

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**MARCH 6, 2007**

A Public Hearing was held by the Board of Trustees on Tuesday, March 6, 2007 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Marjorie Apel, Trustee Peter Swiderski, Trustee Diggitt McLaughlin, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Jeremiah Quinlan

**CITIZENS:** Thirty (30).

Mayor Kinnally declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the February 23, 2007 issue of *The Rivertowns Enterprise* to consider the advisability of rezoning four (4) properties from Two-Family Residence (2-R) to Multi-Family Residence/Office (MR-O): 15 Holly Place, 33 Saw Mill River Road, 1327 Saw Mill River Road, and 1337 Saw Mill River Road; and enacting new Zoning Code regulations to permit self-storage by special permit.

**Mayor Kinnally:** This is a reopening of the public hearing of Jan. 9, 2007. Mr. Davis, please give an overview of how this differs from the application that was the subject of that hearing.

**Robert Davis, Attorney, Shamberg Marwell Davis & Hollis:** I am the attorney for the Tarricones and JAC, two of the four petitioners. This is a continuation of the hearing as a result of the revised petition.

In response to the comments of the Board members and the public, we have substantially revised our petition. We have substantially addressed the concerns expressed by the neighbors and the Planning Board. First, the properties involved have been substantially reduced. The original petition was to rezone the entire neighborhood, later reduced to nine properties, which did include properties on Edison and Holly Place which did not border on Saw Mill River Road/9-A. In response to the concerns of the neighbors and the Planning Board about commercial intrusion into the residential portions of the neighborhood, all of the interior properties have been eliminated. Now only four properties, totaling about 1-1/3 acres, are included in the petition, all of which have frontage on 9-A and are the properties most affected by the commercial development on 9-A and therefore the most appropriate for development other than one- and two-family houses. It is significant that two of the four properties are already developed for commercial use, so that only two properties would be altered for a new use under the proposed rezoning. In fact, our research has indicated that

these properties, in the past, have been zoned commercial. The Tarricone property, on the Saw Mill River Road corner with Holly Place, extends only to Edison Avenue across from the other corner of Holly Place and Saw Mill River Road. The use of that site for a proposed self-storage would be subject, under our revised proposal, to a Zoning Board special permit, Planning Board site plan approval, and Architectural Review Board approval, and to extensive bulk and use restrictions.

Our clients own each of the properties which would directly adjoin the new self-storage to the west on Holly Place and north on Route 9-A. The owners of the other two properties to the south, on the other corner directly across the street, support the self-storage use, as do the owners of the properties to the east across 9-A in Greenburgh, one of which is also owned by our clients. The owners of the only other property which would be newly developed under our proposal, on the south corner of Holly Place and Route 9-A, would merely seek to convert their existing residential property for additional residential units as would be permitted under the new designation, not a commercial use. With respect to the other two commercial properties to be rezoned, the existing self-storage would remain and would become conforming. The other, the Borelli property with his plumbing business, and Nextel would be rendered much more conforming and afford it the opportunity of converting into a more conforming use, such as offices, in the future.

In response to the concerns of the Planning Board and the neighbors that the MR-C designation would allow much more intensive development than permitted in the 2-R district, the MR-C designation has been withdrawn and replaced with the less-intensive, more restrictive MR-O. So not only is this prior concern now irrelevant due to the limitation of the properties to only those on Route 9-A, two of which are already commercially developed, but the MR use and bulk requirements are much more restrictive and consistent with the existing conditions throughout the neighborhood. Other than the petitioning properties, the neighborhood is entirely nonconforming, so the 2-R requirements bear no relationship to reality in any event. We have given you a chart that compares all of the nonconforming bulk attributes of the properties in the neighborhood, as well as an appraiser's opinion that the MR-O will have no negative impact on the values of the other residential properties. We have also provided a chart that compares the bulk requirements of 2-R, MR-C, and MR-O with the existing average conditions of the nonconforming lots in the neighborhood.

