

TRANSCRIPT OF

TOWN OF EASTCHESTER PLANNING BOARD MEETING

NOVEMBER 29, 2018

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

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO
ROBERT PULASKI, MEMBER
PHILIP NEMECEK, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET UHLE, DIRECTOR OF PLANNING
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY
JAY KING, BUILDING INSPECTOR

Dina M. Morgan, Reporter
25 Colonial Road
Bronxville, New York 10708
(914) 469-6353

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

Plains Road.

We have three adjourned applications.

The first is Applestone Meat Company, the second is Gas Mart at 600 White Plains, and 71 Park Drive are adjourned. So if you're here for those, you're welcome to stick around, but they're not being discussed this evening.

So the first application in front of us is 18-45, 20 Nelson.

MR. SALERNO: Good evening, Mr.

Chairman, members of the board. I'm Rocco Salerno, attorney for the applicant. This is the application of Carlo DeAngelo and John Vitagliano living trust for a two lot subdivision on the property located at 20 Nelson Road. With me this evening is Adamo Maiorano of Community Designs, the project engineer.

The property is located in an R-5 zone and consists of 20,000 square feet and is presently improved by a single family residence. The subdivision would yield a vacant lot to the north, Lot B, which complies in all respects with the zoning code. However,

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

THE CHAIRMAN: Good evening. This is the Planning Board meeting of November 29, 2018. If everyone would rise for the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: Good evening. On behalf of Mr. Nemecek, I do apologize for the delay. It's his fault.

MR. NEMECEK: On behalf of Mr. Nemecek, I join in that apology.

THE CHAIRMAN: So I'll just do the roll call. Mr. Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Chairman Bonanno is present. Mr. Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Mr. West and Mr. Cunningham are not able to attend this evening.

So we'll just get right to the applications. There's four in front of us this evening. One is 20 Nelson Road, the next is 5 Leslie, Burrata Wood Fire Pizza is third, and the final one is DeCicco & Sons at 777 White

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

it would render the existing residence shown a Lot A deficient in three respects with respect to setbacks:

Number one, the north side yard setback would be 4.3 feet where 8 feet is required.

Secondly, there's a bay window affixed to the north portion of the house, which is 2.7 feet into the side yard setback where 5 feet is required.

Thirdly, we would have to relocate the driveway to the south of the house. The driveway is presently here. We would have to relocate it to the south of the house. We do have a 9 foot setback that's required on the southerly side yard, but we do not have room for the 3 foot buffer that is also required between the property and the adjacent property to the south.

So again, what we need here is three variances, and basically what we're asking the board for tonight is a referral to the Zoning Board of Appeals.

THE CHAIRMAN: Okay.

DINA M. MORGAN, REPORTER

5

1 EASTCHESTER ZBA - 11/29/18
2 MR. NEMECEK: How old is the existing
3 house?
4 MR. SALERNO: How old is it?
5 MR. NEMECEK: How old is it?
6 MR. SALERNO: I'm sorry, I don't know,
7 but it's been there a long time. Probably in
8 keeping with the neighborhood in the Fifties,
9 Forties, Sixties, something like that.
10 THE CHAIRMAN: So one of the variances
11 was regarding the driveway; is that right? It
12 doesn't have the 3 foot buffer; right?
13 MR. SALERNO: Correct.
14 THE CHAIRMAN: I'm ready to refer,
15 unless you have questions.
16 MR. PULASKI: No, I'm fine.
17 THE CHAIRMAN: Good. So we will do as
18 you've requested, I'll make a motion to refer
19 this application to the Zoning Board of
20 Appeals, Application 18-45, 20 Nelson.
21 MR. PULASKI: Second.
22 THE CHAIRMAN: All in favor.
23 (All aye.)
24 MR. SALERNO: Thank you. Have a nice
25 evening.

DINA M. MORGAN, REPORTER

6

1 EASTCHESTER ZBA - 11/29/18
2 THE CHAIRMAN: Thank you. The next
3 application is 18-34, 5 Leslie Road.
4 MR. MAIORANO: Good evening, Chairman,
5 board members. My name is Adamo Maiorano from
6 Community Designs & Engineering. On behalf of
7 the applicant, Vincent Riccardi, we are
8 proposing a one story front addition to 5
9 Leslie Road.
10 The proposed project recently received
11 approval from the Zoning Board for the front
12 yard setback of the front addition, as well as
13 the front roof overhang. What we basically are
14 trying to achieve is, one, create a powder room
15 on the first floor since existing there is
16 none, as well as dressing up the front
17 aesthetics of the house as well. Currently,
18 there's an existing gable on the front
19 elevation of the house, and it's sort of off
20 centered and doesn't really have any rhyme or
21 reason there, so we will center our front
22 addition on the elevation to create some
23 symmetry. Also, the two windows will change so
24 that they're symmetric with the front addition.
25 The house will receive new vinyl siding, new

DINA M. MORGAN, REPORTER

7

1 EASTCHESTER ZBA - 11/29/18
2 asphalt shingle roof, as well as the front
3 proposed addition will have cultured stone
4 veneer on the front of it. As far as anything
5 else, other aesthetics, the accent pieces be
6 the white AZEK, and the additional impervious
7 areas will obviously be contained with new
8 storm water management in the front of the
9 house.
10 So the real work is basically just the
11 front portion of the house, that front
12 addition, and the front stoop and whatnot.
13 THE CHAIRMAN: So you changed the
14 impervious?
15 MR. MAIORANO: Just by a very small
16 amount, about 80 something square feet. So
17 we're going to add a dry well.
18 MR. PULASKI: So this is all an
19 addition of 60, 65 square feet?
20 MR. MAIORANO: Yes, very small
21 addition, but it's a tiny house and it kind of
22 needs that.
23 THE CHAIRMAN: So you're just matching
24 the finishes that are there?
25 MR. MAIORANO: No. They're going to

