EASTCHESTER PLANNING BOARD - 2/27/2020

THE CHAIRMAN: Sorry for the delay.

This is the town of Eastchester Planning Board meeting of February 27, 2020. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: We'll take attendance first. Mr. Phil Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Jim Bonanno is present.

Louis Campana.

MR. CAMPANA: Present.

THE CHAIRMAN: So there's three of us this evening. Mark Cunningham could not be here. I'll just run through the items on the agenda.

One is a continued public hearing on Application 19-42, 5 Ray Place. The second is also continued, 118 Brook Street, and there's a new project at 30 Lake Shore Drive. The adjourned items are the application for 249 Main Street.

So the first application is 5 Ray.

DINA M. MORGAN, REPORTER
MR. VOGEL: Good evening, Chairman, members of the board. My name is Ed Vogel with Warshauer Mellusi Warshauer Architects, and I've been the elected person to kick this off. We're here today with our client and attorney and civil engineering crew, which all in turn will be introduced. I hope you don't mind, I'm going to move forward in front of the boards.  

The board we had up in front was an image of the front elevation of 5 Ray Place. We'll go back toward the end of the presentation and we'll talk about the facades, but this gives you a first glimpse of the project as a cover sheet.  

Our next sheet demonstrates where the project is located. Here is Route 22 White Plains Road and then Brook Street, signalized intersection. Ray Place comes off of Brook Street and terminates into a parking lot that's associated with a former supermarket. Our project site sits on Ray Place.  

MR. NEMECHEK: That former supermarket is once again going to be a supermarket because I've seen that there's work going forward, and,  

DINA M. MORGAN, REPORTER

in fact, this board approved an application for DeCicco & Sons to do significant renovations. I actually went by the property last week in preparation, in part, for this hearing, but also to look at what was going on at the supermarket, and it looks like it's kind of down to the studs. I expect it will be up and running I guess -- it's pure conjecture, but it does look like it will be up and running certainly before this project is done.  

MR. VOGEL: You are correct. We understand the same thing.  

So here we have the site located on the project in a little bit larger venue. Just wanted to note that there is commercial district around Brook and Route 22, and then there's a residential district that's a little bit further to the south and to the west of the project. That zone that we're in is RB. In RB we've elected to use the M-700 zone, which is multifamily, and it fits the site. It ends up being a good transition element from the commercial areas to the residential, and there is also another multifamily building across the street on Ray Place to the west.  

On this sheet, you'll notice also there's interesting topography. If you've been to the site, as you say you have, Ray Place climbs to a plateau. We sit somewhere on that rise toward the upper part of that rise. We have situated the building in a way that we've met the zoning setbacks and we've also included aerial fire apparatus.  

As you mentioned, we appeared in October. Since then, we've had at least two group meetings with staff to review certain elements for this project within the town of Eastchester. We've also had multiple conversations with the town consultants.  

There is an entry drive to what we call the first floor, and then we come up toward the southern portion of the site with a second entry drive. The reason for the two drives is that there is topography change. Existing on the site are retaining walls, and we're utilizing those retaining walls in our design trying to minimize disturbance on the site and disturbance to the surrounding properties. Because we're near the R-6 zone, which is the residential zone that I mentioned earlier, there is a buffer. I want to point that out to you. The buffer creates an arch of 150 feet, and it does bisect our property and it does bisect the building. We'll talk about that a little bit later.  

MR. NEMECHEK: What is that buffer?  

MR. VOGEL: I call it an overlay. You can call it a buffer.  

MS. UHLE: I want to clarify -- no offense -- it's neither an overlay or a buffer. Those terms have different meanings. Basically what our zoning law says is anything within 150 feet of a one or two family residential district has to meet different requirements. So it's basically because this falls --  

MR. NEMECHEK: It falls within the legal requirements.  

MS. UHLE: Yes. Because it falls within that setback, then there's different requirements for height.  

MR. NEMECHEK: Got it.  

MR. VOGEL: Thank you. So here we...
EASTCHESTER PLANNING BOARD - 2/27/2020

have our floor plates, and the floor plates
start in the upper left corner of the sheet,
which is that lowest level where you would have
the drive coming in, and we're utilizing the
existing drive that's there now to a parking
field. We have some parking, and in particular
to note is that we have our entry to the
building where we would rise up to the
residential units.

On the second level of the building,
there's a lobby as well that continues, but the
second level of the building is basically
parking, which comes in from the southern part
of the site, which is the higher elevation.
There are two levels of parking. They are not
interconnected.

Our third and fourth floor plans are
similar and so is the fifth floor. The reason
why I broke out the fifth floor bit is because
of the shape of our building, and we'll
describe that when we get to the elevations.
The units are 21 in total. We have 18 one
bedroom and 3 two bedroom.

This here represents -- at the bottom
DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

south from the intersection of Brook Street.
You can see in the foreground the CVS Pharmacy
and how this would sit on that knoll as you
work your way up to that upper platform or
plateau of the area.

I did mention that I would come back
to a few items, and those items are in
relationship to some of the zoning variances
that the project would require. The zoning
variances can be broken into basically --
there's nine in total, but they can be grouped
by category a little bit. So what I wanted to
do is just discuss them as I had mentally
grouped them.

The first I would like to discuss is
impervious coverage. The impervious coverage
is slightly over. It's a little more than 2
percent over the 70 percent that's permitted,
so we're roughly at about 72 percent in total.
That's one variance.

The second variance is regarding
parking spaces. The project, based on the mix
of units, would require 33, we're providing 31,
so it's an ask of two parking spaces. Also
DINA M. MORGAN, REPORTER
related to parking is backup and maneuvering aisle width. The code states 25 feet, the zoning code that is, and we're proposing 24 feet. It's a 1 foot reduction.

The next group of variances -- and I call it a group -- deals with height. First is going to be the base zone, which is the M-700. That base zone, building height by stories -- and these are all related, right, so stories is the first item for height -- a maximum of four, we're proposing five, so that's one additional story. Then there's building height. It's measured dimensionally from the grade plane to the top of the parapet. Maximum would be 45, because of the one story it's an additional 10 feet, we're a little over 55 feet in height.

Then the next piece of height related to that is regarding bulkheads. So since we are an additional story, the bulkhead height would be 55 feet in total and we're roughly 65 feet, again, 10 feet for that one additional story.

Regarding the setback from the R-6 residential zone, which we talked about, there to a grouping of three relating to height. The

DINA M. MORGAN, REPORTER

first one is that there's two and a half stories permitted and on that portion of the site the building only is four stories, so that would be an additional one and a half stories of height. Then regarding distance measured from grade plane, it would be 30 feet maximum but we're greater than that, we're at 50 feet. Then bulkhead height -- again, the same related to height -- would be 40 feet as a maximum and we're close to 60 feet.

So those summarize the variances that would be required. At this point, that concludes the architectural portion of the presentation. If you have any questions, I'll be happy to answer them now or later on. Otherwise, I'll turn this over to JMC.

THE CHAIRMAN: I had two questions. The existing retaining walls, did you say that's being incorporated into the design or it's being removed?

MR. VOGEL: They are being incorporated into the design.

THE CHAIRMAN: Can you point out on the plan exactly where that is, please.

DINA M. MORGAN, REPORTER
and there are certain state provisions that
require access to be of a certain width so that
the trucks can come in, put their outriggers
down, and provide for aerial access. One of
the reasons why one of the driveways -- and Mr.
Vogel had alluded to that -- is 26 feet, so
that's the southern driveway, which I'll point
out, is actually 26 feet. So that meets that
requirement. The safety of the vehicles coming
in, it's a flat area too, so they'll have ample
access to the rooftop of the building. So
Captain Pintavalle, we've had an opportunity to
work very closely with him on those issues and
some of the other issues related to hydrant
locations and so on. We're hopefully just
finishing up that, but we've been in close
communication with him on that particular
issue.

Also, as well, Mr. Cermele has been
very helpful too as we work through some of the
other issues with storm water, as Mr. Grealy
has on traffic. So I'll just briefly take you
through some of what we've done on that too.

Again, as Ed had indicated, there are
DINA M. MORGAN, REPORTER

two driveway access. We're taking advantage on
Brook Street because -- or on our roadway, Ray
Place specifically, because there is a slope on
that too, there are natural grade changes and
natural plateaus. So if you've been out there,
you realize there's an upper parking lot and
lower parking lot, both being impervious areas.
So his building has taken into account that
grade change, which fit very well with this
building. So we do have those two lower levels
which allow us to access without a lot of
grading, a lower level for parking, and then
the second level a little higher up on the
south side for our parking access as well. So
it allows us to accommodate the on-site parking
as opposed to off-street parking.

So again, the fire access has been
dealt with too. In terms of the final
attributes of where the placement of certain
things, Knox boxes and anything that they might
need in terms of access and fire provisions,
those will be worked out architecturally as we
continue our discussions with staff.

We did do, in terms of the traffic and
DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 2/27/2020

water pollution prevention plan. Nonetheless,
we have to require and are being required to
provide detention on the property to mitigate
any impact or overload on your existing storm
system. We are providing that on site. Rick,
if you just want to point out, the current plan
calls for storage systems essentially within
the building footprint, two areas, to account
for water quantity control. So that's volume
control coming through our underground system.
So we feel that we can accommodate that. There
are some questions as it relates to -- again,
it has to do with the grocery store property
too because their water does flow through this
property too. So we're trying to work out some
issues related to how that's being
accommodated, either through our site or around
our site. So we have provided a storm water
report to your consultants and we continue to
work with them. We have other things that we
provided on a technical basis on lighting and
so on too. All of that material is in front of
them.

We do appreciate Margaret has helped
DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

to coordinate a number of meetings with staff,
and we've been allowed to have some direct
contact with the consultants to try to work out
the nuances of the technical side of things. I
think we're getting to a good point on that
too. We had a previous comment where we tried
to address most of those comments. We're still
collecting some information, some new survey
information. I think we're well on our way to
hopefully satisfying the concerns of your
consultants as we go through the process.
I'm here to answer any specific
questions you have. I think they did a good
job in terms of the architecture and the
design. I'm happy to help.