Among the more restrictive aspects of the MR-O as compared to the MR-C proposal, MR-O permits only 50% lot covering versus 80% in MR-C. MR-O requires a 10-foot front yard, whereas MR-C had no front yard requirement. MR-O allows 35-foot building height, whereas MR-C allows 40 feet. Whereas MR-C required a minimum lot size of only 2,500 square feet for any use, MR-O requires 5,000 for two-family dwellings, 1,500 for additional

units, and 3,500 square feet for any other use. The MR-O had greater lot width, rear yard, and side yard requirements as well. It is important to note that in addition to the more restrictive bulk requirements a number of the uses permitted as of right in the MR-C are only permitted in MR-O by special permit, including dwellings for more than three families, to which those petitioners who would wish to further develop their residential property would be subject.

In addition to limiting the properties to those on 9-A and the more restrictive MR-O requirements, petitioners have also added more restrictions on the proposed text change to permit self-storage. The self-storage use would be permitted only by special permit from the Zoning Board; thus, it would be subject to approval by three different boards. In addition to the more restrictive bulk requirements in the MR-O, self-storage would also be subject to its own stringent requirements, including the following, which we have added: Access must only be from a state road, 9-A, not neighborhood streets. The self-storage building may not extend more than an average of 150 feet from the state road. Any yard adjoining the street, which would include Holly Place and 9-A, must be 15 feet, which exceeds the MR-O requirement of 10 feet for front yards and 8 feet for side yards. The minimum lot size must be 12,500 square feet, which exceeds the 3,500 general requirements in the MR-O. Building coverage would be limited to 50%, as provided in the MR-O. And there would be many other stringent special permit conditions as well, which we have included in the amendment.

Finally, to the extent practical, the petitioner is proposing a residential-style appearance for any new self-storage building. It bears noting that at the last meeting, and presumably with respect to the new amendment, the Westchester County planning board fully reviewed the MR-C proposal and found this an appropriate transitional use even for the MR-C, and also found that self-storage was consistent. The county also specifically recognized the opportunity cost of lost revenues associated with any delay in the proposed rezoning, which is about \$150,000 a year. Presumably the county will support the revised proposal.

Finally, I want to speak about how we have addressed the Planning Board comments with respect to the concern that the property sought to be rezoned is a residential neighborhood. Of the four properties sought to be rezoned now, two are already commercial and two directly abut also 9-A and its commercial development. No rezoning is any longer sought for any of those interior lots in the neighborhood. So the character of the neighborhood will not be undermined, although we do note there is a nonconforming junkyard in the middle of it. While the main gateway to the residential portion of the neighborhood is probably Tompkins Avenue rather than 9-A from Holly Place, the Holly Place corner, which is already affected by the commercial development in the immediate area, would not be characterized merely by residential use on one corner and a residentially designed self-storage building on the other which would screen the existing industrial style self-storage building adjoining it. So there

can no longer be a reasonable contention that the revised proposal would submerge the residential character of the neighborhood, as the Planning Board had feared.

With respect to the intent of the Village vision plan to preserve residential areas, for all of the reasons noted the modified plan does that. In particular, it prevents the petitioning properties from falling into non-owner occupancy and disrepair due to the impact of the existing commercial development. And, as noted by the county, it provides an appropriate transitional buffer protecting the residential interior of the neighborhood from the commercial exterior. The concern about differences in bulk regulations between 2-R and MR-C is no longer relevant. The amended proposal is limited to only four properties, two of which are already commercial. The proposals for the two other properties are limited to self-storage and residential. The MR-O district is much more restrictive and closer in its provisions to both the 2-R and, importantly, to the existing conditions than MR-C, notwithstanding that the 2-R regulations bear little relationship to the existing conditions in the neighborhood which, other than the petitioner's properties, is 100% nonconforming. And substantial additional review, use, and bulk restrictions have been added to the proposed self-storage. The Planning Board's fear about having more than one zoning classification in a compact area as detracting from the cohesiveness of the neighborhood and being inconsistent with zoning principles should now also be rectified.

