

TOWN OF EASTCHESTER
BUILDING AND PLANNING DEPARTMENT

APR 18 2017

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TRANSCRIPT OF

TOWN OF EASTCHESTER PLANNING BOARD MEETING

MARCH 23, 2017

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

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO
ROBERT PULASKI, MEMBER
PHILIP NEMECEK, MEMBER
BILL WEST, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

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

Dina M. Morgan, Reporter
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EASTCHESTER PLANNING BOARD - 3/23/17

Spillane's have been adjourned.

So the first order of business we have tonight is Application 16-30, 760 White Plains Road. It's an open public hearing.

MR. IANNACITO: Good evening. My name is John Iannacito. I'm an architect, and I'm representing Keller Williams Realty Group this evening. With me tonight is Jamal Hadi, the owner, and Patrick O'Leary, the traffic engineer.

Based on the comments that we received at the last meeting, we submitted revised drawings showing the number and locations of cubicle spaces on the floor plans, and we also listed all the existing and proposed spaces on the floor plans. We also submitted a street-scape drawing showing the existing and proposed structure in relation to the two adjacent buildings on White Plains Road.

Here is the street-scape drawing showing the existing and proposed conditions. The existing structure currently has a hip roof, and the new structure will have a flat roof. The width of the building doesn't

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EASTCHESTER PLANNING BOARD - 3/23/17

THE CHAIRMAN: I apologize for the delay. This is the town of Eastchester Planning Board meeting of March 23, 2017. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: I'm going to take attendance. Mr. Phil Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Robert Pulaski.

MR. PULASKI: Present.

THE CHAIRMAN: Jim Bonanno is here. Bill West.

MR. WEST: Present.

THE CHAIRMAN: Mark Cunningham couldn't be here tonight. We will forge ahead without him.

Let's see, just so everyone knows, there are two items on the agenda tonight; one is 760 White Plains Road, the other is 600 White Plains Road. We have a number of adjourned projects, which I'll run through quickly. It's Water Street and Mickey

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EASTCHESTER PLANNING BOARD - 3/23/17

change, so the space between the structures will remain the same. On the height of the building, the height of the flat roof to the top of the flat roof is slightly lower than to the top of the ridge, but the mass -- because the hip roof slopes back, the mass will appear a little bit taller because it's a flat roof.

THE CHAIRMAN: Can you pick that up for a second? I know you've shown us materials before but maybe you could just --

MR. IANNACITO: Yes. The materials will be a mix of brick, glass, metal, and siding, either a HardiePlank or a cedar siding, and stucco. So at the base of the building will be a brick veneer, and then this will step back and have cedar siding or a painted HardiePlank, and then beyond that the stucco. This facade here also steps back. This is a glass and metal taller element here at the entrance.

THE CHAIRMAN: Right. I imagine later, once it's developed, it will go to Architectural Review.

MR. IANNACITO: Yes. We'll do some

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EASTCHESTER PLANNING BOARD - 3/23/17

renderings with colors, and then we'll come back to you guys with that stuff also.

THE CHAIRMAN: Okay, great. Next.

MR. IANNACITO: On the floor plans, just quickly review the list that we put on every floor plan.

On the ground floor, the existing space is occupied by the hair salon, which consists of a reception area, a work room, and a couple of cutting stations. The proposed ground floor will have a new entry vestibule, a reception area for the real estate office, two conference rooms, a private office, and an exercise meditation type space to relax in.

On the first floor, the existing first floor currently has the reception area, a private office, a conference room, computer room, and a training space which is 320 square feet. On the proposed first floor, we will have a new training room, which will be 885 square feet, we'll also have a kitchen staff room for the real estate office, and a private office.

THE CHAIRMAN: How many seats do you
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EASTCHESTER PLANNING BOARD - 3/23/17

have tabulated there?

MR. IANNACITO: So I was going to sum that up at the end, but --

THE CHAIRMAN: Wait until the end, that's fine.

MR. IANNACITO: So on the second floor, the existing structure has an open desk area with cubicle spaces. It has 23 seats available in this open work area. It also has a small kitchen staff room and four smaller private offices. On the proposed plan, we will also have an open work area, which will have 12 cubicle spaces, a computer room, 3 private offices, and a conference room.

Then on the upper floor, the third floor, the existing structure has an open space with 10 cubicle spaces. The proposed will have an open space with 6 cubicle spaces, 4 private offices, and a staff lounge.

