and judgment of this is to assemble some team, panel, board, whatever, and come and stand at that intersection, which is a four-way intersection right now, very dangerous, and come at rush hour in the morning during the week, not on a Saturday. Oh, I appreciate that you went on Saturday and came between 4:35 and 5:30 on the week after.

Joe Durante, I live at 337 Jackson Avenue. I'm across the street from where these guys are. They're on the side that's going to be affected by this. So, it is essential to me. It is like putting a driveway in the middle of Springbrook Parkway. We have trouble pulling out of that block every morning. There is a school bus full of children. Gasoline tankers pull in at all times of the day and night. There's going to be a, I mean, a catastrophe. You ever if and the turn to get in there is a fishhook. It's shaped like a fishhook, so there's no way if you're coming up that hill that you're going to be able to pull into it without going almost, onto the gas station to get into there, because it's official. And, I mean, trees are going to help, but they aren't going help the chaos and the danger. People are going to die there.

John Anastiou, I live at 320 Kelly Street. I have to say it's unique being here, part of the public, in lieu of being a representative for an applicant. But I actually have a different way of looking at this. I believe the application is flawed in its merits. If I understood the applicant correctly, Mister Chairman, he stated that He needed to have an office to be able to have the storage facility. Did I understand that correctly? What he indicated was that because there's a requirement that no freestanding entirely dedicated storage building is permitted. They had to have some office space. They chose not to include it within the larger structure, and they chose to put it adjacent to it. Which is, they need a variance or 2 variances from us based upon the plans they've come up with. To me, that seems to, at the very least, contradict the spirit or the intent of definitions of what are primary uses and what an accessory uses. The applicant stated, I may be incorrect, but to my recollection, in actuality, the storage facility is the primary use. The office is there maybe to run the administrative portion of the storage portion. So, in actuality, the primary function is storage. The accessory used is really office space that really belongs within the storage facility. That's how I've always designed them. I never designed a storage facility as an accessory to an office

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structure being the primary. An office might be needed, I thought. When I first read the notice, it was reversed. When I saw that the storage was 3,000 and the module was 600, I thought I had the uses mixed up. But to me, I think it does a disservice to how the code was intended to be able to flip the meaning of primary use as opposed to accessory use. If we take that at face value, I think the 2 variances that are being requested are also very, you know. I don't want to sound alarmist, but I think they should be reviewed under very careful consideration because a storage facility carries some level of hazard with it according to the building code. An office use is a business use, but if you're making the accessory structure a business use, and then you're putting it closer to the storage facility, plus you're increasing the height of it, I think it flies in the face of what the intent of those distance requirements and height restrictions were on an accessory building because they were both safety driven. Even, like, if you put it in residential terms, we don't put a pool next to a house because you don't want someone jumping from the house to go into the pool. So here, it's a little bit different. That's excuse me. You don't want an office to be so close to a potentially hazardous use. A hazardous use, something could go up in flames. It then puts the office use in jeopardy because of its proximity. In addition to that, I think it's a little know the applicant is looking for flexibility, but stating that this office could be temporary nature, I think also defies or goes against the intent of what the zoning requirement is, which is used to have an office used. If you have to have an office used, it has to be permanent. It has to be built. It has to be there forever in perpetuity with the use of a storage facility being on a premise. It can't be built there and then in a year, say, you know what? I really don't need it, or I'll put it in the building. If the project is going to get approved with the requirement that there has to be an office presence, then I feel it needs to be permanently part of the project in perpetuity with the storage use. That's it for me.

John Bonafonte, I am located at 326 Brighton Avenue. Where is that actual piece that was on? Right. Right where your finger is. Yeah. Right there. You're standing at the gas station. Yeah. So, I'm on the corner of Brighton and Newman, which is directly across the street from here. Okay. Alright. This is 23 years. And if this happens the way he proposes with all these additional trucks, my personal property value will significantly drop by at least 10 to 20%. That will happen to every person in this room. We could be taking away the equity that's coming into my home of over \$100,000 and that could be for every single person in this room. But we could have an equity loss of over \$1,000,000 for our homes because we're putting trucks and everything around. If I brought one of my clients to a showing, when they saw all these trucks, the house I live in would not sell. And that's going to be true for everyone in this room. You know, it's a major loss to everyone's property here. Significant. Thank you, sir.

**Dave Sessions:** People are talking about the adjacent lot, okay? What connection will there be, and is the commercial use going to spill over into residential use? It's impossible. It's impossible. The grades here, I don't know if you've been out there, if anybody's walked it. They are 30, 40% grades. Okay. There is a house we had

to design just to make sure. The town engineer and the town planner. I can't find it. It's not it's not important. We had to prove that there wouldn't be any variances needed. The driveway complied. We did. No house is going to want a commercial building to encroach onto its property. No commercial building is going to want the house. And physically, there is a massive slope between the 2. It's not going to happen. It can't happen. So, I just wanted to put that to bed for the 4th time. I've heard the term supply yard mentioned again twice tonight. Construction yard, not what is being proposed, not only is it not being proposed it will not happen, okay? It's not a supply yard. It's not a construction yard. You're not going to see stockpiles of gravel and sand, and so on and so forth. That's not what we're proposing. The property value issue. It really depends on how you look at it. I mean, again, he's been in the business for 30, 35 years. He's a landscape designer. We all probably have varying opinions about this, but I think this property will look very similar to what these renderings look like. It will be landscaped. It will be screened by the property owners. The board brought up a very good point. In the winter, from the houses in Jackson, you see right down to the car wash and to the gas station and so on and so forth. Not only will this building or these buildings be screened from the neighbors, but so will the commercial uses across the street once these evergreens are put into place. So now, as far as the driveway, the safety of the road, we've gone through. Everybody knows that it's not a perfect situation. My experience, and I think it's everybody's experience if they're being honest with each other, is that once something is in, once something is in and once, if this driveway is put in and there is a business there and the sight distance is improved, the neighborhood people, people that travel this road day in and day out, and even some of the people that don't travel day in and day out, out, they know something's there.