DINA M. MORGAN, REPORTER

8

1 EASTCHESTER ZBA - 11/29/18
2 do new vinyl siding throughout the whole house
3 and new roofing as well.
4 MR. NEMECEK: How does a 60 -- I'll
5 wait until you're done. I think you said you
6 were increasing the impervious surface by about
7 80 square feet?
8 MR. MAIORANO: Yes.
9 MR. NEMECEK: I think our notes
10 reflect it's a 60 square foot addition?
11 MR. MAIORANO: There's a front stoop
12 there, so minus the 30 something square feet of
13 the front stoop. The proposed front platform
14 is bigger as well.
15 MR. PULASKI: You're updating the look
16 of the house.
17 MR. MAIORANO: Exactly.
18 MR. PULASKI: You're providing some
19 comfort space when you walk in the front
20 entrance with a closet and a powder room. All
21 things that a lot of people would want.
22 THE CHAIRMAN: Looking to make it easy
23 for you because it seems to be in order. So
24 then let me do the public hearing and then
25 we'll come back. So I make a motion to open

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

the public hearing on this application, 18-34,
5 Leslie.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

(No comments.)

THE CHAIRMAN: We'll make a motion to
close the same public hearing on 5 Leslie Road.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. NEMECEK: Kind of a no-brainer, I
think. They look like very nice additions.

THE CHAIRMAN: It's a nice
improvement. I'm sure the owner will be happy.

MR. NEMECEK: I think even the
neighbors will be happy.

THE CHAIRMAN: One of the first houses
we looked at when we came to Eastchester was on
Leslie Road.

So that being said, I make a motion to
approve this application, 18-34, 5 Leslie Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

(All aye.)

THE CHAIRMAN: Thank you much.

MR. MAIORANO: Thank you.

THE CHAIRMAN: Have a good evening.
Have a nice holiday.

The next application -- moving right
along -- is 18-41, Burrata Wood Fired Pizza.

MR. FERNANDEZ: Good evening,
Chairman. My name is Joseph Fernandez, 575
White Plains Road, Eastchester, New York. I'm
the architect for the applicant. I have some
mailings I would like to give.

THE CHAIRMAN: Please do.

MR. FERNANDEZ: So we're here today in
front of you, the board here. We're proposing
an expansion to an existing restaurant,
Burrata. We need to amend our existing special
permit.

The expansion is going to be northern
part of the building, which was previously a
hairstyling salon. The proposed alteration is
763 square feet. 379 of that is kitchen
related. The balance, 384 square feet, will be
dining room. There's going to be an upgrade to

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

the men's room and have it conform to the
latest codes and 117 for A.D.A. compliance.
There's going to be a new employee changing
room and locker room, an upgrade to what they
have now.

We submitted already our design to the
Westchester Department of Health, and that was
approved in October, October 22nd of this year.
We propose to have two openings between the
existing restaurant and the new space. One
will be from the new kitchen and one will
be between the dining area. This will add another
means of egress to the restaurant. So now
instead of having two, we'll have three; one to
the back and two in the front.

Then lastly --

MS. UHLE: Excuse me, Joe, can you
refer to the plans --

MR. FERNANDEZ: Sure.

MS. UHLE: So that the board can see
it and also the people --

MR. NEMECEK: Our substantial viewing
audience.

MR. FERNANDEZ: So if you have the

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

drawing, it's A2. The new area is here, this
small sliver along the right, and the means of
egress are here, the existing one and here in
the back. The majority of the alteration is a
new kitchen and a small dining room on the
street side. The center area or what was the
existing men's room has now been enlarged,
that's here, and the employee changing area,
which is now a private room with lockers, will
be directly in front of it. The main
restaurant and the existing wood fired oven
will stay in its same location, if you're
familiar with the restaurant. The lady's room
was already accessible, so we're not touching
that at this point.

Then lastly, I'll just say that -- it
may not be in your packet -- our plan initially
with this application would be to treat the
exterior facade because there is a change
between the beautiful wood and glass doors with
the bluestone that they have at the base in the
current restaurant, and the hairstylist had
some funky stone and glass. We're going to
just paint it so it's all the same at this

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 point, and then in the future we hope to make
2 an application that will go in front of the
3 Architectural Review Board for a change in that
4 facade. That's not part of this application.
5 We're going to kind of just get it so it all
6 melts together, and then in the future when I
7 guess we're open for a little bit, be able to
8 fund that effort because those doors and glass
9 are quite expensive.

11 MS. UHLE: Do you have a picture of
12 the existing facade and a picture of --

13 MR. FERNANDEZ: So that would be in
14 our packet. I believe we took some pictures
15 that have the entire street facade. I don't
16 have it as part of the working drawing set.
17 You could see there's a huge difference between
18 the restaurant and what was the hairstylist.

19 MS. UHLE: I found it in my package.
20 If you would like to take this, Joe, you could
21 put this up there.

22 THE CHAIRMAN: If you could just put
23 it up there so Gary could sort of zoom in on
24 it. Can you get that, Gary? Thank you.

25 MR. FERNANDEZ: So you could see the
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 taupe color of the current restaurant, and then
2 let's call it off white of the hairstylist.
3 All that will stay the same. You could see the
4 amount of detail in the doors and windows of
5 the restaurant, which open very nicely during
6 pleasant weather to let fresh air in. We'll
7 look to try and do something similar on the
8 other side.

