

TRANSCRIPT OF

TOWN OF EASTCHESTER PLANNING BOARD MEETING

NOVEMBER 30, 2017

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
BILL WEST, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

MARGARET UHLE, DIRECTOR OF PLANNING
ROBERT TUDISCO, DEPUTY TOWN ATTORNEY
JAY KING, BUILDING INSPECTOR
MICHAEL VERNON, ASSISTANT PLANNER

Dina M. Morgan, Reporter
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approved. Anytime someone creates a new building lot, they're to be referred to the Town Attorney's office for an assessment of recreation fees. So this is simply a motion to refer the application to the Town Attorney for that assessment. Just to remind you, in your submission there's a copy of the subdivision, they're two 50 by 100 foot lots, so, obviously, there's no room to incorporate parkland within the subdivision plat, which is why then it gets referred to the town attorney for the assessment of recreation fees. So simply administrative action to make the motion and vote on it.

THE CHAIRMAN: That being said, I make a motion to refer Application 16-66, 42 Lakeview Avenue, to the town attorney for an assessment of recreation fees since based on the size and configuration of the subdivision there is not adequate space or, in fact, any space for the dedication of parkland fully or partially within the subdivided lot.

MR. PULASKI: I second that motion.

THE CHAIRMAN: All in favor.

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THE CHAIRMAN: Good evening. This is the town of Eastchester Planning Board meeting of November 30th, 2017. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: I apologize for the delay but thank you for staying. We'll do our best to move this along.

I would like to do the roll call, so Mr. Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Jim Bonanno is here. Mr. Bill West.

MR. WEST: Present.

THE CHAIRMAN: Board Member Nemecek could not be here nor Board Member Cunningham, so it's just the three of us tonight.

The first application in this order is 16-66, 42 Lakeview Avenue. Do you want to preface this or should we go straight to the application?

MS. UHLE: Sure. Actually, this is for a two lot subdivision that was previously

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(All aye.)

THE CHAIRMAN: Next application is 16-30, 760 White Plains Road.

MR. IANNACITO: Good evening. My name is John Iannacito. I'm an architect, and I'm representing Jamal Hadid, the owner of the subject property. This application was initially presented to the Planning Board on December 1st, 2016, and then the board referred it to the Zoning Board on April 27th, 2017. Since that initial presentation, the application has been revised several times.

The initial application was for a 3,073 increase to the floor area and that has been reduced to 490 square feet. The initial application also increased the total off-street parking requirement and that has been eliminated. The current application will not change the existing non-conforming parking deficiency.

The existing structure is currently 310 square feet and is used as a hair salon on the ground floor and offices for Keller Williams on the first, second, and third

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<p style="text-align: right;">5</p> <p>1 EASTCHESTER PLANNING BOARD - 11/30/17</p> <p>2 floors. The proposed alterations will include</p> <p>3 the elimination of the hair salon on the ground</p> <p>4 floor, and the proposed 490 square feet will</p> <p>5 add additional office space for Keller</p> <p>6 Williams. The building will have one tenant,</p> <p>7 and it will be completely occupied by the real</p> <p>8 estate group.</p> <p>9 The proposed scope of work will</p> <p>10 include the construction of a two story</p> <p>11 addition at the front of the existing structure</p> <p>12 highlighted here on the survey; reconfiguration</p> <p>13 of the existing roof and third floor; interior</p> <p>14 alterations on the ground floor, first floor,</p> <p>15 and second floor; facade alterations and site</p> <p>16 alterations, including the reconfiguration of a</p> <p>17 retaining wall at the front yard to create a</p> <p>18 new sidewalk level entry.</p> <p>19 I'll quickly go through the plans.</p> <p>20 The last time you guys saw this was awhile ago.</p> <p>21 So on the first floor the existing use is the</p> <p>22 hair salon, which will be changed completely</p> <p>23 over to office use, and it will consist of a</p> <p>24 new reception area, two conference rooms, and a</p> <p>25 private office.</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>	<p style="text-align: right;">7</p> <p>1 EASTCHESTER PLANNING BOARD - 11/30/17</p> <p>2 materials will be a combination of stone and</p> <p>3 stucco, the windows will be aluminum in a black</p> <p>4 finish, and the railings will also be aluminum</p> <p>5 in a black finish. This is a street-scape</p> <p>6 drawing showing the existing and proposed</p> <p>7 building in relation to the neighboring</p> <p>8 properties.</p> <p>9 On October 12th, 2017, the Zoning</p> <p>10 Board granted the following area variances for</p> <p>11 this project:</p> <p>12 The first was for a side yard setback,</p> <p>13 where the existing and the proposed was</p> <p>14 8.6 feet and the required is 10 feet, a</p> <p>15 deficiency of 1.4 feet. The second was for the</p> <p>16 second side yard setback, where the existing</p> <p>17 and the proposed were 6.4 feet and the required</p> <p>18 is 10 feet, a deficiency of 3.6 feet. The</p> <p>19 third was for the number of off-street parking</p> <p>20 spaces. The existing parking is non-conforming</p> <p>21 with a total of 24 parking spaces required</p> <p>22 today as the building sits today with 3 parking</p> <p>23 spaces provided. The proposed addition will</p> <p>24 not increase the total number of parking spaces</p> <p>25 required, we still require 24 parking spaces</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>
<p style="text-align: right;">6</p> <p>1 EASTCHESTER PLANNING BOARD - 11/30/17</p> <p>2 The first floor, which is currently</p> <p>3 used as office space, will include the addition</p> <p>4 and reconfiguration of the interior spaces, and</p> <p>5 it will consist of new private offices around</p> <p>6 the perimeter and then open desk area in the</p> <p>7 center.</p> <p>8 The second floor, the footprint</p> <p>9 basically remains the same on the second floor,</p> <p>10 and it's a reconfiguration of the interior</p> <p>11 spaces, and it will have new private offices</p> <p>12 around the perimeter and open desk space in the</p> <p>13 center.</p> <p>14 The third floor will be a</p> <p>15 reconfiguration of the space and the</p> <p>16 elimination of the existing hip roof, and the</p> <p>17 new space will consist of an open desk area and</p> <p>18 wraparound deck, which is the roof of the floor</p> <p>19 below.</p> <p>20 The elevations, we have the front and</p> <p>21 side elevations, existing on the top and</p> <p>22 proposed below. We're proposing to remove the</p> <p>23 existing hip roof, two sorry addition at the</p> <p>24 front. Both the addition and the reconfigured</p> <p>25 top floor will both have flat roofs. The</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>	<p style="text-align: right;">8</p> <p>1 EASTCHESTER PLANNING BOARD - 11/30/17</p> <p>2 with all of the alterations to the building,</p> <p>3 and 3 parking spaces will be provided. The</p> <p>4 reason we had to get a variance for the</p> <p>5 existing non-conforming parking is because the</p> <p>6 building was enlarged and the zoning code says</p> <p>7 whenever you enlarge a building, you need to</p> <p>8 get a variance for the existing non-conforming</p> <p>9 parking.</p> <p>10 The application was presented to the</p> <p>11 Architectural Review Board on November 2nd,</p> <p>12 2017, and it was approved with one</p> <p>13 recommendation. They wanted to see the paved</p> <p>14 walkways and the landscaped area at the front</p> <p>15 entrance and front yard and we did show that on</p> <p>16 the site plan. We will have a paved area here</p> <p>17 leading to the front entrance and along the</p> <p>18 building leading to a side staircase, and the</p> <p>19 remaining area will become a lawn area with</p> <p>20 just a lawn or some low evergreen ground cover.</p> <p>21 Here is a rendering of the front</p> <p>22 facade. The two story addition will be a stone</p> <p>23 veneer. The new wall extension on the side</p> <p>24 will also be a stone veneer. The wall surfaces</p> <p>25 behind will be a stucco finish in a gray color.</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>

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 2 The windows will be aluminum in a black finish,
 3 and the railings will be aluminum with a black
 4 finish. I have samples. Here's the stucco.
 5 The stone veneer is a combination of five
 6 different stones with different textures and
 7 we're trying to achieve a banding look.
 8 Thank you. If you have any questions,
 9 I'm happy to answer them.
 10 THE CHAIRMAN: We appreciate all the
 11 efforts you and your applicant have put forth
 12 on this to bring the building to something we
 13 could look at and then feel it's something we
 14 could definitely vote on at this point. I
 15 certainly looked at the numbers and the numbers
 16 have gone from -- as you pointed out, when you
 17 started here it was -- hold on, I got it here
 18 somewhere --
 19 MR. IANNACITO: 3,073 was the original
 20 increase in floor area.
 21 THE CHAIRMAN: Right. As opposed to
 22 now, which is 500 plus.
 23 MR. IANNACITO: 490.
 24 THE CHAIRMAN: Right. So, I mean,
 25 just in a big sense where did that area come

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 2 from, what was taken out of the program such
 3 that you could meet those floor areas?
 4 MR. IANNACITO: The original scheme
 5 was looking at a four story addition at the
 6 front and squaring off the entire upper floor,
 7 so it would have been a large rectangular
 8 space. So we minimized it to a small addition
 9 at the front, which would be about 245 square
 10 feet per floor on the first and second floor,
 11 and that basically is all the new square
 12 footage. The reason the parking doesn't change
 13 is because the lower floor right now is a hair
 14 salon, which is 1 parking space for every 150
 15 square feet and the office space is 1 for every
 16 200 square feet, so when you do the math, the
 17 increased square footage equals out. Then the
 18 top floor we changed the roof configuration but
 19 did not expand the square footage. The space
 20 that's on the top floor is the same square
 21 footage as what it was existing under the hip
 22 roof.
 23 THE CHAIRMAN: So in the previous
 24 application, there were rooms or there was
 25 discussion maybe there would be some seminars

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 2 done there?
 3 MR. IANNACITO: Yes. We've eliminated
 4 the large meeting room that we had in one of
 5 the previous applications and any large
 6 meetings are going to be held offsite at this
 7 point. He'll have some smaller meetings on
 8 site, but any large meetings that he usually
 9 has on a weekly basis will be offsite.
 10 THE CHAIRMAN: That's a key point that
 11 made this viable, and we do appreciate the
 12 applicant taking that step. So I read the
 13 resolution, it's quite a bit of work, quite a
 14 long history, but it's definitely worth it
 15 because I'm at the point where I think this is
 16 definitely something we're ready to vote on.
 17 Can you put up the street-scape one
 18 more time, because I thought it was very
 19 impressive the way this building is really not
 20 much larger than the building next door.
 21 MR. IANNACITO: I think the two story
 22 addition is pretty much almost the height of
 23 the bank, and then the overall height of the
 24 building actually comes down because of the
 25 hip.

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 2 THE CHAIRMAN: Right. So the roof
 3 height, the top of roof versus top of hip is
 4 about the same?
 5 MR. IANNACITO: No, it's lower. The
 6 new building is lower. From the sidewalk to
 7 top of ridge is 42.5 and it's being decreased
 8 to 38.10.
 9 THE CHAIRMAN: Okay. Any comments
 10 from up here?
 11 MR. PULASKI: Not at the moment. I
 12 would like to hear if the public has any
 13 comments.
 14 THE CHAIRMAN: Sure. This is probably
 15 an open public hearing, so we would certainly
 16 take comments from the public now.
 17 MR. LEONE: Good evening. I'm Doug
 18 Leone from Claire Leone Real Estate, the
 19 building adjacent to this subject property.
 20 I read the resolution also and I kind
 21 of felt the resolution was a bit of a
 22 cheerleading taking all the words that the
 23 architect had used and not taking any of the
 24 public into account, such as they made light or
 25 they made it seem like a small thing that

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1 there's only 3 parking spaces provided when 24
 2 are necessary. That's been my main point of
 3 contention on this. You also asked about the
 4 bank next door and the size of the property.
 5 The bank property is probably double the size
 6 of the subject property. In real world living,
 7 I walked around the property today to see how
 8 many cars are parked around the subject
 9 property and there's 10 cars that are parked
 10 there now. To say that you're going to expand
 11 this property and not require any more parking
 12 when it's already severely deficient in
 13 parking -- actually going to be taking away
 14 spots because there's only going to be 3 legal
 15 spots provided for plus a handicapped spot when
 16 this project is complete. So I went to speak
 17 to Margaret today and asked her about that. I
 18 said, what if there's five cars parked
 19 alongside the building in supposedly the
 20 right-of-way, which is the shared driveway
 21 between the bank and the subject property?
 22 Margaret said, well, they're not allowed to
 23 park there. I said, well, they do park there
 24 and park all the way in the corner. I said, it

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1 creates a dangerous situation. I've almost
 2 been hit several times with cars coming up the
 3 driveway quickly because it's almost like
 4 driving up an alley now at present and they
 5 come right around the corner and you can't see
 6 them. So she said, well, then they will have
 7 to -- as part of the approvals, it will have to
 8 be -- she thought it was in the resolution but
 9 it wasn't written in the resolution that you
 10 can't park alongside the building, only park in
 11 legal spots. I said, okay, what do they do?
 12 Well, they have to put up a sign saying you
 13 can't park alongside the building. I said,
 14 okay, what if somebody does? Margaret said,
 15 well, then we have to call the towing company
 16 -- actually, the compliance officer said, we'll
 17 have to call the towing company. I said, well,
 18 you're not going to call a towing company on
 19 yourself, so how does the compliance really
 20 work?

21 MS. UHLE: I want to interrupt a
 22 minute because you're misrepresenting the
 23 conversation a little bit. What I did say is
 24 if there are no parking signs there, we -- the

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1 Zoning Board did as part of the resolution
 2 indicate that the applicant would put up no
 3 parking signs on the building prohibiting
 4 people to park within the right of way. Mr.
 5 Leone is right that if the condition is simply
 6 that you put up no parking signs, then the
 7 applicant only has to put up no parking signs.
 8 We don't have any legal authority to then
 9 enforce whether people are parking there or
 10 not. However, if you, as part of the condition
 11 of approval, say the applicant has to put up
 12 the no parking signs, but then also as a
 13 condition of site plan approval they cannot
 14 park there -- which sounds a little bit
 15 redundant but it's actually not -- then that's
 16 a violation of the site plan approval and then
 17 we would be able to issue a violation. As an
 18 example, if there's no parking signs in the
 19 Dunkin Donuts Plaza right now, people can't
 20 call the Building Department and have us issue
 21 violations because people are illegally
 22 parking. However, if there is a site plan
 23 condition that you can't park there, then we
 24 can enforce that. So what I was explaining, if

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1 the Planning Board wanted to ensure that nobody
 2 was parking in that driveway, not only would
 3 you have the applicant put the signs up, you
 4 would also make it a condition and make it
 5 clear to the applicant that he needed to
 6 enforce the no parking, otherwise, it would be
 7 a violation of the site plan approval. Did
 8 that make sense?

9 MR. PULASKI: Yes.

10 MR. LEONE: I just don't see how an
 11 approval can be granted when you're adding
 12 space, taking away parking spaces when it's
 13 already so deficient in an area where it's
 14 difficult to park. It seems to me like how can
 15 you require anyone going forward to have a
 16 sufficient number of parking spots? I know
 17 when they built the T Mobile store across the
 18 Post Road from this building, the lot was on
 19 the market for a long time because of the
 20 parking requirements. If you look at the
 21 parking there, the parking is half the size of
 22 the building. It's pretty much equivalent.
 23 You have parking lot and you have a building of
 24 equivalent size. Here you have a tiny parking

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1 lot of only three or four spots, one which is a
2 handicapped, on a very large building, a four
3 story building that's maxed out to the property
4 that's built way above, almost on every
5 dimension it's outside the zoning laws. To
6 have this 89 percent deficiency in parking, I
7 just don't see how going forward you can say no
8 to anyone you can't build this because you
9 don't have sufficient parking.

11 Where are the people in this building
12 going to park? If you look at the resolution,
13 they were able to secure two parking spaces in
14 a lot around the corner, a public lot, but
15 that's it, there's really very little parking.
16 You can go down on Webster Road and park down
17 there, but that's also limited parking because
18 they made it -- they put up signs that you
19 could only park a couple of hours because
20 people were parking there from Equinox. So
21 it's a huge structure with three parking spaces
22 essentially in real world living. I think it's
23 going to be a detriment to the area because of
24 that and it's going to cause great problems.

25 THE CHAIRMAN: We have the resolution

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1 too, we've read it, and the resolution -- we're
2 under advisement to the resolution. Zoning
3 makes --

5 MR. LEONE: So what is the decision
6 based on here that you're going to make?

7 THE CHAIRMAN: I'm sorry.

8 MR. LEONE: What is the decision that
9 you have to make at this point?

11 THE CHAIRMAN: Whether to approve the
12 application or deny the application.

13 MR. LEONE: The whole application?

14 THE CHAIRMAN: Correct. We aren't
15 commenting on the parking. That's already been
16 resolved by the zoning.

17 MR. LEONE: Is there anything left
18 open at this point?

19 THE CHAIRMAN: Regarding parking?

20 MR. LEONE: No, that you have to
21 approve that has not been approved yet. What
22 would you base your decision on?

23 MS. UHLE: As I explained to you
24 today, the Zoning Board looked at the two side
25 yard setbacks and the parking. This board is
looking at the whole new design of the

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2 building, they're looking at the aesthetics of
3 the architecture -- you know, in this case it's
4 a pretty tight site -- landscaping, but at this
5 point it's basically down to the aesthetics of
6 the architecture.

7 MR. LEONE: Which I have no problem
8 with. I do have a problem with the whole
9 project and adding on to a structure which is
10 already way above maxed out with the parking.
11 That's about it.

12 THE CHAIRMAN: Any other comments?

13 MR. LEONE: No. Thanks.

14 THE CHAIRMAN: You're welcome.

15 MR. CAMILLONE: Hi, my name Nick
16 Camillone, I have a property at 774 Post Road
17 on the corner of Reynolds.

18 I applaud the addition that they're
19 going to make, but I have to agree with this
20 gentleman, the parking, I don't know how it
21 ever got through zoning. It's a critical issue
22 there, it's a hazardous issue, and I think it
23 should be brought up again. I know people from
24 Lord & Taylor were here and some of the other
25 sites. That area is terrible. Right in our

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2 intersection I've seen more accidents there at
3 the intersection of Reynolds and Post Road,
4 cars trying to make a turn, it's a bottleneck
5 there, and I think it should be reconsidered
6 before any rash decisions are made.

7 I tried to count the number of spaces
8 in there, and it looked like there were at
9 least 20 plus desks on that print. It was I
10 think 10 on 1 floor, and if you multiply
11 floors, that means there's going to be a lot of
12 people in there, that means there's going to be
13 a lot of cars in there. That's how it looks to
14 me. If there wasn't a parking problem, I would
15 say fine. My guys have a problem, they park
16 down at the town parking lot. It's a critical
17 thing and like it was brought up Equinox uses
18 all of Webster Road, and that's not very good
19 because you can't come out of Reynolds down and
20 make a left turn, that's another hazardous
21 area. So I think it should be reconsidered as
22 to how they're going to do this. Thank you for
23 your time.

24 THE CHAIRMAN: Before you start, any
25 other comments from the public on this

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application?

(No comments.)

MR. IANNACITO: Just to address the parking, again, we went through the Zoning Board. The reason we cut it down to 490 square feet is because that was the number where we would have zero increase to the existing deficiency that exists today. With or without this addition, the parking situation is exactly the same. You need 24 parking spaces today and you're going to need 24 parking spaces when this building is complete.

MR. PULASKI: There were a couple of conditions that we -- we talked about a lot of things before it went to the Zoning Board, and we needed to find out how the Zoning Board would respond and now we know. I believe that there still are some conditions that we've talked about that were left as a planning item, one of which is the driveway that's between the buildings is two ways. I just drove it tonight. On the bank side, there's something like a 3 foot wide walkway. You have a dimension on here of about 12 foot 3 from the

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edge of that walkway to the face of your building but you have to provide a walkway too, so that's leaves you 12 foot, split that in half that's 6 foot, a car is wider than 6 foot. So I don't see how you can have 2 cars passing each other at the same time in opposite directions.

