Minutes of a Meeting of the Town Board of the Town of Eastchester held on January 5, 2021 at 7:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Supervisor Anthony Colavita
         Councilman Joseph Dooley
         Councilwoman Theresa Nicholson
         Councilman Luigi Marcoccia
         Councilwoman Sheila Marcotte

Present: Town Clerk Linda Laird
         Comptroller Dawn Donovan
         Town Attorney Lou Reda

IV. SPECIAL PRESENTATION


Councilwoman Marcotte thanked the voters for their support during an Election with unprecedented turn-out. Mrs. Marcotte commended her opponent for a good race and stated she is proud to be back on the Eastchester Town Board.

V. OPPORTUNITY TO ADDRESS THE BOARD I AGENDA ITEMS - none

VI. APPOINTMENTS

A) DEPUTY REGISTRAR OF VITAL STATISTICS

Per a request from Town Clerk Linda Laird, Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to appoint Karen Campanile as Deputy Registrar of Vital Statistics.

On the roll call, all voted "AYE." Motion carried.

B) CABLE TELEVISION ADVISORY COMMITTEE

Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve the reappointment of Keith Bloomfield (Chairman) and Nicholas Dator to the Cable Television Advisory Committee for a term January 1, 2021 – December 31, 2021.

On the roll call, all voted "AYE." Motion carried.

C) COMMITTEE FOR THE DISABLED

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the reappointment of Jennifer McNamee (Chairperson), Fran Clark and Florence Kooluris to the Committee for the Disabled for a term January 1, 2021 – December 31, 2021.

On the roll call, all voted "AYE." Motion carried.

D) TRAFFIC AND PARKING ADVISORY COMMITTEE

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to approve the reappointment of Ellen DelColle (Chairwoman), Charles Galanek, Thomas Fix and John Walzer to the Traffic and Parking Advisory Committee for a term January 1, 2021 – December 31, 2021.
Supervisor Colavita announced an opening remains on the Traffic and Parking Advisory Committee and asked interested parties to contact his office.

On the roll call, all voted "AYE." Motion carried.

E) HAZARD MITIGATION COMMITTEE

Councilman Marcoccia offered a motion that was seconded by Councilwoman Marcotte to approve the reappointment of Nick Gerald, George Papademetriou and Lt. Joseph Rodriguez to the Hazard Mitigation Committee for a term January 1, 2021 – December 31, 2021.

On the roll call, all voted "AYE." Motion carried.

F) BOARD OF ASSESSMENT REVIEW

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the appointment of Maria Gruber to the Board of Assessment Review effective January 1, 2021 – December 31, 2025.

On the roll call, all voted "AYE." Motion carried.

G) ZONING BOARD OF APPEALS

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the reappointment of Peter Nurzia to the Zoning Board of Appeals for a term January 1, 2021 – December 31, 2025.

On the roll call, all voted "AYE." Motion carried.

H) LIBRARY BOARD OF TRUSTEES

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve the reappointment of Robert Cartolano (Chairman), Rosetta McCardle, Darlene Reda and James Martin to the Library Board of Trustees effective January 1, 2021 – December 31, 2025.

On the roll call, all voted "AYE." Motion carried.

I) RECREATION ADVISORY BOARD

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the reappointment of Tracy McVey and Dan Lang to the Recreation Advisory Board of Appeals for a term January 1, 2021 – December 31, 2025.

On the roll call, all voted "AYE." Motion carried.

J) POLICE ADVISORY BOARD

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the appointment of Michael Cassino to the Police Advisory Board for a term January 1, 2021 – December 31, 2021.

The Supervisor thanked Mike Mosca for his years of service and the "very effective job" he did during his tenure.

On the roll call, all voted "AYE." Motion carried.

V. APPROVAL OF MINUTES

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve the Minutes of the December 1, 2020 and the December 15, 2020 Town Board Meeting Minutes.

On the roll call, all voted "AYE." Motion carried.

VI. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) LAW DEPARTMENT REPORT

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION to INTRODUCE Local Law 1-2021 and to set a Public Hearing for February 9, 2021 at 7 p.m.