10 THE CHAIRMAN: So when something is
11 done to the existing, that door remains? That
12 door is your third egress; right?

13 MR. FERNANDEZ: The hairstylist's door
14 would be the third door for egress, correct.
15 We would still have two. We would have two if
16 we were doing an alteration. That would be
17 closed probably for a short period of time.
18 They could do all the glass work, let's say, in
19 the front, and then leave the door for last.

20 THE CHAIRMAN: I'm not an architect,
21 but I would imagine it would end up looking
22 much like what's --

23 MR. FERNANDEZ: What's there. The
24 rhythm would continue. You have four let's
25 call them windows, then you have the door,

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 three windows. So it might be another three or
2 two depending on that module. We would have to
3 lay that out.

5 THE CHAIRMAN: Is there a cornice
6 there too?

7 MR. FERNANDEZ: No, there isn't.
8 Currently, there is a wall sign that separates
9 the two. So that would be moved, I would
10 assume, to the end of the building. It's one
11 building, and the owner of the restaurant is
12 the building owner.

13 THE CHAIRMAN: So that's probably our
14 major comment or at least my major comment. We
15 certainly think the facade should be revised to
16 be consistent but sooner than later. So that's
17 what we're going to make part of the approval.

18 MR. FERNANDEZ: Right. I would just
19 address the board by saying that it's not a big
20 alteration but the cost of doing the -- getting
21 all the equipment was absorbitent for the
22 kitchen. It's kind of like we're kind of
23 weighing out getting the project done right.
24 The outside, he wants to do it, but it's just
25 phase two.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 MS. UHLE: But I think from the town's
2 perspective, the aesthetics of the exterior is
3 very important.

5 MR. FERNANDEZ: It's all going to
6 aesthetically look very similar, it's just
7 those windows in my mind want to be upgraded at
8 some time, and that is hopefully in the near
9 future.

10 MR. NEMECEK: We've had some -- your
11 neighbors just north of you at Mickey
12 Spillane's, a few years ago they came here with
13 a pretty big plan to improve the second
14 story --

15 MR. FERNANDEZ: I'm familiar.

16 MR. NEMECEK: -- And, unfortunately,
17 the execution -- while most of the repairs went
18 very nicely -- they ended up with a much
19 smaller window at the top than we had wanted,
20 and we're still pursuing that. I certainly
21 don't want to encourage -- I understand your
22 position --

23 MR. FERNANDEZ: We're not -- we would
24 have to come back in front of the Architectural
25 Review Board to kind of show all this off.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

MR. NEMECEK: But the problem is, you might not come back for five years.

MR. FERNANDEZ: I don't see that with this particular landlord.

MS. UHLE: I think what the board could do is make a condition of the Certificate of Compliance that you come back to the ARB and Planning Board so that the facade improvements are done at the same as the interior improvements. If they were to approve the interior improvements, you could begin starting on the building permit review, but I think the Certificate of Compliance might be conditioned on the facade renovations as well. Again, this board is an Architectural Review Board, and you're expanding into an adjacent building but not showing any improvements to the exterior aesthetics of that building when it is very inconsistent with the building that you're extending.

MR. NEMECEK: We understand the cost element of it. We don't want to put anyone to an unnecessary cost. The problem is we also don't want to have -- I know Burrata isn't

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

going to want to have an eyesore.

MR. FERNANDEZ: You could understand that he's going to want it to look very --

MR. NEMECEK: Ideally, we like to see a comprehensive project that addresses everything. We're willing to work with you on an accommodation here, but how we put that together is what we're discussing right now.

MS. UHLE: What would be the -- would the applicant be willing to come back in -- again, if the board were to approve -- and I can't speak for them -- approve the application with regard to the interior improvements, would the applicant be able to come back in January with proposed facade improvements, in which case they could go before the ARB in the beginning of January, come back to the Planning Board at the end of January, and then you would be able to coordinate those permits?

MR. FERNANDEZ: So the short answer is, yes, of course. However, I'm not sure that the budget will allow, even if he was to move forward and show you some beautiful pictures, that he could build that at this time. That's

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

why we're just asking for basically to let us tie the facade together by keeping the colors together. I mean, this guy has been --

MR. NEMECEK: At a minimum, I think I want to see exactly what the interim measure is going to look like beyond we're going to paint it or something.

MR. PULASKI: I agree with that statement. I don't know how you come before us without at least giving us a melded facade, even if it's just showing paint so the paint is all the same color, but we know that the sign is not moving, we know that this isn't changing. Right now it's just, well, we're going to dress it up.

THE CHAIRMAN: They have come with something. That's what they've come up with, they've painted it the same color.

MS. UHLE: Well, no, that doesn't show it painted the same color.

MR. FERNANDEZ: That's what we're saying. I mean, we're proposing that the facade is going to stay the same but the colors would be identical. If you're familiar with

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

the restaurant at all, you know that he's not going to do anything that's going to take away from that.

THE CHAIRMAN: So we understand -- they're members of the community and certainly we want them to stay here and have a great establishment, but our purpose here is to make sure that everything that's built is pleasing aesthetically, the Architectural Review Board likes it, it doesn't affect the character of the neighborhood, it doesn't affect traffic, schools. So we're responsible for everything on the outside. We're not responsible in any way, shape, or form of what goes on in the inside. I mean, that's our primary concern.

MR. NEMECEK: What are concerned to a degree of what goes on on the inside. We've had multiple debates over smells and stuff.