The properties which adjoin 9-A are in a different situation from the properties which do not. The revised proposal simply recognizes the differences between the two areas in the neighborhood. It is typical throughout the county to have more intensive commercial development along a commercial corridor like Route 9-A and then to have residential zoning to the rear of that in the interior. There are many small and adjoining zoning districts already in the Village. While there may have been somewhat different considerations in enacting the original MR-C and MR-O zones in the downtown area just a couple of years ago, the current proposal is completely consistent with the primary intent of the MR-O district as a transitional zone between commercial and residential neighborhoods which preserves the residential neighborhood while encouraging, but not requiring, limited and compatible commercial uses in a transitional area. The Planning Board did not offer any basis for its contention that a self-storage facility which serves primarily local residential customers for the storage of household and personal items would be inconsistent with the uses permitted in the MR-C, whether as-of-right or by special permit, particularly one that will be designed with residential style architecture, screen other commercial uses, and have no access within the neighborhood while generating less traffic than any of the other permitted uses. Certainly, the county planning board expressly saw no inconsistency, and the current use has demonstrated itself as a clean and quiet use, which is appropriate to adjoin a residential area. The added restrictions we have proposed will ensure the consistency of the self-storage use with the permitted uses in the MR-O as well as with the area.

Finally, the Planning Board's contention that the zoning amendments should not be enacted to meet the needs of individual property owners independent of the needs of the district as a whole should no longer apply. There have always been multiple petitioners; there are still three unrelated petitioners. As you know, the zoning ordinance affords individual property owners the right to petition for an amendment, especially under these circumstances. Rezoning is often initiated by individual property owners. The fact that it may benefit an individual property owner is not inconsistent with the fact necessarily that it will also benefit the Village as a whole or make sense from a planning perspective, both of which this proposal does. The limited nature of what we are now proposing balances the concerns of the residential neighbors with the petitioners on 9-A. The issue of rezoning while there is a master plan under consideration we have already discussed in detail. We will hit that a little more with the Planning Board. But, in general, it bears noting once again that this is a unique area, physically separated by the Saw Mill River Parkway, and involves only 1/10<sup>th</sup> of 1% of the Village's entire area; will have no effect on over 99% of the Village; and is hard to anticipate how any master plan study could come up with a significantly different or more reasonable proposal for these properties on 9-A than we have. Lastly, the Planning Board did recognize that the self-storage addition would be a source of increased revenue, albeit outweighed in its opinion by negative factors, and we would respectfully submit that we have now eliminated all of those negative factors.

**Anthony Tarricone, 15 Holly Place:** I would also like to thank everyone for bearing the cold and coming out on our behalf. Whether you are for or against is irrelevant; I thank you for coming. For the record, this is a copy of my petition and a letter from Mr. Borelli. I am submitting also a copy of the presentation, a letter from Mr. Borelli, who is unable to attend because he has a freeze-up emergency; some additional signed petitions in favor of the storage and the zone change; a comprehensive review of the bulk regulations; and the certified mailings.

I would like to cover the changes to the proposal since the original submittal. I would like to explain how we have addressed the concerns of the neighbors and the Planning Board. Originally, we had nine petitioners who wanted their zone changed. Now we have slimmed that down to just four petitioners. Every piece of property that is now asking for the zone change fronts on 9-A/Saw Mill River Road. This is already commercial. The area of change is substantially smaller, thereby limiting unanticipated effects, negative or positive, to the balance of the neighborhood. The change from MR-C to MR-O is less intense, with greater setback requirements and a lot less lot coverage requirements.