TOWN OF EASTCHESTER
LOCAL LAW NO. 1 - 2021

Be it enacted by the Town Board of the Town of Eastchester as follows:

Section 1. Title

A Local Law amending Local Law 5-2000, last amended by Local Law No. 1 -2019, “THE ZONING LAW OF THE TOWN OF EASTCHESTER,” to modify the definitions of “Formula Fast Casual/Quick Casual Restaurant” and “Food Service Establishments” included in Section 2.D, and Section 4.C.6, Schedule of Non-Residential District Regulations to permit both “Formula Fast Casual/Quick Casual Restaurant” and “Studio Uses” in the DSC, Designed Shopping Center District, subject to certain limitations.


1. Section 2.D. is hereby amended to modify the definition of “Food Service Establishments” so that it reads:

   Within the Town of Eastchester, all food service establishments are classified as either a Type I, Type II or Type III Food Service Establishment as defined below. However, regardless of the classification, Formula Fast Food Restaurants/Quick Serve Restaurants and Formula Fast Casual/Quick Casual Restaurants, as defined herein, are prohibited within the Town of Eastchester, except that Formula Fast Casual/Quick Casual Restaurants shall be permitted in the DSC (Design Shopping Center) District, subject to the requirements for Food Service Establishments set forth herein. Notwithstanding the foregoing, there shall be allowed no more than 7,500 square feet of “Formula Fast Casual/Quick Casual Restaurant” on any lot or lots under common ownership in the DSC District and no more than three (3) such establishments thereon.

   **Type I Food Service Establishment** - A Type I Food Service Establishment is any establishment that includes any appliance requiring a Type I hood in accordance with the 2010 Mechanical Code of New York State (Section 507.2.1). Type I hood systems shall be installed where cooking appliances produce grease or smoke, such as occurs with griddles, fryers, broilers, ovens, ranges and wok ranges.

   All proposed Type I Food Service Establishments require review and approval by the Planning Board in accordance with the Special Permit requirements for Food Service Establishments, regardless of the size of the establishment. Any existing establishment that proposes to install an appliance requiring a Type I hood must first obtain the approval of the Planning Board unless such establishment has already been designated as, or has received prior approvals as, a Type I Food Service Establishment.

   **Type II Food Service Establishment** - A Type II Food Service Establishment is any establishment that includes no appliances requiring a Type I hood, but that does include any appliances requiring a Type II hood in accordance with the 2010 Mechanical Code of New York State (Section 507.2.2). Type II hoods shall be installed where cooking or dishwashing appliances produce heat, steam, or products of combustion and do not produce grease or smoke, such as steamers, kettles, pasta cookers and dishwashing machines.
All proposed Type II Food Service Establishments with a gross floor area of 1800 square feet or less shall not require review and approval by the Planning Board. Any proposed Type II Food Service Establishments with a gross floor area of greater than 1800 square feet shall require review and approval by the Planning Board in accordance with the Special Permit requirements for Food Service Establishments. Any existing establishment with a gross floor greater than 1800 square feet that proposes to install an appliance requiring a Type II hood must first obtain the approval of the Planning Board unless such establishment has already been designated as, or has received prior approvals as, a Type I or Type II Food Service Establishment.

**Type III Food Service Establishment** - A Type III Food Service Establishment is any establishment that includes no appliances requiring a Type I hood or a Type II hood, but that does require appliances listed as “Exceptions” for Type II hoods in accordance with the 2010 Mechanical Code of New York State (Section 507.2.2), if such appliances are to be used for the preparation of food or beverage products for sale. Such exceptions include, but are not limited to: a single light-duty electric convection, bread, retherm or microwave oven and electrically heated appliances including toasters, steam tables, popcorn poppers, hot dog cookers, coffee makers, rice cookers, egg cookers and warming ovens.

All proposed Type III Food Service Establishments with a gross floor area of 1800 or less shall not require review and approval by the Planning Board. All proposed Type III Food Service Establishments with a gross floor area of greater than 1800 square feet shall require review and approval by the Planning Board in accordance with the Special Permit requirements for Food Service Establishments. Any existing establishment with a gross floor area greater than 1800 square feet that proposes to install appliances listed as “Exceptions” for Type II hoods in accordance with the 2010 Mechanical Code of the New York State (Section 507.2.2) must first obtain the approval of the Planning Board unless such establishment has already been designated as, or has received prior approvals as, a Type I, Type II or Type III Food Service Establishment.

Drive-in or drive-through windows are prohibited for any Food Service Establishment.