Now where my concern is -- if this were happening near where I live on a private street, it's accommodated because one car will stop, pull over, another car will back up a little bit, and you manage to get past. In this particular case, I have a busy road, White Plains Road, I have a -- so a car turns off the road to get to the drive through bank machine in the back, and at the same time we have somebody coming out of the parking area trying to go the other way, I don't know how this is accommodated. At the time we discussed it at the previous meeting, we had several experts here, one from the town, one I think maybe from you guys, and it went back and forth. It was something that got kicked around, and it was thought that it would get resolved by planning,

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if necessary. I think it should be resolved.

I think it should become a one way.

MR. IANNACITO: Well, the reason that I think it can't be made just a one way -- I mean, it can be for temporary purposes, but permanently for this particular lot if the bank decided that no one could go through their property and the restaurant decided no one could go through their property, then there's no way in and out of this lot.

MR. PULASKI: Right now somebody painted arrows on the walkway -- on the roadway that shows that the drive goes from White Plains Road to the bank.

MR. IANNACITO: Most people use this as a one way entrance these days. They don't exit onto -- I mean, I've never seen a car exit --

THE CHAIRMAN: Is that because there's frequently cars parked along it?

MR. IANNACITO: Yes, those cars should not be there.

THE CHAIRMAN: That is why it's used as a one way as you say.

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MR. IANNACITO: Maybe.

THE CHAIRMAN: Once that ceases, will they all of a sudden start using it as a two way?

MR. IANNACITO: I don't know. We're happy to put up one way signs, but they just can't be a condition that land locks or gets locked into this property and then --

MR. PULASKI: For this discussion, I'm putting aside the cars that are parking along there because I think that we can resolve it. That's part of the resolution that there's no parking along the side of the building and there will be signs posted, so that's enforceable. Even with that, I mean, technically on the plan I'm looking at there should be a way to walk along there -- that's what seems to tell me -- and that I have a 12 foot wide driveway and I can't pass two cars side by side, one has to back up, and it's very difficult to back one car up onto White Plains Road. I understand your point. If somebody says change an easement and I can't go the other way out, how do I get out of my parking,

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I absolutely understand that, but I didn't create the situation.

MR. IANNACITO: The situation is existing and we haven't increased the parking requirement on this building, so whether or not we do an addition to this building, the parking situation is going to be exactly the same here.

MR. PULASKI: I'm not talking parking, I'm talking about the driveway.

MR. IANNACITO: Even the circulation around the lot. I mean, we did not put our addition -- actually, our addition is further away from the side yard than the existing building.

THE CHAIRMAN: It's another preexisting condition.

MR. IANNACITO: Yes. The only reason we needed a side yard setback there is because we changed the roof configuration.

MR. PULASKI: Personally, I think the problem is that somebody at one time authorized a drive through in the back of this facility and forget all of the ramifications of that.

MS. UHLE: John, I also think -- could

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you clarify -- I think the driveway easement is 12 feet wide but I think the driveway itself is closer to 16 feet. Unfortunately, I don't have my scale with me. That's a little more room.

MR. PULASKI: But there's a paved walkway on the bank side. We aren't talking about the bank, we're talking about the reality side. There's no discussion going on about what can be required of the bank.

MS. UHLE: The width of the driveway I'm talking about, the total width.

MR. IANNACITO: We have 8.6 on our property. The property line runs right down the middle of that easement, which is 12 feet.

THE CHAIRMAN: What's the 16, Margaret?

MS. UHLE: I'm saying the easement is 12 feet wide, but if you're talking about the driveway width itself, the pavement width where cars can pass each other, I think that's closer to 16 feet.

MR. IANNACITO: It is.

THE CHAIRMAN: Not 12?

MS. UHLE: No, because the dash line

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shows the easement is 12, but beyond those dash lines it goes up directly to the building for Keller Williams and it goes up to a walkway for the bank.

MR. IANNACITO: I only have the setback to the bank on this plan.

MS. UHLE: Do you have a scale that you could use or maybe, Jay, do you have a scale they could use?

THE CHAIRMAN: I think regardless it's 2 feet for a sidewalk.

MS. UHLE: It's still narrow, but 12 feet is different than 16 feet. 16 feet allows more room to maneuver than 12 feet does, certainly.

MR. IANNACITO: This is probably closer to 17 from building to building not the sidewalk.

MS. UHLE: Well, I mean to the sidewalk because you're not going to drive on the sidewalk.

MR. IANNACITO: The sidewalk --

MS. UHLE: At its narrowest point what is it?

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MR. IANNACITO: It's about 16.9, 16.10.

THE CHAIRMAN: So it's a big difference.

MR. IANNACITO: That easement is in place to basically allow a car to turn around. That easement actually stretches over this property and the bank property. If the bank decided that they didn't want any more through traffic, they could put a fence up right here and not allow anyone to go through there. The same thing with the restaurant, they could block this off here and decide no one is going through there anymore.

THE CHAIRMAN: So what Margaret just brought up is pretty crucial, right, if it has to do with the drive aisle being --

MR. IANNACITO: Well, the easement is always going to be there.

THE CHAIRMAN: But if it's 16 --

MR. IANNACITO: The easement is only 12.

MS. UHLE: But again, the easement is kind of irrelevant with regard to the width --

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what you really need to know is the width of the pavement that cars are going to be passing on. A tire can cross over the easement, that's an imaginary line. We're just talking about the width of the pavement that will allow cars --

MR. IANNACITO: We're almost 17 feet of pavement.

MS. UHLE: So that's what I just wanted to clarify.

MR. PULASKI: Is there any way to eliminate the walkway that's on the bank side so that you have a clear path from side to side?

MR. TUDISCO: It's not part of this application.

MR. IANNACITO: That's something the bank would have to do. How do you force the bank to remove their sidewalk?

MR. PULASKI: If the bank let's you pass through the back of it, everything is fine, you could make this into a one way. If they want to put up a fence and obstruct that, can they do that without coming to the Planning

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Board, and then we could require the walkway to be removed?

MR. IANNACITO: The only thing they can't do is block that easement. Otherwise, they could do whatever they want there.

MR. TUDISCO: Just for clarification, if you did it -- as Mr. Iannacito indicated earlier -- if you require that it be a one way driveway as a condition of your approval, then it would put the applicant in a situation -- I don't think it would involve the bank which is outside of the scope of this application -- if there was a situation where the property became landlocked, the scenario that you had indicated earlier, the restaurant and the other vehicle, then the applicant would then have to come back in and seek a reversal of that condition because of a situation that's outside of their control. There is a potential for that happening.

MR. IANNACITO: You can look right on 22 here next to Piper's Kilt there's a couple of buildings there where they have parking in the back and they're entering off of 22 and

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that's one way in and out. There is no way to get out of those rear yards on those properties.

MR. PULASKI: This is a very busy section, and also the driveway slopes down as you go from the parking area to White Plains Road. If you had a car having to back up -- I guess the way that people must work it out is the car that's going from the parking lot towards White Plains Road would take it upon themselves to back up and that would alleviate the car that's going --

MR. WEST: I don't think a lot of people are doing that, Bob. They're going out the bank parking lot because it's just easier. No one is going through that.

MR. IANNACITO: Everyone exits either between Reynolds and Wilmot. If someone decides to close off those --

MR. WEST: That's where the problem would be, if the bank shuts you off, then you're in trouble.

MR. IANNACITO: I think that would be a major problem if the building existed exactly

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the way it is today or --

MR. PULASKI: So what we're saying is that for the benefit of this decision, we think and we'll anticipate that that easement will never be blocked.

MR. IANNACITO: It should never go away. Oh, you mean -- there really isn't an easement for access across the bank or across the restaurant. There's nothing in place. There is no agreement in place to keep those open.

THE CHAIRMAN: That's right, there's nothing legal about it. It's just a gentlemen's agreement.

MR. IANNACITO: The easement at the entrance here is the only thing that's documented.

MR. PULASKI: All right, let's move on, I've got a couple of other quick items.

In the back where you're parking is, you have a couple of circles, dots --

MR. IANNACITO: Bollards.

MR. PULASKI: Those are posts? Bollards?

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MR. IANNACITO: Bollards so no one hits the building.

MR. PULASKI: So those are bollards, not posts?

MR. IANNACITO: Well --

MR. PULASKI: Well, a bollard is where I want to go. If it's a post, then it's supporting something above.

MR. IANNACITO: No, it's not supporting anything.

MR. PULASKI: Okay. That was my concern. All right. The other thing is, now that you have -- the zoning has weighed in and said that all you need is these three parking spaces. I'm going to recommend, and I want to hear your comment to it, that perhaps the parking spaces can become a little wider. The reason being is that the 15 foot 2 is, in my opinion, a very, very tight dimension and a car trying to really come in and park in a 9 foot spot is going to come in very angularly. If you had a little bit more width to the parking spot, it would assist in that angular turn.

MR. IANNACITO: This is an existing

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parking lot. The only thing we've done is re-striped it. Right now there is no handicapped parking stripe back there and they're squeezing in probably five along the back.

MR. PULASKI: I've parked in those spaces, they are a nightmare.

MR. IANNACITO: Right. They're squeezing as many as they can back there. Now because we're striping it and we're trying to make the spaces conform to the zoning code, we can only get three spaces, one of them is a handicapped.

MR. PULASKI: What I'm trying to point out is that the spaces to the left of my plan, which is north, that line looks like it could go over a couple of feet.

MR. IANNACITO: I mean, we could align them to the building. The only thing is, making that turn you have to make sure you're not clipping the corner of that car at the end.

THE CHAIRMAN: But that also limits the travel into the drive aisle, doesn't it?

MR. PULASKI: I understand that. I'm

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just trying to make kind of a judgment because 52 you're really going to angularly come into that space. It's not impossible. I'm just trying to make something a little better.

MR. IANNACITO: It's a tight backup aisle, yes.

MR. PULASKI: At the same time, the spaces come a little bit more over into the driveway easement and that turn coming off the driveway easement.

MR. IANNACITO: We can definitely stripe the spaces a little wider.

MR. PULASKI: Any other opinions on this board whether we should go to like 9 --

THE CHAIRMAN: A standard space is -- MS. UHLE: 9 by 18.

THE CHAIRMAN: And it's about the back up is what you're saying?

MR. PULASKI: Yes, because you get a van, a van is about 16 foot long.

MR. IANNACITO: Again, this is an existing non-conforming backup aisle width.

MR. PULASKI: I get that. I get that. I'm just trying to improve it. That's all I

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could do. It's existing non-conforming.

MR. IANNACITO: Well, I think we are improving it. We're re-striping it and instead of having five cars jammed in there, we're going to have three cars in there. One is going to be a handicapped space, which is actually a double parking space.

THE CHAIRMAN: What else do you have, Bob?

MR. PULASKI: That's it.

THE CHAIRMAN: I'm okay with the way it's drawn right now. I think they'll maneuver in and out. It's a tight space but --

MR. IANNACITO: I mean, they maneuver now with five cars there. So I think with the three it's going to be a better situation.

MR. PULASKI: My only final concern is that I read over the zoning logic and if you were to sell this building at 200 per square foot, they could put a lot more people inside and operate it very differently.

MR. IANNACITO: But at the end of the day --

MR. PULASKI: They could put a hair

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2 salon back in and it would change the dynamics
3 of the decision.

4 MR. IANNACITO: -- it's still 24
5 parking spaces required. We got to a point
6 where we weren't increasing the parking space.

7 MR. PULASKI: I know, but the decision
8 said that you're going to have very few
9 employees. If the building gets sold, there's
10 nothing that we're deciding that holds how that
11 next tenant operates that building.

12 MR. IANNACITO: We're deciding that
13 it's an office use. An office use requires 1
14 parking space for every 200 square feet.

15 MR. PULASKI: Right, but the decision
16 said that you will have very few staff.

17 MR. IANNACITO: Is that a condition?

18 MS. UHLE: No.

19 MR. PULASKI: It's not a condition.

20 MS. UHLE: The board in making it's
21 findings did say that because it was operating
22 as a real estate office, that the traffic
23 generation was likely to be less than certain
24 other types of office uses, which was I
25 think --

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2 MR. IANNACITO: I think the traffic
3 engineer made that same statement.

4 MS. UHLE: Yes. So I understand what
5 Mr. Pulaski is saying. He's saying if a
6 medical office moved in there that had a higher
7 parking demand -- not a parking demand but
8 generated more traffic -- I think the Zoning
9 Board felt that somebody who actually, like a
10 medical office, had a lot of turnover, would
11 not likely be attracted to this building
12 because of the three parking spaces, and it was
13 more suitable to a real estate building because
14 they don't have as much activity.

15 MR. IANNACITO: I think that's
16 probably true even today, the way the building
17 sits today. A medical office probably would
18 never move into this building.

19 MS. UHLE: That was a concern of the
20 Zoning Board too. I think that, as you know,
21 it was before the Planning Board for three
22 meetings with the traffic engineers, and it was
23 before the Zoning Board for three meetings --
24 actually I think four total -- so it was a
25 tough decision for them because it's a very

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2 problematic site, it's a very problematic site,
3 and the vote was a 3/2 vote. They definitely
4 had some concerns.

5 THE CHAIRMAN: Every application that
6 comes in front of us, we evaluate the
7 application here and not the future use of the
8 site. Although you're right about if it
9 becomes an office, right now we're faced with
10 the determination --

11 MR. IANNACITO: If someone wanted to
12 come in and put a retail space there or another
13 hair salon, they would have to come back.

14 MR. TUDISCO: Mr. Chairman, just to
15 kind of reiterate what Margaret was saying,
16 being present for the Zoning Board, those
17 issues were, in fact, discussed and put out
18 there in terms of there is potential in the
19 future, and that was one of the considerations,
20 whether you agree or disagree, that the Zoning
21 Board took into consideration, and ultimately
22 decided on the resolution they did.

23 THE CHAIRMAN: Thank you. We're done
24 with the public, so let's close the public
25 hearing. So I make a motion to close the

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2 public hearing on Application 16-30, 760 White
3 Plains Road.

4 MR. PULASKI: Second.

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

7 THE CHAIRMAN: Gentlemen, any more
8 comments on the application?

9 MR. WEST: No.

10 THE CHAIRMAN: Bob?

11 MR. PULASKI: I just think it's a
12 difficult application. We have a lot of old
13 areas in this town that are difficult to meld
14 into the new codes and the new ways that we
15 would like to operate, and I think this
16 application has gone through the whole process
17 of being evaluated by us and the Zoning Board
18 and it's time to move this along.

19 THE CHAIRMAN: So then I'm going to
20 make a motion to approve Application 16-30, 760
21 White Plains Road, and let's go one by one:
22 Mr. Robert Pulaski.

23 MS. UHLE: Subject to the two
24 conditions.

25 THE CHAIRMAN: Just trying to jump to
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1 the end.

2 MS. UHLE: One is the installation of
3 the no parking signs. We'll work with the
4 applicant to determine how many signs and the
5 placement of those signs. The other is the
6 condition that vehicles actually cannot park
7 within the driveway.

8 THE CHAIRMAN: With those two separate
9 distinctions being made and the meeting thereof
10 as explained by Margaret earlier. So those are
11 the conditions, so I make a motion to approve
12 with the two conditions that Margaret just put
13 forth. So one by one: Mr. Pulaski.

14 MR. PULASKI: Approved.

15 THE CHAIRMAN: Mr. Bonanno, approved.
16 Mr. West.

17 MR. WEST: Approved.

18 MR. IANNACITO: Thank you.

19 THE CHAIRMAN: Thank you.

20 The next application is 17-55, 330
21 White Plains Road.

22 MR. IANNACITO: Good evening, again.
23 John Iannacito, I'm an architect, and I'm
24 representing Mr. Tiso this evening, the owner

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1 of the proposed pizzeria and future owner of
2 the subject property. We are proposing a one
3 story addition and a change of use for the
4 existing Type 1 food service establishment
5 located at 330 White Plains Road.

6 We are here this evening for a
7 preliminary review and are requesting the
8 following:

9 One, is an amendment to the existing
10 special permit for the existing Type 1 food
11 service establishment; the second is a new
12 special permit for outdoor dining; and the
13 third is for a referral to the Zoning Board for
14 area variances.

15 The scope of work will include a one
16 story addition at the rear of the existing
17 structure highlighted here on the proposed site
18 plan. Also highlighted on the existing site
19 plans are additions that were constructed --
20 they're non-conforming additions that were
21 constructed without permits, and those will be
22 removed as part of this application. We're
23 also proposing exterior facade alterations and
24 site alterations, including reconfiguration of

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1 the existing parking area, new landscape buffer
2 around the parking lot, and outdoor dining at
3 the front of the building.

4 Here are the existing and proposed
5 floor plans. The existing structure is
6 currently 1,236 square feet. That includes the
7 first floor and the basement and it's used as a
8 deli. They have a small kitchen,
9 refrigeration, and then a service counter. The
10 proposed floor plan will include a new dining
11 area, interior dining area with 15 to 20 seats,
12 and a seasonal outdoor dining area at the front
13 of the building for 12 to 16 seats. The
14 proposed addition will add 294 square feet, and
15 it will create additional space for
16 refrigeration behind the existing stair and two
17 new handicapped accessible toilet rooms.

18 On the facade, we're proposing to
19 increase the glass area at the front and add a
20 new awning. The side elevation facing the
21 parking lot we're proposing new windows with a
22 new awning, and this is the one story addition
23 at the rear which will have HardiePlank siding
24 in an autumn tan finish, the windows will be

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1 aluminum in a black finish, and the awnings
2 will be a fabric in a black finish.

3 MR. WEST: What about the side that
4 faces the other parking lot, are you doing
5 anything there?

6 MR. IANNACITO: This side here?

7 MR. WEST: That faces the other
8 parking lot?

9 MR. IANNACITO: That faces the other
10 parking lot. So the chimney will stay and the
11 stone veneer will stay, and also the brick in
12 the front will stay and the stone veneer here.

13 THE CHAIRMAN: Is the front facade the
14 existing or is that new?

15 MR. IANNACITO: We're increasing the
16 amount of glass here on the front. I think
17 there is a photograph of the existing that I
18 included in the application.

19 THE CHAIRMAN: By how many lights of
20 glass do you think?

21 MR. IANNACITO: How many --

22 THE CHAIRMAN: How much are you
23 increasing it by?

24 MR. IANNACITO: The glass?

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THE CHAIRMAN: Yes. How much wider is that getting?

MR. IANNACITO: So right now the existing plan has that much glass and this is going to be fixed panels, and then also with a NanaWall folding glass door type setup where it can be opened, and then the outdoor dining and indoor dining can act as one during the summer months.

The site plan. This existing property is currently non-conforming with respect to the following zoning requirements:

The first is the rear yard setback to the principal building, the second is the rear yard setback to the parking area, third is the side yard setback, four is the total number of off-street parking, and five is the backup aisle for the parking area.

The proposed addition and change of use will create an increase to the existing non-conforming conditions, and we will be making an application to the Zoning Board for the following variances:

The first will be a rear yard setback

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to the addition, where the proposed is 1.5 feet and the required is 40 feet, a deficiency of 38.5 feet.

The second is a side yard setback to the proposed addition, where the proposed would 2.5 feet and the required is 10 feet.

The third variance is for the number of off-street parking spaces. The existing parking is non-conforming with a total of 9 spaces required today and 4 provided, a deficiency of 5, and the proposed change in use and the addition will increase the parking requirement by 2 spaces. So the requirement would be 11 spaces, 4 provided, a deficiency of 7.