MR. FERNANDEZ: If I could suggest, I mean, maybe that's just a stipulation if the project is approved, to say that it would at least all be the same color, and then obviously future facade improvements obviously have to come back in front of the --

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

MR. NEMECEK: The second piece is a given.

THE CHAIRMAN: What we're offering or what we're going to put forth is to bifurcate the application to interior and facade, and they both, as Mr. Nemecek said, will be approached together and parallel.

MR. FERNANDEZ: But that might be a little strenuous for the clients to have to tackle at the same time is what I'm saying.

MR. NEMECEK: Is there an interim measure, kind of your best affordable case, that's more than just slapping a coat of paint on it?

MR. FERNANDEZ: I think by cleaning this up and by removing the stone that was placed at the bottom and tying it together with the color, by moving the sign over, I think it's going to tie it together for now. It's not the cleanest thing because the wood doors and everything, they're gorgeous. That's going to take a little time to get there to that piece.

MS. UHLE: I think you're going to

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

need to come back before the Architectural Review Board to show even if there are interim improvements that you could do. There are definitely economical improvements that you could do that go beyond just the painting; for example, removing the stone or doing something.

MR. FERNANDEZ: Removing the --

MS. UHLE: The stone. Again, I don't want to tell you what to do, but I think you need to come back with a -- if it's initially just an affordable proposal to the Architectural Review Board and then to the Planning Board.

MR. NEMECEK: We're hearing that the ultimate goal is that the opening of this new space is going to generate even more income. I know whenever I go into Burrata, it's always nice and crowded. So this will generate income, and then up the road in the near future the owners want to match the entire facade. I get that. That's terrific. But we have an obligation to get the best deal for the town, so-to-speak, right now. What can you show us right now?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

MR. FERNANDEZ: This application and this investment into this building is huge. It's huge. There's been a lot of failed operations in that location. I don't have to tell you.

MR. NEMECEK: Oh, yes. Yes.

MR. FERNANDEZ: I think that this is a big step and a big undertaking. I understand about the aesthetics. If you could appreciate what he's done there so far and the first class operation that he's running, it's going to look beautiful, and he is only going to make it look better as time goes on. But I can't put a date on it because it's not my wallet.

THE CHAIRMAN: So I think you're doing a very good job representing you're client right now, and I think he appreciates that. I think what we're saying, though, is what Mr. Nemecek said, if there's an alternate, it needs to go before the ARB and that's the way it's going to make its way back here. We'll see what they say and it will come back to us. I mean, that's the process, so that's the process that we have to follow.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

MR. FERNANDEZ: Okay, but we're here for the amendment to the special permit and that's what we're looking for. I mean, we're not here really -- honestly, the facade is not something we're even -- I mean, I'm just talking about because it's --

MR. NEMECEK: You are here for the facade. You don't get the improvement without the facade.

MS. UHLE: Can I just say something? I don't mean this in the rude way that it's going to sound --

MR. NEMECEK: Margaret, how dare you.

MS. UHLE: I know. When Mr. Bonanno said you're doing a good job representing the client, I really think your response has to be, we're going to come back in January with something. You really have to address the facade to some extent. With regard to the overall budget for the project, I can't believe that, you know, as a percentage addressing the facade to some extent breaks the entire budget. Again, ideally the facade -- I can't see it up there now -- ideally the facade would be very

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 well integrated with the existing facade, and I
2 do trust that the owner has intentions to do
3 that. If that is really very onerous at that
4 point, there are very simple things that could
5 be done that would make it look vastly better
6 in the interim that would not be very
7 expensive. So I really don't think the answer
8 is, we're not going to do it. I think there's
9 only one answer --

11 MR. NEMECEK: We understand that the
12 owner is going to do everything in his power to
13 make this as aesthetically pleasing as possible
14 because people don't want to go into a place
15 that looks like a dump. The history, as you
16 said, this is the first successful restaurant
17 that's been there in a dog's age. We have no
18 doubt that the owner is -- it's in his interest
19 to do this right, but what we're telling you is
20 we have an obligation to make sure that
21 whatever interim measures are taken are also
22 right.

23 MR. FERNANDEZ: I understand.

24 MR. NEMECEK: Right now we're not
25 seeing a comprehensive plan that includes

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 giving us enough information on what that
2 interim measure -- the short term approach is,
3 understanding that the goal up the road is to
4 match this, and you don't necessarily want to
5 throw that much money away on a interim measure
6 knowing that in the near future --

8 MR. FERNANDEZ: Right.

9 MR. NEMECEK: As Margaret said, and
10 she would know much better than I, there are
11 cost effective measures, I'm sure, that could
12 be taken that are going to make this work, and
13 it's absolutely in everyone's interest to make
14 it work. It's in the owner's interest and it's
15 in the town's interest, and we are the
16 representatives of the town on this one.

17 MR. FERNANDEZ: Absolutely. But I'll
18 just say to you, we would be coming back with
19 essentially the same facade that's just, you
20 know, all color matched and that's really the
21 extent.

22 MR. NEMECEK: We don't have a very
23 good --

24 MR. FERNANDEZ: I understand. I
25 understand.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 THE CHAIRMAN: We've sort of given you
2 a preview of what our response would be if you
3 were to do this.

5 MR. FERNANDEZ: And I understand that.
6 I would just ask the board to also understand
7 that doing things twice is not, you know, an
8 owner's way of going about a project either. I
9 think I have some help.