2. Section 2.D. is hereby amended to modify the definition of “Formula Fast Casual/Quick Casual Restaurants” so that it reads:

**“Formula Fast Casual/Quick Casual Restaurant”** – Formula fast casual and formula quick casual restaurants share a common name, trademark, or logo with 7 or more other restaurants in the area, region or country. Compared to formula fast food/quick serve restaurants, a formula fast casual/quick casual restaurant typically offers more customized and freshly prepared dishes in a more inviting and/or upscale atmosphere, prices are slightly higher and customers are expected to spend more time in the establishment. Formula fast casual/quick casual restaurant are generally characterized by the following:

1. Food is typically ordered at a stand-up counter;

2. There is minimal table service (e.g., after an order has been placed at the counter, a server may bring the order to customers seated at a table or there is no table service (e.g., customers carry their orders on trays to a table);

3. Payment is typically made prior to consumption;

4. The menu is typically posted over the counter as a wall display and the menu selections are generally consistent at every location;

5. Menu selections are often set behind a counter, visible to the customer, and customers are provided options in the way the food is prepared or assembled (e.g., a customer may build his/her own sandwich, burrito, rice bowl, etc. and/or may select from a variety of main and side dishes); and

6. Although plates, cups and utensils may be disposable, non-disposable plates, cups and utensils are common.

Formula fast casual/quick casual restaurants are prohibited in the Town of Eastchester, except in the DSC (Design Shopping Center) District where they are permitted, subject to the requirements for Food Service Establishments set forth herein. Notwithstanding the foregoing, there shall be allowed no more
than 7,500 square feet of new “Formula Fast Casual/Quick Casual Restaurant” on any lot or lots under
commom ownership in the DSC District and no more than three (3) such establishments thereon.

Section 3: Amendment to Section 4.C.6 of the Zoning Law (Schedule of Non-Residential District Regulations).

1. Column 2 of the Schedule of Non-Residential District Regulations, entitled “Principal Uses” is hereby
amended to add the following to the list of Principal Uses in the DSC Designed Shopping Center District: “5.
Studio uses.”

Section 4. When Effective

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Supervisor Colavita summarized the Zoning Code amendment by explaining it would allow “Quick/Causal Restaurants”
and “Studio uses” in the DSC (Design Shopping Center) District. The parcel known as Vernon Hills Shopping Center is
the only DSC district in town and is comprised of over 425K square feet of retail and commercial space on 15 acres of
land. Due to the COVD pandemic, there has been significant changes in the retail climate and it is essential to keep the
area attractive for people living, working and shopping in Eastchester.

The Supervisor explained ‘quick/casual dining’ as not being fast food, rather it “typically offers more customized and
freshly prepared dishes in a more inviting and/or upscale atmosphere, prices are slightly higher and customers are
expected to spend more time in the establishment.”

Under the proposed amendment up to three quick/casual dining locations would be allowed in the shopping center, or two
in addition to the Starbucks that is already in business in the center. The amendment would also permit the addition of
“studio” uses, such as Soul Cycle.

On the roll call, all voted "AYE." Motion carried.

VII. MISCELLANEOUS BUSINESS - none

VIII. COUNCIL MEMBER REPORTS

Councilman Marcoccia congratulated Councilwoman Marcotte on her return to the Town Board. Mr. Marcoccia stated
Mrs. Marcotte is a dedicated public servant and that the Town Board is a good team, prepared to continue to maintain
services and guide the success of Lake Isle and the financial health of the Town.

Councilman Dooley joined Councilman Marcoccia in congratulating Councilwoman Marcotte and stated he looks forward
to working with her.

Councilwoman Nicholson reported Eastchester Little League registration is open for boys and girls at

Councilwoman Marcotte had no report.

Supervisor Colavita congratulated Councilwoman Marcotte on an “excellent victory” that emphasized the public’s
confidence in Mrs. Marcotte.

The Supervisor reiterated that engineers have determined the Hutchinson Dam needs repair, not replacement, and that it
is not ready to crumble as implied in a recent newspaper article. The dam is owned by no one and its repair is being
supported by Westchester County, State, and local governments of Scarsdale, Eastchester and New Rochelle.

IX. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Julz Fortier stated the benefts of virtual meetings, including the ability for more residents to participate safely, and
presented the Town Board a petition in support of on-line Town Board Meetings. Supervisor Colavita stated that
residents, who do not want to attend a meeting, are able to call Town Hall with questions or suggestions and announced
the Town Board Meetings will soon be available on the town’s website.

There being no further public business, the Meeting was adjourned at 7:45 p.m.

Minutes prepared by; Linda Laird, Town Clerk