This is a chart that compares the current zone of 2-R to MR-C, to MR-O, and the existing conditions within the neighborhood. The bottom line is, if you exclude the four properties

that are being petitioned for the change today, not one piece of land in the 2-R zone meets the current zone. If you add our properties, none of these parcels left will meet the current zone. The Planning Board was concerned about having no front yard setbacks in the MR-C zone. The new proposal, the MR-O, has a 10-foot front yard setback requirement. For the record, 13 out of the 22 existing parcels of land here have a front yard setback of 10 feet or less. The point is, changing the zone on these four properties will not change the character or the value of the neighborhood. This is not our conclusion; this is supported by the conclusion of Ed Farrarone from Lane Appraisals, a real estate valuation expert. Mr. Farrarone's letter was submitted earlier, and he is scheduled to speak at the Planning Board meeting on March 15.

The next concern that the Planning Board had was that the zone was classified as a compact area and was not consistent with what was done in Hastings. However, this is the norm for Hastings, as evidenced by this zoning map. I have outlined only 10, and there are many more than 10, small sections within the Village already that are separate zones. In our research, another interesting fact we discovered was that in 1934, this is a map of the area in 1934, these properties were originally zoned for business. It is a bigger parcel than we are requesting. We are requesting only half of this, but these parcels were already zoned for business. This was changed in 1939 to residential B, and changed back to business again in 1950. In 1952 the zone was changed again to residential B. We have not finished our research past 1952, but I believe the zone was changed again. So as far as the forefathers and the vision plan, this parcel of land located on Saw Mill River Road has always been considered both commercial and residential, as evidenced by the continual zone changes.

In our last presentation we laid to rest the concern regarding the appearance of the building. The combination of the building design, having no access from Holly Place and good screening from plantings, will make this an attractive entrance to the neighborhood.

In conclusion, we have demonstrated huge community support for this proposal. The Village Trustees are in possession of hundreds of signed petitions in favor of this proposal. The neighbors who are closest and thereby affected most dramatically have spoken in favor, and submitted petitions in favor, of the change. There is no doubt that the Village could use some additional tax revenue to offset its tax burden. This change will afford the Village much-needed tax relief on a commercial road while preserving the neighborhood behind it, having minimal to no impact on the surrounding area. It beautifies the entrance to the neighborhood with a new building that looks like a gracious residence, while screening the neighborhood from both the sounds and sights of the commercial area it abuts. This is a win-win proposal, and we respectfully ask that you review this application thinking what is right with this proposal rather than what is wrong with it, and to approve it.

**Mayor Kinnally:** This being a public hearing, anyone wishing to speak either in favor of, or in opposition to, the proposal please come forward and give your name and address for the record and your comments. Let me strongly suggest that this is a continuation of a public hearing. To the extent that your comments are a repetition of what we have heard or what other people have commented on, if you could abridge your remarks somewhat I would appreciate it. We have had a thorough airing of the underlying proposal, and if your comments can be directed to the revised proposal tonight I would appreciate it.

**Win Morris, 71 Overlook Road:** I am a taxpayer. This revised proposal seems to have addressed at least some of the issues that were raised before, and I am in support of the proposal for the reasons I said before, which is it will add to the tax base of the town and we need that desperately.

**Laura Moore, 29 Saw Mill River Road:** I rent the building on Saw Mill River Road. I own 12 Nepera Place. I am against the proposal. I understand that the zoning for the self-storage is for the self-storage, but the commercial property on the other side of self-storage is now a home, and later on that could be developed into something else. That may not affect, right now, the interior of the neighborhood but, later on, that can become a problem on the corner of Holly and Saw Mill River Road. It is hard to get out onto Saw Mill River Road. The school bus has trouble getting out in the morning, cars get stuck there for a long time. If that property is developed, how will traffic from that property get out from Saw Mill River Road without using the interior of the property?