So to sum up all of the lists on all these plans, the training room -- the existing training room currently has 14 spaces and the proposed will have 30. There are currently 5 private offices in the existing structure and

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EASTCHESTER PLANNING BOARD - 3/23/17

the proposed will have 9. There is currently one conference room in the structure and the proposed will have 3 conference rooms. There are currently 33 small 2 foot by 4 foot cubicle spaces in the existing structure and on the proposed we will have 18 larger cubicles. On the proposed, the larger cubicles will range anywhere from 3 foot 6 -- 3 foot by 6 foot to 6 foot by 7 foot L shape. So the 3 foot by 6 foot will be just a desk with cubicles around it and the 6 by 7 will be L shaped desks, and that's on the upper floor we'll have bigger cubicle spaces.

At this point, I'm going to hand it over to Jamal Hadi, the owner, and he will provide the additional information that the board asked for for clarification on the weekly meeting and also on the agreement between Keller Williams and Tuta Bella about the parking, and then he will hand it over to Patrick O'Leary to provide additional information that the board asked for on the additional off-site parking, and then I'll come back in and answer any questions that you guys

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EASTCHESTER PLANNING BOARD - 3/23/17

may have.

THE CHAIRMAN: Thank you.

MR. HADI: Good evening, Mr. Chairman and members of the board. To clarify, I have secured a reciprocity agreement --

MR. NEMECEK: Just identify yourself on the record.

MR. HADI: My name is Jamal Hadi and I'm the owner of Keller Williams.

MR. NEMECEK: Thank you.

MR. HADI: I wanted to let you know that I have secured a written agreement between me and Tutta Bella, my neighbor, for eight parking spaces that we share. They will use our eight parking spaces and we'll use their eight parking spaces, and I have that in writing. I was not successful at going anywhere with the easement between my neighbors. No one was interested in having that conversation.

Also, to clarify attendance at meetings, my team meetings do start on Monday morning at 9:00 to 9:30 is breakfast, we serve breakfast in the morning, then the meeting

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EASTCHESTER PLANNING BOARD - 3/23/17

1 starts at 9:30 and ends between 10:15 and
2 10:30. There is an average of about -- just
3 going to look at my notes -- 10 to 15 people
4 that show up early, and then during the meeting
5 time is between 18 and 20, and there is also a
6 class that happens at 11:00 that averages
7 between 8 and 12 people.

9 MR. NEMECEK: I know the last time you
10 were here a couple of months ago, I was very
11 interested in finding out about the nature of
12 the operations of your business. Along those
13 lines, can you explain to me what the purpose
14 of the meetings, the seminars, the teaching
15 sessions -- what's the purpose and what's the
16 purpose of having them on a weekly basis; is it
17 the same people showing up? Is it -- just
18 explain that for me a little bit more.

19 MR. HADI: As I mentioned previously,
20 most of the people that work with me are
21 independent contractors and I don't dictate
22 their time. One of the values that we bring to
23 the table is knowledge, information, education.
24 So that's one of the reasons why we're always
25 regular and consistent with learning. So

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EASTCHESTER PLANNING BOARD - 3/23/17

1 that's the reason why we do it. Once the
2 classes are over, usually the office goes down
3 to the normal attendance.

5 MR. NEMECEK: Give me an example of
6 one of the topics that was -- that you had a
7 teaching session in the last few weeks.

8 MR. HADI: We've done personal
9 development courses, like a class that I taught
10 myself is called Six Personal Perspectives.
11 It's just the idea of, you know, how to
12 prioritize and how to focus before you get into
13 business. Most of us -- it's not just about
14 applications, it's also about mindset. So we
15 do a lot of that, a lot of those classes. That
16 is a one of reasons why we're proposing some
17 type of a mediation -- an exercise room, to
18 kind of just create a healthy mind, healthy
19 body.

20 Another course that was taught is How
21 to Build a Successful Business is Real Estate,
22 you know, strategies, systematic approaches
23 that you could take to really succeed in real
24 estate. We have a curriculum that we hand out
25 that helps people succeed in business. Others

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EASTCHESTER PLANNING BOARD - 3/23/17

1 are law. Like we have to -- it's on us to keep
2 up with real estate law changes, and it is the
3 responsibility of the broker to make sure that
4 I am hosting courses, that's what the New York
5 State Department of State holds me accountable
6 to. It does not mandate attendance. I do have
7 to keep an attendance sheet for people that
8 come. That's pretty much it.

10 MR. NEMECEK: Okay. Thank you.

11 MR. HADI: You're welcome.

12 THE CHAIRMAN: So just back to the
13 numbers, in the morning meetings, the Monday
14 morning meetings, you said 15 may arrive early?