MR. NEMECEK: I just wanted to comment
that this really is a very steep hill, Ray
Place. It doesn't quite -- it certainly
doesn't come through on the bird's eye view,
but it is a very steep hill and it remains a
steep hill. As you pointed out, there's a
residential complex just to the west, I guess,
on Ray Place itself.

Another comment I had, and I'll come
DINA M. MORGAN, REPORTER

MR. NEMECEK: Otherwise, I had a
question -- I don't know if, Jay, you could
answer this -- this is just a curiosity -- I
notice that Brook Street is referenced as
Brookridge Avenue parenthetically in some of
these maps; is that an old name for the street?

MR. KING: It must be.

MR. NEMECEK: Okay. As a lifelong
Eastchester resident, I had never --

MR. RYAN: It probably came from the
survey. We were referencing a very old maps.

MR. NEMECEK: Maybe we all learned
DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

something about the great history of
Eastchester. Those are my comments for the
moment. Thank you.

MR. RYAN: Thank you.

MR. CAMPANA: I just have a question.

I see that there's a bit of trench work being
done coming up from Brook Street or Brookridge,
and there is a residential multi-family
building directly to the west; is the intent
here or what you're proposing going to impact
that entire width?

MR. RYAN: You means in terms of the
access to the development across the street?

MR. CAMPANA: Yes.

MR. RYAN: As we continue on the
process too, they'll be no doubt a requirement
for a management plan and how we're going to
maintain access because it's not just access
for the residents themselves, but emergency
access has to be maintained. We are ultimately
going to chop up that road a bit, and there's
already a question from your consultant or a
suggestion that will end up on the plan to have
re-pave that after we're completed.
Emergency service access at all times in our logistics plan will have to be provided at some point in the process to ensure that safety is maintained at all times.

THE CHAIRMAN: Can I just go back to the fire truck for a second?

MR. RYAN: Sure.

THE CHAIRMAN: I have the C310 open that shows the access. Do you have it there?

You could just look at that. They show two routes. An aerial chart comes in and goes to the upper lot. You could just point it out.

MR. RYAN: Right. They'll sweep in here, they can set their outriggers.

THE CHAIRMAN: Right. It's the 26 feet.

MR. RYAN: 26 feet is the minimum requirement for the width. So that's the width of the road here. Then you have to be less than 30 feet from that point too. So it's the 26 plus the additional length, which is probably about 16 additional feet there.

THE CHAIRMAN: The reason I ask is, I want to make sure we have that right in terms of the wall construction.

MR. VOGEL: So on the lowest level, this is in plan, right, so you can see the retaining wall comes across, runs right across, and we ended the building at the wall, and then the wall continues around the front, so that...

thought fire trucks want to pull in, get out, and go straight to the panel.

MR. RYAN: What the code does, it requires them to be able to pull in, set the outriggers, and then have a mechanism to back out and then go. It's very specific in the -- I guess it's the fire code. Jay would probably know more about that. It's in the fire code what we had to do. We struggled with that early on because, as you know, Brook Street is very steep, where we would actually place that. There was a redesign from the original plan. So if you saw the original plan, we had to actually shift the building, reduce the overall size of the building so that we could accommodate that on the plan too.

THE CHAIRMAN: I understand THAT. My question is, the panel is in the front lobby; right?

MR. RYAN: Yes.

THE CHAIRMAN: So don't they want to access that as soon as they pull in? I'm surprised they didn't make that comment.

MR. RYAN: Again, our conversations...
EASTCHESTER PLANNING BOARD - 2/27/2020

1 that kind of stuff. Thank you.
2
3 MR. NEMECEK: I have another question
4 and it relates to the size of this project. I
5 know we looked at a project for some number of
6 years that never was developed on Summerfield,
7 not too far from here.
8
9 MR. RYAN: Very familiar.
10 MR. NEMECEK: You're well familiar
11 with it. In fact, there are some elements of
12 this building that quite closely resemble some
13 of the elements of that building.
14
15 MR. RYAN: Yes.
16 MR. NEMECEK: And there was quite a --
17 how should I say -- a representation of opinion
18 by the people in the north end of Eastchester
19 about the Summerfield application, and the
20 massing was a big issue there, as well as a
21 number of different issues. One thing the
22 Summerfield property had going for it, it was
23 at the bottom of the hill, but it was a bigger
24 size than this.
25
26 MR. RYAN: Much larger. I think three
27 times the units.
28
29 MR. NEMECEK: In terms of height --
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EASTCHESTER PLANNING BOARD - 2/27/2020

2 and I know a number of the variances that are
3 sought here relate to height.
4
5 MR. RYAN: They do.
6 MR. NEMECEK: And many of them relate
7 to height because they're within that 150 foot
8 radius from the residential, the R-5
9 residential. We have this one I guess it's R-2
10 illustration from the CVS parking at the corner
11 of Route 22 and Brook Street that --
12
13 MR. TUDISCO: Could you put that up.
14 MR. NEMECEK: We have this one
15 illustration, which I think goes a ways towards
16 giving us a representation of what the massing
17 might look like. Is there a way that you can
18 expand upon that because I think massing is
19 going to be an issue for this? It is on a hill
20 and it's toward the top of the hill. This is
21 helpful seeing this particular illustration,
22 but can you give us -- I know we've seen -- I
23 think we saw this with Summerfield, we've seen
24 it with Jackson Street -- we've gotten sort of
25 an interactive 3D presentation that from any
26 given spot you can see what it's going to look
27 like. I realize that may be something of a
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EASTCHESTER PLANNING BOARD - 2/27/2020

2 cost. I don't know if it can be done cost
3 effectively. I certainly would want to see
4 more than just this one -- although very nice
5 illustration -- I would like to see what it
6 looks like from Brook Street at the bottom of
7 Ray. Maybe it's not very visible from further
8 down on Brook Street.
9
9 THE CHAIRMAN: From a few streets
10 away.
11
12 MR. NEMECEK: What does it look like
13 from a little further south on Route 22? I
14 think if you had that type of interactive 3D
15 modeling, we would be able to get that.
16
17 MR. RYAN: You're more concerned about
18 the massing than the textures of the building?
19 MR. NEMECEK: I think the textures
20 look pretty nice to me.
21
22 MR. CAMPANA: I think it's the size,
23 just the sheer size.
24
25 MR. NEMECEK: I think the size and the
26 fact that it's -- not only the size, but the
27 fact that it's really toward the top of a hill.
28 THE CHAIRMAN: Prominence?
29
30 MR. NEMECEK: Yes, prominence really.
31 DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

2 We're within 150 feet of residences there. I
3 know that you're not quite at the top of the
4 hill and there's a lot of trees in that area,
5 so I don't know what the view is going to look
6 like from whatever the street is there where
7 the houses that are within 150 feet. I would
8 want to see that too.
9
9 THE CHAIRMAN: I know in the past
10 maybe in lieu of that or before we had the
11 technology to do what Phil is referring to, we
12 floated balloons in the morning to get an idea
13 of the massing. I know there were
14 complications with that if the wind blows.
15
16 MR. NEMECEK: I wouldn't try it
17 tonight.
18
19 THE CHAIRMAN: It was a good idea. We
20 could talk about that.
21
22 MR. NEMECEK: I think the balloons
23 would be obviated by a good 3D rendering.
24
25 MR. CAMPANA: I like the idea about
26 the 3D rendering. If it could be put into some
27 sort of three dimensional Google Earth.
28
29 Something very cost effective, if possible.
30
31 More massing, not so much material, and photo
32 DINA M. MORGAN, REPORTER
MR. RYAN: Since Summerfield, there's been some advances, what they call LIDAR. It allows to actually bring up what's out there now. We could take a look at that and put it in context. Where it gets very costly is when you try to do accurate 3D models. The massing, you know, is something that we could look at, and if you need further detail on a particular viewport, that is something Ed could work through.

MR. NEMECEK: We're not trying to break the bank, but if there's a reasonably cost effective way for you to present more accurately to us what this is going to look like from different vantage points, that would really go a long ways towards allaying our concerns about the massing.

MR. RYAN: We'll talk about it amongst our team. We'll talk to Margaret about that too and see what we could do to help you out with that.

THE CHAIRMAN: Once you find that person that's going to be able to do it, if you

DINA M. MORGAN, REPORTER

bring it in, put it up on the screen and walk us through it, it will be sold.

MR. NEMECEK: No promises.

THE CHAIRMAN: Thank you.

MR. RYAN: Thank you.

THE CHAIRMAN: So I'll give up on the balloons in lieu of that. Thank you.

MR. NEMECEK: Since Bloomberg's performance on the debate the other night, I don't think you could use that or sold.

MS. UHLE: Are you all done with your team's presentation at this point?

MR. VOGEL: Yes.

MS. UHLE: So then you can talk to --

THE CHAIRMAN: Our consultants?

MS. UHLE: -- Our consultants.

THE CHAIRMAN: Now we're going to do step 2, we're going to listen to our consultants and their comments on some of the information that's put forward.

Mr. Grealy, we haven't heard from you for awhile. Please come and tell us what you think.

MR. GREALY: Good evening, Philip

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

Grealy, Maser Consulting.

MR. NEMECEK: I'm going to stop you right there. I want to know definitively how you spell your first and last names because I've seen it spell too many different ways.

MR. GREALY: One L. Last name is a little different: G-R-E-A-L-Y.

THE CHAIRMAN: I would have never guessed that.

MR. GREALY: There are variations, L-E-Y, but that's the one.

Good evening, Philip Grealy --

MR. NEMECEK: Like Healy except with a G.

MR. GREALY: I'm sorry.

MR. NEMECEK: It's like Healy except with G-R.