A lot of people came up at the last meeting and stated that the taxes that came from the self-storage were going to be so beneficial to the town and what a wonderful thing it would be for the town to have all those taxes. The Tarricones said that right now they pay \$150,000 a year to taxes. That tax is divided between Hastings, the county, and Greenburgh. And \$150,000 a year between three people did not seem like a lot of money to me, when that goes through that size of a building and what they are expanding. The size was not going to seem like the taxes were that much more money to sacrifice a whole neighborhood. When people came up here and said we could resurface the tennis court with that amount of money and we can do other things, that seemed like our neighborhood was worth sacrificing to resurface the tennis court and seemed a little ridiculous to me. That neighborhood is a neighborhood, I live in that neighborhood. Those people are good people. They care about each other, their kids play together. To say that a tennis court to be resurfaced with those taxes was beneficial to Hastings to me seemed ludicrous. I thought that it was important for me to come here to say that \$100,000 a year in taxes for a tennis court to be resurfaced was ridiculous. That is not the tax that is going to come to Hastings. If that self-storage is going to be built, that amount of taxes is not going to be made there.

The interior of that neighborhood would be changed if that zoning is changed. In order for people to get in to a commercial zone off the Saw Mill River Road, if that commercial area is changed, they are going to have to use Saw Mill. Every time the parkway is flooded you have to go into that area. Any time that area is flooded or the parkway is closed, Saw Mill is closed, you cannot use Holly and, Holly is dangerous. If those areas are commercialized, then those areas on Saw Mill River Road, that part of Saw Mill, is going to be more dangerous and the interior of that neighborhood will become more dangerous as well.

**Fred Weaver, 34 Edison Avenue:** I have been in this neighborhood 24 years. I know a lot of the people that live there and I grew up with some of them. I have watched two generations of kids come through that neighborhood, some of them Mr. Tarricone's; it is enjoyable to watch the kids run around the neighborhood. Any kind of commercial development in that area, taking away the buffer from the interior structures, is going to change the complexion of the area. I am not against somebody bettering themselves or trying to do something with property. But this is a residential neighborhood that has been residential since 1954, whether it has jumped back and forth or not, it is still residential. It would be a big mistake to change that neighborhood. I could see bringing more people into that neighborhood using those properties by building some beautiful structures, two-family homes, whatever. But to put in a commercial building that is going to house we do not know what, we have no idea of what could be housed in that place. We are saying furnishings. Who knows what it could be. I work for a company where we do not know when we are going to get a suitcase or something that could blow up. Who knows what could be put into that place, especially with the way the world is today. I would ask you to reconsider changing a residential neighborhood and putting more commercial in there. We have enough commercial there now.

**Michael Milici, 11 Flower Avenue:** I moved here with my family about three years ago. The debate here is the concern between keeping the taxes down as opposed to changing the neighborhood. The appeal of this area is basically its resistance to change, but some development is needed in order to keep the residential base strong, because a lot of people complain that there are not going to be homes affordable, or taxes are too high, for the people who have grown up to continue to stay. Investing in the Tarricones is a judicious move because it allows some growth in business, some broadening of the tax base, without a major impact in the community. You are investing in people who have grown up here. The Tarricones have grown up here, they have children here, and they have invested in the community. This would be a means for the community to invest back.

**Eddie Magnus, 71 Pinecrest Drive:** The gentleman before me took the words right out of my mouth. It seems to me that they have been responsive in every way to every concern that



has been raised and that this is a classy and much-needed project for Hastings. I think you should approve it.

**Suzanne Melis, 1 Mendham Avenue:** I am in support of the Tarricone proposal. I believe that what they want to do, the building that they want to put up, would be aesthetically pleasing. There is much commercialism already on that road. They will build something that has a lot of character and will not change the character of the neighborhood.

**Fred Olsson, 3 Glenwood:** I have said before that the thing that destroys towns and villages is the fact that people are constantly downzoning. Riverdale is a classic example of that. There is a point on the border of a town where commercial meets residential, and those people living on that border have to be respected. I drove through Holly Place very slowly, and I encountered several neighbors and I spoke to them. It is a nice little enclave. It is wrong to change that neighborhood and in any way encroach upon it. I was at the meeting when a number of people from the west side of the river came in support of this project. I dare say if someone would put a building up next to my house I would reject it. I would move or I would fight to the death to stop it. This little area on Holly Place is a wonderful little enclave. It is good to protect it, and stop the encroachment of the megalopolis that is growing. Why give a single interest favor over many people who are being hurt by it These other people love that neighborhood. It is wrong to do this to them.