10 MR. ANDERSON: My apologies. I'm Chas
11 Anderson, I'm the chef owner of Burrata.

12 MR. NEMECEK: Ah, the owner.

13 MR. ANDERSON: I hear you loud and
14 clear. Without a doubt, why would you approve
15 something without me showcasing what I would
16 intend to do. I hear you as well, Margaret,
17 with respect to what we can do to dress it up
18 and showing that. It was under my impression
19 that we were here for something a bit
20 different. Naturally, otherwise, I would have
21 come with that material to present to all of
22 you. It is my intention to have a beautiful
23 storefront to equally match the quality of the
24 food and the customers that come into my
25 establishment. So I'm more than happy to come

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 back in January and show you a dressed up
2 version of the storefront and to have your
3 blessing to move forward with that.

5 My question is, will we have to wait
6 for that approval in order to have the approval
7 to start with building on the inside?

8 THE CHAIRMAN: So the answer is what I
9 said, we think we could split it in two. I
10 don't know how we --

11 MS. UHLE: I think what we could do --
12 understanding that you were delayed a month
13 previously, understanding that you have put a
14 lot of work into this, I think what the board
15 could do is approve the amended special permit
16 subject to the condition that a CC will not be
17 issued for the actual expanded area until the
18 facade improvements have been approved and
19 become part of that permit. So basically what
20 you would do, if all went well, you would go to
21 the Architectural Review Board at the beginning
22 of January, get the approval by the Planning
23 Board at the end of January, and that approved
24 facade would just be -- your permit would be
25 amended to include that facade. So when you

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

get your Certificate of Compliance, it would include both the facade and the interior. I think that answers your questions. It wouldn't slow you down.

MR. ANDERSON: I think I understand it.

MR. NEMECEK: I think that's a good solution.

MS. UHLE: I think there was some confusion. I'm finding the way that we classify these as a Type 1, Type 2 hood -- you're here for amended special permit approval, which basically just means you had a special permit for a restaurant, you're expanding that restaurant now, so the Planning Board is looking at this comprehensively. It's really not because you have a Type 1 hood or anything like that. So as part of that comprehensive application part of the amended special permit, that does include the facade of the building as well.

MR. ANDERSON: Okay. Thank you.

THE CHAIRMAN: I think we're good then.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

MS. UHLE: So the owner seems amenable to coming back in January.

MR. NEMECEK: As well you should. I know you want it to be as -- it's a real class operation you have there. I enjoy the food a lot. I enjoy the convenience because I live right over here. I could walk. There's nothing not to like at this point. I have no doubt you're going to do it right. I understand the need here to do it perhaps in a two step, initial changes that are going to make the facade attractive such that it's going to look as good as it's going to look for the cost effective price that you're going to be paying for it, and then up the road when you're ready, you come. But just in case that time doesn't come as soon as any of us would hope, we need something.

MR. ANDERSON: I respect that.

Absolutely. Understood.

THE CHAIRMAN: We have to open a public hearing and see if there are comments from the public. We'll do that right now. So just hang on, and then we'll get back to you.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

So I make a motion to open the public hearing on Application 18-41, Burrata Wood Fired Pizza.

MR. PULASKI: Second.

THE CHAIRMAN: Comments from the public?

(No comments.)

THE CHAIRMAN: None right now. So we're just going to leave it open because you're coming back.

MS. UHLE: I think you would close the public hearing on this because you're going to approve it subject to conditions.

THE CHAIRMAN: Oh, yes, we are. Then what happens?

MS. UHLE: Then you could open a public hearing on the facade.

THE CHAIRMAN: Okay. Any more comments hearing?

MR. PULASKI: No.

MR. NEMECEK: No.

MS. UHLE: I have one more comment, not to always be the big stick in the mud here. I'm sorry. Just with regard to when you do

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

come, I just want to make it clear to the board that future good intentions we have no ability to enforce. Again, I know this applicant, and I do trust him as well. All I want to say to you, if you're coming back with simply interim things, they still have to look -- I think they have to be approved in a way that people assume it's going to be that way in perpetuity, even though I trust that you're going to come back. I know this from so much experience, good intentions we can't enforce, the board can't enforce. So when you do come back with whatever you're proposing, it's more than just paint. That's all I'm saying.

THE CHAIRMAN: It's not really interim, it's what's going to be there.

MS. UHLE: Well, it could be interim, but it has to look like something that's going to be there for awhile.

THE CHAIRMAN: We're approving what you put in front of us, not what you're going to do in the future.

MR. ANDERSON: Understood. Thank you.

THE CHAIRMAN: I make a motion to

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

close this public hearing on Burrata Wood Fired Pizza.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.
(All aye.)

THE CHAIRMAN: Then I'm going to make a motion to approve the interior part of the application as shown on the drawings. That's about it.

MR. NEMECEK: Subject to the condition that Margaret --

THE CHAIRMAN: Subject to the condition that you'll be back here in January with a facade design we could look at.

MS. UHLE: Actually, the condition is the Certificate of Compliance will not be issued for the proposed expansion until the facade has been approved and become part of that permit and construction as well.

MR. NEMECEK: That also is two steps. It involves going to the Architectural Review Board first. Their next available meeting is I think the first Thursday in January, and then our Planning Board meeting is probably about

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

three weeks later, also in January. So if you get everything going, you'll be done with this within about six to seven weeks, maybe eight.

MR. FERNANDEZ: I had just one question: Does that mean that we could take our construction drawings and file them?

MS. UHLE: Yes. So you could begin getting the building permit, begin the building review process. You could even begin construction. You just can't get a Certificate of Compliance.

MR. FERNANDEZ: Well, we need a permit first.

MS. UHLE: I'm saying after you get the permit. You could submit the drawings, you could do the permit review, you could begin construction. You just cannot get a Certificate of Compliance until that's been approved.