MR. GREALY: So the applicant had prepared a traffic impact study, which we reviewed. We had, I think, a total of 17 comments in our memo dated December 10th, 2019, which I believe the board has a copy of. The applicant has prepared a response dated February 11th to each of those 17 items.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

Just to kind of give a recap because it's been some time and we have a new board member, those items focused on traffic, but also access, sight lines, accident data, inclusion of other development traffic, such as the re-occupancy of the Acme by DeClcco's, and also to account for other traffic from projects in the area. So the applicant has responded to those 17 comments. Of those, there are several that still need final input from the fire and emergency services, input from the Highway Department relative to the curb cuts. As pointed out before, Ray Place has a 16 percent grade. The locations of the driveways appear to be appropriate. They show sight lines that were requested. They also indicate the location of the driveway to the Enclave development, which is across the street from them. I think that's approximately 24 units. They included the traffic volumes that move in and out of that complex. So those are all included in their traffic impact study. Their traffic study was prepared pretty much the standard requirements of New York State DOT,
EASTCHESTER PLANNING BOARD - 2/27/2020

Westchester County, and follow what we call the Institute of Transportation Engineers' criteria.

The items that I would say are outstanding or we need additional information on, or the important items, I guess, in terms of the issues that need to be resolved, at the intersection of Ray Place and Brook Street, they provided detail sight line diagrams. So as you're exiting Ray Place on to Brook Street looking to the left, it can be a challenge, partially because of existing on-street parking. Looking to the right is fairly good, looking back towards 22, because the parking is recessed off of the travel lane when CVS was constructed there. So looking to the left--this is an existing condition, this is not caused by this project, but they evaluated it, they've identified it, and because they're going to be adding traffic there, we asked them to identify what could be done. So in order to improve that sight distance, you would have to remove approximately three parking spaces. They're metered parking spaces. That would

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

They included projections of background traffic growth, just general growth appropriately, and they included traffic for other specific projects in the area. They included traffic for other specific projects in the area. They included traffic for the Summerfield project, Summerfield Gardens. They included the re-occupancy traffic, which is significant. The traffic for that size supermarket like a DeCicco's could generate between 300 to 400 total trips in a one hour period on a weekday peak and on a Saturday peak. So they did account for that.

The one item that we question is the amount that would use Ray Place, because under existing conditions Brook Street on peak hours has between 7 to 800 vehicles per hour in that area. Route 22 has over a thousand vehicles in that same one hour period. So the estimates they made for re-occupying that space are standard projections. The distribution of those trips, we would like to see what would happen if more trips did originate from Brook Street and use the Ray Place access. So we've

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

involve an action by the Town Board to remove those. Brook Street is also a county road, so they need to have some more -- they've contacted the county already to get traffic data, etcetera, just have some more input with the county relative to the sight lines, relative to the sidewalk system that's there. Some of the ramps are non-A.D.A. compliant, they would have to be upgraded. There's other comments that the engineer has relative to that, and the new sidewalk system that's being proposed. As I said, it's not just this board but the Town Board would have to weigh in on the removal of those spaces. Again, that's an existing condition that should be addressed now that we're going to be adding traffic from this project, plus the re-occupancy of DeCicco's, the former Acme.

Relative to that, the applicant's traffic study documented existing traffic conditions, they provided comparisons to New York State DOT, historical data on Route 22, and county data on Brook Street. So their basic traffic volumes were straightforward.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

asked for that. Margaret will be circulating our current review, which is just dated today, but I'm kind of giving you the recap of it. So that's one item that outstanding. The coordination with the Highway Superintendent, which is really more final site plan details, and the county input and the input on the site lines at Brook Street and Ray Place, those are really the primary highlights that were still outstanding.

The majority of the other items in our original memo have been addressed satisfactorily. They've provided all the details relative to that. I think that's pretty much where we are right now in the process of our review.

MR. NEMECEK: In reviewing the traffic study that was presented to us by the applicant -- I can't find it at this moment -- I seem to recall reading something that said that when they went back and looked at the traffic studies had been recommended at the October 24th Planning Board meeting -- when the

DINA M. MORGAN, REPORTER

03/23/2020 10:02:14 PM Page 37 to 40 of 130
applicant went back and looked at the traffic studies, they determined that there had actually been a decrease in traffic over that period of time. Is that consistent with your understanding?

MR. GREALY: So if you look at the historical data from the county, there was a drop off in 2011, 2013. So you'll see fluctuations over time. The bottom line is, there really hasn't been significant growth in traffic. You may see a year where it may drop down for a variety of reasons. The point was to go back and look at the volumes. So the data showed that it actually dropped. Now, depending on time of year you could get some variations. These are not comparing summer versus other typical times. The point is, yes, there may be a dip, but the reality is that there hasn't been a significant change. We wanted to make sure that the growth factor that they used, which I believe they use 1 percent a year in their projections, was reasonable. So we're comfortable that they answered that. It seems a little strange that when you say

DINA M. MORGAN, REPORTER

MR. GREALY: Yes. So the drop, as I said, you may see that kind of a bleep in there. The reality is -- and there's enough county data, it's not just their data -- it's been relatively flat. There really hasn't been a significant change in volume in this area.

THE CHAIRMAN: So to be quite --

MR. GREALY: Now part of the other reason, if you look at it, the supermarket not being occupied, there's less traffic there. Now, in their study, they accounted for that being put back into the system. So you're going to see after that gets re-occupied, the volume is going to go back up again.

MR. CAMPANA: Something quite interesting -- some people may think it's interesting -- when I went to go visit the site

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but typically that would be on the circulation plan of the site itself. The amount of traffic this project adds through there is not going to be an issue, it's the actual shopping center traffic and the DeCicco's traffic that's going to need to be directed properly in terms of striping, signing, etcetera.

THE CHAIRMAN: When we did DeCicco, I don't think we made any mention of controlling traffic through Ray Place through that lot.

MR. GREALY: I think some of it needs to be re-stripped, the parking lot itself.

THE CHAIRMAN: One question about the data. So the data that you said is used to do all these traffic studies, this historic data that the county did, what's the latest date?

MR. GREALY: They actually did actual traffic counts last year on Brook Street and on Ray Place. They have actual numbers.

MR. NEMECEK: They being whom?

MR. GREALY: The applicant. The applicant's traffic engineer did it. There's also data that the county has several different years. I forget what the most recent was. I

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EASTCHESTER PLANNING BOARD - 2/27/2020

1
2 think 2016 or '17. So the reason we look at
3 those is to see that the volumes that they're
4 using makes sense in terms of time of day and
5 what the volumes are. They do seem reasonable.
6 As I said, one of the reasons for that possible
7 drop is because the supermarket wasn't
8 occupied. So all those trips, as I said, in
9 peak hours it could be 300 trips. Even if it's
10 only a third of them here, that's another
11 hundred cars, so now your drop is no longer
12 there. They did account for it, but we really
13 would like to see that analysis with more
14 people using the Ray to Brook Street access.
15
16 THE CHAIRMAN: So that's the main one
17 open item that we need input on?
18 MR. GREALY: Yes.
19 THE CHAIRMAN: Thank you.
20 MR. NEMECEK: Thank you.
21 THE CHAIRMAN: Mr. Cermele, educate us
22 about storm water and waste.
23 MR. CERMELE: Good evening. Joe
24 Cermele from Kellard Sessions. This is our
25 second formal review of this application. As
26 the applicant mentioned, we've had a number of

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EASTCHESTER PLANNING BOARD - 2/27/2020

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2 staff level meetings. We've also had some
3 meetings at my office with their engineer just
4 going over some of the finer details with
5 regard to storm water and sanitary waste and
6 managing those.
7 I have a memo for you. I can go
8 through some of the larger items in here
9 briefly with you.
10 As mentioned a couple of times already
11 with regard to fire, our last meeting with the
12 Fire Chief, this plan is a direct result of
13 that. I think we'll find, and obviously we'll
14 want him to confirm this, the layout and fire
15 access as proposed, the aerial apparatus setup
16 is what we discussed at that meeting. He's got
17 the turning movements to show adequate
18 maneuverability into and out of the site.
19 As requested, the applicants provided
20 your board with a lighting plan, as well as a
21 landscaping plan. We had some minor comments
22 on both.
23 The lighting plan we put in a couple
24 of areas around the site, in front of the
25 building and the left side in particular. It

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EASTCHESTER PLANNING BOARD - 2/27/2020

1. sewers all ultimately discharge to the same
design point. So the idea would be to maybe
investigate some of those sewers in that area,
some of the older lines maybe they have leaking
joints, failed pipes, manholes that need
repair, and try to isolate some areas that make
sense to either do localized repairs or maybe
re-lining of sections of sewer to eliminate
that infiltration and that inflow, and that
will offset the proposed sewer loads from the
building.

The other big item that we're still
working through with the applicant is the storm
water. They've sized a system to mitigate the
hundred year storm event or through the hundred
year storm event as a conservative measure and
as is the policy of the town. Although the
existing conditions there are two existing
parking lots and majority of this site right
now is impervious, their analysis assumes it's
undeveloped. So it's a conservative approach
which will certainly help. The tricky part
with this particular project, the overflow
parking from the DeCicco lot, there is an
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EASTCHESTER PLANNING BOARD - 2/27/2020

1. existing system in that parking that serves
that overflow parking lot. We are still trying
to figure out the details of that system and
how best to -- that system will have to be
removed to accommodate the new building, so how
best to continue mitigating that overflow lot
while doing what they need to do for their
site. They're trying to work through some
interconnections between the property and
trying to eliminate that. They have some work
to do there, but they're heading in the right
direction.

As was mentioned with regard to sewer
and water, there will be public mains or
extensions to the public mains or both that
will require not only town approval but
Westchester County Health Department. They'll
be working towards that.

Then finally with regard to Ray Place
itself, in meeting with your Highway Super, a
couple of, I guess, recommendations for the
ultimate completion of Ray Place when the
project is done, as was requested, the
applicant is now proposing a sidewalk
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EASTCHESTER PLANNING BOARD - 2/27/2020

yes, you have a bucket, right, it's all going
in that same spot, we know we're going to add
it with this development, but if we could
remove some of the storm water from the system,
it will certainly help.