Then the last variance would be to maintain the existing non-conforming backup aisle and continue to back up on to the sidewalk and into the right of way.

Also with the application we submitted a written statement describing our compliance with the special permit requirements, and I'm happy to answer any questions you might have concerning those requirements.

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THE CHAIRMAN: We'll read the letter separately. What's being built in back is being extended or removed?

MR. IANNACITO: We're adding this space in the back. So this is the existing rear right now, and there is an existing shed, an enclosure around the existing stair, and then a roofed area that they used for storage which was built without permits. So that will come down and then we'll build a one story addition at the rear.

THE CHAIRMAN: With no basement at the rear?

MR. IANNACITO: This one won't have a basement. It will just be slab on grade back here. The existing basement will stay the same size. The existing staircase will remain in the same location, and we're going to add a new walk-in refrigeration and a small prep area back here, and then two new toilet rooms because right now there are no toilet rooms on the main floor. They have two small ones downstairs that are really not in great shape.

THE CHAIRMAN: Okay.

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MR. PULASKI: So this application is something that we're going to make a referral to the Zoning Board?

THE CHAIRMAN: Correct.

MR. PULASKI: And then it's going to come back to us?

THE CHAIRMAN: Make a SEQRA determination and then refer to zoning. We could hold the public hearing until it comes back, I guess?

MS. UHLE: It was noticed as a public hearing; correct?

MR. IANNACITO: It is noticed, yes.

MS. UHLE: So just in case anyone was here, I would open it.

I just have a quick question for you though. Did you try to orient the parking spaces in both directions so that you didn't have to back out across the right-of-way, because I think you can actually possibly fit them?

MR. IANNACITO: We didn't do it but I guess we could try. The only thing, I mean, on this end it gets really tight.

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1 MS. UHLE: I think you could fit two
2 on that side and three on the other side. I
3 mean, it might not look as good. You still
4 need a --

5 MR. IANNACITO: We would still need a
6 variance. If it does get referred to the
7 Zoning Board, before we go to the Zoning Board
8 I could look at a couple of other options and
9 see if it works.

10 MR. PULASKI: I think that's a
11 valuable thing to consider because if you're
12 going to end up -- if I'm interpreting what
13 you're saying, that you're going to actually be
14 ending up driving on part of the sidewalk --

15 MR. IANNACITO: That's exactly what
16 they do today.

17 MR. PULASKI: I don't doubt that.

18 MR. WEST: I don't know if it's better
19 or worse because today as a deli no one is
20 staying, they're getting their sandwich and
21 they're leaving, so maybe there's more traffic
22 in and out, but as a pizzeria people are going
23 to stay so, you know, parking is probably more
24 of a problem.

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1 MS. UHLE: I think you would need like
2 only a 20 foot backup aisle though.

3 MR. IANNACITO: Because it's on an
4 angle. They're still going to have to back
5 out.

6 MS. UHLE: No, because then you could
7 come out forward though. I would just look at
8 it, that's all.

9 MR. IANNACITO: Okay.

10 MS. UHLE: It would just be switching
11 one variance for another.

12 MR. IANNACITO: Sure, not a problem.
13 We'll take a look at the parking options.

14 MR. PULASKI: One of the thoughts that
15 I had, and I don't know how the rest of my
16 board will think about, I had the impression
17 that the site the way it's laid out probably
18 used presently has a lot more parking than
19 you're going to end up with once you give it 9
20 foot spacing and all of the landscaping and
21 whatever. In my mind, I'm trying to think of a
22 tradeoff between seeing landscaping, which we
23 all like, as opposed to how many cars we could
24 put there because you're eating establishment

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1 is going to keep people there longer as opposed
2 to what Bill West said of just a deli.

3 MR. IANNACITO: That's one of the
4 reasons we dotted in -- the dotted line on the
5 existing plan actually represent one legal
6 parking space. If we're not looking at the 9
7 by 18, you can do a valet parking and probably
8 get 10 cars in there or more.

9 MR. PULASKI: I'm not talking about
10 valet parking.

11 MR. IANNACITO: They could provide
12 valet parking.

13 MR. PULASKI: In that small space?

14 MR. IANNACITO: On a Friday night when
15 people are going out.

16 MR. PULASKI: I think some other
17 things that I would be concerned about if and
18 when you come back to us would be the condition
19 of the fence; are you replacing the fence?

20 MR. IANNACITO: Yes, the fence is
21 being replaced, and there's a cut sheet in the
22 application packet. It's going to be a new
23 white vinyl fence.

24 MR. PULASKI: Another that I always

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1 talk about when I'm looking at outdoor dining,
2 and that is that the furniture that you use is
3 heavy so if a big wind comes along, it's not
4 going to start blowing around like plastic
5 beach furniture.

6 MR. IANNACITO: I have a picture of
7 what we're proposing. That will come in every
8 night.

9 THE CHAIRMAN: Is that this
10 application? Is that heavy?

11 MR. IANNACITO: I don't know if it's
12 heavy or not.

13 MR. PULASKI: To go along with that,
14 if you're going to use any umbrellas, that
15 people that are operating the facilities keep
16 their eyes open, take them down when you're
17 going to have a heavy summer wind or whatever,
18 and take them in at night. There's an
19 establishment that I walk past every morning to
20 go to the train station that has some outdoor
21 dining, and they do not take their umbrellas
22 in.

23 MR. IANNACITO: I think that's one of
24 the requirements for the outdoor seating

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special permit, that the furniture either be bolted down or be able to be brought in.

MR. PULASKI: And the bars from the umbrellas are right about this height.

THE CHAIRMAN: Make sure they're sturdy umbrellas.

MR. PULASKI: That's not the one you're talking about.

MR. IANNACITO: We're not going to try to kill anybody.

THE CHAIRMAN: Get good umbrellas. So let me do the public hearing. I make a motion to open the public hearing on Application 17-55, 330 White Plains Road.

MR. PULASKI: Second.

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

THE CHAIRMAN: Comments from the public?

(No comments.)

THE CHAIRMAN: The public hearing will remain open, so you could comment next time. We're going to move this along. We have to make a declaration regarding SEQRA status. I

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make a motion to declare this a negative declaration regarding SEQRA status.

MR. PULASKI: Second.

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

THE CHAIRMAN: I make a final motion to move this application to the Zoning Board.

MR. PULASKI: Second.

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

MR. IANNACITO: Okay, great. Thank you.

THE CHAIRMAN: See you back.

The next application is 17-54, 62 Garth Road.

MR. DIMOVSKI: Do you want these?

MS. UHLE: You can give them to Michael.

THE CHAIRMAN: You're up.

MR. DIMOVSKI: Good evening, Mr. Chairman, members of the board. My name is Steve Dimovski, Dimovski Architecture.

We're here tonight for an application for a special permit for a small Vietnamese

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takeout restaurant on Garth Road. The approximate floor plan is about 660 square feet. We are not changing the footprint of the existing building. We're not changing any -- we're not having any changes to the facade of the building, the storefront, the entrance. All the work is interior. The footprint, again, of the store is the exact size that's there right now.

So just a quick overview of the floor plan. Entrance is at the bottom of the space. It just has an entry/waiting area. It's basically a takeout restaurant. There's no seating here. So it's entrance space followed by a counter space, and then the kitchen. That's pretty much it for the store.

We are having cooking on site. There is a Type 1 hood in the facility, which traded us to come to the Planning Board. That's really it. Any questions?

THE CHAIRMAN: So in the past when similar applications have come here, we always discuss the garbage. Could you please let us know what you're doing with the garbage.

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MR. DIMOVSKI: Yes, garbage is important.

MR. PULASKI: We've had our issues with garbage.

THE CHAIRMAN: How do you get it in and how do you get it out?

MR. DIMOVSKI: We did indicate that in the letter that we prepared for the board, but basically the garbage is taken out through containers in the back of the building right in this alleyway. Each business owner has an agreement with the garbage company to come by to pick it up. From what I understand, they're usually around three times a week to pick up the garbage.

THE CHAIRMAN: Okay. So it never comes out on to Garth Road, it's always in the back and stays back there and gets picked up. Are they common dumpsters or everyone has their own?

MR. DIMOVSKI: Each store has an individual dumpster, yes, and they contract through whoever they want to.

THE CHAIRMAN: Okay, not a problem.

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1 MR. PULASKI: Now, is it written out
2 that way in the application, because in the
3 letter that I read it sounded like you could go
4 out both the front and the back or either or?

5 MS. UHLE: With regard to where
6 they're putting the garbage?

7 MR. PULASKI: Right.

8 MR. DIMOVSKI: The garbage is out the
9 back. There are deliveries made to --

10 MS. UHLE: The deliveries maybe to the
11 front?

12 MR. DIMOVSKI: Yes, the deliveries are
13 through the front at early morning hours during
14 weekdays.

15 MS. UHLE: Just with regard to the
16 garbage I want to mention something to the
17 board. Periodically, we do have with
18 restaurants if they don't have frequent enough
19 pickups, you know, there's an issue with odors,
20 so I just want to say make sure you're going to
21 have a lid on, it's going to be a fully
22 enclosed dumpster. Also, if you get one with
23 an automatic closing door because that seems to
24 be an issue with some restaurants in the area.

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1 People put food or put trash within the
2 dumpster but the door doesn't close
3 automatically. I guess it depends on what kind
4 of lid you have on it. You want to make
5 sure -- especially with food waste -- that it's
6 picked up on a fairly regular basis.

7 MR. DIMOVSKI: I think the owner is
8 thinking about three times a week right now.
9 As the business grows, who knows, maybe more or
10 less, whatever seems appropriate.

11 MS. UHLE: I think as a condition of
12 approval you might want to say that if there
13 appear to be potential problems, that we could
14 require that that pick up be on a more regular
15 basis. We would have no reason to do that
16 unless there were problems.

17 MR. PULASKI: I stand corrected, I
18 reread your letter and I was just mixing up
19 five and six. Five does say that you're
20 removing it to the back, and six says for
21 deliveries you're either coming in the front or
22 the back. That's where I got mixed up. It
23 says that you're garbage is going out the back.

24 MR. DIMOVSKI: Yes.

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1 MR. PULASKI: One concern I had --
2 it's probably more of a question to the
3 Department of Buildings -- I know that there
4 are other similar restaurants in this area, I
5 believe a Chinese restaurant within a couple of
6 doors from you, the venting, the exhaust
7 venting on the roof, I assume that that doesn't
8 create any problems; there's no high roof or
9 there's nothing that we have to look at that's
10 not presented on this plan relative to that?

11 MR. DIMOVSKI: We had an engineer
12 prepare the ventilation plans, and he did
13 locate the exhaust and the intake on the roofs
14 according to code. So there is the right
15 separation there. It's all designed to code.

16 THE CHAIRMAN: That's a good point.

17 MR. PULASKI: That's good. It's just
18 that I couldn't tell that from looking --

19 MR. DIMOVSKI: No problem. We didn't
20 talk about that in the letter.

21 THE CHAIRMAN: But it's per code
22 whatever they're putting back there?

23 MR. DIMOVSKI: Yes, and the drawings
24 have already been submitted to the Building

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1 Department for that part of the work and it has
2 been done by an engineer.

3 THE CHAIRMAN: Okay. This also is a
4 public hearing, so let me just see if there are
5 any comments from the public.

6 I make a motion to open the public
7 hearing on Application 17-54, 62 Garth Road.

8 MR. PULASKI: Second.

9 THE CHAIRMAN: All in favor.

10 (All aye.)

11 (No comments.)

12 THE CHAIRMAN: I make a motion to
13 close the public hearing on the same
14 application, 17-54, 62 Garth Road.

15 MR. PULASKI: Second.

16 THE CHAIRMAN: With the one
17 condition -- I think it's just that one
18 condition we talked about?

19 MS. UHLE: Yes. Just make sure that
20 the garbage is always fully enclosed, and that
21 we have the authority, if we receive complaints
22 that it's not being picked up often enough, to
23 require that you increase the times that it's
24 picked up.

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MR. DIMOVSKI: No problem.

THE CHAIRMAN: Make that condition about the hydraulic closing?

MS. UHLE: I guess it depends on the type of dumpster that you get. I know we have one nearby where people open the door to throw the garbage in but then they don't close the door, and there are some that have automatic closing doors. I think if we say it has to always be fully enclosed, that means you have to close the door.

THE CHAIRMAN: However you do it. Send the dishwasher out there to close it.

MS. UHLE: That's a situation where multiple tenants are using the same dumpster. So in this situation if it's just one tenant, you have a lot more control over how it's being maintained.

MR. DIMOVSKI: Sure.

THE CHAIRMAN: So with the two conditions about the dumpster and the pickup being stated, I make a motion to approve this application, 17-54, 62 Garth Road.

MR. PULASKI: Second.

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THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Thank you very much. Have a good evening.

Next application is 17-57, 7 Southeast Way.

MR. IANNACITO: Good evening, again. John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. Joe Forgione this evening. We are proposing additions and alterations to the existing single family residence located at 7 Southeast Way.

The scope of work will include a one story addition at the front, highlighted here; construction of a covered porch at the front; a one story addition at the rear, highlighted here; new dormers at the front and at the rear on the second story; and site alterations, including the reconfiguration of the driveway. We are relocating the overhead doors from the front of the house to the side.

We have the existing and proposed first floor plan. The covered porch that leads to triple doors into the entrance in the living

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room, the expansion of the existing garage, and the relocation of the overhead door to the side, the addition at the rear for an expansion of the existing kitchen.

On the second floor, we have two new dormers at the front of the house, a new shed dormer and expansion of the existing shed dormer at the rear, and reconfiguration of the roof over the garage.

Here is the existing and proposed front elevation. The existing front elevation. Proposed, the new covered porch, one story addition, two dormers. On the side, reconfiguration of the roof, new overhead door. At the rear, one story addition and expansion of the existing shed dormer.

We have a rendering of the proposed front facade. On the wall surfaces, the new area above in the gables here will be a HardiePlank in an arctic white finish, the stone veneer will match existing, the brick veneer will match existing, the roof surface will be slate to match existing, the windows will be vinyl clad in a white finish, the trim

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boards will be painted AZEK in a white finish, columns will be painted AZEK in a white finish, shutters will be composite in a black finish, railings will be composite in a white finish, the gutters and leaders will be copper, front entry doors will be vinyl clad with a white finish, and the overhead doors will be fiberglass with a white finish.

The application was presented to the Architectural Review Board on November 2nd, 2017, and it was approved with two recommendations:

The first was to change the three doors at the front entry porch from half glass to three quarter glass, so we went ahead and did that. The second was to show the location of exterior lighting, so we showed the two lights under the porch at the front, and then on the rest of the elevation we added a light fixture at the rear door here and two at the garage. I have samples of the stone and the slate.

THE CHAIRMAN: That's the actual stone; right?

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MR. IANNACITO: Yes. That's the stone that's going to match existing.

THE CHAIRMAN: The rendering has a little bit more of a clay tone or red tone?

MR. IANNACITO: Yes. That's a little better.

THE CHAIRMAN: When I came in, this greeted me as I walked in and I said, that's a very nice house. It's certainly a big improvement. Did you make the trees in the back bigger too?

MR. IANNACITO: On the rendering.

THE CHAIRMAN: They look bigger than they actually are. The lawn looks beautiful too.

MR. PULASKI: They also took this photo after they got a chance to clean the roof.

MR. IANNACITO: We did clean the roof a little bit too.

THE CHAIRMAN: It looks spectacular. Other than that comment, I really don't have any more comments.

MS. UHLE: I have one quick question.

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At the ARB meeting, one of the neighbors had concern about their existing hedge along the property line; have you resolved that with them and talked about that with them?

MR. IANNACITO: Yes.

MS. UHLE: Okay. So you worked that out with them. They were concerned about potential damage.

THE CHAIRMAN: Let's run through the public hearing then. I make a motion to open the public hearing on Application 17-57, 7 Southeast Way.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

(No comments.)

THE CHAIRMAN: I make a motion to close the public hearing on Application 17-57, 7 Southeast Way.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Is there a landscape plan or anything in there?

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MR. IANNACITO: It's an addition so a landscape plan is not required, but I'm sure Joe is going to do a really good job with the landscaping.

THE CHAIRMAN: Are there existing trees shown somewhere on your site plan?

MR. IANNACITO: It's not. I don't

think it's a requirement to show the

landscaping because it's an addition.

THE CHAIRMAN: I guess there aren't any because they're not shown here?

MR. IANNACITO: There's some there but that's just conceptual.

THE CHAIRMAN: Okay. Do you have any other comments, guys?

MR. PULASKI: No.

THE CHAIRMAN: I make a motion to approve Application 17-57, 7 Southeast Way.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All Aye.)

MR. PULASKI: Very pretty building. Very pretty home.

MR. IANNACITO: Thank you.

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THE CHAIRMAN: Next application is 17-39, 132 Lake Shore Drive. Is that you? Take your time.

MR. IANNACITO: Last one, I promise. Good evening, again. John Iannacito, I'm an architect, and I'm representing Mr. and Mrs. Lugo this evening. We are proposing an addition and alterations to the existing single family residence at 132 Lake Shore Drive North.

An application for this property to construct a one story garage was presented to this board and approved in June of 2017, and we are back this evening for a second story addition over the previously approved garage, which also required a variance from the Zoning Board. So the second story addition is highlighted here above the garage.

In addition to the second story addition over the garage, we're also proposing to enclose the existing deck at the rear, the bottom of the existing deck at the rear, and we're also proposing to construct a new fireplace in the rear yard.

The application was presented to the

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1 Zoning Board and the following area variances
2 were granted on October 12th, 2017:

3 The first was for the gross floor
4 area, where the proposed was 8,090 square feet
5 and the required is 7182, an increase of 908
6 square feet. The second was for the setback
7 between the enclosed porch and the pool, where
8 the required was -- the proposed was 9 feet and
9 the required is 16 feet. The third was for a
10 side yard setback to the fireplace, where the
11 proposed was 6 feet and the required is 12.

12 Here we have the second story plan for
13 the addition over the garage, which will
14 include three new bedrooms and a back hallway
15 which will lead out to a new roof garden.
16 We're proposing to do a green roof.

17 THE CHAIRMAN: Is the green roof going
18 to be accessible?

19 MR. IANNACITO: Yes. The green roof
20 will be accessible through these sliding
21 windows, and they're going to do some kind of a
22 paving pattern and some plantings on top of the
23 roof.

24 THE CHAIRMAN: Oh, it's not going to

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1 be actual grass, it's going to be a landscaped
2 terrace?

3 MR. IANNACITO: We're debating whether
4 it's going to be a roof with dirt right on top
5 of the fiberglass membrane or if it's going to
6 be a tray system. The tray system you get
7 variations.

8 THE CHAIRMAN: Not the real thing.

9 MR. IANNACITO: We're still debating
10 that.

11 Here's the front addition showing the
12 second story addition over the garage and the
13 side view of the second story. This is the
14 rendering, which I believe you guys saw it the
15 last time. I showed the second story addition
16 the last time also.

17 The finish materials on the exterior,
18 the wall surfaces will be a combination of a
19 stone veneer, gray stucco or cedar siding. The
20 existing roof is asphalt and will remain. The
21 new roofs are flat and will have a membrane.
22 The windows will be aluminum cladding in a
23 black finish. The trim boards will be painted
24 AZEK in a black finish. The columns are a

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1 combination of stone and stucco. The gutters
2 and leaders will be aluminum and will match the
3 color of the trim and the wall surfaces. The
4 overhead doors are aluminum with glass panels,
5 which was the same as what was previously
6 approved. The railing system at the back of
7 the property will be glass panels.

8 The application was presented to the
9 Architectural Review Board on November 2nd,
10 2017, and it was approved as submitted with no
11 additional comments.

12 THE CHAIRMAN: Another fine
13 architectural work.

14 MR. IANNACITO: Thanks. It goes in a
15 different direction.

16 THE CHAIRMAN: It is. I was about to
17 say I like the other one more, but I think I
18 like them equally. They're both very handsome.