15 MR. HADI: It's breakfast time, so we
16 serve bagels in the morning, muffins.

17 THE CHAIRMAN: And then you mentioned
18 the number 18; is that --

19 MR. HADI: That's during. The number
20 goes between 10 to 15 and then goes up to 18 to
21 20 when the meeting happens.

22 THE CHAIRMAN: So it's not 15 plus 18?

23 MR. HADI: No. People show up 10
24 minutes late.

25 THE CHAIRMAN: I know we discussed

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EASTCHESTER PLANNING BOARD - 3/23/17

1 this before, but I want to understand the usage
2 of the offices in the spaces above that room.
3 There's quite a few, there's quite a few in the
4 training room, right, there's 39, 3, there's
5 lots of desks and cubicles; what exactly are
6 they used for?

8 MR. HADI: I didn't realize that what
9 I say is actually taped and people can watch
10 it, so people do use it against me,
11 unfortunately.

12 THE CHAIRMAN: Talk to your lawyer
13 before you say anything.

14 MR. HADI: The functionality of the
15 office right now is super awkward. You can see
16 it just by looking at just how it lays out.
17 One of the main purpose that we're looking for
18 is just to make it very easy to walk through,
19 easy to use, and just from a functionality
20 perspective, you know, it works well. Right
21 now there's a lot of dead space, stairs
22 everywhere. It's more of, you know, an
23 internal growth and a correction of a space
24 that can be used at a better way than actually,
25 you know -- I would love to save my money and

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EASTCHESTER PLANNING BOARD - 3/23/17

1 not spend it on construction, but it is
2 something that is a necessity that I have to
3 do.

4 MR. NEMECEK: I know the last time you
5 appeared before this board back on
6 January 26th, you mentioned that you had -- you
7 currently have three full-time employees,
8 including yourself, and you're intending on
9 expanding that to four, and that you have
10 approximately a hundred independent contractors
11 affiliated with the Eastchester office of
12 Keller Williams. Along the lines of what the
13 Chairman was asking, what's the purpose of --
14 who would be using a cubicle and who would be
15 using one of the nine offices in the proposed
16 construction? There are four full-time people,
17 so at a minimum I'm thinking there are going to
18 be five offices available.

19 MR. HADI: Absolutely. I could tell
20 you, like, personally I don't have a private
21 office in the building. So I sit in an open
22 space and I have no -- anyone could hear my
23 conversation, and I would love to have my own
24 private space.

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EASTCHESTER PLANNING BOARD - 3/23/17

1 MR. NEMECEK: But who is using the
2 offices then if --

3 MR. HADI: It is assigned to
4 individuals. So in this case the offices that
5 we have are assigned to individuals that use
6 them. So we have a person that uses one office
7 and so on. The desks, because it's on a first
8 come first serve but it's open, it doesn't
9 create for the privacy that we need, so that's
10 one of the challenges that we face, but it's
11 for first come first serve. Our peak hours are
12 before 12:00. Most people come into the office
13 before noon and then afternoon they're out with
14 their client if there is such a peak hour.

15 MR. NEMECEK: Do the clients come into
16 the office at all for meetings?

17 MR. HADI: On occasions they do, but
18 because of the way the business is conducted,
19 realtors are meeting them at -- for example, if
20 a seller calls us and wants us to come and meet
21 with them and sell their home, we meet them at
22 their home. If a buyer is calling us to go and
23 show them a house, we typically meet them at
24 the property that they're calling about. There

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EASTCHESTER PLANNING BOARD - 3/23/17

1 are occasions where the clients will come to
2 the office and that's what the conference rooms
3 are going to be used for.

4 THE CHAIRMAN: I imagine you've
5 answered it by being so sincere about what
6 you're doing, my main question -- and I think,
7 as I said, you've answered it -- is: What's
8 the benefit to having a bigger office, because
9 most real estate offices that we've all been in
10 are six desks, you know, they keep it to a
11 minimum and somehow they survive? I guess your
12 modo is a little bit different, right, you have
13 independent brokers that come in as opposed to
14 brokers that are fixed?

15 MR. HADI: One of the values that we
16 bring in is -- the good news is, because all of
17 it is web based, our employees are able to --
18 are very good with technology, and they are
19 able to assist with almost all of the
20 challenges realtors have just remotely.
21 However, we pride ourselves in running it like
22 a business, so that's why the training room is
23 bigger, we do have some people that like to
24 work from an office. Not a lot but some do.