THE CHAIRMAN: Does it have to be one
for the other equal amounts or is it a certain
percentage of what you're producing? Do you
have a to find a hundred percent of the volume
you're putting out?

MR. CERMELE: They recommend three to
one. Quantifying that is a little difficult.
I don't think we need to go to the level of
monitoring sanitary manholes during storm
events. I think with some televised
inspections of a couple of streets in that
neighborhood, I think we'll find it pretty
quickly.

THE CHAIRMAN: Your experience is that
you could find that much?

MR. CERMELE: From what I'm hearing
from the Highway Super and some of the history
an the age of the system, I think it will be a
pretty easy find.

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EASTCHESTER PLANNING BOARD - 2/27/2020

THE CHAIRMAN: Okay.

MR. CERMELE: We'll continue to work
with the applicant and the Highway Department.
We want to try to delineate a study area.

THE CHAIRMAN: Great. Thank you. I
think what we have left is public comments,
hear from the public. Before we go to the
public, could I ask one more thing from you,
Mr. Vogel, and that's about impact on the
schools; who can answer that?

MR. BALLING: Good evening. My name
is Rick Balling from JMC.

So to answer that question, we used a
well recognized document from Rutgers
University. It's just the residential
demographic multipliers. So in the document,
they kind of break down number of units, number
of bedrooms for each building, and you take
your number of units and multiply it by a
certain amount, and that will project the
amount of school-age children. It breaks it
down from 0 to 4, 5 to 13, 14 to 17 and on.

Using our numbers, there's a projected
school-age children from our development only

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EASTCHESTER PLANNING BOARD - 2/27/2020

1 on across the STREET or this one, they probably
2 get picked up on the corner on Brook; right?
3 No school buses come up?
4 MR. BALLING: I'm not sure about that.
5 I don't know for a fact where they get picked
6 up.
7 THE CHAIRMAN: I'm good. Thank you.
8 So I think we're done.
9 This is an open public hearing, so now
10 is the opportunity for the public to come up
11 and state their concerns or opinions about
12 this. When you come up, please just come up to
13 the microphone, state your name and address,
14 and we'll listen to the comments.
15 MS. DEUCHER: I'm Gloria Deucher, and
16 I live at 144 Brook Street.
17 MR. NEMECEK: Did you know about the
18 former name of Brook Street?
19 MS. DEUCHER: I had no idea. I had no
20 idea. I just wanted to ask, I do recall, and I
21 wrote it down here, that the number of 220 feet
22 extension on Brook Street for sewage and water
23 would be required, which means Brook Street
24 would be -- I assume it means Brook Street
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59

1 EASTCHESTER PLANNING BOARD - 2/27/2020
2 THE CHAIRMAN: I'm going to ask the
3 architect to answer that question.
4 MR. NEMECEK: Or some member of the
5 team.
6 THE CHAIRMAN: Well, he would know if
7 it's a rental.
8 MR. SARACENO: John Saraceno, Agustus
9 Development. It is a rental, and we have not
10 requested any tax abatements.
11 THE CHAIRMAN: Further comments on
12 this application?
13 MR. GALANECK: Good evening, Mr.
14 Chairman and Board, Charlie Galaneck, 21 Potter
15 Place. I have a laundry list of things, so if
16 somebody has less than me, perhaps maybe they
17 should go ahead of me.
18 MS. UHLE: Go ahead.
19 MR. NEMECEK: Go ahead.
20 MR. GALANECK: Thank you. We'll start
21 with the sewerage and also the storm water.
22 The sewerage we know we have to run a line
23 approximately 220 feet to get from the project
24 down to the connection at Brook Street. Then
25 we talked about the storm water that's going to
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58

1 EASTCHESTER PLANNING BOARD - 2/27/2020
2 going downhill, and I was just wondering how
3 long Brook Street would be torn up.
4 THE CHAIRMAN: Before he answers, do
5 you have any other comments?
6 MS. DEUCHER: I'm sorry.
7 THE CHAIRMAN: Before he answers, any
8 other comments or is that the only one?
9 MS. DEUCHER: No, that's the only one
10 I had.
11 THE CHAIRMAN: Thank you.
12 MR. RYAN: I may have stumbled on my
13 wording on that. The 220 feet is on Ray Place
14 leading down to Brook Street, but we do have to
15 make the connection on Brook Street. For that
16 type of a connection, it's usually a one or two
17 day open trench and the repaving. So there
18 will be some disturbance on Brook Street, but
19 most of it is going to be on Ray Place. The
20 220 is on Ray Place.
21 MR. JENNINGS: Hi, guys. John
22 Jennings, 9 Innisfree Place. Is this a rental
23 or is it condo or what is this? Is there any
24 tax abatements with this? Is this like an 8020
25 or anything like that?
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60

1 EASTCHESTER PLANNING BOARD - 2/27/2020
2 be self-contained underneath, if I understood
3 that correctly. The point I bring out is,
4 DeCicco has a project up the line from them,
5 where are they going to start running their
6 lines? Are they going to need additional
7 sewerage lines? Are they going to have to have
8 runoff lines for a storm? If that's the case,
9 wouldn't it be somewhat advisable to see how
10 they're going to do things first and then
11 coordinate with this project so you're not
12 digging up twice? You know, like a carpenter,
13 measure twice, cut once, something like that.
14 So that's one of the questions I have.
15 How many variances is this project
16 requesting?
17 MR. NEMECEK: Nine.
18 MR. GALANECK: Nine. We have a
19 project here that is elevated. If they showed
20 a picture again from 22 where you see CVS,
21 you'll see the height of this project compared
22 to the project that's on the opposite side of
23 Ray Place, it's high. Do we need in the N20
24 height maximum, 45 to go to 55? Do we need the
25 bulkhead to go 55 to 65? Do we need the R-6
26 DINA M. MORGAN, REPORTER

15 of 33 sheets  Page 57 to 60 of 130  03/23/2020 10:02:14 PM
EASTCHESTER PLANNING BOARD - 2/27/2020

height to go 2 and a half stories to 4? Do we need the 30 to go to 50? Do we need the bulkhead to go 30 to 60? Do we need that? Would it be nice in our community if we developers that work with the community? If the regulations say you can do this without any variances, do that. To come in and now ask for nine variances -- and I believe this is only probably six of those nine -- I think that's something that the board has to really, really take to heart and take a hard look at, these variances.

MR. TUDISCO: I just want to address that for one second. In terms of the amount of variances that are being asked for, the variances themselves are an issue that the Zoning Board will be addressing. That is something separate. In terms of site plan, you may have questions and concerns about the scaling of the project, but in terms of the number of variances and the variances themselves, that is not something that the Planning Board addresses. Just to clarify that.

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EASTCHESTER PLANNING BOARD - 2/27/2020

MS. UHLE: Except that the Planning Board can refer the application to the Zoning Board with a recommendation with regard to the variances, and the variances are very closely tied into things like building height, etcetera.

THE CHAIRMAN: All of the concerns you brought up are the concerns of this board. The fact that there is nine of them is beyond our control. We’re looking at the mass of the building and exactly what you said.

MR. NEMECEK: I’m guessing you’re not so concerned with the fact that they’re asking for a 1 foot variance on the parking radius for their garage, I think you mostly articulated height and massing related issues?

MR. GALANECK: Correct.

MR. NEMECEK: We’ve asked the applicant to come back to us with more information on that.

MR. GALANECK: Okay. In the diagram that they have, the first two stories, if I understand it correctly, are garage spaces. The windows there that are on the first floor

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EASTCHESTER PLANNING BOARD - 2/27/2020

and second floor, are there any other offices, any other apartments going into those first two floors, or are those windows and doors more for aesthetic? Is there going to be anything other than parking?

THE CHAIRMAN: I don’t know if there’s a program other than parking on that floor.

We’ll bring up the architect to answer that.

MR. GALANECK: We will find that out?

THE CHAIRMAN: Yes, we’re going to ask as soon as you’re done.

MR. NEMECEK: I did ask, and it was answered, that there are 21 units. There are 7 units each on the third, fourth, and fifth floors, there are no units below the third floor, and that second floor with the windows on it was purely aesthetic, decorative. That’s what we were told.

MR. GALANECK: The only reason why I pose that question is so that somewhere we don’t have any type of stores or any other type of development in level one and level two, it’s solely designated to parking.

THE CHAIRMAN: If it’s not on this

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

application, it can’t be built. If it wants to be turned into something other than what’s on the plan, they have to come back and ask for that.

MR. NEMECEK: They have to keep it as parking because they’re seeking a variance. 33 spots would be required and they are proposing 31. They can not remove any of those spots without running afoul of any approval of a variance, and that would be subject to enforcement by the town.

MR. GALANECK: Thank you. On the possible traffic control on Brook Street and Ray, who’s going to pay for that?

THE CHAIRMAN: Traffic control?

MS. UHLE: A traffic control is not being proposed there.

MR. GALANECK: I know. I said that to get your attention because why I ask is, with the amount of traffic that’s going to coming in once DeCicco’s comes in, people still, as we know, cut right now through there and there’s nothing going on there, there’s a lot of traffic coming down there. As they brought out

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before, they're saying that when you turn left
even with Acme being there, it's tough. You
got folks coming off the parkway, folks coming
over from Yonkers. Taking a left turn when
traffic is moving, sometimes folks are nice,
they'll leave a hole for you get through,
sometimes they won't. If you're familiar --
which you are -- that we are allowed to turn
red on the traffic light on 22, which means
anyone turning, that's going to be a flow,
which means a lot of folks don't want to stop.
So traffic control, a light would help, and I
haven't heard that proposed. That might be
something to think about or ask them in this
project that might be something that can be
requested.