19 MR. IANNACITO: They're going ultra
20 contemporary.

21 THE CHAIRMAN: So let's just do the
22 public hearing. Motion to open the public
23 hearing on Application 17-39, 132 Lake Shore
24 Drive.

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1 MR. PULASKI: Second.

2 THE CHAIRMAN: All in favor.

3 (All aye.)

4 (No comments.)

5 THE CHAIRMAN: Motion to close the
6 same application, 17-39, 132 Lake Shore Drive.

7 MR. PULASKI: Second.

8 THE CHAIRMAN: All in favor.

9 (All aye.)

10 THE CHAIRMAN: I have nothing to say.
11 I'm speechless. Once again, good job.

12 I make a motion to approve Application
13 17-39, 132 Lake Shore.

14 MR. PULASKI: Second.

15 THE CHAIRMAN: All in favor.

16 (All aye.)

17 MR. IANNACITO: Thank you.

18 THE CHAIRMAN: You going home now?

19 MR. IANNACITO: I'm going home, yes.

20 You guys have a wonderful Merry Christmas and
21 Happy New Year. See you guys next year.

22 THE CHAIRMAN: See you in January.

23 MR. IANNACITO: Thanks.

24 MR. WEST: Take care.

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THE CHAIRMAN: Next application is 17-56, 1 Howell Place. Good evening.
MS. VERSACI: Good evening. My name is Kristin Versaci. My husband, Tony, is here too, and this is our architect, Peter Cole.
We would like to add an extension to the side of our house. Currently, there is already an extension there. It used to be a screened-in porch and it had been by someone else closed in. We would like to take it down and replace it with a new extension that is bigger in both dimensions and also is two stories.

THE CHAIRMAN: Could you just point it out? I think I know what it is, but just flip it back and just point out in the plan view where the extension is, please. Could you just point on the plan the location of the extension?

MR. COLE: Yes. The existing footprint of the house is here plus the porch. They're taking the porch out. We push back about 8 feet this way and 7, 8 feet in that direction as well. The site plan may be

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helpful. Here you could see it's shaded.
THE CHAIRMAN: That's the addition?
MR. COLE: That's the addition.
THE CHAIRMAN: How many square feet is the addition?

MR. COLE: The addition has --
MS. UHLE: I think it's 633.
MR. COLE: The proposed addition on the first floor is 226 and above, the larger, is another 434, a total of 660.

THE CHAIRMAN: Are you done?

MS. VERSACI: I'm sorry.

THE CHAIRMAN: Are you done? Oh, you are. Okay. Thank you.

MS. VERSACI: I'm happy to entertain any questions that you have.

MR. PULASKI: Could your architect just walk us through the elevation page and what you're doing to finish the addition?

MR. COLE: Yes. We also brought some samples. The existing house is Hardie Board siding up here, we will continue using that here.

MS. UHLE: Mr. Cole, you'll need the

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microphone with you if you don't mind.

MR. COLE: I'm sorry.

MS. UHLE: That's okay.

MR. COLE: The existing house front facade is stone and Hardie Board, we will continue the Hardie Board on the front and the sides. We have a sample of it here to show you the color of what it is. Side view of the house.

MR. PULASKI: You could take it with you. Just don't leave.

MR. COLE: Is that good?

MR. PULASKI: Yes.

MR. COLE: The side view here shows that the existing house had Hardie Board there. We're going to continue there. The gable does to the side. We will have decorative windows on the front and the back. This is the back view there. Existing house is asphalt shingle, we will continue to do that. The windows are relatively new wood windows, we will continue to use the wood windows on the new addition as well. We've added AZEK corner boards, freeze boards, new rakes. We're increasing the size

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of the trim in and around the windows. We've added in some transoms up above to give it a little bit more interest, and we've added a new front portico where there wasn't one before. So the arch that's being placed on the portico will also be mimicked on the gable dormer that goes into the master bedroom itself. Here's a copy of the roof.

We presented to the Architectural Review Board in November. Their only question was they would like to see -- which I have included in the package -- a detail of what the trim around the window will look like. So in your package you have a view of that. Colors will match to what the house has because it's been recently done.

THE CHAIRMAN: You know the drill, we have to open the public hearing and then we'll come back to you, so stand by.

I make a motion to open the public hearing on Application 17-39, 132 Lake Shore Drive.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

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 2 (All aye.)
 3 (No comments.)
 4 THE CHAIRMAN: I make a motion to
 5 close the public hearing on Application 17-39,
 6 132 Lake Shore Drive.
 7 MR. PULASKI: Second.
 8 THE CHAIRMAN: All in favor.
 9 (All aye.)
 10 MR. PULASKI: I think it's a great
 11 improvement on already a nice house. It just
 12 adds a little more pop to it.
 13 MR. COLE: That's what we're hoping to
 14 do.
 15 MR. PULASKI: For the sake of this
 16 town, I love to see improvements like this. It
 17 just makes it a nicer place.
 18 MR. COLE: Thank you.
 19 THE CHAIRMAN: I second what Bob said,
 20 and I make a motion to approve the Application
 21 17-39, 132 Lake Shore Drive.
 22 MR. PULASKI: Second.
 23 THE CHAIRMAN: All in favor.
 24 (All aye.)
 25 THE CHAIRMAN: Thank you very much.
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 2 MS. VERSACI: Thank you.
 3 THE CHAIRMAN: Did I do that
 4 correctly? That was the wrong one. Sorry
 5 about that. I just called out the wrong
 6 application.
 7 MS. UHLE: You can just amend it.
 8 THE CHAIRMAN: For the record, I make
 9 an amendment to the approval of the previous
 10 one, it was for Application 17-56, 1 Howell
 11 Place. All in favor.
 12 (All aye.)
 13 THE CHAIRMAN: The next application is
 14 17-50 through 53, that would be four separate
 15 applications with the sequential numbers, for
 16 24, 22, and 42 Stewart Place.
 17 MR. FINELLI: Mr. Chairman, members of
 18 the board, Michael Finelli, I'm the architect
 19 for the project. The owner, Mr. Rogliano, is
 20 here as well this evening. We also have our
 21 surveyor/engineer, Steve Anderson from Eliot
 22 Senor's office, and Michael Zaino who is our
 23 landscape architect. He'll be walking you
 24 through, I guess, the storm water, the site
 25 itself, and landscaping.
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 2 We have four houses to present. I
 3 guess I will give you a quick overview of all
 4 four at once, and then I'll walk you through
 5 each one, unless you want to handle them one at
 6 a time.
 7 THE CHAIRMAN: I think it's a good
 8 idea, let's just do all four together and then
 9 we'll discuss separately.
 10 MR. FINELLI: Sure. So the project
 11 that we're presenting this evening is an
 12 approved subdivision. It was approved by this
 13 board I believe I want to say it was May. I'm
 14 not quite sure on the date, Margaret might be
 15 able to help me with that, but it was approved.
 16 We were before the ARB in October to present
 17 the homes. There were some changes that they
 18 requested from us as far as aesthetics, which I
 19 believe I have accommodated all of those
 20 changes, but very quickly if I could just walk
 21 you through I guess the site plan first.
 22 So this first drawing that I have up
 23 is the site plan part of the engineer with the
 24 houses located all four in relation to one
 25 another just to show you I guess the massing
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 2 and the sizing and how exactly they'll sit on
 3 the property. So basically there's an existing
 4 house on Water Street which is coming down, and
 5 this first house immediately on the left marked
 6 Lot 1 is the house that will take its place.
 7 As you're coming down Water Street heading I
 8 believe it's southwest, you'll make a right
 9 into this new cul-de-sac and the house 1 will
 10 be on the immediate left. As you get to the
 11 back of the cul-de-sac, three new houses wrap
 12 around to the backhand side of the cul-de-sac.
 13 We actually proposed 10 foot setbacks where 9
 14 foot were required for an R-5. We originally
 15 had -- this is an R-10 zone, but one of the
 16 requests that we made was to have it, if you
 17 look back, like the rest of the houses in the
 18 area which are R-5 zoning, and that variance
 19 was approved. One of the requests was to go
 20 from a 9 foot side yard setback to 10 foot,
 21 which we accommodated and we were able to site
 22 our homes within the given footprints. This is
 23 basically what came out of it.
 24 Allow me to change the board and I'll
 25 continue. So I'll walk you through the
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1 architecture pretty quickly, and then if
2 there's any site questions, as I said, I have
3 the engineer here as well as the landscape
4 architect can answer question. Basically Lot
5 1, it's just under 7,000 square feet, so when
6 we were doing our FAR's and our calculations,
7 we basically come up with a 2375 square foot
8 home.

10 The first home, the floor plans as you
11 see are here, pretty traditional. The one
12 thing that's a little different is we're going
13 to actually enter this one site from the Water
14 Street side and we have a sunken driveway.
15 When we sunk the driveway to come underneath
16 the house, I pulled the addition forward
17 slightly to break up the massing so it wasn't
18 three stories out of the ground. Again, it's
19 all about scaling and keeping it to conform
20 with the rest of the neighborhood and the
21 texture of the houses going along and down
22 Water Street. I'm sure you've seen the
23 pictures that we've presented you of the other
24 houses, so it's pretty much in keeping with the
25 character.

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2 I'm sorry, there's a lot going on, I
3 just want to make sure I get it all out. So
4 Lot 1, this is the first house that I designed.
5 As I was saying, if you look at elevation 2,
6 you can see from the side there is a volume
7 which steps down and the house itself steps
8 back and it allows some character and scaling
9 from that one street side elevation from Water
10 Street. As you come up the new drive, the
11 front of the house, which is the front
12 elevation here on the upper left, the idea for
13 this home was to try to keep it as a farmhouse
14 colonial -- as colonial as possible, not
15 necessarily farmhouse, you'll see that in Lot
16 3. This is more colonial, more traditional,
17 more in keeping with what you see in
18 Eastchester.

19 A couple of the comments that the
20 Planning Board -- I'm sorry, the ARB had made,
21 pretty much for all four houses you'll see the
22 same common theme, the porticos they felt were
23 slightly too high. I had set them at 9 feet
24 because I wanted to have a little more air at
25 the front entrance. They requested to bring

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2 them down to 8 feet, which we did on all four
3 houses. In addition to that, that allowed me
4 then to change the window -- which they also
5 asked us to look at -- above the portico, and I
6 was able to get a standard double hung window,
7 which is more in keeping with the theme and the
8 rest of the front elevation.

9 One of the other requests that the ARB
10 had made was that all of the roofs over any of
11 our bays would become standing seam copper
12 rather than architectural asphalt, which I
13 agreed with. At the time, we weren't ready to
14 make that decision, but I guess once forced,
15 the decision became very easy.

16 THE CHAIRMAN: So which roofs are
17 standing seam?

18 MR. FINELLI: So all of the roofs --
19 basically any bay window that pops out off of
20 the house has a standing seam copper roof on it
21 now.

22 The other thing they asked us to do
23 was to change the lighting. At one time, I
24 didn't have any light patterns in the picture
25 window, in any of the bay windows, so I added

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2 lights, divided lights to all of the bay
3 windows. I, personally, was not a big fan of
4 doing that, I don't like the patterning, but
5 once you put it on, I could understand the
6 logic for doing it. So we did it. It looks go
7 and I'm okay with it. So I'm willing to chalk
8 that one up to the ARB. Again, these comments
9 that I'm going through here are basic
10 throughout for all four houses. I could start
11 talking about finishes if you want or I could
12 come back to them.

13 THE CHAIRMAN: Just keep going.

14 MR. FINELLI: I'll keep going. So
15 allow me to present house 2 and I'll keep going
16 from there.

17 I guess very quickly lot 1 will be a
18 stucco finish, architectural asphalt roof, and
19 then as we come through I'm trying to keep a
20 very common theme, a common pallet color wise,
21 scaling, throughout all four houses.

22 The second house -- I said it was
23 going to be the third one, I misspoke -- the
24 second house is the farmhouse colonial. This
25 one is a little smaller in scale. As far as

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size, it's roughly the same size. So they're all about 2400 to 2600 square feet in size. One of the requests, again, in this particular configuration that the board made, I had a roof line coming across the entire front of the portico and the garage, we were requested to bring that roof line down as well a little bit, which allowed me to make the windows over the portico slightly larger, which was a request by the ARB as well. In here the pediment over the portico is a little bit more traditional. Its got an 8 on 12 pitch as far as the roof lines go. It's got a rake, sub rake right at the overhang on the rake side of the gable. Again, just trying to put more of the traditional detailing that you see around the neighbors into the house.

Another request made to us was to add these panels above the garage door. Visually it helps to lengthen the door, which is something I was looking for at one time. We had a 9 foot door, it's now an 8 foot door. So it allows the door to get a little smaller but those panels do allow visually the door to be a

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little bit more substantial and that will all be trimmed out in AZEK, as well as all the trim is going to be white AZEK. As I said, it's just more traditional detailing, just very simple, very clean.

Lot 3 makes a little bit of a jump in styling. We are going more to a Mediterranean style look with the hip roof. We are adding an entire first row base of stone to the front of the house. Again, this house will actually have casement windows rather than double hungs. It does have the entry portico and the extended I guess you could call it a dormer right above the portico to accentuate the entryway and just give it a little bit more massing and scaling across the front so it doesn't look like a monolithic block. It's not something that I like to do in my architecture. We were requested again in this scenario as well to bring the portico line down slightly to 8 foot rather than 9 foot, which is where it was set. That allowed me to give you a little bit more space below that three bank of casement windows right above the foyer there. There's a little

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more space between that and the roof line. It just created a little more air, allows the stone to kind of clad around the roof a little bit better. We were requested to add bases to the columns at the front entry and caps above the bases, which will be blue stone capping the stone, and then they'll be more stone coming up above to that nice slight arch above the entryway. The lighting is depicted on all the drawings, and we actually have cut sheets on all the lighting that I've forwarded to the board and you have the cut sheets on everything. This house will actually have stucco on the second floor, which is in keeping with not only in color but also in material with house 1, and a stone base which goes, like I said, the entire first story. That was also an another request, we were asked to raise the baseline or I would say this line here to the bottom of the overhang of the portico. It does look more comfortable doing that, so I did agree with that request by the Architectural Review Board.

On the backhand side of the house, we

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had a very shallow pitch just based on the 9 foot first floor ceilings. It only allowed us to get in like a 2 and a half, 3 pitch at one time across the back of the house. We dropped that plate to an 8 foot high plate, and it allowed us to get more of a comfortable I believe that's a 5 pitch on there now across the entire back of the house, which again better for water, drainage, and it allowed us to get our egress windows in the back of the house, which is one of the issues I was having and that's why I tried to keep that pitch as shallow as I had it.

I'll put lot 4 on and then I'll go to the materials.

THE CHAIRMAN: Before you flip, at the portico there's a dimension line 8 foot 7 and a half, what's that dimension to at the top?

MR. FINELLI: Right here?

THE CHAIRMAN: Yes. What's the top?

MR. FINELLI: There's going to be a step down out of the door, so that's from the top of the platform to the top most part of that arch at the portico. So it's an 8 foot

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high column, but then as the arch comes up and over there's a 7 and a half inch I guess radius at some point, so you'll have a total dimension from the step down of the platform to the top most point of that arch.

THE CHAIRMAN: It steps back?

MR. FINELLI: That does step back.

MS. UHLE: It's like your ceiling height in the portico basically?

MR. FINELLI: It's not really ceiling height because the ceiling height will go up even further than that. So basically that's from the top of the platform to the top of the arch. So that dimension right there is 7 and a half. On the inside, they'll probably have another 8 or 10 inches or so and then the ceiling will be up above that.

MS. UHLE: I see.

MR. FINELLI: It's just there to create a thickness so when the stone comes around it looks substantial and just not a thin little 6 inch, 8 inch piece of material hanging above you. There's going to be thickness to that and then it steps back and goes up.

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THE CHAIRMAN: The other piece, that's the trim around the door we're looking at?

MR. FINELLI: This piece in here?

THE CHAIRMAN: Yes, the white.

MR. FINELLI: Yes, that's the door setback. So that will be open. The concept for all three of these is to have a portico that you can stand under while you're opening your door and not getting rained on, so there is just a space for you to step into.

THE CHAIRMAN: I see. Thank you.

MR. FINELLI: Should I go on?

THE CHAIRMAN: Yes, please.

MR. FINELLI: Okay. Then there's Lot 4. Lot 4 is the second house which has a garage that slides underneath the house. Both houses that have garages under the house, that came out of the site itself and the way the site slopes away. So I used the site to our advantage to put the parking underneath the house rather than on the side or the front of the house. This house very traditional in detailing. You'll see this style everywhere in Eastchester. Basically, again, the requests

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here were to drop the height of the portico, add the copper above the bay, which is to the right, right above the garage, and in this house we actually were asked to match the door to the garage here to house 2 I believe it was, to have the same type of door. At one time we had arched panels in here. I agreed with that as well. I think everything is linear here, so adding a curve just to throw in a curve didn't make sense. This house will be clapboard, it will be Hardie Board, standard trim, 6 inch trim, 8 inch facias, 8 inch freeze boards, we got a stucco base, we'll have a 10 inch water table on this house, everything is AZEK white, Andersen 400 series windows in white, and that pretty much is the same theme throughout all four houses with, you know, a variation of color here or there. The roofs are either a black in color or charcoal except for the Mediterranean house, which will have more of a cedar wood type color roof to match the lighter finishes as far as the stone and the stucco, that's more of a tan family.

So if there are any questions I could

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answer as far as the architecture, I will. If not, I will be happy to defer to the engineer and to the landscape architect.

THE CHAIRMAN: I was hoping to understand the different finishes on each of the four.

MR. FINELLI: Absolutely.

THE CHAIRMAN: So is there a rendering or something that shows them?

MR. FINELLI: Not as nice as John's, no. I have all four houses set up, I guess a street-scape of the four houses side by side.

THE CHAIRMAN: Okay, let's see that.

MR. FINELLI: So again, it is in black and white and, like I said, not as nice as John's renderings, but I think you get the overall idea as far as massing and height and the way the houses kind of sit next to one another.

MR. PULASKI: Can you walk us through -- along with what James is saying -- how they differ one to the other?

MR. FINELLI: Sure. I'll just take this so I can refer back to my notes.