Frank Infantino. I live at 86 Newman Avenue. Okay. I know on a beautiful day, there are 20 or 30 cars waiting online to get into that car wash. And also, you state that you don't have equipment, but at the end of the day, you have stuff left over you're going to put in that dumpster. And what kind of truck is going to be taking that dumpster in and out? It's not a pickup truck. So that's what I have to say. Okay. Thank you, sir. Thank you. That's what I'm about to give is the truth, the whole truth, and nothing but the truth. Have you got it?

Rocky, I live 87 Newman Avenue. I walk my dog by the gas station every day. I see these trucks fly up and down that road. Okay? Don't forget, you have a gas manifold there. Con Edison's always shutting it down. There's always a problem there. Okay? Going down to one lane. Alright? There's always something going on. You can't have another business over. That's why Poonie had it so long. You can't get rid of it. Okay. For that reason, all my friends say to me about that place," say, I never sell, because, guess what? It's State Road. I need a light there, number 1. Do you want to put a light on too? No light. Okay. You need a light over there. It's very. It's very dangerous. You can't, I live in Jackson too. I moved from Jackson to Newman. Alright? They're both dangerous. Both sides are over there. No matter which way you turn the point. Coming back from the church when you

come home on Sunday, there are always cars going up and down. Who's racing to get on tonight? Who wants to come here? Go there. It's very, very busy there. Even without the business being put in, whatever the case may be, we still need something to slow the traffic there. Okay? No matter what goes on tonight, we still need something there. It's dangerous. I had to get hit several times by my dog over there by the mobile station. Okay? It's very bad over there, and you want to put another access in. Well, there's another one. One last one, and that's it. Go ahead. Well, there's another. We got one last one, and that's it.

Tony Villalba, I'm at 151 Benic Place. I've been there 34 years. And my kids, as they were growing up, they would go down to Broadway right there by us and walk down there. All the people here have kids. They're going to be doing the same thing. They're going to be in harm's way.

Jim Riven. I live at 343 Memorial Drive. In terms of what the zoning for what's before the zoning for, the real problem here is that we've got a commercial creep from 141. It's kind of creeping forward. The structures are getting bigger. There's an office building where there used to be a house and that has gone. Construction area that used to be a residential house. Now they're asking to put another commercial building in it. Although it is a commercial zone, that doesn't mean that it should be there. Okay? It's going to be a huge building. It's going to be out of place. I think we've gone back and forth to discuss that the curb cut is dangerous, and everybody knows that it's going to be dangerous coming around that corner, going south on. Grist. It's just it's dangerous. It's a foolish idea. And they're going to put up and they say that they're not going to leave things upside down. What are they going to put in there? They are going to put in fertilizer. They're going to put in pesticides. And they can hardly turn around a 40-foot cut to begin with, and they want to put this up. It is just insane that they want to put up a huge building. It's not appropriate there. It just isn't. We don't need to make all of Hawthorne a commercial zone.

Michael Paradiso. I live at 345 Jackson Avenue on the opposite side of these guys, on the other side of, What truck and trailer? What type of truck? Straight job. What truck and trailer? What type of truck? Straight job. I drive everything. I drove landscaping trucks with trailers when I was a kid. My grandfather owned the landscaping business. I drove, you know, straight jobs and everything. I am working for a big construction company right now. Right off O'Connor Street. So, if I was to go back, if I was to pull up that lot, and you're telling me I had to come up, I had to come up the street there, and I had to jackknife into that lot like that, the way that the way that this street is designed, I would end up pulling across the two lanes of traffic and back in into that yard just so I would know that I could get out of there with a truck and trailer. You know what I mean? It's just not, it's not practical for them. There's just too much going on. Another thing is, who's to say every smoke clears or goes away. He gets his building. He gets to the building next to him. He everybody goes on. And I also do the snow plowing for my company. I'm up at 2 o'clock in the morning starting trucks, getting snowblowers ready. We don't want to hear about that. We don't want to hear any of that stuff

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going on at 2 o'clock in the morning, you know, plows going up and down and getting things ready. Guys park cars in front of our houses in Jackson. I live on Jackson. Eventually, maybe he'll fill up over there and listen. I own that property on top of it. Just go to the park over there for the day. I mean, eventually, you know, once everybody goes away, and we don't have this opportunity to talk anymore, then everybody's up there. You know, everybody's parked in front of my house. All of a sudden, they're walking through the woods. Also, you can't walk through the woods because my kids do it all the time. They walk through the woods, and then they go down to the gas station. There are paths. You can walk from Jackson Avenue all the way down to that gas station. If my 10-year-old kid can do it, the people that work for him can do it. I'm not trying to say, you know, anything bad about it, but it's just not like that and then what kind of people work for him? People that are going to come back later on. Oh, that's a nice car that that guy has in his drive. Now we got all these people that, you know, don't live over there, come in, parking in front of my house. I don't want it.

**The motion to deny the application as submitted by George Hlapatsos, seconded by Nick DeCicco, all remaining members voted in favor. Carries by 4-1 Denied.**

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**INSPECTION MEETING WILL BE HELD ON**