Sanitation. We talked about the Fire
Department widening out for hook and ladders
about 26 feet or 26 and a half. Sanitation,
was that mentioned where the pickup was going
to be, where the storage was going to be? I
don't think I heard that. That's something to
consider.

That's about it for me. Thank you

DINA M. MORGAN, REPORTER

again. I appreciate it.

THE CHAIRMAN: Could we just get James
here to comment on DeCicco? Could we get a
response on if the sanitary and sewer and storm
coming from DeCicco's is in the calculations
that you put forth.

MR. SALERNO: Yes. Good evening, Mr.
Chairman, members of the Board, Rocco Salerno,
attorney for the applicant.

With respect to the water and sanitary
sewer issue, the fact that DeCicco may be
adding additional water or sewage or whatever,
is really irrelevant at this point because it's
my understanding that DeCicco is proposing to
occupy the existing space, you know, the space
originally occupied by Acme. I don't know if
that's a done deal or not.

More importantly, DeCicco is a
supermarket. Acme is a supermarket. So I
don't see how we can anticipate any more
discharge of sanitary sewer or storm water or
anything down Ray Place.

MR. NEMECEK: We approved that
application for DeCicco & Sons.

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MS. UHLE: They have a building permit
now. They have not proposed any --

THE CHAIRMAN: No changes?

MS. UHLE: No changes with the
sanitary and sewer.

MR. NEMECEK: Logically you're
correct, I think the usage is basically
identical, and so --

THE CHAIRMAN: Point taken. Good.

Thank you for your response.

MR. SALERNO: Next, with respect to
the windows on the first and second floor, if
necessary, Ed Vogel can address the board again
on that issue.

Next, with respect to traffic control,
there has been no traffic control at Brook and
Ray Place, Brook Street and Ray Place, while
Acme was in business, and before Acme I believe
it was Food Emporium. It's been a supermarket
for years and years.

MR. NEMECEK: A & P before that.

MR. SALERNO: Exactly. The traffic
study that the applicant has submitted reveals
that there's going to be really no additional

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traffic at that intersection by reason of this
project.

MR. NEMECEK: I think it was between 7
and 10 cars an hour. That's not zero.

MR. SALERNO: It will be minimal.

MR. NEMECEK: Relative to the
supermarket, it may be small.

MR. SALERNO: It will be minimal,
minimal additional traffic.

MR. NEMECEK: If there is a concern
with traffic, it's more likely that that will
be caused by the supermarket than this
development.

MS. UHLE: I think ultimately our
traffic engineers have not indicated that a
traffic signal is warranted at that
intersection.

MR. NEMECEK: We're going through that
process.

THE CHAIRMAN: That's being followed
up on.

MR. SALERNO: As far as sanitation,
where is the pickup. I believe the Board has
already been informed that we've already had

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EASTCHESTER PLANNING BOARD - 2/27/2020

1 meetings with the Police Department, Fire
2 Department, Highway Department, Sanitation
3 Department, obviously the Building Department,
4 and I believe the sanitation issue was
5 satisfactorily addressed in the site plan and
6 documents that were submitted.
7
8 THE CHAIRMAN: Thank you for your
9 clarifications, but I would like to know where
10 the sanitary is.
11
12 MS. UHLE: I think that’s still a
13 little but under investigation by the
14 applicant. I just want to clarify, again, it’s
15 going to be a private carter that picks it up,
16 so there were some questions in some of our
17 memos about how it’s going to be stored where
18 it’s going to be stored, that kind of thing.
19
20 MR. SALERNO: We can further address
21 these issues. Obviously, what we’re looking
22 for is a Negative Dec with respect to SEQRA and
23 a referral to the Zoning Board of Appeals for
24 the requisite variances. We don’t expect to
25 get that this evening. So we will take the
26 comments into consideration. We’ll continue to
27 work with Margaret and the Planning Board and
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EASTCHESTER PLANNING BOARD - 2/27/2020

1 the Building Department, and we will hopefully
2 address the balance of these concerns to your
3 satisfaction.
4
5 MR. NEMECEK: Thank you.
6 THE CHAIRMAN: Thank you.
7 MR. CAMPANA: Thank you.
8 THE CHAIRMAN: Lead us down the road
9 on sanitation. Is there a spot for that? It’s
10 a question. It’s a legitimate question. There
11 has to be some sort of response.
12 MR. VOGEL: I would like to just
13 backtrack a bit. There are no business uses
14 proposed in this project.
15 THE CHAIRMAN: We understand. There
16 is no usage other than parking on the first and
17 second floors?
18 MR. VOGEL: Correct.
19 THE CHAIRMAN: There is no backup
20 house or anything else, it’s just come in, park
21 your car?
22 MR. VOGEL: As described by the Board.
23 Regarding sanitation, we do have a collection
24 room within the building. That’s where the
25 sanitation debris or product will be stored.
26 DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

1 We’re talking private collection, so they’ll
2 come in as needed on a regular basis and
3 collect the garbage. It will either be from
4 the room itself or from a little staging area
5 on the day of pick up, which can be controlled.
6 THE CHAIRMAN: It will be brought out,
7 picked up, not left out?
8 MR. VOGEL: Right. On site. Still on
9 site.
10 THE CHAIRMAN: So when we do the
11 plans, we could point that out, if it’s not
12 already there, where those staging areas will
13 be?
14 MR. VOGEL: Yes.
15 THE CHAIRMAN: Perfect. Thank you.
16 MS. UHLE: Do you want to see if there
17 are any more public comments?
18 THE CHAIRMAN: Of course. Any more
19 public comments? Mr. Sweeney.
20 MR. SWEENEY: Good evening. Frank
21 Sweeney. Mr. Chairman, board members,
22 Margaret, counselor.
23 MR. NEMECEK: You forgot to give your
24 address, Mr. Sweeney.
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EASTCHESTER PLANNING BOARD - 2/27/2020

1 MR. SWEENEY: Excuse me.
2 MR. NEMECEK: You forgot to give your
3 address.
4
5 MR. SWEENEY: Okay.
6 MR. NEMECEK: Those are the rules.
7 MR. SWEENEY: I’ve been here a number
8 of times before, so a lot of people do know me.
9 MR. NEMECEK: We know you.
10 MR. SWEENEY: And you have to know I’m
11 an advocate of the 396 homes in the north end
12 of Eastchester. So it’s a little bit of a
13 situation for us because where it’s only
14 21 units coming off Ray Place, it may not be
15 that big a deal, but when you put it in the
16 context of what’s happening, you need to
17 understand the infrastructure of the north end
18 of town, and we’ve been through this a number
19 of times.
20 On a rainy day on Brook Street,
21 Scarsdale Avenue, I’m walking up to the sewer
22 with water up to my ankles. Now, this is not
23 new. Everybody in town knows it. Everybody in
24 town knows it. And now we’re going to move
25 some additional sewage on to Brook Street, and
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the reason it's called Brook Street, so you
really can't go look underneath the street, and
you take a look at Woodruff Avenue, we have
continuous water running through that street 7
by 24. It never stops. Add additional sewage,
I don't know where it's going to go. I don't
know how you're going to get it over to the
Yonkers station. I think it's an important
point, that we know we're in trouble already
with the infrastructure.

The other question is, do we have at
least the understanding from DeCicco and from
Enclave -- are they involved? Are they here
tonight? Have they been involved in the
process of this project?

MS. UHLE: They've been notified as
property owners of the public hearing. So it's
their choice whether they chose to attend the
meetings or to participate, but they have been
notified.

MR. Sweeney: The Enclave is a
beautiful situation. It's a condominium, it's
not a rental property. I would just like to
get a feeling of what the apartments look like
DINA M. MORGAN, REPORTER

74

in terms of square foot and the rental value of
the property, because it appears that they're
coming in and they're basically saying, in
order for us to make any money at this, this is
what we're proposing, but we don't know the
level of detail that I think we need to know.

The other thing is, I think you've
identified it specifically that when you take a
look at the project from CVS looking up the
hill in terms of the capability of what you're
looking at, it's pretty steep. It's pretty
steep.

The other issue I have, is there going
to be any restriction in the flow of traffic
through DeCicco's parking lot to get out to
Route 22 and the traffic light on Route 22. I
think that's the natural way to go if I was
coming down the hill and I wanted to get out in
reasonable time, go to the traffic light, make
a left-hand turn, go to the next traffic light,
make a left-hand turn, and go to Brook Street.
Bingo. I don't know whether DeCicco is even
aware of this possibility. I don't know if the
people in the Enclave are aware of the impact.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 2/27/2020

Does someone have to come to a meeting again?
I know it's really retro and really old school,
but those balloons that were floated over
Summerfield, they really did the job. I mean,
people could see it. People knew what was
happening. I would advocate for that again and
the renderings. I think just to educate the
community a little bit in a way that they will
take advantage of you trying to educate them.

THE CHAIRMAN: That's a very good point. Thank you.

MS. UHLE: It is.

THE CHAIRMAN: Back to what you said,
I think the concerns of everyone that is here
today, Mr. Sweeney, your comments, and everyone
in the community that comes forth and states
their concerns don't go unnoticed because all
of us are Eastchester residents, and we don't
just say yes to everything. The fact that we
listened and not made comments here doesn't
mean that we've acquiesced and agree. It means
it's being developed, we will continue and we
will make judgment and recommendations as we
continue. Certainly, everything is still open.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

Please. Please come forward.

MR. GALANECK: Thank you, again, for
my second time around. Charlie Galaneck, 21
Potter Place, and Frank Sweeney is 22 Lakeview.

THE CHAIRMAN: Is that why you came
up?

MR. GALANECK: I want to thank the
responses that were to my questions, but now I
have to pose a couple of questions to the Board
and also to the gentlemen and ladies.