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 2 MR. WEST: We like renderings. Next
 3 time you come, bring renderings.
 4 MR. FINELLI: Not a problem. I just
 5 have to try to sell it to my client.
 6 THE CHAIRMAN: You're going to do one
 7 at a time; right?
 8 MR. FINELLI: Yes.
 9 THE CHAIRMAN: So, Gary, could you
 10 zoom in on the one that he's doing so we could
 11 see it clearly.
 12 MR. FINELLI: So the first house, Lot
 13 1 -- I'll start from left to right so it's Lot
 14 1, 2, 3, and 4 coming across. So Lot 1, we're
 15 doing a stucco finish, it's a gray finish. I
 16 have all the color samples if you want me to
 17 hand them to you all at once or one at a time,
 18 but I'll walk you through it. So we're doing a
 19 gray stucco finish to the body of the house.
 20 There's going to be a gray stone base that goes
 21 across the front of this house. That same
 22 stone is going to be used later on, as well as
 23 the stucco, in house number -- I'm sorry -- so
 24 stucco will be used in Lot 3, that same -- I
 25 apologize, I'm getting myself confused. I'm
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 2 going to go one at a time and then you'll see
 3 how they all tie together.
 4 THE CHAIRMAN: Yes, please do, tell us
 5 about 1.
 6 MR. FINELLI: The first house has a
 7 square cut gray blue ridge stone, it's gray.
 8 There's going to be white Andersen double hung
 9 windows; three coat stucco, it's a pebble gray
 10 is the actual color, again, it's gray; white
 11 AZEK for all the trim. There's going to be a
 12 fiberglass Thermatru door, it will be painted
 13 black, again to try to keep it more
 14 traditional. There's going to be a 30 year
 15 Timberline roof in oyster gray on the top, and
 16 that from the sample you'll see is more of a
 17 charcoal-ish black color. The wrought iron is
 18 going to be all painted black. We'll have
 19 carriage style Clopay stained doors for the
 20 garage door. You don't see it here, but it is
 21 off on the side on the Water Street side. All
 22 the lighting is from Kichler and it's Mount
 23 Vernon Series and it's very traditional and
 24 colonial in nature.
 25 THE CHAIRMAN: So just back up a
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 2 little bit. The siding is --
 3 MR. FINELLI: The siding here is
 4 stucco.
 5 THE CHAIRMAN: The color?
 6 MR. FINELLI: It's going to be gray.
 7 It's going to be a gray square cut stone here
 8 at the base.
 9 THE CHAIRMAN: And the standing seam
 10 over the bay?
 11 MR. FINELLI: Copper. Well, that was
 12 requested by the ARB to have it all be copper.
 13 THE CHAIRMAN: And black roof
 14 shingles; right?
 15 MR. FINELLI: Yes, and we're going to
 16 do white gutters and leaders for all the
 17 houses.
 18 THE CHAIRMAN: Okay. Let's move to 2.
 19 MR. FINELLI: Lot 2, we're going to do
 20 a 7 inch exposure Hardie Board siding in a
 21 Navaho beige. The stucco is going to be that
 22 same pebble gray, so any exposed stucco but
 23 mainly at the bottom of the foundation is going
 24 to be that same pebble gray, again bringing
 25 that same color scheme through; white vinyl
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 2 windows; AZEK trim; we're going to have again a
 3 black fiberglass door. This is the most
 4 traditional of all the houses, you know, black
 5 door, white body, white trim, very traditional
 6 in coloring and in detailing. We're going to
 7 do a 30 year grand manor roof in pewter gray.
 8 Again, the grays are all very similar, kind of
 9 dark, slight shade variations, but they're
 10 pretty much all in the same family. Black
 11 wrought iron, white carriage style door. We're
 12 going to paint the door here white rather than
 13 stain it. Again, Kichler Mount Vernon series
 14 black fixtures on the backside of the house
 15 where you will see them. They'll be a lot of
 16 down lighting in the overhangs, so you won't
 17 see any lighting at the front of the house on
 18 some of these because there are porches and we
 19 will have lighting coming from above.
 20 THE CHAIRMAN: So the porticos on
 21 each, do they vary in finish? I know the
 22 shapes do and you've taken a lot of care to
 23 focus on those.
 24 MR. FINELLI: The idea is to have a
 25 portico on every one of the houses. As you can
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1 see, there is a different variation on all of
 2 them. The first one is just a traditional
 3 little A frame with a little cut out, a little
 4 arched cut out. Again, each one of them
 5 literally comes from a different area. As I
 6 drive through Eastchester, I say this is what
 7 we have, right. So I made it a point to make
 8 sure that I tried to take a little bit from
 9 each house that I see as I drive around and put
 10 it into these four. I didn't want them to be
 11 the same and I didn't want them to be so
 12 drastically different that they didn't blend.
 13 I think here it's a good example of all four
 14 houses kind of coming together, but yet being
 15 something a little bit different, and again,
 16 representing what we see here in Eastchester.

17 THE CHAIRMAN: I appreciate the
 18 attention. The finishes on the porticos?

19 MR. FINELLI: So the portico on house
 20 2, it's all going to be AZEK all painted white.
 21 Basically the first one is going to be trimmed
 22 and clad in AZEK as well, as is the house 4.
 23 House 3 is a little different because it's more
 24 of a Mediterranean style, so we're doing more

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1 of the stone, hip roof, more to tie in with the
 2 architecture of that one being slightly
 3 different but not completely standing out from
 4 the rest.

5 I'll go through the materials of house
 6 3. So house 3 we're going to do stucco on this
 7 as well. This one changes up just slightly.
 8 We're going to be more towards the beige family
 9 in this one rather than all the grays. I
 10 didn't want to overpower all four houses with
 11 grays and blacks. This one will have a beige
 12 stucco. It's called travertine, the exact name
 13 of it. They'll be a square cut stone on this
 14 as well to match the stone that we were doing
 15 at the base of house 1, and again, start tying
 16 pieces back in together just to keep that
 17 common theme coming through. We're going to
 18 have a front door on this house, the front door
 19 is actually going to be red on this. So again,
 20 traditional, right, red, black, white as far as
 21 doors. This one will be red. We're going to
 22 do a weathered wood 30 year roof on this house
 23 to tie back in with the beige color. The
 24 wrought iron on this is going to all be black,

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1 painted black, whether it's the finishes on the
 2 lighting as well as any wrought iron railings
 3 that we might have. This will be the only
 4 house with a stained garage door. I just felt
 5 that this one would lend itself more to that
 6 stain rather than painting the door. I thought
 7 it just made it a little more rich. Then we're
 8 going to do -- I apologize, I said black
 9 lighting, we're actually doing a rubbed bronze,
 10 so again, just to kind of jump off the stone
 11 just to tie back into that --

12 THE CHAIRMAN: What's rubbed bronze?

13 MR. FINELLI: The light fixtures that
 14 are going to be right over the door, right over
 15 the garage doors.

16 MR. PULASKI: What was the roof color?

17 MR. FINELLI: The roof color on this
 18 is weathered wood.

19 MR. PULASKI: Weathered wood. So
 20 that's a brownish?

21 MR. FINELLI: It's like a brownish. I
 22 have samples of everything. It's more in the
 23 brown family. Again, the idea is to keep it
 24 more rooted into the beiges.

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1 MR. PULASKI: I'm following your --

2 MR. FINELLI: Understood. There's a
 3 lot going on.

4 THE CHAIRMAN: Do they all have steps
 5 going up to the portico?

6 MR. FINELLI: For the most part, they
 7 do. Lot 3 has the least amount of steps, Lot 1
 8 I believe there's 7, there's 5 on Lot 2, and I
 9 want to say 6 on Lot 4.

10 THE CHAIRMAN: They're going to be --

11 MR. FINELLI: They're going to be blue
 12 stone. So we'll finish all of them in blue
 13 stone. It will be the same material on the
 14 riser side as whatever the base is. So if it's
 15 stone, it will be wrapped in stone. If it's
 16 stucco, they will be stuccoed.

17 THE CHAIRMAN: Oh, I see.

18 MR. FINELLI: Just to tie it all
 19 together, and then that blue stone cap will
 20 just sit right on top of it.

21 Then Lot 4, moving down to the last
 22 house on the right, the stucco across the base
 23 will be, again, that pebble gray, tying in and
 24 finishing off all four houses with that same

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1 common theme. The Hardie Board is going to be
 2 a Monterey taupe, which is again picking up
 3 more of the brown from the Mediterranean and
 4 that will kind of drag that color scheme back
 5 across. We'll do white vinyl double hungs,
 6 white AZEK. This will have a charcoal roof, it
 7 will have the darkest roof of all three. It
 8 will be closer to black but not quite black.
 9 Black wrought iron. Again, the same materials
 10 just used differently across all four. We're
 11 going to do a white Clopay garage door and
 12 we're going to do black Kichler Mount Vernon
 13 Series light fixtures on this house again
 14 towards the back and on the sides wherever
 15 light fixtures might be depicted on all the
 16 drawings. Any lighting on the front, other
 17 than in Lot 3, will be from soffit lighting.
 18 That includes the garage doors, the porticos.
 19 Any porches that we might have will all be lit
 20 from above and down. Again, that's to prevent
 21 light going towards a neighbor and filtering
 22 where you don't want it.

23 THE CHAIRMAN: What's the base on this
 24 one?
 25

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1 MR. FINELLI: This one here is stucco.
 2 It will be that same gray as the body of house
 3 1 and the upper section of house 2 -- no, I'm
 4 sorry, the house body of 1 and the base of
 5 house 2.
 6

7 THE CHAIRMAN: This one I just noticed
 8 the gutters, what are the gutters and leaders?
 9

10 MR. FINELLI: So they'll all be white
 11 aluminum gutters on all three houses.
 12

13 THE CHAIRMAN: All right. I think you
 14 used just about all the materials possible, all
 15 the finishes, all the materials.
 16

17 MR. FINELLI: I think so.
 18

19 THE CHAIRMAN: Nothing left. Good
 20 thing there's only four.
 21

22 MR. FINELLI: Right.
 23

24 THE CHAIRMAN: Okay, could we hear
 25 from your site guy with regards to the site
 plan?

MR. FINELLI: Yes, absolutely.

THE CHAIRMAN: Any questions about the
 finishes up here?

MR. PULASKI: It's fine.

MR. FINELLI: Just very quickly, one

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1 of the requests that were asked of us and it
 2 was missed on my submission, we were asked to
 3 locate the air conditioning condensers. So I
 4 had mentioned to the ARB I would be putting
 5 them in the setback towards the back of the
 6 house, and I provided site plans to Michael
 7 this evening.
 8

9 THE CHAIRMAN: Before we switch, is
 10 there some way you could put up the site plan
 11 and that -- I just want going down the
 12 cul-de-sac and looking at the houses from the
 13 street. Actually, if you just hold it below or
 14 somewhere or above. There you go, that's
 15 perfect.
 16

17 So when you first come in, 1 is to the
 18 left. What elevation are we looking at on 1
 from the street?

19 MR. FINELLI: The four elevations will
 20 be at 208. I basically set the data line all
 21 the way through, so this is really what it will
 22 look like in relation to one another, but
 23 because you're wrapping around the cul-de-sac,
 24 the houses do step, with lot 2 being at the
 25 highest point of the development and then

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1 stepping back down to lot 3. Basically the
 2 property slopes up towards the back left-hand
 3 corner.
 4

5 THE CHAIRMAN: Is that a natural grade
 6 or a grade that --
 7

8 MR. FINELLI: This is all actual
 9 grade. There's very slight grading that we're
 10 doing as far as earth movement.
 11

12 THE CHAIRMAN: When you drew that
 13 street-scape, is that like an actual projected
 14 width or is that just you put them side by
 15 side?
 16

17 MR. FINELLI: I put them as close as I
 18 could.
 19

20 THE CHAIRMAN: If you look at it from
 21 the street, it's probably about twice that.
 22

23 MR. FINELLI: Right. This house would
 24 probably be out there in relation to the other
 25 three. The other three are probably going to
 be not as close as this but if you look at it
 relative to the site plan here, this house sits
 out here.

THE CHAIRMAN: Right, there's a big
 gap between that. Okay, thank you.

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MR. ANDERSON: Good evening, Steve Anderson from Gabriel Senor's office.

Basically essentially the last time I was here was in June for the subdivision approval, which we got. Since then, I worked with Kellard Sessions, did a more complex drainage study because at this point we have the building footprint and the patios and all. So we actually looked at each individual Cultec system, one in the front yard, one in the back yard, and incorporated that into the report and any elevations that are involved. The design itself is for the required code of the 2, 5, 10, 25, 50, and hundred year storm. So each of these houses is designed for a hundred year storm. The other fact is, they're all designed for maximum lot coverage, right. Basically each of his designs are less than what is actually -- you know, it's not at the lot coverage, the maximum lot coverage, but the design for the storm water is at that. Basically all the systems will take the water for the maximum lot coverage, a hundred year storm, there is a runoff from each unit just a

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slight bit, but it's still well below the predevelopment conditions. So we're actually reducing the storm water runoff.

That's really the only changes since the last time you saw it. Joe Cermele from Kellard Sessions reviewed it. We do have minor, four comments which will essentially be taken care of when we finally get it to the water company and the Westchester County Health Department. They're just minor details. Actually, on the details he wanted some notes added on the manhole and to verify a couple of items with the DPW. So that's essentially what has changed since you last saw it.

THE CHAIRMAN: So is Joe Cermele presently reviewing it?

MS. UHLE: He is and, as Steve mentioned, he's completed most of the review but there are a few details. He already approved the storm water management plan essentially for the subdivision as a whole where they looked at the individual lots, and then the only difference now is we have the actual footprints. So, you know, any kind of

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approval would be subject to his final review and approval. I did speak with him prior to the meeting, and he is sure that everything -- there's no complications or anything. It's getting down to the minor details.

THE CHAIRMAN: So why did you size it for the maximum coverage?

MR. ANDERSON: Just in case in the future somebody adds a little more patio.

THE CHAIRMAN: Okay. What's the delta?

MR. ANDERSON: I'm not too sure off the top of my head.

THE CHAIRMAN: What percentage are we talking, 10 or 30?

MR. ANDERSON: Let me see if I have it. It should be on the subdivision map.

THE CHAIRMAN: I just want a rough ballpark idea of how much you oversized it for.

MS. UHLE: For example, this one says -- for lot 1 it says 2199 square feet are proposed whereas 4294 is allowable. So it's pretty significant.

THE CHAIRMAN: That's fine. That's

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what I was looking for. It's almost twice as much. That's great.

MS. UHLE: This is the landscape architect.

THE CHAIRMAN: Okay.

MR. ZAINO: I have the color drawing. Anthony Zaino, landscape architect.

Essentially what I did was I tried to provide a mix of evergreens, deciduous trees and perennials around the foundation of the plan, around the foundation of the building, provided some additional screening between the residences so they have a little more privacy in the backyard. The only difference in this plan -- which I have copies -- is I amended the plan that you have to show some of the existing -- actually the existing trees that are to remain along the edges. Your plan does not show that. I have other copies right there. So that's the only difference. I'll just point it out just so you see it. The existing vegetational in Elliot Senor's drawing chose to remain are the ones that you see dashed. That is the only change.

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1 So essentially we're providing a
2 little bit of a foundation planting. I have
3 native deciduous trees, October Glory as the
4 street-scape, and to provide some continuity in
5 the material between each residence but they're
6 placed with some variety and some color to give
7 them a little more of a unique space. It's
8 really just doing the front of the building.
9 There's opportunity for additional planting in
10 the future if they do some other work around
11 the back of the house. It's essentially a good
12 foundation planting so there's something when
13 you're drive down the street.

14 One thing I do want to point out that
15 I did that wasn't on the other site plan is I
16 provided a walkway to the driveway on Lot 1,
17 which is going to require some stairs. I just
18 put it on the drawing without consulting with
19 the engineer, so I just wanted to point that
20 out. Everyone else's had a little walkway, and
21 I felt that this needs to have some kind of
22 connection. The driveway does go down, so this
23 might change a little bit to get this further
24 so I don't have as many steps, but I thought it

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1 was important that when you park -- even though
2 they're going to be able to get to their house
3 from the garage, if a visitor were to come they
4 need to get to the front door. So that's the
5 only difference between my landscape plan and
6 the site plan from the engineer.

7 THE CHAIRMAN: So all of the trees are
8 the same species, the big ones?

9 MR. ZAINO: The trees that go around
10 the cul-de-sac is a native Maple. October
11 Glory is the species. It's a canopy tree.
12 Yes, they're all the same. I wanted to provide
13 some kind of unifying element. It's a street
14 tree where it can be a canopy tree where it can
15 provide a little more of a --

16 THE CHAIRMAN: Right, there's Maples
17 everywhere. What's the caliber?

18 MR. ZAINO: I'm just showing them as a
19 2 inch caliber tree. Not giant. They'll be
20 14 feet tall when they're installed and the
21 native Maple grows at a rate, once established,
22 of 12 to 18 inches a year and even more.
23 They'll be pruned up so you see a minimum of 6
24 feet so you're not going to be hitting the

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1 branches when you're walking by, so it's a
2 canopy tree.

3 MS. UHLE: I think that the applicant
4 may have been required to put street trees
5 within the right-of-way as part of the
6 subdivision approval, weren't they? Do you
7 recall? Do you know, Anthony? We might just
8 want to coordinate your trees with whatever
9 trees may be in the right-of-way.

10 MR. ZAINO: Typically when I've done
11 these, actually they don't want me to put them
12 in the right-of-way and that's why I placed
13 them right along the edge. If you want me to
14 move it in, we could move it in a few feet just
15 to put it inside.

16 MS. UHLE: I'll coordinate with the
17 Highway Superintendent, because I know as part
18 of the subdivision approval we spoke about
19 street trees. I understand what the landscape
20 architect is saying, sometimes the Highway
21 Department doesn't want to take responsibility
22 for them but sometimes they do. So we'll know
23 there's street trees and just talk to the
24 Highway Superintendent about where he would

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1 prefer to place them.

2 THE CHAIRMAN: So if we put them on
3 the other side of the right-of-way, they're
4 responsible for them?

5 MS. UHLE: Then the town is
6 responsible for them.

7 THE CHAIRMAN: If we leave them where
8 they are, they are not?

9 MS. UHLE: Applicants are, yes.

10 MR. ZAINO: I have them right now
11 actually on private property. They're right on
12 the line. Also, because that right-of-way is
13 for potential public utilities and some
14 municipalities don't want us to put a tree
15 there so that if you had to do work in your
16 right-of-way, you're not going to disturb or
17 have to cut down the treat. Maintenance is
18 more. I'm talking I'm right on the line like 6
19 inches, but we could move that. Margaret,
20 whatever you say.

21 MS. UHLE: That may be fine, I might
22 be recalling incorrectly, but we'll coordinate
23 with the Highway Superintendent.

24 MR. WEST: Lot 1, is the whole back

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open to the circle, the whole backyard?

MR. ZAINO: Currently, yes, it is.

There's just lawn between that. That is a unique backyard where he's -- it's almost like a -- it's not really a private backyard like the other residence because he's on a corner. As you typically see on a corner, he has two front yards. So, you know, his backyard is his other -- it still fronts on the street. When a house is located on a corner, it's difficult to say he has a backyard because it's actually a side yard or in this case it's a front yard/backyard. But yes, that's this area here. It's all open. I mean, if the owner were to do some screening, he would be restricted from doing it on his property. It would have to be inside that heavy property line. The town is not going to want him to put a hedge in their right-of-way. Also for snow, that's where everyone piles their snow. Now that we have global warming, maybe not be too much.

THE CHAIRMAN: Where do they pile it; on the cul-de-sac?

MR. ZAINO: This is the right-of-way,
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which is approximately 10 feet, so this is where when they plow they'll be stockpiling the snow. He could plant along that line to give him a little more privacy or a picket fence or something. Obviously, they need a permit to get a fence in Eastchester. It would have to put on his property. There's an opportunity to give him a little more privacy there. At this time, we're just proposing to establish the right-of-way, the street-scape with the canopy tree, and each individual home with a foundation planting.

MR. PULASKI: I'm glad you picked up the walkways, and I think maybe the architect should take a closer look at it and tell us what kind of material it's going to be made out of.

The one observation I have is in house 1, that seems to have like two fronts to it. It has a front off of Water Street, which I don't really think is the front, the front is going to be more off of the cul-de-sac street, and so I see that you're going to have mail trucks or whatever pulling up alongside that

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front and they're going to want to walk to that entrance but you don't have a walkway there.

MR. ZAINO: That's just going to be a lawn. None of the homes would actually have a walkway that connects to the street. So it's connecting -- I understand it's supposed to --

MR. PULASKI: All of them connect off of a driveway, which is logical place for a taxi to stop or a mail guy to stop, except for 1. I see the taxi or the cul-de-sac --

MR. ZAINO: But he's still fronting on that -- the mailbox on that residence, would it be where the driveway is on the new cul-de-sac?

MR. PULASKI: That's my suggestion.

MR. ZAINO: So let me take this again so we get all on the same page. So what you're saying is that we would extend this walkway so that --

MR. PULASKI: Yes. I think there's going to be people that are going to walk there, yes.