**Alice Merchant, formerly 35 Marion:** I currently live in Riverdale, but I grew up at 35 Marion Avenue. Growing up there, I love the area and would frequently walk from Marion Avenue on Saw Mill River Road up to Donald Drive because I had friends over there. The areas that concerned me were the areas when I walked past, and this is way before self-storage was there. The commercial areas on Saw Mill River Road were the areas that I would have to pay more attention to. I was in the Hastings schools from K through 12, I visit my parents very frequently. It is a great area. I love it. I am at a point now where I am looking to buy my own home and considered moving back to Hastings. My brother is a teacher here, my father is a teacher here. When things like this happen, it makes me consider not moving back and not buying a home here. From previous meetings I have heard this area is blighted. I am confused because I grew up there and I do not remember a single time being worried about my home or where I lived. I do not see how building an additional large commercial building in our area could improve anything. Thank you for going through all this. I am opposed to it because I really love our area, and it is great, and I would love to move back to Hastings.

**Jesse Merchant, 35 Marion Avenue:** I have been a resident in the neighborhood now for 26 years. That was my sister that just spoke. Again, I went to Hastings public schools for 13 years. I liked it so much I came back. I was lucky enough to get a job as a PE teacher in our

district. I feel that some of the words used and some of the phrases used to talk about my neighborhood are sad. That is a place I have lived for 26 years. It is a place I love. I also am looking to find my own place and to move out, but it is great to know that I do have a house. And that it is not just a house, it is a home. It is a great neighborhood. I drive home during the summers, during the nice days, and I have to wait for five minutes for all the kids to clear out of the street, the Tarricones included. It is great to see children playing in the street. I am a phys ed teacher; that is what I want to see. I do not want to see people have to stay in their homes because there are not residential families, there are not young children, there are not high school kids to model themselves after. By saying that we are going to class up the entrance to the neighborhood, or to say that we are going to block an already existing huge building with a residential-looking storage facility, to me that is sugar-coating a storage facility. That is sugar-coating what is actually going on. It says something that everyone that has said they were against this is from the neighborhood, and the people that say that they are for it are not from the neighborhood. I would be very curious to see how this would be changed if they, in fact, had something like this going on 100 feet, 200 feet from their front door. I think their answers would be very much different, and their answers and their testimonies would be very much like ours are now. I am strongly against this, and I hope that the voices of the people in that neighborhood are strong enough that everyone hears them. My only regret at this point is that I have not been here sooner. I guess I am happier I was not here to hear all of the other things that were said about my neighborhood, but I am glad to have this opportunity to say something about it now.

**Stuart Cadenhead, 5 Valley Place:** In the great American tradition of sticking your nose where it does not belong, I would like to ask whether anyone has considered combining the storage facility with the garbage area, the garbage dump, behind it? That makes a lot of sense, just looking at it from the point of view of somebody who knows very little about the situation. In terms of a win-win situation, it seems to me, as an alien from the other side of the Saw Mill Parkway, that that makes a lot of sense. I realize I am wading into a situation that I know nothing about, but I just wanted to put that out there.

**Rich Shea, 1327 Saw Mill:** I own 42 Edison. I have been there 52 years. I am the one that has seen the trucks go through our yard, dump trucks in our yard off of Saw Mill. Garbage lands in front of my house and on the side of the houses. I got property I would like to rezone, maybe build another house. My son plans to stay in Hastings. What Anthony has is a good plan. It might help me. The taxes on my house alone, my single-family built 20 years ago, is more than five houses in the neighborhood are paying. So anything that would help, and I do not see how it is going to hurt. It has always been a junkyard, a used car lot, construction outfit. It has been there, kids have been raised, nothing has gone wrong. I cannot see anything wrong with it.