We'll go down memory lane a little
bit. We'll talk about Food Emporium and the
amount that the parking lot was full, and then
when Food Emporium left, Acme came in, and the
amount of traffic that was lessened in the
parking lot, traffic that was in the store, and
eventually they moved out. I would ask the
Board, if it's possible, at your convenience,
to go up to the DeCicco store up in Ardsley,
take a look at their parking lot. Take a look
at their store. I think there is only one or
two other establishments next to DeCicco. One
is Slice of Pizza and it might be something
else, a dry cleaners or something. Those

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

parking lots are pretty full every time I go up
there.

DeCicco, it's my understanding, and I
guess the Board knows a lot more than I do, but
they're talking about going into a full size
business there besides groceries. If I
understand it correctly, they're going to have
a little restaurant, and if it's like Ardsley,
they have a beautiful fish section, meat
section, bakery. Up in Ardsley, they even
have -- I don't know the right terminology --
taps of beer that you bring your own containers
in. It's massive, okay, and it's a smaller
store. This store is larger than the one in
Ardsley. So where am I going? When they come
in, they'll be using more sewage, using more
water, their footprint is going to be larger in
the parking lot, where before we had the golden
opportunity to have a lot of spaces up there.
I don't think that's going to happen. I mean,
I'll let you use your decision to see if you
think I'm correct.

Now, asking the town to give away
three parking spots down on Brook Street, I

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

think the parking and traffic committee should
know about that. People were up in arms
because they don't have enough parking, and
they're requesting three to make it easier to
possibly turn left. As I said before, a
possible solution is a traffic control. Now,
who pays for it? That's not for me to decide.
That's something that would alleviate part of
that problem down there. If you don't think
between DeCicco's and this development there's
going to be a large jamb on 22 and Brook
Street, I ask you to take a look at Trader
Joe's. Thank you.

THE CHAIRMAN: Thank you.

MS. UHLE: See if there is anyone
else.

THE CHAIRMAN: Any other comments?
(No comments.)

THE CHAIRMAN: Thank you. The public
hearing remains open.

So I think we've heard comments. As
you said, we're not ready to make a
determination on SEQRA, so we're not ready to
make any references to the Zoning Board. I

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 2/27/2020

think we've put forth the information we would like to see at the next meeting. At the next meeting, we'll continue and see if we're ready to move forward on SEQRA, but based on the fact that I think we're asking to see more information, I'm not quite sure what we'll be able to do then. I think I know what we want.

MS. UHLE: Can I ask a question or just follow-up on a couple of things?

THE CHAIRMAN: Yes.

MS. UHLE: Not to backtrack too much, but with regard to what this woman said, I wanted to clarify something I said, but also wanted to follow-up on something you said. Not only are the applicants required to notify people within a 200 foot radius, and in this case those may be quite a bit of commercial properties too and not necessarily the residents that are further away, and again, it just depends on the level of interest people have typically, but we also send out agendas to anyone that wants to see an agenda that's in town. So those are blasted out to residents that sign up for an e-mail blast. It's also

DINA M. MORGAN, REPORTER

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EASTCHESTER PLANNING BOARD - 2/27/2020

big challenge. You would have to have the perfect day, essentially, for them to match up the proper height, but we may be able to do something with flying a drone for a limited period of time at the right elevation that could be calculated very specifically in a drone flight and arrange a certain time.

THE CHAIRMAN: What does a drone do?

MR. RYAN: It would basically hover at that elevation.

THE CHAIRMAN: Just leave it there and photograph it?

MR. RYAN: Yes.

THE CHAIRMAN: Leave it there, photograph it, look at it from the various locations. It can hover for a period of time.

MR. NEMEZEK: An Army of drones.

MR. RYAN: We could have it circulate on all four corners. This would be a very difficult to try to do a balloon test on.

MS. UHLE: The issue with the drones is if you're not somebody who is there that morning to view it, you miss it. The balloons that were at 151 Summerfield Street didn't stay up long, but I think they were there over the course of a weekend. So if they were driving by or walking by, they could see it. Maybe that is something we could discuss as a potential option with the applicant.

THE CHAIRMAN: Even if it's a time when everyone can't be there, we can have it taped somehow and see it thereafter.

MS. UHLE: But I think part of the point is so that people see the real live view. As soon as it gets to be a photograph or a video, I think you're back to the 3D modeling basically.

MR. RYAN: Hopefully, we can answer the questions with, you know, some representation in the model, the massing model, to give you an idea and putting it in context with other buildings. We'll continue to work through that issue, see what we could do at least give the board and the residents some idea where it's going to be height wise.

THE CHAIRMAN: We appreciate that.

MR. RYAN: Thank you.

MS. UHLE: I was going to make a

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 2/27/2020

couple of other points.

THE CHAIRMAN: We're here all night.

Go ahead.

MS. UHLE: What I was going to say is,
I think we have so much information from our
consultants, from the Fire Department, from the
Highway Department, here, so what I'm going to
try to make a concerted effort to do is go
through all of the information and kind of weed
out what the board may feel and what our
consultants and I feel are necessary to satisfy
your considerations with regard to SEQRA and
making a determination of significance.

Certain other things can wait until site plan
approval. I think a lot of things are kind of
overlapping here. So within the next few days,
I'll try to at least weed out what are
really -- I think the visual analyses are
really necessary for SEQRA. Details on when
the sanitation is being picked up is more of a
site plan issue. I know it's complicated for
the applicant sometimes to determine what the
board is looking for with regard to wanting to
move on, so I'll try to coordinate with you and

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

them to kind of consolidate those comments.

THE CHAIRMAN: That would be
appreciated.

MS. UHLE: That was it.

THE CHAIRMAN: I think we're good
then. Thank you, gentlemen.

The next application is 20-01, 118
Brook Street.

MR. PIETROSAINTI: Good evening,
members of the Zoning Board.

MR. NEMECEK: Planning Board.

MR. PIETROSAINTI: Planning Board. I'm
sorry.

MR. NEMECEK: Don't insult us.

MR. PIETROSAINTI: First thing I want
to say, sorry you guys had to go through all of
that. Two hours.

THE CHAIRMAN: That's why we're here.

MR. PIETROSAINTI: That was quite a
feat. Usually we're used to things moving
along a little bit, so I'll try to be brief.

THE CHAIRMAN: Thank you.

MR. PIETROSAINTI: First off, I'm Bruno
Pietrosanti, the architect that's representing

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

Wood and Fire, the client, with regards to the
application. We had already been to this board
the previous month. Since then, we've gone to
the ARB, received their blessing, come back
here, and here we are.

The latest rendition that we have here
is a reaction to the board's comments at the
last meeting, which was for us to visit the
opportunity for valet parking on the site.

What we had presented to you the last is a
conventional as of right layout. What we've
done since then --

THE CHAIRMAN: How many spots are in
that before you flip?

MR. PIETROSAINTI: Say that again.

THE CHAIRMAN: Before you flip, the as
of right, how many spots are there?

MR. PIETROSAINTI: The as of right has
22 parking spaces.

THE CHAIRMAN: How many? Two-two?

MS. UHLE: It's got 19 that are fully
conforming and 3 that are for employees that
don't conform. 19 for customers.

MR. PIETROSAINTI: That's correct.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

actual spots for customers, and the other 3
would be employees and loading and things of
that nature.

The new rendition or the updated
rendition gives opportunity for additional
parking based on valeting would be to stack
this row that's existing here with additional
cars, eliminating temporarily the spaces that
would be along the building. Everything beyond
in this area here would remain the same. So
those three spaces on the side remain. So with
this plan, we have 25 spaces.

MS. UHLE: Bruno?

MR. PIETROSAINTI: Say that again.

MS. UHLE: Could I just ask you a
quick question? You're showing the 25; is that
how they're actually parked when they valet
them? They're all shown as 9 by 18 spaces, and
it seems like --

MR. PIETROSAINTI: Well --

MS. UHLE: When they actually valet
park -- I don't think that the board was asking
for like a neat plan, but how many cars do you
actually get in there when you valet park.

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 2/27/2020

MR. PIETROSANTI: That's kind of hard to say, but in reality this a typical parking spot, but you know, if you kind of squeeze the cars together, you'll actually have more.

THE CHAIRMAN: What they actual do.

MR. PIETROSANTI: You might get like an extra two cars here. Depth wise, you need the extra depth in order to maneuver the cars. I wouldn't say that you would get more spaces this way, but potentially you'll get some more this direction.

MR. NEMECEK: One or two you said.

MR. PIETROSANTI: I would say at least two, maybe four.

THE CHAIRMAN: The two spots over by the handicapped, I'm not quite sure those are real spots; right?

MR. PIETROSANTI: Well, again -- yes.

THE CHAIRMAN: I'm saying it's not really 25, I think it's less; right?

MS. UHLE: I think they're assuming there won't be a car in that spot.

MR. PIETROSANTI: I didn't count that spot.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

THE CHAIRMAN: Say that again.

MR. PIETROSANTI: I didn't number that spot.

THE CHAIRMAN: The one directly behind it where your finger is.

MR. PIETROSANTI: Oh. Well, you'll be able to kind of get in here and maneuver but we're not counting the handicapped spot because with valeting you wouldn't need the handicapped spot.

THE CHAIRMAN: So handicapped stays out, you'll get those cars in.

MR. PIETROSANTI: It becomes a non-space really, like a turnaround.

THE CHAIRMAN: Okay.

MR. PIETROSANTI: Margaret had asked us also to kind of embellish a little more on the available public parking. So what we've done is actually color coded all the spaces within this 300 foot radius, of which are street parking and parking lot parking. Some of them have certain restrictions, such as fee parking, some are free parking, some are metered parking, some are 15 minute parking,
93

EASTCHESTER PLANNING BOARD - 2/27/2020

MR. PIETROSANTI: They stop at 6:00.

Everything is over with at 6:00.

The CHAIRMAN: All 50 over at 6:00?

MR. PIETROSANTI: Yes.

MR. NEMECZEK: The 15 parking says
parking 15 minutes, Monday through Saturday,
whatever hours --

MR. PIETROSANTI: We're talking about
worse case scenario --

MR. NEMECZEK: Does that sound right to
you, Rob?