MR. ZAINO: My suggestion in terms of material, he's using blue stone for that step, but I think it should be a continuity of

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material, or if they're going to do the patios in the back, that we introduce the same materials for the front walkway or it could be concrete.

MR. PULASKI: I agree, but that's the architect that makes that material.

MR. ZAINO: Blue stone. Blue stone. It would be nice if it's that same material.

THE CHAIRMAN: Thank you. Any other questions about the plan?

MR. ZAINO: Do you want me to leave that one up?

THE CHAIRMAN: Yes, it's color, leave it. Any other comments? No. Good. I think we're good. Let's somehow get through the public hearings. So I'm just going to open all the public hearings all at once, I think that's probably okay, and then wait for comments.

So I make a motion to open the public hearing on Application 17-50, 17-51, 17-52, and 17-53, known as 22 and 24 Water Street and 42 Stewart Place.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

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 2 (All aye.)
 3 (No comments.)
 4 THE CHAIRMAN: That was easy. Make a
 5 motion to close that public hearing, 17-51,
 6 52 -- 50, 51, 52, and 53, 22 and 24 Water
 7 Street and 42 Stewart.
 8 MR. PULASKI: Second.
 9 THE CHAIRMAN: All in favor.
 10 (All aye.)
 11 MR. PULASKI: An observation I have,
 12 and I would like just to get your opinion on
 13 it, is on the elevations where you have
 14 bathrooms on the inside, you get a very squat
 15 kind of window. Just in the global view, to my
 16 eye, it doesn't appear balanced.
 17 MR. FINELLI: Do you have a particular
 18 house in specific that we could talk about?
 19 MR. PULASKI: We could look at the
 20 first house. I understand what you're doing
 21 and maybe that's the way it has to be because
 22 you have a counter behind it.
 23 MR. FINELLI: I think you're talking
 24 about that little awning window in the upper
 25 right-hand corner.
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 2 MR. PULASKI: Yes.
 3 MR. FINELLI: I agree with you. I
 4 typically try not to put bathrooms in the front
 5 of the house, and if I do, they're in
 6 appendages that are staggered back. So
 7 although, yes, it is technically in the front
 8 of the house, when you look at it in two
 9 dimensions, it's going to look like it's right
 10 there in the front but in reality in three
 11 dimensions it sets back. Over time maybe
 12 they'll be some landscaping there. I haven't
 13 had a chance to look at the final landscape
 14 plan. I'm not sure if anything is going to go
 15 there. Hopefully, it won't because it will
 16 block that other window.
 17 MR. PULASKI: I'm not trying to
 18 landscape it.
 19 MR. FINELLI: I understand.
 20 MR. PULASKI: What I see is a big,
 21 heavy border and then a very thin sill. Maybe
 22 it's just the way I'm looking at it on the
 23 pencil diagram here. The proportion just seems
 24 to look off. I don't know if there is any
 25 alternative way of making that window.
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 2 MR. FINELLI: Honestly, with the
 3 layout and what's going on, the size of that
 4 bathroom, removing it would be the only
 5 alternative.
 6 MR. PULASKI: I don't want to remove a
 7 bathroom. I was just wondering if there was
 8 any magic you could do to the window and make
 9 it look a little different.
 10 THE CHAIRMAN: Is it similar on all
 11 four?
 12 MR. FINELLI: No, they're not the same
 13 floor plan. They're all completely different.
 14 THE CHAIRMAN: Typically your bathroom
 15 windows are smaller.
 16 MR. FINELLI: Typically, they are.
 17 Just the way you usually do for privacy. If I
 18 can, I try to do a three by two double hung or
 19 casement. In this instance here just because
 20 of where it's located, I had to go with a
 21 casement and put it up high for privacy
 22 purposes.
 23 MR. PULASKI: Another question for
 24 procedural purposes: There are five lots and
 25 the last lot has an existing house on it?
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 2 MR. FINELLI: Yes.
 3 MR. PULASKI: Therefore, it doesn't
 4 have to come before us?
 5 MS. UHLE: It's just an existing
 6 house, the lot area now is just less, but it's
 7 still fully conforming, so there's really
 8 nothing to review.
 9 MR. PULASKI: This development will
 10 have an association to it?
 11 MR. FINELLI: I'll be honest with you,
 12 it's the first I'm hearing of it. I'm not sure
 13 how to answer that question.
 14 MS. UHLE: I don't believe so. There
 15 might be some agreement with regard to storm
 16 water facilities. Is that true, do you have
 17 common storm water facilities at all?
 18 MALE SPEAKER: Individual.
 19 MS. UHLE: Individual, okay. The
 20 cul-de-sac will be dedicated to the town and
 21 then it's just individual properties.
 22 MR. PULASKI: Where I was really going
 23 with that, if you look at the property of house
 24 1 in that part that extends way back, I just
 25 hope that each of the neighbors takes care of
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1 their property and doesn't let a back area just
2 grow wild. I've seen that in a couple of spots
3 in town, you all of a sudden see a wild area
4 and go, okay, that's an extension of somebody's
5 lot, they don't want to mow it.

6 MR. FINELLI: Well, I believe New York
7 State International Code there's a property
8 maintenance code that prevents it from growing
9 just completely wild an just being abandoned.

10 MS. UHLE: We actually get calls for
11 that very often and sometimes people actual
12 landscape things to look a littler more
13 naturalistic, but there are property
14 maintenance rules with regard to the height of
15 the grass or just overgrown vegetation,
16 etcetera.

17 MR. TUDISCO: And they are typically
18 enforced. We have cases in court all the time
19 where we're prosecuting someone for leaving the
20 property in disarray, the grass. The Building
21 Inspector or Code Enforcement officer will
22 actually go out and measure the grass based
23 upon complaints. It's a big issue with
24 foreclosures, actually, when no one is there is

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1 on the site.
2 MR. PULASKI: That was a consequence
3 of my question about association, we could
4 write that in. If we don't have an
5 association, it's just going to be being a good
6 neighbor.

7 THE CHAIRMAN: We closed the public
8 hearing. Do we have any conditions for this,
9 Margaret?

10 MS. UHLE: Yes. I'll go over some
11 things. These aren't in any particular order.
12 We're going to say that prior to issuance of
13 the building permit, the storm water management
14 plan must be reviewed and approved by the
15 town's engineer and consultant or the storm
16 water management plans for each lots; prior to
17 the issuance of the CO, a letter signed and
18 sealed by the landscape architect must be
19 submitted certifying that the landscape plan
20 has been installed in accordance with the
21 approved plans, any changes to the approved
22 plans must be reviewed and approved by the
23 Building and Planning Department. The
24 landscape architect is aware of that because

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1 he's worked on other projects in town as well.
2 Just a minor comment to extend the walk from
3 Lot 1 to the street, to the cul-de-sac.

4 MR. PULASKI: And the walks will be --

5 MS. UHLE: With blue stone, okay.

6 THE CHAIRMAN: The driveway extends to
7 the street.

8 MS. UHLE: Also, to coordinate the
9 location of the proposed I'm going to call them
10 street trees with the Highway Superintendent to
11 make sure they're located where he thinks is
12 appropriate.

13 Two things I think may not be
14 conditions of the resolution but I think they
15 should be included on the CO, so I just want to
16 put that on the record:

17 One is with regard to the setbacks
18 having to be a minimum of 10 feet, because
19 that's going to get lost in the Zoning Board
20 resolution if people down the road want to do
21 extensions and things, and that was a condition
22 of the Zoning Board approval, that the setbacks
23 could not be less than 10 feet, the side yard
24 setbacks. Normally they would be 5 or 9

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1 feet -- I mean 8 or 9 feet.

2 Then the other thing I would put on
3 the CO is if the storm water is actually
4 designed for the maximum impervious surfaces, I
5 would indicate that on the CO because down the
6 road when somebody wants to put in a patio or
7 something, they're going to be told they have
8 to put in additional drainage facilities, but
9 this would demonstrate that those drainage
10 facilities have already been installed. So
11 I'll try to incorporate that in the resolution
12 as well, but it's not really a condition for
13 the applicant, it's something for us to
14 remember to put on the CO. That was everything
15 that I had.

16 THE CHAIRMAN: Subject to those
17 conditions and qualifications, I make a motion
18 to approve Applications 17-50, 51, 52, and 53,
19 known as 22 and 24 Water Street and 42 Stewart
20 Place.

21 MR. PULASKI: Second.

22 THE CHAIRMAN: All in favor.

23 (All aye.)

24 THE CHAIRMAN: Good job.

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MR. FINELLI: Thank you very much, everyone. Happy holidays and see you next year.

THE CHAIRMAN: Thank you. Same to you. Merry Christmas.

The second to last application is 17-64, 777 White Plains Road. All right, you're up.

MS. BEYER: My name is Theresa Beyer, I'm the architect for Kidz Korner. It's been at this location I think since about early 2012, and currently the play area is on the other side of the lot on -- actually on an adjacent lot where the landowner rents some space there for the playground, but I'll explain why that isn't working so well anymore. The shopping center is built in the RB zone, retail business, but most of the parking lot area, including where we're proposing to put the playground, is actually in an R-6 zone.

The play area -- currently the children -- I'm going to actually take this out -- the children have to -- the day care is here and they have to walk across where the

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dumpsters are to get to the playground. Not too long ago, a Chinese restaurant came in and they seem to be creating a lot more smell and vermin and vultures are perching on the fence of the playground. It's just not working the way it -- it was fine for the first couple of years but it really isn't working now.

So the landlord had bought this piece of land -- there had been a right-of-way where they had just this little piece and they extended with the notion that we could put the playground there. The pocket of land is about 79 feet by 88 feet, which is little over 7,000 square feet, so it's bigger than a building lot for that area. It's quite a large piece of land. You can see what it looks like here. This photograph is taken approximately here looking towards this back fence.

We're proposing a very small area for the play area. There won't be any structures there. We push it back a little bit because there's a lot of rocks here and there's already a fence, so then we don't have to build that piece of fence. All of the existing trees and

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shrubbery is going to remain. It will be very similar to what it is now except we'll have a fence around it. The kids will just -- the requirement of the state is that they have to get out in the fresh air, but they don't need a play structure. It's not going to be a real playground, you know, with swings or climbing structures or anything like that. It's just very simple, grass, they could run around.

It's adjacent -- this area here is the back of the gas station on White Plains Road, and then these are all residential houses on quite large lots. I passed out to you the distances to all of the nearest structures. It's closest to those new town homes where it's 90 feet from the corner of this building to the corner of the playground. Otherwise, it's 120 feet to the nearest house, 115 to this garage. It's really not particularly close to anything.

Ivy, who's running the day care, will explain the exact procedures, but there will be only one class there at a time, so that's 6 to 13 children at any one time out on the playground, plus however many adults need to

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take care of that age child. It will only be used during daylight hours generally before 3:00 p.m. I don't know if there is anything you want to add about -- well, I guess the other thing we just can explain because I know it came up last time is the children actually get walked to the play areas and they walk up here, around here, there's a sidewalk here with a fence. We're adding a yield sign here, a speed bump here, and a new crosswalk there. This was all discussed with the fire marshal, I believe, who felt that that was what was required to make it safe. These are Photoshop drawings showing what this might look like. So this photograph is here, this photograph is here, you have the dentist over here on the right, and then this is back here looking back towards downhill with a play area over here. The play area is here and in this one it's beyond here. They'll actually come all the way around here -- quite a considerable way around the corner before they even cross the street, and then they'll come back along this path that kind of avoids the rocks.

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1 I think that's about it. There was an
2 issue that we also need to get approval because
3 if you're adjacent to or in a residential zone,
4 then you could extend the area where this
5 commercial use -- which this officially
6 is because you're extending day care use --
7 that you have to be within 75 feet of the
8 commercial zone. One of the things that I just
9 passed out to you shows where we believe that
10 75 foot line is. We'll certainly double check
11 it before we build anything to make sure that
12 we are well within but we do appear to be.
13 Okay.

14 THE CHAIRMAN: So the path of the
15 students is out the back and around to the
16 front?

17 MS. BEYER: Yes. You could kind of
18 see here there is a fence. They'll be on the
19 far side. They won't be in the street.

20 THE CHAIRMAN: So they're separated by
21 that fence?

22 MS. BEYER: Yes. They can't get over
23 it. It's at least toddler height.

24 THE CHAIRMAN: And they're supervised.

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1 MS. BEYER: Yes, they have plenty of
2 adults and hands.

3 THE CHAIRMAN: Where were they before
4 and how did they get there, like where is the
5 existing location?

6 MS. BEYER: What?

7 THE CHAIRMAN: The playground.

8 MS. BEYER: The playground that's
9 existing is here.

10 THE CHAIRMAN: It's over there. And
11 how did they get there?

12 MS. BEYER: Same way.

13 THE CHAIRMAN: Same way, go out there
14 and just go straight.

15 MS. BEYER: The dumpsters are here.

16 THE CHAIRMAN: Oh, I see.

17 MS. UHLE: That space right now is
18 leased because it's on adjacent property. So
19 it's the rear of an adjacent property.

20 MS. BEYER: I think the landlord is
21 getting tired of paying the rent.

22 THE CHAIRMAN: So what's the mechanics
23 of using this space for the same use? I mean,
24 it's not part of this lot, is it?

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1 MS. BEYER: No, it's not.

2 MS. UHLE: No, it is.

3 THE CHAIRMAN: It's all one lot?

4 MS. BEYER: They bought this.

5 THE CHAIRMAN: Oh, it's all part of
6 the same.

7 MS. UHLE: Yes. It's all part of the
8 Urstadt Biddle property, yes. They always had
9 that easement -- what used to be an easement
10 there, and then as part of a subdivision
11 approval a few years ago, they acquired the
12 rear of one of the residential properties on
13 Maple Street. So all the area that they have
14 shaded in green there is part of the Urstadt
15 Biddle property.

16 MR. PULASKI: So how do you get in and
17 out of the day care center? What side is
18 the --

19 MS. BEYER: It's on the lower level of
20 that shopping center. You park here.

21 MR. PULASKI: So it's on the lower
22 level of the parking center. So the children
23 come out and they walk --

24 MS. BEYER: They have to walk around

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1 the building. They'll get some exercise and
2 fresh air just getting to their playground.

3 THE CHAIRMAN: Clockwise from the --

4 MR. PULASKI: Right.

5 THE CHAIRMAN: -- Main entrance.

6 MR. PULASKI: Walk up that fairly
7 steep incline. They will get a nice exercise.
8 That's a beautiful location. It's nice and
9 level and open.

10 MS. UHLE: I also wanted to clarify
11 because I wasn't clear on the submission, so
12 you truly are not planning to put any kind of
13 play equipment in there at all? So it's just
14 going to be a fenced lawn area basically.

15 MS. RENTZ: Yes.

16 MS. UHLE: Okay.

17 MS. RENTZ: I'm Ivy Rentz, I'm the
18 owner of the day care center.

19 When we first initially proposed a
20 playground, I know Marvin can tell you, there
21 were four or versions to try to keep the
22 playground on the landlord's site, and it
23 initially just didn't work out. We agreed to
24 do it off site, do a lease, do this whole big

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1 thing.

2 Initially what I was running into when
3 I first came in 2015 to propose to move the
4 playground, was just logistics. It was just
5 that there were trucks always parked in the
6 loading area, because it's not just a garbage
7 area, it's also a loading area. When the
8 trucks are there, we can't go outside. Then I
9 also was having a problem, which I reported to
10 the landlord, that people were after hours I
11 guess smoking and leaving cigarette butts
12 everywhere, and every morning my staff had to
13 go out and not only pick it up off the front of
14 the building but also they were just flicking
15 them onto the playground. We can't allow the
16 children to go into the playground if there are
17 cigarette butts and this is every day.

18 When I proposed it in 2015, there was
19 a little bit of an issue as to exactly where it
20 could be located, and I just kind of got
21 frustrated and I just left it alone. But then
22 in 2016, the Japanese place came and I don't
23 know exactly what they're putting in the
24 dumpster, but we started getting very large

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1 vultures. I mean, they're bigger than the
2 children that we have, and they're sitting on
3 the playground. It's not only freaking the
4 kids out, but the staff doesn't want to go out
5 there. We reported this to the landlord, wild
6 life came out. They said, we can't remove the
7 birds, they're protected. It was just like the
8 most ridiculous thing I ever heard. The
9 landlord tried to help us by putting spikes on
10 the fence so they at least couldn't land on the
11 fence, so what they're doing is they're not
12 landing on the fence of the playground but
13 they're landing above the playground. The fish
14 is also attracting rats. We're not talking
15 about -- we have pictures -- not little. I
16 called Margaret and told her. I said, they're
17 not little, it's these big rats. I've come at
18 6:00 in the morning and a vulture grabbed a rat
19 and threw it over my head and took it up above
20 the dumpsters and ripped it apart. They're
21 landing inside the dumpsters. The staff goes
22 to open up the dumpsters, the vultures are
23 popping out of the dumpsters. The crows are
24 pulling garbage out. It just got to a point

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1 where it just was absolutely insane.

2 My only goal here is I'm not trying to
3 make it difficult for any the residents, which
4 is one of the reasons why I decided that we're
5 going to let the play structure go because I'm
6 not trying to impose on anybody, but I really
7 do need to have a safe place for these children
8 to play and this seemed like the safest place.
9 It's not next to any garbage, we're not having
10 this whole big -- it's only 13 kids maximum.
11 Most of our classrooms range from six to eight
12 children, so they go out every 30 minutes from
13 9:00 -- 9:30 actually -- from 9:30 to 1:00 is
14 the last set of groups. We don't let them go
15 out in the afternoon because I don't want
16 parents picking children up from the playground
17 because things happen. So I want them to all
18 be in the building when parents start picking
19 children up so we can clock children out
20 safely. So it's usually during the hours in
21 which I assume that people may be working and
22 it's not so impact. We're not open on the
23 weekends, we don't stay late, we don't do any
24 of those things. It's just really to allow the

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1 children to comply with the state regulations
2 that require us to have them have fresh air a
3 minimum of 15 minutes, so we give them
4 30 minutes a day to try to get outside and get
5 some fresh air weather permitting.

6 MS. UHLE: How old are the children
7 again?

8 MS. RENTZ: The children that go
9 outside start at 18 months to close to five
10 years of age. The babies don't go out to the
11 playground. We push them underneath the path
12 just in front because it's just too much. They
13 don't go to the playground that we currently
14 have right now because it's just too much
15 effort to try to get them out, lay them on a
16 blanket. It's just too much. We just stroll
17 them in the front of the building just to give
18 them a little fresh air.