**Claire Podolski:** I want to resolve something that was mentioned earlier about the taxes being split up three ways. That is true, but about 18% of it goes to the town and county, and the balance does go to Hastings, either to the Village itself or to the school taxes. So Hastings is the benefactor of the taxes that the storage facility pays. We pay about \$165,000 at this point. We are talking about one house here. It is my brother's house. It is really an extension of the existing facility. We are at 98% occupancy there now. We service about 75- to 80% of the Hastings residents here. It is kind of sad to hear. The whole Merchant family came up and that is great. But my family has also been in this area, I believe, longer than the Merchants. So we do have a strong desire to service the community. It is just a question of how you do it.

**Marty Merchant, 35 Marion Avenue:** I am curious to go to the Planning Board meeting and the Zoning Board meeting to have this new MR-O designation made a little more clear to me. But when you boil it down, at least from this layman's point of view, the applicant ends up with exactly what he started out asking for. The fact that it is MR-C, MR-O, we are still changing the neighborhood and he gets what he wants.

In our neighborhood, you have heard a lot of people talk about it, we have nurses, teamsters, retirees, accountants, lots of teachers. We have children growing up, people fixing up their properties. In fact, this proposal from the beginning has been about profit. It has been about a businessman wanting to maximize his assets, to maximize his property. He wants to make the most of his property, of his investment, by changing it and changing the character of the neighborhood and extending, or expanding, his business. This is not some warm-hearted crusade to benefit the neighborhood which is somehow on the skids and is filled with noncompliance and zoning problems. Let us not forget for a moment that it is really not about that. It is about a businessman, a shrewd, intelligent businessman, trying to change his property to maximize his interest in terms of making more money.

**Carolyn Caruso, 45 Marion Avenue:** Since we are clarifying some issues, I would like to point out that initially when the applicant started this it was to change the entire neighborhood. He was faced with a lot of opposition and it was scaled back to nine people. Now he is saying that it is down for four people, but it is not because he scaled it back. The people who had originally signed his application changed their minds, and that is a big issue that you need to know about. He did not scale it back; they did.

Mr. Davis said that the properties that are now involved only are on Saw Mill River Road. But is there not a house on Edison and Holly Place that is included, the yellow house at 42 Edison?

**Mr. Davis:** No.

**Ms. Caruso:** Okay. We are 21 homes in that area. There are not any businesses in that area other than the self-storage facility, which runs almost the entire length of Holly Place. Nineteen of us homeowners in that area are opposed to this application. We have previously submitted petitions, and I have additional signatures from two other homeowners in the area that I would like to submit tonight as well.

Someone talked about this area of Hastings being 1/10<sup>th</sup> of 1% of the tax, so why should we be responsible for such a small part of that tax? I do not see what the benefit would be.

We understand what Mr. Tarricone's intentions are, but what about the other homeowners who have joined this application. I do not know what their intentions are, why they would seek this change. They would be permitted to bring a commercial application into that area. So to say that the only residential area that would be affected would be Mr. Tarricone's is not true unless the other residential homes are removed from that application. I would strongly ask that you deny this application in keeping with the residential character of this neighborhood.

**Linda Merchant, 35 Marion Avenue:** Now all the Merchants have spoken. One of the things Mr. Tarricone said was that the zoning has been flopping back and forth since '34 or something. But this only points to setting a fire under the people that the fire needs to be set under to make a comprehensive plan for the Village. So maybe this will help move everybody forward in this thing so that we do not have these issues in small areas of Hastings.

We all knew when we bought houses in the area that there were drawbacks to where we were going to be. Mr. Tarricone has Saw Mill River Road, I have Saw Mill River Parkway. When the last zoning change was made, it was made for a 2-R zone. I am sure that a lot of thought and planning went into deciding about that zone when it was made and that people were instrumental in looking at that area as a whole, so that if it was commercial, it would have been commercial at that point. I believe that the buildings that are there that are commercial have been there forever. And on the other side that Mr. Tarricone talks about, across from 9-A where there are commercial things going on, also three new houses were put up on the Town of Greenburgh side down the road a bit. All of the commercial things on the other side have cleaned themselves up quite a bit since we moved into the neighborhood.