MR. PIETROSANTI: Just so you know, we
actually checked with your parking personnel
here in town with the specifics on these.

MR. NEMECZEK: Because that makes a big
difference because, I would imagine, the larger
grouping of diners are coming in probably 6:00
and later most evenings, as opposed to during
the daytime.

MS. UHLE: I think what I had
expressed in my e-mail, the concern is if
valet, which can fit possibly 25 spaces, with a
total of a 118 seats, and hopefully you'll have
everyone there all at once, what the board

DINA M. MORGAN, REPORTER

94

EASTCHESTER PLANNING BOARD - 2/27/2020

wanted to know is, you know, what else is
available and most likely at dinner time
because that's probably when it's going to be
busiest. So just to kind of verify that
there's ample parking I would say after 6:00
where it's not limited to 15 minutes or not
limited to an hour or possibly not required to
have a permit or something like that.

MR. PIETROSANTI: I just figured I
would give you all that information as far as a
worst case scenario because let's say a lunch
time type of thing weekend lunch, but again,
they don't get enforce.

THE CHAIRMAN: Peak usage is dinner,
weekend.

MR. PIETROSANTI: That's really
usually when they do the valet.

THE CHAIRMAN: So we're talking about
all 118 seats, God willing, will be filled and
where do cars and 118 seats actually go.

MR. PIETROSANTI: As it was explained
to me the last time, and I think Mr. Carenzo,
one of the owners was here, and actually I have
two of the other owners here today, the way it

DINA M. MORGAN, REPORTER
MR. NEMECEK: If you don't have any more spaces, you tell them, we can't valet park you, we don't have the space.

MR. FERRARA: If we're full on valet, we guide you across the street to the municipal lot or all the spots across from the bagel store. Brook Street is pretty much empty, we're really the only establishment that's open after 5 or 6:00 at night. Everything up and down the street is pretty much empty. A lot of people choose to park on the street because they don't want to valet. It goes both ways.

THE CHAIRMAN: So if you're full, you put up a board or you tell people, we're full.

MR. FERRARA: Well, they're standing right in the front, so they'll let them know.

To be honest with you, we don't have that problem. Cars are coming, cars are going, cars are coming, cars are going. We really haven't really had a problem we can't say we can't valet cars.

MS. UHLE: That's a good point, that not everybody is coming all at the same time. I know you already know this, it's more in a

DINA M. MORGAN, REPORTER
EASTCHESTER PLANNING BOARD - 2/27/2020

a backup on Brook Street, so we pull them in.
If we see two or three cars coming in, we'll pull them up as far as we can, everybody gets out, and then we'll valet the cars.

MR. NEMECEK: When Mr. Careno was here last month, he indicated that you have 19 spots but with the doubling up we're parking about 30 to 34 cars. We saw a plan here that had 25 with the explanation that if you park them a little closer, you might get another couple of rows. Do you have an opinion as to what number; 25, 30, 34, how many do you think?

MR. FERRARA: I, personally, would say more than 25. I would go closer to the 30 range with the valet.

MR. NEMECEK: What about the Cermele lot because that was mentioned? Mr. Careno said Cermele let's use his lot sometimes. He says, if you have overflow, park them across the street in my lot.

MS. UHLE: Sal's Auto Body, is that who you mean?

MR. NEMECEK: I have no idea. It's not you.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

MR. NEMECEK: When Mr. Careno was here last month, he indicated that you have 19 spots but with the doubling up we’re parking about 30 to 34 cars. We saw a plan here that had 25 with the explanation that if you park them a little closer, you might get another couple of rows. Do you have an opinion as to what number; 25, 30, 34, how many do you think? MR. FERRARA: I, personally, would say more than 25. I would go closer to the 30 range with the valet.

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DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

MR. FERRARA: We use those spaces for our own, personal cars or for the employee cars. Cars that we know don't have to move. Once they are done at 6:00, 7:00, it's three or four cars that are parked there that are permanent that we don't have to worry about moving or touching. Most of our employees park in the municipal lot across the street.

THE CHAIRMAN: So the employees spots that you pointed out on the other side, those three spots are used for patrons?

MR. FERRARA: On the other side of the building, those are for employees as well. Deliveries, that's where we get everything, and it goes right into the basement. Most of our employees park across the street at the municipal lot. That's where we instruct them to park their car. Our spots are meant for the guest. We utilize our parking lot very well.

I would go closer to 30, 32 spots with valet.

THE CHAIRMAN: Are you physically parking them?

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

THE CHAIRMAN: Even though what you drew is what we asked you to, we appreciate it, and we also appreciate the wiggle room of I would say five to seven cars.

MR. PIETROSONTI: If I actually drew a car instead of a parking spot --

MR. FERRARA: If you have a car in the parking space, when you're valeting it, two of the tires of the car next to it are hugging into that space as well because they're going door to door so that you're getting in and leaving space to get out. I have a much smaller parking lot in my store in Pleasantville, Southern Table in Pleasantville, and we do a ton of cars in there as well. I get 20 to 25 in those parking lots, and they're a lot smaller and not as deep as we have here.

THE CHAIRMAN: Thank you.

MR. FERRARA: Thank you.

THE CHAIRMAN: I'm pretty convinced.
EASTCHESTER PLANNING BOARD - 2/27/2020

THE CHAIRMAN: It keeps the tables flowing.

MR. FERRARA: Believe it or not, it keeps the reservations on time. You can't get a spot in the parking lot, now they have to go park up the block, their 6:45 reservation became 7:00.

MR. NEMECEK: It's good business.

THE CHAIRMAN: It's good for business.

MR. FERRARA: It works out. We don't charge for valet. It's an extra bonus for the customer, especially on a rainy night.

THE CHAIRMAN: You convinced us.

We're good.

MR. NEMECEK: Sit down before you do something wrong.

THE CHAIRMAN: Any more comments?

MR. CAMPANA: No comments here.

THE CHAIRMAN: Phil, nothing?

MR. NEMECEK: I got nothing. I was quoting Carenzo before, come on.

THE CHAIRMAN: This is still an open public hearing.

FEMALE VOICE: I live right there. It

DINA M. MORGAN, REPORTER

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EASTCHESTER PLANNING BOARD - 2/27/2020

wouldn't be a problem for me either.

THE CHAIRMAN: They'll park your car anytime.

So I make a motion to close the public hearing on this application, 20-01, 118 Brook.

MR. NEMECEK: Second.

THE CHAIRMAN: Do we have any conditions or we're good?

MS. UHLE: I have to look at my own notes here. No, we do not have any conditions.

MR. NEMECEK: That's probably a record, it's 9:26, 9:27 and that's the first motion that we've had. We had an open public hearing already.

THE CHAIRMAN: Without further ado, I make a motion to approve this application, 20-01, 118 Brook.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Good luck, guys.

MR. PIETROSANTI: Thank you very much.

THE CHAIRMAN: Mr. Iannacito, are you still back there? The last application is

DINA M. MORGAN, REPORTER
the proposed residence with the covered porch, and then the sloping site along the side here down to the lake. Then the rear rendering is the two tiered outdoor spaces with the pool and the vanishing edge. This is the upper level, which provides access to the pool and the pool house, the residence beyond, and then stairs down to the side, which would provide an entrance into the basement, and stairs at the rear to provide access to the lake. We have a 3D video showing all the facades, so I'm going to turn that on now. For some reason, the connection is not working. The last time we did this, we --

MR. TUDISCO: Do you need help with that?

MR. IANNACITO: It didn't work. I'm going to do it this way, and then Gary is going to zoom in on it. This is what we did last time and it worked. It's a little crooked for some reason. Here we go. So this will just take us around the entire site.

MR. NEMECEK: I like the lush jungle that surrounds it.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 2/27/2020

MR. IANNACITO: So here is the left side of the house, the retaining walls around the pool. From the side, you can step up to the upper deck or the upper outdoor space. Then the lower level looking back at the pool, the pool house, and then steps up to the side on the right side back up to the driveway. There's the entrance to the basement on the side, and then back around to the garage.

On the exterior materials, the wall surfaces will be a combination of stucco in a pewter finish and a stone veneer, which would be a gray stone. The roof surfaces will be asphalt in a charcoal black finish.

THE CHAIRMAN: Could you just point out where those materials are on the elevations.

MR. IANNACITO: So on the elevations, the base of the building will all be stone, and the base of the garage, and all the walls surrounding the courtyard would be stone, and anything above that would be a stucco finish in a pewter color. The trim boards around the eaves and on the covered porches will be painted AZEK in a white finish. The roof surfaces will be an asphalt shingle in a charcoal black finish. The windows will be vinyl clad in a black finish. The railings will be metal in a black finish. The gutters will be aluminum in a white finish. Front doors will be fiberglass in a black finish, and the overhead doors will be fiberglass in a black finish. If we look at the rear, same thing, the base of the building will be stone all the way around. The base of the pool house will be stone. The walls out here will be stucco finish. The lower wall of the pool will be a stone finish. The retaining walls along the sides will be a stucco finish. That's about it. All the railings will be black metal.

MR. TUDISCO: Is that a human chess board?

MR. IANNACITO: So the reason we did that is to -- we're right at the limit of the coverage, so in order to provide -- this will all be grass on these platforms here. The only totally covered patio would be in this general area, and then this is half covered half lawn. It's basically a transition from completely solid, half solid, to lawn along the top patio. There's a couple of planting beds here.

The application was presented to the Architectural Review Board on February 6th, and it was approved with one recommendation; to add additional flowering plants and trees to the landscape plan. We did submit a revised landscape plan, and I have Mark Benedict with me today, the landscape architect, and he'll go through the landscape plan.

We also submitted a drainage plan to Kellard Sessions for their review, and they had a couple of minor comments that we're working through and we'll revise the plans and bring them back in.