19 MR. PULASKI: I'm glad you endeavored
20 to solve the problem and that you found a
21 solution and acted on it.

22 MS. RENTZ: The Building Department
23 has been very helpful in trying to help me
24 figure this out.

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 2 THE CHAIRMAN: Regardless of what we
 3 decide tonight, this garbage is still an issue
 4 that needs to be addressed.
 5 MS. RENTZ: There's nothing I could
 6 do. I tried. I tried to see if there was
 7 somebody that can capture the birds. They're
 8 like, you can't touch them, and they're huge.
 9 MR. PULASKI: I also read over your
 10 description of how you're going to maintain
 11 safety when the children are crossing the
 12 sidewalk, and I think it's done very
 13 appropriately. You're going to have a monitor
 14 walk out to the middle with a stop sign.
 15 MS. RENTZ: I just want you to know,
 16 we have -- I have other day care centers. In
 17 Mamaroneck we use the public playground and the
 18 children walk down Grove Street in Mamaroneck
 19 and cross over Barry Avenue and we do the same
 20 thing. The teacher goes out, she stops the
 21 traffic to make sure that every morning it's
 22 clear that the children are crossing across the
 23 street, and then we have another person that
 24 backs the front and the back of the line.
 25 Margaret also went out with me with the Fire
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 2 Department, the Police Department just to see
 3 during that time of day what the traffic is
 4 like, and there's like hardly any traffic at
 5 that point in the daytime, which is one of the
 6 reasons why we don't go out at that time.
 7 MR. PULASKI: I've also seen that
 8 procedure followed with schools. You see a
 9 crossing guard and when the children get ready
 10 to cross, they go right out into the middle.
 11 MS. RENTZ: Yes, and they have a stop
 12 sign and they stop traffic with the stop sign.
 13 THE CHAIRMAN: Okay, we'll come back
 14 to the design. Thank you. Allow us to open
 15 the public hearing, take comments from the
 16 public, and then we'll discuss your design a
 17 little more.
 18 So I make a motion to open the public
 19 hearing on Application 17-64, 777 White Plains
 20 Road.
 21 MR. PULASKI: Second.
 22 THE CHAIRMAN: All in favor.
 23 (All aye.)
 24 THE CHAIRMAN: Please come forth.
 25 MR. LANE: Good evening, Mr. Chairman,
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 2 members and associates of the board. My name
 3 is David lane. I live at 75 Maple Street,
 4 which my property is adjacent to where the
 5 proposed playground is going to go up. I'm
 6 also accompanied by my wife and a couple of
 7 neighbors, Ms. Theresa Lunde of 81 Maple Street
 8 and Ms. Nicola Kleehammer of 79 Maple Street.
 9 My property runs from Maple Street all
 10 the way to the back adjacent to the Acme
 11 parking lot, which means that the lot that the
 12 playground will set upon is protruding past my
 13 boundary at the back end of my lot. My
 14 neighbor's lot is adjacent to the end of the
 15 playground, Ms. Kleehammer's, and Ms. Lunde's
 16 also is at the point of the triangle end of her
 17 property.
 18 Now, we are opposed to the application
 19 for a number of reasons. First of all, it's
 20 regrettable that the Kids Corner does have
 21 their challenges as far as what they're having
 22 to deal with, as they mentioned before. It
 23 sounds very unfortunate to me. But at the same
 24 time, as residents of these property that will
 25 be adjacent to the proposed variance, we are
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 2 already at extreme duress for what we have been
 3 dealing with for some time as a result of
 4 things that had been going on in the interim
 5 and in the past.
 6 So to begin with -- by the way, I
 7 would like to mention that the mailers that
 8 went out to notify us of the meeting, at least
 9 in our cases, were postmarked on the 28th,
 10 which we just received yesterday, the 29th, so
 11 I didn't have a lot of time to prepare for
 12 this. So basically I'm giving you some of my
 13 coffee notes and just talking like we're having
 14 a cup of coffee. So I know it's late, I know
 15 I'm tired, but I'll try to go through this as
 16 quickly as possible.
 17 First of all, the lot is residentially
 18 zoned, as we all, and the application is for a
 19 commercial variance. Everything on the Maple
 20 Street side of this lot, every improvement and
 21 every property is a residential structure. So
 22 this application to us for this commercial
 23 variance represents a prime example of what's
 24 historically known as commercial sprawl, and we
 25 would like not to see any more of that. Also,
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 2 the lot itself has a history. It used to be a
 3 part of Ms. Kleehammer's property, 79 Maple
 4 Street. The prior owner had sold to the -- I
 5 don't know if some of you remember -- to the
 6 owner of the Shoppes at Eastchester, Urstadt
 7 Biddle Company. I guess he got a bargain
 8 basement price on the house, and it seemed that
 9 the end intent was to subdivide that property
 10 to situate the lot to where it is now to the
 11 advantage of the commercial property, existing
 12 commercial property. When that was done, I was
 13 here, I remember their attorney represented
 14 that they had no future plans whatsoever for
 15 the property, just wanted to use it to the
 16 advantage of whatever square footage they
 17 needed to rent their properties, but we do know
 18 that they tried to put a parking lot there,
 19 didn't work, and now something else is coming
 20 up that they're proposing. We knew it was only
 21 a matter of time, so here we are.

22 The second concern that we have is the
 23 existing noise and congestion we already are
 24 subject to is exhausting. First of all, you
 25 have the Acme store with its parking lot behind

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 2 there, a lot of traffic, a lot of congestion, a
 3 lot of car alarms going off, as you can
 4 imagine. You have another store, another space
 5 that's called The Little Gym. They have
 6 activities for children's events, which are
 7 indoors, but, you know, as the children
 8 advance, they get excited, and they're usually
 9 screaming at the top of their lungs exiting and
 10 entering the place, especially on weekends we
 11 hear this quite a bit.

12 As far as the subject lot, it's
 13 already a nighttime congregation area,
 14 so-to-speak, for many youth. If you were to
 15 look at the police log, you could see that
 16 they've been frequently contacted by various
 17 folks in the neighborhood for noise and
 18 activity going on there night. As far as
 19 residue from those activities, you know -- we
 20 know that they already have suffered cigarette
 21 butts and things like that, but the things that
 22 you would find back there -- you would have to
 23 take a look yourself -- from alcohol
 24 containers, cigarette butts over there too,
 25 and, well, just use your imagination for the

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 2 rest of any activities that might occur.

3 Across the street we already have
 4 Greenvale School, which is a great school and a
 5 necessity, but it has its noise factors that it
 6 contributes already to our row of houses.

7 Maple Street, daytime traffic is quite
 8 congested and we hear a lot going up and down
 9 the street during the daytime because Maple
 10 Street -- I'm sorry, I said Maple Avenue
 11 before -- Maple Street is used mostly during
 12 the daytime hours as a bypass to avoid Post
 13 Road when in the existing state it's already a
 14 no through traffic area, so we tolerate and put
 15 up with that.

16 Also, Ms. Kleehammer and myself, we
 17 have outdoor, fenced-in dogs. They're good
 18 dogs, friendly dogs, but they bark incessantly
 19 at any and all activity that are adjacent to
 20 the properties, so this will only increase
 21 their incessant barking, as it sounds like
 22 there will be activity over there a good part
 23 of the day. This town already has noise
 24 ordinances in place, so I would ask that strong
 25 consideration be given to that in making a

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 2 decision on this application. Just more noise
 3 and congestion will incur more duress upon us
 4 as residents.

5 Approving this application, in our
 6 opinion, will further devalue -- it will
 7 contribute to further devaluating our
 8 properties. First of all, the condos went in
 9 up at the end of the street, which we resisted
 10 for quite some time, and we still feel that
 11 they shouldn't have gone in up there.
 12 Secondly, the subdivision of this lot, as it
 13 exists right now, the subdividing of the prior
 14 property to get to this lot as it is right now
 15 we feel has devalued our property right now
 16 because of the commercial encroachment. Even
 17 though it's still residential zoning, we feel
 18 in effect it's been annexed to a commercial
 19 property.

20 So basically, you know, we're just
 21 asking for a break from any further duress when
 22 it comes to these things. Also, I would think
 23 that any member of the board -- and I'm sure
 24 that you are -- would be very, very concerned
 25 of the traffic safety factor of trekking

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 2 children across a commercial area, across a
 3 highly high traffic parking lot area on a daily
 4 basis three or four times. I guess that's not
 5 my responsibility or concern, but I do think
 6 about that as well. That's really all I had to
 7 say at this point. I didn't have a lot of time
 8 to prepare, again, because of the mailing
 9 dates, but we hope to get further refinement
 10 and substantiation during the January meeting,
 11 I suppose. That's all I have to say unless
 12 somebody --

13 THE CHAIRMAN: Just one thing. As you
 14 were going through your comments, you said
 15 there were some conditions in the past, did you
 16 mention those in the summary that you gave?

17 MR. LANE: I did. I did. The condos
 18 going up, the subdividing of the lot, the
 19 buying of the property next door to us which
 20 devalued other properties at the time it was
 21 bought.

22 MS. UHLE: I just wanted to clarify
 23 one thing Mr. Lane said. It's semantics but
 24 there's a difference. The applicant is not
 25 seeking any variances at all, they're seeking a

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 2 special permit. Special permits are actually
 3 permitted uses, just as principal uses are
 4 permitted uses, but a special permit requires
 5 this sort of extra level of review. It's not
 6 the same as a variance, and again, it's
 7 semantics because I think you know what they're
 8 asking for, but it's a special permit to allow
 9 them to locate the playground facility in the
 10 RB district within 75 feet of the district --
 11 I'm sorry, the R6 district within 75 feet of
 12 the district boundary. So it's a special
 13 permit, which is a permitted use, it's just
 14 that there's this extra level of review that's
 15 required by the Planning Board.

16 MR. TUDISCO: And legally if it were a
 17 variance, it would be up to the Zoning Board.

18 MR. LANE: I stand corrected on that.

19 MS. UHLE: I just wanted to clarify
 20 that.

21 MR. LANE: In that case, we're opposed
 22 to the special permit.

23 THE CHAIRMAN: So since you're there,
 24 what is the usage of that piece of property
 25 now? Other than what occurs at nighttime, are

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 2 there --

3 MR. LANE: There is no usage of it now
 4 at this time as far as we see. We know that
 5 they tried to put parking spaces up there but
 6 were declined.

7 THE CHAIRMAN: Right. So now it's
 8 green space that's vacant most of the time
 9 except for the time that --

10 MR. LANE: I'm sorry, green space?

11 THE CHAIRMAN: Yes, it's space right
 12 now that --

13 MR. LANE: It's green space right now,
 14 we would sure like to see it remain that.

15 THE CHAIRMAN: Well, I would too. On
 16 a typical day, people are not in that space,
 17 it's not used by anyone?

18 MR. LANE: No, No. The congregation
 19 comes out at night.

20 THE CHAIRMAN: Got it.

21 MR. PULASKI: So the property owner
 22 came before the Planning Department with an
 23 application to put parking there?

24 MS. UHLE: No, they did not. I think
 25 that when Urstadt Biddle did the subdivision,

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 2 they actually -- as they were going through the
 3 subdivision process, they actually met with me
 4 initially -- and this is what Mr. Lane might be
 5 talking about -- I think they were hoping that
 6 they could parking in there, and I think that
 7 they may not have done their total due
 8 diligence before they went ahead with the
 9 subdivision. Because of that provision about
 10 locating the commercial use within 75 feet of
 11 the district boundary, etcetera, and because of
 12 the configuration of this, I think they
 13 realized fairly early on that they actually
 14 weren't going to be able to fit parking in
 15 there, any substantial amount of parking in
 16 there, and still be able to circulate in and
 17 out. So they actually never submitted a formal
 18 application. It was something that they
 19 discussed with us sort of at the same time they
 20 were undergoing the subdivision process. This
 21 I'm speculating, I think that may have been
 22 their intent initially, but I think when they
 23 tried to do the engineering of it, it actually
 24 doesn't provide enough room for them.

25 MR. PULASKI: I was a part of that

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1 when they were going for that subdivision, and
 2 my speculation was that they were trying to
 3 create like a block, that there was some other
 4 potential use of if you put certain properties
 5 together, that could be of a challenge to them,
 6 and they wanted to block that. No matter how
 7 many times we asked their attorney, they just
 8 said, no, they don't have any intent.

9 MS. UHLE: Again, this is total
 10 speculation, so take it with a large grain of
 11 salt. Besides trying to potentially add
 12 additional parking, somehow being adjacent to
 13 the service station lot that's there, I truly
 14 believe, only based on the timing of some
 15 meetings that I had with them, that they were
 16 hoping there would be more potential for this
 17 lot, and they realized sort of after the fact
 18 that there wasn't very much potential. I do
 19 believe by the time they came for the final
 20 subdivision approval, that they maybe didn't
 21 have a great idea of what they were going to do
 22 with it. They have never approached me again,
 23 other than the applicant now with regard to the
 24 play area, with any concepts for this

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1 particular parcel.
 2 MR. LANE: I stand corrected on that
 3 as well. I stand corrected on that as well.
 4 MS. UHLE: That's okay, because I know
 5 that there was discussion I think with me that
 6 they may, but they never submitted an
 7 application for it.

8 MR. LANE: Understood.

9 MR. PULASKI: I have a question for
 10 the applicant if you've given your comments.

11 On your plan where you have the
 12 darkened green and it says, new play area --

13 MS. BEYER: The play area is not
 14 adjacent to any --

15 MR. PULASKI: Hold on, let me ask the
 16 question.

17 MS. BEYER: Yes.

18 MR. PULASKI: I see a symbol that to
 19 me means that you're putting up a fence?

20 MS. BEYER: Yes. The only difference
 21 between the property looks now and the way it
 22 will look --

23 MR. PULASKI: Okay, so --

24 MS. BEYER: -- In the future is a

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1 fence.

2 MR. PULASKI: So what I see is after
 3 you put up this fence, that you're 37.9 feet
 4 from this back --

5 MS. BEYER: From that existing
 6 stockade fence.

7 MR. PULASKI: -- and you were 50 feet
 8 from these existing hedges.

9 MS. BEYER: Yes, that's correct.

10 MR. PULASKI: So if you're bordering
 11 any property, you're bordering --

12 MS. BEYER: The gas station.

13 MR. PULASKI: The gas station, okay.

14 MS. BEYER: We only border the gas
 15 station.

16 MR. PULASKI: I don't know if you were
 17 aware of that, that's why I asked those
 18 questions, because they're not in your
 19 property. Not that that necessarily has
 20 significance, but it just totally eliminates
 21 what your concern was.

22 MS. UHLE: Well, one thing I had
 23 talked to the applicant about doing based on an
 24 understanding of some of the concerns of the

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1 neighbor is actually just putting up stakes and
 2 roping off the area so everyone could see
 3 exactly how large it is and where it's located
 4 in relationship to the adjacent properties.

5 THE CHAIRMAN: That would be helpful.

6 MR. PULASKI: And the ages of these
 7 children?

8 MS. RENTZ: 18 months are the children
 9 that go outside.

10 MR. PULASKI: What's the oldest?

11 MS. RENTZ: The oldest is 5.

12 MR. PULASKI: 5. So we have 18 months
 13 to 5.

14 MS. RENTZ: The 18 month old is no
 15 larger than 10 children. The next group is 3
 16 to 5 and there are no more than 13 of them.

17 MR. PULASKI: And you're there and
 18 you're supervising them. So that's the noise
 19 factor that we're talking about.

20 THE CHAIRMAN: What are the activities
 21 that they do?

22 MS. RENTZ: They play ball. They
 23 don't do much because they're little. If you
 24 go right now, we have a play structure, but my

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 2 concern as to why I didn't want to relocate the
 3 play structure is because I get it, I have a
 4 home too, maybe I don't want to look out at
 5 somebody's big, stupid play structure from my
 6 backyard. So I considered that, you know what,
 7 we're not required to have it, I don't need to
 8 put it there, I just need to have a place
 9 that's safe for the kids to play. I really did
 10 take into consideration that I don't want to
 11 impose on the people that live there.

12 MR. PULASKI: Is there a financial
 13 arrangement that you have with the --

14 MS. RENTZ: The other leased property,
 15 we pay \$772 a month to lease that property, and
 16 it is included as part of our rent. The
 17 landlord just doesn't even like the idea of it
 18 all together but, you know, this is what the
 19 agreement was. That's his perspective. My
 20 perspective is I was willing to even just let
 21 it go in 2015, but after the vultures, it just
 22 got to be ridiculous and I can't do it. I went
 23 to Margaret and said, listen, there's got to be
 24 somewhere on this whole big property that I
 25 could put a playground. I'm just trying to

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 2 solve it.

3 MS. UHLE: Actually, legally this is
 4 the only alternative site on the property
 5 because the rest of the property is parking lot
 6 or the very rear is dedicated for parkland.
 7 This is the only green space.

8 MR. PULASKI: In listening to your
 9 comments, I made a lot of notes and I just
 10 wanted to try to separate certain things
 11 that -- I know the history of that area, I know
 12 Maple Street, I know about young people at
 13 night in this town.

14 MS. RENTZ: I didn't know that.

15 MR. PULASKI: I hear your comments
 16 about property line and whatever. I'm trying
 17 to separate the two, and I think I've created
 18 that separation.

19 MS. RENTZ: Okay.

20 THE CHAIRMAN: Any more comments from
 21 the public?

22 MR. LANE: Yes. I just wanted to
 23 mention, you know, just for the benefit of all,
 24 there's plenty of rats on the Acme side of the
 25 property as well, we've seen them.

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 2 THE CHAIRMAN: Not just back by the
 3 dumpster?

4 MR. LANE: I'm sorry, sir.

5 THE CHAIRMAN: Not just by the
 6 dumpsters, you're saying everywhere?

7 MR. LANE: We've seen them run in the
 8 parking lot, etcetera.

9 MR. PULASKI: We're going to make that
 10 recommendation that they get rid of --

11 THE CHAIRMAN: That they get rid of
 12 the vultures and rats.

13 MR. PULASKI: Someone to take an
 14 inspection of that area.

15 MS. UHLE: Got it.

16 THE CHAIRMAN: Thank you. Any more
 17 comments from the public?

18 MS. HEINZINGER-LUNDE: Good evening.
 19 My name is Theresa Heinzinger-Lunde. I live at
 20 70 -- I'm sorry, 81 Maple Street. I'm very
 21 nervous, didn't have a lot of time to prepare
 22 because as Dave had mentioned, we just received
 23 the mailing last night.

24 I support everything Dave says. What
 25 I would like to talk about is the property

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 2 itself. A lot of emphasis has been put on the
 3 safety of the children. This lot needs a lot
 4 of work. Prior to being subdivided, the
 5 previous three owners never had an opportunity
 6 to work on the back lot. This area over here
 7 as you go up into the back lot, that actually
 8 elevates upward. Completely unsafe. A lot of
 9 rocks, large boulders, holes. This tree here
 10 is an -- I believe it's a pear tree.

11 Completely diseased. These also over here are
 12 apple and pear trees. They barely produce
 13 fruit. Completely diseased. Behind this tree
 14 here, several owners prior had an aboveground
 15 pool that they decided to heat and bring
 16 lighting out so they could swim at night, so
 17 they ran piping and electricity from the house,
 18 which is all visible and out on the property.

19 Everything, to my understanding, has been
 20 disconnected but it is there. So that's
 21 completely unsafe for the children. It needs a
 22 lot of work. It needs a lot of work. But,
 23 like I said, behind this tree -- you could even
 24 see it -- it had some type of rubber plastic
 25 enclosure that is just lying there where the

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1 piping had come up. The lot needs a lot of
2 work if you're really concerned for the safety
3 of the children.

4 In fact, this piece here, the disease
5 that is on it is some type of black fungus,
6 which is on all those trees back there. That
7 lot needs a lot of work and it's very rocky.
8 It's just not safe for children to be walking
9 through as it is existing.

10 That's all I could think of right now
11 on such short notice.

12 THE CHAIRMAN: You could come back.
13 We're going to do this a little more.

14 MS. HEINZINGER-LUNDE: I agree, I
15 would definitely like it fenced out or marked
16 out so we could see where they're proposing to
17 put it. But it's going to be a hike for them
18 to get from the street all through this. You
19 really should go back there and see how it
20 looks.

21 MR. PULASKI: I have some questions
22 for the applicant again. You've walked the
23 area, you've surveyed the area?

24 MS. RENTZ: Yes.

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1 MR. PULASKI: You are knowledgeable of
2 some of these things that have to be dealt
3 with?

4 MS. RENTZ: Yes.

5 MR. PULASKI: How are you intending to
6 deal with them?

7 MS. RENTZ: When you come up on the
8 side -- on the side of the -- right on like
9 that little angle when you come up the street,
10 the roadway, right there, that little angle,
11 that's kind of where the rock --

12 MS. BEYER: There's rocks here and
13 rocks here. We've walked it. There's room for
14 a 5 foot path that goes between the rocks. All
15 of the trees are over here. They're not
16 anywhere near --

17 MS. RENTZ: Where we're proposing.

18 MR. PULASKI: So within the confines
19 of the play area.

20 MS. BEYER: The old pool was
21 approximately here. We've seen the pipe.

22 MS. RENTZ: We saw it. The plastic
23 that they're referring to, I thought it was
24 like covering something, and then the fence guy
25

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1 just flipped it up and it's just like a random
2 piece of plastic that's just laying out there.