MR. FERNANDEZ: That's fine.

MR. ANDERSON: Thank you for your time.

THE CHAIRMAN: Did we vote on this? That motion supplemented by what Margaret put

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

forth about the Certificate, that's the motion I put forward.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.
(All aye.)

MR. FERNANDEZ: Thank you.

THE CHAIRMAN: Have a nice holiday. Last application is 18-42, DeCicco & Sons, 777 White Plains Road.

MR. NEMECEK: A lot of White Plains Road today and that's not even with Applestone.

THE CHAIRMAN: It's the core that we're improving every step along the way thanks to the great architecture and the oversight of this board and Margaret.

MR. DI LEO: Hi. My name is Lou DiLeo from Studio Rai Architects, and we're here to discuss the proposed alterations for the DeCicco supermarket that will be taking place in the existing Acme supermarket building spot.

Basically the changes that we're proposing are storefronts, some canopies, no changes to the parking lot, no changes to the exterior parking lot or spaces or lighting or

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

anything like that.

This is the existing footprint.

Obviously, you get to it through the back of this complex. The existing canopy will be altered, enhanced. I'll show you what that looks like. We're doing a small enhancement to the front entrance of the supermarket. The location is basically where it exists now, we're just going to enhance it with some columns and a nicer roof than is there now. We're also proposing a parapet here and some work on the front facing Post Road.

So this is the sidewalk and the entrance. We're redoing the whole sidewalk. Existing is concrete. It's going to have to be reconstructed a bit. New storefronts where the existing storefronts are now. So this is the existing entrance, existing building. You could see the existing canopy that's there that's going to be affected. This is the face that's facing obviously White Plains Road, and we're touching this little parapet area, putting a window here. We're taking all this aluminum standing seam facade -- taking it off

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 and putting brick and stucco in this area here.
2 Also, by the street there's an existing sign,
3 we're reconstructing this sign. Same exact
4 shape. It just has more of a garden look to it
5 that I want to show you.

6 This is the main entrance to the
7 building, to the supermarket. This is the
8 altered existing canopy. We're putting new
9 columns out of wood and some galvanized steel
10 and some timber and standing seam metal roof on
11 top of that. Where the metal panels were
12 before, it's going to be a little larger
13 parapet with brick. This is where the sign is
14 going with individual letters. This is the new
15 storefront; larger glass, taller brings the
16 inside out and the outside in. Bigger glass,
17 you know, letting people think -- it's very
18 visible, very friendly. Then facing White
19 Plains Road is this large window, which looks
20 like this. Basically these are the existing
21 signs on the first floor, those stay exactly
22 the same. We're bumping this parapet a little
23 bit taller, we're adding a little roof details
24 and some steel brackets, and putting this very

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 large window. We're basically trying to tie
2 the back and the front together because it just
3 looks like somebody forgot to design this
4 building, in our opinion. We're playing around
5 with the positive and negative shapes, the
6 entrance, the half round goes up and here is a
7 window. We want people coming into the store
8 being able to look through and actually see
9 light at the end of the tunnel, so-to-speak.

10 The improvements on this side, as you
11 can see, windows, parapet. The colors will be
12 exactly the same as the existing building.
13 This is a view -- if you could see it maybe
14 better in your drawings -- walking down
15 underneath the existing canopy but renovated
16 canopy. It's going to be exposed wood, pendant
17 fixtures, these are the wood columns. We're
18 not increasing the width of the sidewalk or
19 anything, everything works within that
20 footprint, and this is the new storefront on
21 this side.

22 That's basically it. Obviously, the
23 whole interior is getting completely gutted and
24 redone. At the Architectural Review Board

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 meeting, there were some questions regarding
2 the rooftop units that are there now and the
3 new ones that we're putting. If you look at
4 this picture, this photograph, there's two
5 locomotive size units up on top. Those are
6 coming out. The ones that we're using are much
7 smaller, much more energy efficient, and they
8 will be pushed back from the front 32 feet.
9 It's pushed back to such a point that you
10 actually will not see them. If you could see,
11 this is the existing. These are the units.
12 When we're done, this is the perspective from
13 the same exact point.

14 MR. NEMECEK: Flip it back to the
15 first page again. I see.

16 MR. DI LEO: They're like 8 feet from
17 the front. We're pushing our units 32 feet
18 from the front. So standing all the way in the
19 back of the parking lot, you will not see them.

20 THE CHAIRMAN: Is that the only change
21 being done up there on the roof?

22 MR. DI LEO: We're going to have all
23 new mechanical equipment, new air handlers.
24 They're all smaller. There's a 3 foot parapet

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 to hide those.

2 THE CHAIRMAN: If those are air
3 handling units, what are those?

4 MR. DI LEO: This is John DeCicco.

5 MR. DE CICCICO: Hi. John DeCicco. The
6 existing equipment that's on the roof now is
7 actually their refrigeration compressors.
8 We're placing those inside, so we won't have
9 them on the roof any longer.

10 THE CHAIRMAN: They're going to be
11 inside?

12 MR. DE CICCICO: Yes.

13 THE CHAIRMAN: They're that efficient
14 you could just put them inside?

15 MR. DE CICCICO: Yes.

16 THE CHAIRMAN: So they're not going to
17 make any noise because they're inside; right?

18 MR. DE CICCICO: Correct. The ones out
19 there now make a lot of noise.

20 THE CHAIRMAN: They do.

21 MR. DE CICCICO: Yes.

22 THE CHAIRMAN: I imagine, right.

23 MR. DE CICCICO: I think he has also the
24 new roof plan. Show the new roof plan.

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

THE CHAIRMAN: Very nice. Thank you.