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EASTCHESTER PLANNING BOARD - 3/23/17

1 Some people just can't be disciplined, you
2 know, working from home. So that's what the
3 space is for.

4 THE CHAIRMAN: With a number like a
5 hundred, there's got to be adequate space to
6 accommodate them should they want to come.

7 MR. HADI: It's never that number. I
8 mean, I wish I could say a hundred.

9 THE CHAIRMAN: I'm not saying a
10 hundred, but when you have a hundred people,
11 chances are you may actually fill the cubes
12 that are there?

13 MR. HADI: That's a difficult
14 question. Now it is not. Current situation is
15 not. So the office is usually a lot of desks,
16 a lot of offices are empty. Just because
17 although it's assigned to me, I don't have to
18 come to the office. I have an office when I
19 need to go to the office, but it's mine, I lock
20 it, and I could go to it when I need to. I can
21 go in at night, I can go in in the morning, or
22 I don't have to show up.

23 MR. NEMECEK: Is it fair to say that
24 the time that the office is most populated, if

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EASTCHESTER PLANNING BOARD - 3/23/17

1 you will, that the largest number of people in
2 the office is when you hold the seminars?

3 MR. HADI: Correct, that is without a
4 doubt true.

5 MR. NEMECEK: And typically you say
6 right now it's about 18 to 20 people?

7 MR. HADI: Correct.

8 MR. NEMECEK: While the seminars are
9 actually in progress?

10 MR. HADI: That's correct.

11 MR. NEMECEK: Okay. And the hope
12 is -- I think this was stated in the revised
13 materials that we received -- that you're able
14 to fill the 30 seats that you will have in the
15 new conference room?

16 MR. HADI: Well, that's ultimately
17 capacity. People sitting comfortably
18 and not -- again, we can't -- you can look -- I
19 don't mean to say you can check me, but you can
20 look online, you can't mandate when people come
21 in and out as they see please.

22 MR. NEMECEK: But at a minimum right
23 now if you have 18 to 20 people, you have 4 to
24 6 standing?

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EASTCHESTER PLANNING BOARD - 3/23/17

1 MR. HADI: That would be the
2 assumption, correct, yes. Not every meeting I
3 have the same attendance. So some meetings I
4 have low attendance, some meetings I have
5 higher attendance.

6 MR. NEMECEK: Okay. But you do
7 envision some sort of an uptake, ideally?

8 MR. HADI: One hopes. One hopes. One
9 hopes that that's the case.

10 MR. NEMECEK: But it's not as if
11 you're going to go -- all of a sudden you
12 increase the quality of the muffins and bagels,
13 as well as a new conference room, and all of a
14 sudden you're getting all hundred people at
15 once.

16 MR. HADI: I'll be buying muffins
17 every day.

18 MR. NEMECEK: All right. I think I
19 understand. Thank you.

20 THE CHAIRMAN: I don't have any
21 further questions.

22 MR. HADI: Thank you so much. I'll
23 now hand the floor to Patrick.

24 MR. O'LEARY: Good evening, Mr.

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EASTCHESTER PLANNING BOARD - 3/23/17

1 Chairman, board members. My name is Patrick
2 O'Leary. I'm a P.E. here in New York. I'm a
3 principal with VHB, 50 Main Street in White
4 Plains.

5 I've been asked to address three
6 specific areas this evening, the first of which
7 is the available parking in adjacent lots
8 within the immediate vicinity. There are 57
9 spaces that are located in 4 lots. Mr.
10 Chairman, if I may approach, I do have copies
11 for the board members here with your
12 permission.

13 THE CHAIRMAN: Is this it?

14 MR. O'LEARY: You have it in your
15 packet. Okay.

16 THE CHAIRMAN: Yes.

17 MR. O'LEARY: As you can see, within
18 the municipal west lot there are 10 metered
19 spaces, municipal east lot has 23 metered
20 spaces, the Ackerman Place parking has 10
21 spaces, and the Webster Road parking area
22 has --

23 MR. NEMECEK: Mr. O'Leary, do you have
24 an extra copy of that that you can put up on

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EASTCHESTER PLANNING BOARD - 3/23/17

1 the board? Even though we're not getting the
2 live feed on the screens in here, we do have a
3 very substantial viewing audience at home, and
4 I believe the camera will be focused in on that
5 so they can follow along.

6 MR. O'LEARY: I apologize. Thank you.

7 MR. NEMECEK: Okay. Thanks.

8 MR. O'LEARY: The question was
9 specifically how many additional municipal
10 spaces were available to support the project,
11 and the answer to that is 57 in the immediate
12 area.