3 I mean, clearly we have guidelines, we are not
4 allowed to just put something --

5 MR. PULASKI: Now, in the process of
6 operating your school and you do something like
7 this, do you have to notify some group at the
8 agency and they have to come out and look at it
9 before you can start making use of it?

10 MS. RENTZ: So just to give you an
11 idea where we had the playground, if you
12 remember, Margaret, it was trees and dead trees
13 and rocks, and we graded it. We went through
14 each tree that they could save, they couldn't
15 save. It was a painstaking process.

16 MR. PULASKI: I get that and I
17 appreciate it, but does the agency send
18 somebody out at some point?

19 MS. RENTZ: The state -- a playground
20 is required to be inspected. The licenser
21 comes out every three months, the fire
22 inspector comes out every single year. We are
23 required every single year to have the Building
24 Department come out -- well, they came out from

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1 the Fire Department actually -- and they come
2 out and they check to make sure we haven't made
3 any changes without permission, that everything
4 is still in good condition, it's still viable,
5 there's no issues, and we do this every single
6 year.

7 MR. PULASKI: Okay. There are certain
8 specs on the fence that you could put in or how
9 the top of that fence is so that you don't have
10 any sharp edges?

11 MS. RENTZ: Yes. So if you look at
12 our fence now, it's a cap fence. It's a chain
13 link fence. It's capped. There is a pull lock
14 on it. We put a lock at the bottom of it when
15 we're not using it so that people don't just
16 randomly go in there and play with the kid's
17 stuff.

18 MR. PULASKI: But I'm concerned if you
19 have a 4 foot fence and the child goes overly
20 like this and you have those sharp cut edges
21 and --

22 MS. RENTZ: No.

23 MR. PULASKI: What are you require to
24 do?

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1 MS. RENTZ: We're required to have all
2 those things, if you've seen them, like the
3 little dome cap, and it's a coated fence and
4 our children are not 4 feet high.

5 MR. PULASKI: Okay, I get it.

6 THE CHAIRMAN: I guess we're
7 contending that the conditions in the lot are
8 not conditions that these children will be
9 exposed to?

10 MS. RENTZ: No, because it's set back.
11 So it's not right when you come up, you can see
12 it's set back. The space that it fell into was
13 larger. I'm not trying to make a huge, you
14 know, thing. I just wanted the area big
15 enough -- the state says we have to have an
16 area that is considered the same square footage
17 we would have for that same classroom inside,
18 so we replicated that outside. It's not big
19 enough for two classrooms to be out there,
20 which is why I did it that way because I don't
21 want two classrooms out there, I only want one
22 at a time.

23 THE CHAIRMAN: All right. Thank you.
24 Any more comments from the public regarding

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1 this?

2 MR. LANE: Sorry, one more item was
3 brought to my attention. We just wanted to
4 conclude by saying, bottom line, it's a quality
5 of life issue for us because we have noise at
6 night and noise in the daytime already and we
7 just don't want to add to it. Thank you.

8 MS. UHLE: Do you want me to go over
9 some of the things that you and I had
10 discussed? Some things the applicant has
11 provided and some things I think you need some
12 additional information.

13 THE CHAIRMAN: I think that's what it
14 is. So can we speak with the applicant again,
15 the architect applicant. The architect, not
16 you. We would like to just discuss the site
17 plan that you put forth and just explain some
18 of the conditions that we would like. I think,
19 Margaret, you can run through it.

20 MS. UHLE: Yes, and I did give them a
21 heads up. Because a special permit says you
22 have to be within 75 feet of the zoning
23 district boundary, I know what the applicant
24 used was a sketch that I had done and attached

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1 to a letter in 2015 when the applicant had
2 asked me for some information to pass along to
3 Urstadt Biddle. That's probably fairly
4 accurate, but it's not as accurate as it should
5 be. So I had spoken to the applicant about --
6 I do know the engineer that determined the
7 exact location of that zoning district
8 boundary, so I wanted them to use that map
9 that's more of an engineered base map to just
10 make sure where that 75 foot setback is to
11 ensure that the play area, first of all, is
12 located in there. Based on my sketch, I don't
13 think that's in question, but I really would
14 feel more comfortable having it on a real
15 engineer drawing rather than my sketch.

16 MS. RENTZ: I did contact them. I
17 called them today. I did make contact with
18 them to see if we could get the plans, and she
19 said she would get back to me as soon as
20 possible with that copy, because I, again,
21 wanted to make sure that we gave you the most
22 accurate.

23 MS. UHLE: Yes. So that's what we
24 just want to make sure.

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1 MS. RENTZ: It has to be a minimum of
2 500 square feet.

3 MS. UHLE: So there's some flexibility
4 for the applicant, but I think because you're
5 approving it within the 75 foot setback, you
6 need to make sure it fits -- if you approve
7 it -- you have to make sure that it fits within
8 the 75 foot setback, and then also if they need
9 to modify the dimensions somehow. That's the
10 first thing. I do think since you're going to
11 be coming back with that anyway, to stake it
12 out, and I think you could do 4 foot high
13 stakes with rope around it or whatever so the
14 Planning Board members and the public could see
15 where this is proposed.

16 MS. RENTZ: And mark the path as well,
17 right, the whole thing?

18 MS. UHLE: Yes, I would stake it out.

19 MS. RENTZ: When I spoke to Margaret
20 today, you know, she suggested that we, you
21 know -- we knew that we were going to come back
22 in January, we kind of knew that coming in
23 today, but we still wanted to just present just
24 to give you an idea of what we're trying to

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propose. I do think that that's appropriate, we've done that before where we walked the path of where things are supposed to be at so that someone can see where we're saying it's supposed to be. This is the path, this is where it's going to be roped off at, and that kind of stuff.

MS. BEYER: I believe that that path has to be probably A.D.A. accessible, so it has to be 5 five wide and you have to be able to plow it.

MS. UHLE: Well, we were going to ask for some additional information with regard to the material. I also thought, as the applicant said, in 2015 at least we walked out there with the fire marshal, police department, and I don't think you necessarily have to be there, but I would like to go out with the plan that you propose just to run that by them again to see if they have any particular concerns, and then also if they could give you specific details in terms of -- this sounds ridiculous -- the dimensions of the speed bump, the dimensions of the crosswalk.

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MS. RENTZ: I don't know if you remember, but when we did that, that's when we changed the plan but we didn't go forward with it. He gave us some very specific dimensions about the signage at the bottom, we looked at where exactly the crosswalk should be, the curb cut should be, all of those things, but when we changed the plan, we just didn't go forward with it.

MS. UHLE: And then maybe when you have that -- for lack of a better word -- engineer drawing, because it's basically the same, maybe those could be shown with the actual dimensions. I think the main thing is just confirming the location of the zoning district boundary, staking out the play area. I did ask just this evening for the dimensions to the existing homes, which was provided today, so that's been provided. Do you know when you did send out the mailings? Did those go out just recently?

MS. RENTZ: Yes. The mailings, when I found out they did go out late, I just said, okay, we're going to end up having to go back

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anyway and I will just send it out again. I've been sick off and on, so it's been a little bit of a challenge to make sure that those things are done. My employees did that and they didn't really understand the time line.

MS. UHLE: So the good news is at least some of the residents received it last night so the knew to come here. I did tell them that you were likely coming back, and then I did think also the notice should indicate the special permit as well.

MS. RENTZ: Yes. We didn't know that until today.

MS. UHLE: You'll get it no less than 10 days --

MS. RENTZ: Yes.

MS. UHLE: In fact, they can send it out a lot earlier.

MS. RENTZ: We can send it out now.

MS. UHLE: You'll get a new notice of the January meeting. So I think that was the -- I had a question about you having a note that says an existing tree with security light. Is that security light in the tree or is that

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proposed?

MS. BEYER: That was probably left over. We don't need it.

MS. RENTZ: We didn't put it there.

MS. UHLE: So it's not going to be on at night?

MS. RENTZ: We do not take children outside in the dark. That is not something we would do.

THE CHAIRMAN: Just to elaborate a little bit on what Margaret said, if you stake it out, could you somehow put tape on it too, some bright tape, so we could actually see it?

MS. RENTZ: We're going to rope it off. We're going to rope it off.

THE CHAIRMAN: So we get that. Then you said A.D.A. -- did someone say A.D.A.?

MS. RENTZ: Theresa said that.

MS. BEYER: Americans with Disabilities Act.

THE CHAIRMAN: No, I understand, I know what it is. Is this really subject to that?

MS. BEYER: Any time you have a route

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 2 from somewhere to somewhere that children have
 3 to take or adults --
 4 THE CHAIRMAN: It has to be A.D.A.
 5 accessible?
 6 MR. TUDISCO: Absolutely.
 7 THE CHAIRMAN: Okay. So then as far
 8 as the slope of the path and everything, that's
 9 all got to be called out and shown.
 10 MS. RENTZ: Yes.
 11 THE CHAIRMAN: And the entrance and
 12 the passage through the chain link fence.
 13 MS. RENTZ: We didn't initially
 14 propose to take down any of the plantings
 15 because we weren't sure if that was something
 16 that people wanted or didn't want. I know that
 17 when we did this before, that was something
 18 that came up after we got the approval and we
 19 went through each and every -- it was way more
 20 trees and bushes than it is right now. That
 21 property was sloped like this and we pushed it
 22 back. It was a lot. There was a lot more work
 23 than what we're proposing here.
 24 MR. PULASKI: The sidewalk that goes
 25 up the steep slope of the driveway, that has
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 2 steps to it, how will you address that by
 3 A.D.A.?
 4 MS. BEYER: I don't believe we're
 5 required to because it's existing.
 6 MS. RENTZ: If we do something new.
 7 We're not changing that. So however people
 8 were getting up there before to get to those
 9 other businesses, that was preexisting.
 10 MR. PULASKI: I'm just saying that
 11 your children are going to be on the sidewalk,
 12 so to get to each step and how do they
 13 transition that step because we don't have a --
 14 MS. RENTZ: If you've seen the steps,
 15 it's like a step and then it's like a platform.
 16 Every two steps there's a little platform. So
 17 just they would walk up -- they've been back
 18 there. They go to the grocery store and pick
 19 out apples and stuff like that. They've walked
 20 the stairs before. We call that a field trip.
 21 MR. PULASKI: The very able child, but
 22 an A.D.A. child, the child that's in a
 23 wheelchair --
 24 MS. RENTZ: We don't have children --
 25 MR. PULASKI: But do you have to
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 2 comply with it?
 3 MS. RENTZ: We don't. We have to
 4 reasonably accommodate a child. It has to be
 5 something that we could reasonably accommodate.
 6 Inside the building, I mean, we have the
 7 ability for a wheelchair to be there, but we
 8 don't have the accommodations for a child,
 9 someone who can transfer a child. All of those
 10 kinds of things we don't have the ability to do
 11 that. That would require them to have
 12 something separate. I'm an occupational
 13 therapist, and I have been one for 19 years,
 14 pediatric specialist, and I've been a professor
 15 for about five years also, and it's not an
 16 appropriate setting for those types of
 17 children. They do have day care centers that
 18 are appropriate for them. I have other day
 19 care centers where it's appropriate. It's not
 20 appropriate here.
 21 THE CHAIRMAN: I mean the question is,
 22 why are we talking about an A.D.A. compliant
 23 path then?
 24 MS. RENTZ: Because when you put
 25 something new -- if I put something new, which
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 2 is the playground, I have to make it accessible
 3 just so that --
 4 THE CHAIRMAN: Even though it's -- it
 5 has to be, okay.
 6 MS. UHLE: With new construction, you
 7 have to make things more accessible than they
 8 were before. So if you think about it, if need
 9 be, somebody could drive the child up to the
 10 parking lot and then it would be accessible.
 11 At least then they could get from the parking
 12 lot.
 13 THE CHAIRMAN: That makes sense.
 14 MS. UHLE: So what I could do with the
 15 applicant, tomorrow just send you an e-mail
 16 kind of outlining the things that would be
 17 necessary, and I'll go over the notice with you
 18 as well.
 19 MS. RENTZ: I appreciate your time
 20 tonight. Thank you.
 21 THE CHAIRMAN: Thank you for your
 22 description. Somewhere in there we also have
 23 to in the conditions make a comment about the
 24 conditions at the dumpster that have been
 25 described to us.
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MS. UHLE: That's a separate issue for our code enforcement officer to look at.

MS. RENTZ: I had brought that to the town prior to this meeting.

THE CHAIRMAN: Have you explained it to them in the same context that you did to us?

MS. RENTZ: Yes, they know.

MS. UHLE: Again, our code enforcement officer has difficulty rounding up vultures too.

MS. RENTZ: They're protected, you can't do anything with them.

THE CHAIRMAN: Why is it a code thing and not a landlord thing?

MS. UHLE: We would issue violations to the landlord.

MS. RENTZ: I could tell you that when we did complain, the landlord had the dumpster company come out and switch out the dumpsters because that was also a problem, they were in the dumpster, and when my staff went to open the dumpster, the birds fly out of the dumpster.

THE CHAIRMAN: I think you need the

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dumpsters where the lid comes down automatically. Enough on the games. Thank you.

The next and final application is 17-25, 44 Water Street.

MR. SCAVELLI: Good evening. My name is John Scavelli, I'm an engineer working with Mr. and Mrs. Baranov for the application for 44 Water Street.

Under this application, it's proposed to demolish an existing single family dwelling that's delapidated, it's overgrown, and propose to construct a new single family dwelling, three bedroom, three bathroom dwelling.

Just a little background of the past few months with some of the other approvals is, we first started with the Zoning Board to apply for a side yard setback variance. I'll just go over some of the reasons for that. It was only for 1 foot, and the reason being was the original house was actually at a non-conforming condition for the front yard setback, and we wanted to push the house back further to be more in line with how the neighborhood is and

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to comply with the front yard setback requirements, but if you look at the lot, it's a very narrow lot and it just slightly elongates and to really get the house to fit we went 1 foot over to the side yard, so we applied for the 1 foot variance and that was approved back in September.

Then from there we went to the Architectural Review Board to go over the application, and there were a few comments that we accepted and we went over. So I'll kind of describe a little bit of the history from those comments and some of the updates. The first being some comments on the front facade, creating a bit more symmetry between the windows, so we adjusted the window symmetry a bit based on their recommendations. The other big comment was the roof structure. Originally we were proposing a gable roof, but we went to a hip roof to give it more of a modern look to kind of tie the aesthetic all together.

Then some minor items that were updated was basically adding stone just around the front entrance, and then the siding is

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proposed to be a gray vinyl, that I could bring you some samples; and then asphalt roof shingles; the trim all AZEK white; same thing with the garage doors, white; front door, white. I have some samples here I'll bring up to you guys.

Do you want me to go over the floor plans or any questions?

THE CHAIRMAN: Sure, just run through the floor plan quickly.

MR. SCAVELLI: A traditional house where you walk you in, the dining room, family room, study on the first level, and the bedroom spaces are upstairs. So upstairs there's three bedrooms, two bathrooms on the second floor, and then an unfinished basement. Down below is a look at the facade with the neighboring properties. The total square footage was 2135 for the total area of the house.

MS. UHLE: The applicant did submit a landscape plan, and they're coordinating with our engineer with regard to the storm water management plan.

MR. SCAVELLI: Yes. So there is a

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 2 separate engineer looking at the storm water
 3 management plan. We actually met with the town
 4 engineer this week, but they're still working
 5 through the final details of the plan. Just to
 6 give you an overview, there's essentially a dry
 7 well system proposed for the backyard to
 8 collect the leaders and also one in the front
 9 yard to collect the trench drain from the
 10 driveway.

11 THE CHAIRMAN: Comments from us, guys?
 12 (No comments.)

13 THE CHAIRMAN: Let me just open the
 14 public hearing and hopefully just close it.

15 So make a motion to open the public
 16 hearing on Application 17-25, 44 Water Street.

17 MR. PULASKI: Second.

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

20 THE CHAIRMAN: Comments? No.
 21 Make a motion to close the public
 22 hearing, 17-25, 44 Water Street.

23 MR. PULASKI: Second.

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

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2 THE CHAIRMAN: Just one comment. The
 3 siding being one big piece as opposed to two
 4 slats, is that just a cost thing? I've seen
 5 houses with it and for some reason you could
 6 sort of tell the difference. I think when it
 7 overlaps as opposed to that, you get a little
 8 more relief.

9 MR. SCAVELLI: Yes, so I mean the
 10 vinyl siding and like the HardiePlank siding

11 comes in the single pieces. In terms of
 12 budget, they're working with the modular
 13 company so there's only certain products that
 14 we're working with what their budget was.

15 THE CHAIRMAN: Oh, I see, that's what
 16 they put on it.

17 MR. SCAVELLI: Yes. There's only that
 18 in terms of what their budget was for the
 19 project.

20 THE CHAIRMAN: So then if there's no
 21 more comments, I'm going to run through the
 22 conditions of this application and they are:

23 Just prior to the permit, the storm
 24 water management plan should be reviewed, which
 25 it's underway you said or it's being prepared?

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2 MR. SCAVELLI: It's being prepared.

3 The site engineer is working with the town
 4 engineer, so they've been out to the site so I
 5 think they're just working out the final
 6 details. The locations are designated.

7 MS. UHLE: Before we issue the
 8 building permit, our engineer just needs to
 9 review and approve the storm water management
 10 plan.

11 THE CHAIRMAN: And, of course, the
 12 landscape architect has to issue a letter
 13 saying that it's been installed per the plans.

14 With those two conditions, I make a
 15 motion to approve this application, 17-25, 44
 16 Water Street.

17 MR. PULASKI: Second.

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

20 MS. UHLE: With the landscape plan,
 21 because you did have the landscape plan
 22 prepared by a licensed landscape architect, and
 23 even though it's fairly simple, just make sure
 24 you install what he proposed. If you want to
 25 make any changes, just run it by him and he

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2 could run it by me, but at the very end before
 3 we issue your CO we just need a letter from him
 4 saying you did install the landscape plan in
 5 accordance with what was approved; okay?

6 MR. SCAVELLI: Okay. Thank you very
 7 much.

8 THE CHAIRMAN: Thank you.

9 MR. PULASKI: Thank you.

10 THE CHAIRMAN: I make a motion to
 11 close the Planning Board meeting of
 12 November 30th, 2017.

13 MR. PULASKI: Second.

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

16 THE CHAIRMAN: Thank you.

17 MS. UHLE: Thank you.

18
 19 (MEETING ADJOURNED.)

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1
2
3 CERTIFICATION
4

5 STATE OF NEW YORK)

) Ss.

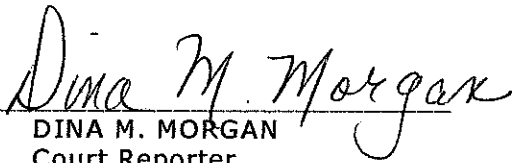
6 COUNTY OF WESTCHESTER)
7

8 I, DINA M. MORGAN, Court Reporter and
9 Notary Public within and for the County of
10 Westchester, State of New York, do hereby
11 certify:

12 That the above transcript was taken from
13 a videotape of the actual hearing. I was not
14 present for such hearing. The videotape was
15 taken and transcribed by me to the best of my
16 ability.

17 And, I further certify that I am not
18 related to any of the parties to this action by
19 blood or marriage, and that I am in no way
20 interested in the outcome of this matter.

21 IN WITNESS WHEREOF, I have hereunto set
22 my hand this 20th day of December, 2017.

23
24 
25 DINA M. MORGAN
Court Reporter
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