On many occasions I have seen the truck from the Tarricone storage area parked across the street on Greenburgh property. Maybe it is his property, I have no clue. Anyway, the neighborhood was given a 2-R designation because it was residential, and residential it should stay.

**Sal Gargiulo, 1 Holly Place:** I remember when Anthony first started the proposal here. I was not here at the time, but it was on TV. Someone said, the Board has enough to worry about and we have to start with this, which is so true. This thing came upon everybody so fast we did not realize. But that is not all. When he built this storage place, it was 40 feet high and about 300 feet long. We did not say a word. It passed like nothing, and that was not fair either. Now he wants to start again. What is he doing? He is adding another 100 feet in the front. It takes up the front on Holly Place and goes all the way back to about 240 feet of Holly Place. Two-hundred forty feet, but that is not all. I thought he was caring about Nepera Park and our neighbors. What is he going to do? He is caring so much he is going to knock his own beautiful home down to nothing to put this storage. Enough is enough. We have to go for this? It is not fair. We let it go the first time and I thought that was fair enough and good enough. Now it is getting too much. Besides that, the traffic will be terrible. So I want the Board to reconsider.

**Scott Moore, 29 Saw Mill River Road:** I have children who live in that area. I moved here 15 years ago into the residence I am at. My children, however, are fifth generation Hastings residents. I am concerned about the flow of traffic now coming down Saw Mill River Road. When I moved into the house that I am in, across the street was a vacant lot. It was a beautiful little grassy area. Since that time we have seen a lot of building in Greenburgh. The whole area is starting to grow and increase. But as a lot of the other municipalities are finding, like with Jackson Avenue and other places, how much traffic can Saw Mill hold.

I can understand, and I do agree with, not having, if this goes through, an entrance onto Holly. I think that would have to be an absolute must. But my concern is not only for the self-storage facility but also the other property across the street if this is permitted. Right now, as Mr. Shea says, I want to build a house for my kids. That is admirable. If this is changed to commercial, two or three years he may want to put something commercially in there. The traffic flow cannot handle what we have now. I know, I live on Saw Mill, I know what I see every day. I do not have a driveway that I can park in. My car, on the average, you could check with my insurance company, has been hit probably four or five times by motorists coming up and down the highway.

I need this group to take this into consideration. Where Holly comes out onto Saw Mill, when you look south towards Yonkers, you are looking at a blind curve. As soon as they come through that curve they are flying. We have many problems which can be resolved from you. One of the problems is with the water flow that comes off Austin Avenue, which does not drain. In the wintertime it drains out onto Saw Mill. It forms a big sheet of ice. These are other things people have to consider with adding another flow. How much traffic are you going to put in before we have really bad, which we have had, numerous accidents.

Just this past week with the closing of the parkway, any time there is an accident they flood these neighborhoods with cars.

**Sandeep Mehrotra, 338 Mount Hope Boulevard:** I want to reiterate my total support for this project. Saw Mill River Road is a commercial area surrounding as you drive along it. This is one of the most low-impact commercial developments that can fit in with the neighborhood.

**Mayor Kinnally:** Anyone else? If not, then I will entertain a motion to close the public hearing.

### **CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally closed the Public Hearing at 9:10 p.m.

**Mayor Kinnally:** Point of information. The matter is on the agenda for both the Planning Board and the Zoning Board of Appeals this month. The Board of Trustees will then receive the reports from both of those boards, and upon receipt of those we will then take up when we will consider this item as an action item on our agenda. It probably will not be until some time in April, if the boards have made their determinations

This public hearing is closed. That is not to say that additional comments cannot be made to the Planning Board and to the Zoning Board in consideration of the matters that are before them.