MR. DI LEO: Can you see this from there?

THE CHAIRMAN: Yes, I can.

MR. DI LEO: This is the roof plan.

So the dotted lines are the existing units that we're taking out, these two here, and we're pushing these back. These are the ones that we're putting in. These are very small.

They're only 30 inches off the rooftop.

THE CHAIRMAN: So those two new are compressors or are they're something else?

MR. DI LEO: The two existing?

THE CHAIRMAN: No. The ones that you pushed back.

MR. DI LEO: The generators? The two generators? This is a -- what is this called? Condenser.

THE CHAIRMAN: They are condensers.

MR. DI LEO: They're very high energy efficient units.

MR. NEMECEK: The semicircular window that is facing the White Plains Road side, how high up does that go in the interior of the

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

store? Where does the bottom go?

MR. DI LEO: That was a very big design element, and we started with the thought of bringing this to the floor because we really wanted to see people walking in the store from outside, but that doesn't work because of the location of the signs. So this line is approximately 36 inches from inside, which still will work, still bring light into the building.

THE CHAIRMAN: It's going to be clear?

MR. DI LEO: Yes. Yes. We did this photo montage also in answer to the Architectural Review Board because they were interested in seeing the actual designs together with this. This is the sign by the street. It's basically almost like a pergola. It's timber, they could grow stuff on it. The signage space is basically exactly the same size as it is now.

MR. NEMECEK: Is this being re-branded to DeCicco Plaza?

MR. DI LEO: Yes.

MR. PULASKI: How is the canopy and

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

the canopy facade illuminated?

MR. DI LEO: (Indicating.)

MR. PULASKI: That's the downstairs.

The upstairs at night, that area presently is just very, very blah and dark. It has this dark appearance. Now you're adding this nice architectural look, but at night it needs to be illuminated in order to keep portraying that appearance.

MR. DI LEO: True. I agree. Number 1, if we start with that, these little squares are individual light fixtures the light up the upper section of the canopy. Underneath the canopy -- if you go to this drawing -- it's a whole series of pendant fixtures centered between each one of these posts that would illuminate the whole area.

MR. PULASKI: Part of what I'm saying is -- adding to my take on that area -- I see what you're trying to do, and I think that having it properly illuminated so that you could also see that at night, it just doesn't go to sleep on you, is going to enhance the value of what you're doing. I know that right

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

now you aren't addressing anything out in the parking lot, and I have no ideas about the parking lot, other than, again, that area is just kind of blah. I think that there probably are some things that you could do with some fencing that's light in color or some plantings that you aren't here before us on but you could think about as you're further developing the site.

MR. DI LEO: Okay. We could make some suggestions to the owner, I guess.

THE CHAIRMAN: There isn't a site plan in there, is there?

MR. DI LEO: We do have one. We weren't planning any improvements. These are the few islands that are there. The parking goes right to the property line. It's extensively landscaped, but I really can't tell you anything about the lighting in the parking lot.

MR. PULASKI: At night you don't see that. I think during the day it doesn't really stand out. You're investing nicely in the look, and I think you should think about what

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

you can do to make the rest of the property
equally as nice.

MR. DI LEO: Okay.

MR. PULASKI: Also, you may notice --
I don't know if there is anything you can do
about it -- when you come from the up side down
to 22, there is a trench drain, and as you come
around and down, it's a boom boom going through
that trench drain.

MR. DI LEO: So you want us to fix the
trench drain?

MR. PULASKI: No, no. That's not
before us.

MR. NEMECEK: Bob would like you to
put the pancake mix in aisle 3.

MR. PULASKI: Something doesn't go in
quite right and it just stays there.

MR. DI LEO: All these things we could
bring up with the landlord and mention to him.
The parking lot is a very big issue, and we
have no control over that. I don't know what
we can do about that.

MR. PULASKI: You're investing very
nicely in his property, you want the right

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

presentation to the public. Again, it's not
before us, but it's just an observation.

MR. DI LEO: Okay.

MR. PULASKI: The DeCicco stores, did
you start with just an original store in Pelham
and now how many stores do you have?

THE CHAIRMAN: A little history, yes.
I'm sort of curious also.

MR. DE CICCICO: Yes, a little history
lesson here. So my father, my Uncle Joe, and
my Uncle Frank actually started the business
back in 1975. They had built this business
from the store in Pelham -- well, they had two
stores in the Bronx prior, Eastchester Road and
Crotona Avenue. Then they had their first
store in Westchester, which was in Pelham, then
the store in Chester Heights, Scarsdale, and
New City. While they were doing that, me, my
brother, and my cousin kind of went out on our
own and we started the store in Ardsley. Then
we went on to open the stores in Brewster,
Harrison, Armonk, Larchmont, Somers, Millwood,
and now this would be Eastchester.

In that time, my dad and his brothers

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

kind of split up. So my father and my Uncle
Joe kind of came along with us and Uncle Frank
is still separated from us running DeCicco
Marketplace, and we're basically running
DeCicco & Sons.

MR. PULASKI: How do you compare
yourself to something like an A & P, which is
huge, and they have great buying power and
whatever and you're competing with them?

MR. DE CICCICO: Right. So basically
our main focus of our business is focusing on
quality. So the quality of our meat, the
quality of our produce, the quality of our
fish, the quality of our produce. So being
small enough, we're able to really demand the
creme de la creme of all the products. So
that's pretty much what our main focus is on.
No, our prices on groceries are not as
competitive as, say, the big chains are with
the buying power on Cambell's soup or Progresso
soup, but we do try to compete as much as we
possibly can. Now we're up to 10 stores, so we
do have a little more buying power. We still
don't have 300 or 3,000, but we do try to put

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

as much as the price of conventional items as
we possibly can.