MR. NEMECEK: If I could just ask you about the rear view here and about the green --

I guess the lawns, the upper lawn and the lower lawn, which are all contained within the fencing; do these lawns go straight down in terms of the dirt? I mean there are retaining walls, obviously, built in. Explain them to

DINA M. MORGAN, REPORTER
MR. IANNACITO: This is going to all get filled in. There will be a retaining wall which will create these areas of fill for planting grass. This is all filled in also. The only part that actually has access underneath is this general area right here. I can show you that in a plan view.

THE CHAIRMAN: That’s mechanical equipment for the pool under there?

MR. CAMPANA: So basically you would be retaining fill, not retaining existing soil?

You’re going to be filling that area?

MR. IANNACITO: Yes, because the property slopes away, so we will be using dirt from the fill in certain areas. This is a plan of the area beyond the house. So this is the exterior walls at the rear of the house. This is the checkered part, half covered, half lawn. So all this area here is fill. This area here will be accessible from downstairs. As you can down these steps, around, you can go under and it will be a covered outdoor space that you can access from the basement. So through the

DINA M. MORGAN, REPORTER

basement, you’ll be able to access this covered area or exit and come around. These are new retaining walls. This will all be fill also.

The first floor is at elevation A. This area here is a foot lower than the finished first floor. This second area here is 5 and a half feet lower than the first floor, and then you finally get back down to this, which is actual grade. So these walls here will be about 4 feet because this is minus 12, and then minus 5 and a half, so these walls will be at 4 and a half feet. As you come down here, these will be another 4 and a half foot wall to create that tiered effect down to the first floor.

MR. CAMPANA: The retaining walls around the perimeter also act as a pool barrier?

MR. IANNACITO: Correct. We’re going to utilize the walls and then have a fence on top of the wall. The fence at the top of the wall would basically be a guardrail so no one falls off the wall. When you add up the height of the wall plus the fencing, it meets the requirements for a pool barrier, and then we will

DINA M. MORGAN, REPORTER

have to put in a couple of self closing gates. This whole outdoor tiered level will become part of the pool enclosure. When you’re out here, you would have to go through a gate in order to get back up to the pool area.

THE CHAIRMAN: So there’s going to be a gate at the stair?

MR. IANNACITO: Probably at the steps.

One at this stair and one at this stair here.

THE CHAIRMAN: Got it. My question exactly also. Did we ask you a question? I don’t remember what it was.

MR. BENEDICT: So at the front of the residence off the street, we wanted to keep it clean. This side of the property is open to the neighbor. There’s only a couple of little shrubs here. We’re going to get rid of those and create an evergreen screen with probably Arborvitae. Since this side is fairly narrow, we want something that’s going to grow tall but keep this sort of screened off. The neighbor’s house is pretty close to this, as well as an existing retaining wall from that property.

The homeowners are basically on this side of

DINA M. MORGAN, REPORTER

the house, so we want to give them a nice screen. On this side of the property, it’s a lot more wild. There are some overgrown White Pine and some other shrubs. So we’re going to play with that. We’re going to see if we could keep some of that stuff there, as well as several larger trees in the backyard. For the front, I’m proposing things like Southern Magnolia with the evergreen leaves, some colorful plantings underneath, Boxwood along these walls and along the front of the house to keep it clean, neat looking, and maybe something like Hydrangea along with some Boxwood on the side of the three car garage. Again, it’s pretty much green, white, some pops of color here and there.

Going to the back of the property, same thing, we’re going to retain this hedge straight along here on the left side of property, and most likely along here too but we want to see what we can keep. Going to the back, our Arborvitae hedge will step somewhere around here towards the back just past this wall. There’s some great views of the lake, so

DINA M. MORGAN, REPORTER
1  EASTCHESTER PLANNING BOARD - 2/27/2020
2  we want something that's going to just stay low
3  and give them some evergreen against this
4  property here. Again, this will probably be a
5  little bit more naturalized on this side of the
6  backyard. We've got a 15 foot planting back
7  here of native grasses, maybe some Viburnum,
8  things like that just to keep per the
9  regulation from the lake. Along the bottom
10  edge of this retaining wall here, possibly a
11  mix of some evergreen with some Hydrangea for
12  summer color, and then there are some smaller
13  plantings up top by the pool area. Lots of
14  lawn.
15  MR. CAMPANA: There aren't any wetland
16  soil on the property? I know there's a flood
17  zone.
18  MR. BENEDICT: What's that?
19  MR. CAMPANA: Wetland soil.
20  MR. BENEDICT: I don't believe there
21  is any wetland designation on this property.
22  MS. UHLE: We don't have any local
23  wetland designations. Joe has some comments
24  about flood issues.
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1 119  EASTCHESTER PLANNING BOARD - 2/27/2020
2  overall idea that we're definitely going to go
3  15 feet out. This is a current dock here.
4  It's going to have to be replaced. I wasn't
5  sure if it was going to have to be moved at all,
6  so I left a little room to kind of play with
7  there. If it's allowed, we could put some
8  breaks in through here and there.
9  MS. UHLE: I'm talking about not
10  having such a big break in the center there.
11  MR. BENEDICT: Oh, I see.
12  MS. UHLE: If you're keeping the ramp
13  and you're keeping the step, creating access
14  through the grasses to those things. Again,
15  it's just my own --
16  MR. BENEDICT: I just wanted to make
17  sure they had --
18  MS. UHLE: -- A continuous line of the
19  grasses both for functional reasons, but also
20  just aesthetically rather than having such a
21  large break.
22  MR. BENEDICT: You want to see it more
23  integrated.
24  MR. NEMECEK: It looks like that width
25  is almost as wide as the pool, that break, if
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1 118  EASTCHESTER PLANNING BOARD - 2/27/2020
2  MR. BENEDICT: You're welcome.
3  MR. IANNACITO: The whole idea in the
4  back with the tiered outdoor spaces was so they
5  could utilize the pool from the first floor
6  level instead of having to have a deck. They
7  wanted to have the pool right at the main
8  family room kitchen space to walk out and be
9  able to use the pool, and then just transition
10  back down to the natural grade back down to the
11  lake, retaining walls and a mix of solid
12  surfaces and planting beds.
13  MS. UHLE: I had one quick question
14  about the landscape plan. With the grasses
15  along the lake shore, why are you ending them
16  so abruptly in the center where the ramp to the
17  wood dock is and the step? Is that just to
18  provide access to those features or also for
19  views? Did you consider sort of integrated
20  access with the grasses?
21  MR. BENEDICT: You mean some type of
22  plant?
23  MS. UHLE: Yes, rather than just
24  stopping them.
25  MR. BENEDICT: I wanted to give you
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the existing stone wall at the lake, I doubt
that would come into play here, but we just
recommended that they get confirmation from the
state. An e-mail back and forth would, I
think, suffice.

As you mentioned, the lake is a
regulated flood plain and flood way with FEMA.
That flood plain elevation does extend into the
rear yard of the property, not far. I think
based on the elevations on the plan, it appears
that all their disturbances are beyond the
flood plain boundary, but we just ask that the
information be shown on the plan so that's it
clear and that's the case.

Other than that, we did witness soil
testing at the site for the storm water
mitigation system. They demonstrated they have
adequate depth and suitable soils for
infiltration. They're proposing a fairly
substantial system in the rear of the property
that will collect all the runoff from all the
impervious surfaces, the roof, the drives, and
they designed it to mitigate through the
hundred year storm.

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THE CHAIRMAN: It's 22.

MR. CERMELE: These are smaller
because of the available depth that they had.
These are 100's, I believe. They're smaller
units. Typical CULTEC systems that you're
probably accustomed to seeing are about 2 and a
half feet high. These are squat, they're
only a foot high, so they needed more of them.

THE CHAIRMAN: I see. Where is the
flood line on that map?

MR. CAMPANA: It's way down at the
bottom of the property.

MR. CERMELE: I take that back. There
was another plan I was reviewing by Hudson
Engineering that had smaller units. These are
the standard 2 and a half foot height.

THE CHAIRMAN: Okay. Let's just do
our public hearing. I make a motion to open
the public hearing on Application 19-48, 30
Lake Shore Drive.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

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EASTCHESTER PLANNING BOARD - 2/27/2020
reiterating: The quantities and spacing of all
plant materials should be indicated on the
landscape plan and plant list. A minimum width
of 15 feet to the vegetated buffer adjacent to
the lake shall be noted on the landscape plan.
They've indicated it's 15 feet, but I just want
to make sure that whoever is installing it is
aware of that.
Then we have our standard: Prior to
the issuance of a CO, the landscape architect
shall provide a signed and sealed letter to the
Building and Planning Department certifying
that the landscape plan has been installed in
accordance with the approved plans. Any
proposed changes to the landscape plan shall be
reviewed by the landscape architect and
approved by the Building and Planning
Department prior to the installation, and shall
be documented in the letter submitted by the
landscape architect. You're certainly able to
make substitutions, but just as long as they're
reasonable and similar to what you've proposed.
That's it.
THE CHAIRMAN: So subject to the
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EASTCHESTER PLANNING BOARD - 2/27/2020
conditions that Margaret just read off, I make
a motion to approve this application, 19-48, 30
Lake Shore.
MR. NEMECEK: Second.
THE CHAIRMAN: All in favor.
(All aye.)
THE CHAIRMAN: Thank you.
MR. IANNACITO: Thank you.
THE CHAIRMAN: Some of your finest
work.
MR. IANNACITO: A lot of information.
MR. TUDISCO: Two story pool house?
MR. IANNACITO: When you look at the
average grade, because the grade drops off,
we're going to actually have the pool equipment
underneath there. It's still considered a one
story because of the average grade.
THE CHAIRMAN: Do we need to approve
anything?
MR. NEMECEK: I think we have just
two.
MS. UHLE: Two what?
MR. NEMECEK: Two transcripts or
minutes.
DINA M. MORGAN, REPORTER
STATE OF NEW YORK

) ss.

COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set
my hand this 22nd day of March, 2020.

DINA M. MORGAN
Court Reporter

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