MR. PULASKI: That's interesting. I'm
glad you are getting in there and taking over
the names.

MR. DE CICCICO: Thank you.

THE CHAIRMAN: This is a public
hearing, so I make a motion to open the public
hearing on this application, 18-42, DeCicco &
Sons.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

(No comments.)

THE CHAIRMAN: With no comments from
the public, let's close the public hearing on
this application, DeCicco & Sons, 777 White
Plains Road.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. NEMECEK: Weak performance by the
public this meeting. Zero commentators.

MR. PULASKI: Because you missed the

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 last meeting, people just wrote this session
2 off.

3 MS. UHLE: You know, I hate to say
4 this, I have a comment.

5 MR. NEMECEK: Are you a resident of
6 the town of Eastchester, Ms. Uhle?

7 MS. UHLE: I'm not implying that you
8 want to do this at all, I just want to clarify
9 something. It's similar to the last
10 application when you're saying this isn't
11 before us. It sounds like the suggestions that
12 Mr. Pulaski was making were sort of suggestions
13 for the landlord, but if there really were
14 significant site plan issues that you were
15 concerned about, this is an opportunity to try
16 to address those. It's essentially
17 architectural review approval, but there is a
18 site plan aspect to it as well. I would say
19 that if there were a serious issue on the site,
20 you would have the authority. I just wanted to
21 clarify that.

22 MR. NEMECEK: That was my
23 understanding as well.

24 MS. UHLE: It does sound like they're

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 more recommendations at this point and you
2 appreciate the applicant doing what they are
3 doing, and these are suggestions for the
4 landlord.

5 MR. NEMECEK: That's right.

6 MS. UHLE: But I just wanted to
7 clarify if it were significant -- it's only not
8 before you because they haven't proposed it,
9 but this gives you an opportunity to look at
10 other site plan issues.

11 MR. NEMECEK: I don't have any doubt
12 as well that if this is being re-branded
13 DeCicco Plaza, that the landlord will be
14 interested in listening to what you have to
15 say. You do have some leverage here. I do
16 understand that. But what concrete changes are
17 necessary at this point, I'm not so sure.

18 MR. PULASKI: Something that I
19 perceived and I asked and they responded the
20 way I expected, about illuminating the facade.
21 I interpreted that as immensely changing that
22 atmosphere of something that's very dark at
23 night -- that's usually when I'm visiting it --
24 it's very dark at night and you're going to

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 notice that facade and get drawn to it. I
2 think that will mitigate some of my concerns of
3 the darkness there and such. But the landlord
4 items, I think they should correct that trench
5 drain because, you know, when you're deciding
6 which way to go out of the site, it's just
7 sometimes you go the other way. I think that
8 that site does have the benefit of some nice
9 vegetation and appearance around the outside.
10 Hopefully the landlord is -- the owner is
11 watching this meeting and taking these
12 suggestions, and we'll be happy to entertain
13 you if you want to come before us.

14 MR. NEMECEK: The transcript is
15 typically available in a month or so after the
16 hearing, so you could provide a copy to the
17 owner as well.

18 THE CHAIRMAN: That being said, it
19 seems like we're going to stick with what's
20 there with the recommendation of the lighting
21 on the facade to sort of brighten it up, but
22 that's part of the application already.

23 MS. UHLE: So you're not imposing any
24 conditions?

DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1 MR. PULASKI: No.

2 MR. DI LEO: We will bring that up
3 with the landlord. We will mention it. We
4 won't ignore it. Obviously, they want to have
5 a nice space to attract people and make things
6 better. We'll bring it up.

7 MR. PULASKI: Thank you.

8 THE CHAIRMAN: So then I'll make a
9 motion to approve this application, DeCicco &
10 Sons, 777 White Plains Road.

11 MR. PULASKI: Second.

12 THE CHAIRMAN: All in favor.
13 (All aye.)

14 THE CHAIRMAN: Thank you.

15 MR. NEMECEK: Now that you have an
16 approval, what's the plan for moving forward?

17 MR. DI LEO: Getting the drawings in,
18 apply for a building permit.


19 MR. NEMECEK: What's the time frame
20 optimistically?

21 MR. DE CICCIO: September or October of
22 next year.

23 MR. NEMECEK: Good.

24 THE CHAIRMAN: Looking forward to

DINA M. MORGAN, REPORTER

1 EASTCHESTER ZBA - 11/29/18
2 C E R T I F I C A T I O N
3
4 STATE OF NEW YORK)
) Ss.
5 COUNTY OF WESTCHESTER)
6
7 I, DINA M. MORGAN, Court Reporter and
8 Notary Public within and for the County of
9 Westchester, State of New York, do hereby
10 certify:
11 That the above transcript was taken from
12 a videotape of the actual hearing. I was not
13 present for such hearing. The videotape was
14 taken and transcribed by me to the best of my
15 ability.
16 And, I further certify that I am not
17 related to any of the parties to this action by
18 blood or marriage, and that I am in no way
19 interested in the outcome of this matter.
20 IN WITNESS WHEREOF, I have hereunto set
21 my hand this 26th day of December, 2018.
22
23 
24 DINA M. MORGAN
 Court Reporter
25
DINA M. MORGAN, REPORTER

EASTCHESTER ZBA - 11/29/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CORRECTION SHEET

PAGE CORRECTION

DINA M. MORGAN, REPORTER