13 MR. WEST: 18 of those are in a
14 residential block; right? That's not business
15 area that you're using 14 spaces on Webster and
16 the 4 spaces on Ackerman, right, that's
17 residential in front of people's houses where
18 you're proposing to use spots?

19 MR. O'LEARY: That is correct.

20 THE CHAIRMAN: On Ackerman and
21 Webster.

22 MR. WEST: And Webster.

23 MR. O'LEARY: In addition to that, we
24 had been requested to identify clearly and

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EASTCHESTER PLANNING BOARD - 3/23/17

specifically the existing versus the proposed parking. In the existing state today, there are four parking spaces on site and our client leases two spaces within the municipal lot, for a total of six. Under the proposed condition, in the absence of any other accessibility to the site, other than the legal eased areas that the site is entitled to, there would be seven spaces on site, there would be still the two spaces from -- that are currently leased from the municipal lot, and in addition to that the agreement has been provided to the board by which eight additional spaces would be obtained from Tutta Bella and those would be usable from 8 a.m. until 12 p.m. each day, totalling 17 spaces for the site.

As I noted, as I just began speaking about the on-space parking for the site, in the event there's absolutely zero accessibility from any of the adjacent lots and paved areas and solely the eased area from White Plains Road can be used to access the site, the original diagram showed eight parking spaces were available on the site, in the absence of

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EASTCHESTER PLANNING BOARD - 3/23/17

any accessibility from any other areas other than the eased area, that parking number would be reduced to seven, which is the number I just depicted in my statements to you.

Those were the three things we were specifically asked to address this evening. At this point, Mr. Chairman, I would like to turn it back over to --

THE CHAIRMAN: Just a quick question. So the municipal parking, if we were to estimate where it is, how far, what's the walk to get to the two municipal spots, the parking lots, I mean, it's walking distance could characterize the length of that walk?

MR. O'LEARY: Certainly within walking distance. Generally speaking, I would suggest it's at the farthest point maybe a three to four minute walk. The closer ones, obviously, are immediately -- diagonally across from the site and a very short walk.

MR. WEST: I think part of the problem is the competition for the hours that you're going. The gym that's there, the CVS that's there, that's got to be their highest traffic

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EASTCHESTER PLANNING BOARD - 3/23/17

times in the morning where after drop off all the moms are at the gym working out at the same time you're proposing your meetings. So competition for this those municipal is pretty high.

MR. O'LEARY: It's one day on Monday, I believe, for the meeting. The spaces are there. We did perform a study and identified that, you know, under the existing condition here, that there were typically numerous spaces available for parking during those hours. In the future, there may be future competition generated for those spaces, but today in the existing condition there are available spaces out there at that time.

MR. NEMECEK: Did you conduct your study during the Monday morning time period?

MR. O'LEARY: Bear with me, I will check to verify that.

MR. NEMECEK: I do recall a couple of months ago I think we heard about studies that were done on like a holiday weekend. It was in December and I believe it was a weekend. Obviously, if you did do your study on Monday

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EASTCHESTER PLANNING BOARD - 3/23/17

morning, it might go a long ways towards answering Mr. West's question.

MR. O'LEARY: Understood. The report itself does not specifically state the date of this study or the day of the study. I'll get that information for you, the exact dates that the counts were obtained and the corresponding day of the week that's associated with those.

THE CHAIRMAN: The spaces reflected on the graphic, are spaces that were available when the study was done?

MR. O'LEARY: Correct.

THE CHAIRMAN: Not total spaces?

MR. O'LEARY: Correct. At this point, I can't validate from the report itself whether it was a Monday, Tuesday, Wednesday.

THE CHAIRMAN: Understood. All right. We do understand --

MR. WEST: To Jim's point, the Chairman's point, you're saying 23 spots available or the total spots in this lot over here is 23 spots, not that there were 23 available?

MR. O'LEARY: Not suggesting there are

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EASTCHESTER PLANNING BOARD - 3/23/17

23 available, indicating --

MR. WEST: Is it potential or available?

MR. O'LEARY: Those are the spots that are there potential.

MR. WEST: Potential. Potential and available is two different things.

THE CHAIRMAN: So that if it were the middle of the night and everyone was home, that's the number of spots that would be vacant?

MR. O'LEARY: Correct.

MR. NEMECEK: It's the maximum number.

MR. O'LEARY: That is the maximum number, correct.

MS. UHLE: Of metered spaces.

MR. O'LEARY: Metered spots, and they're identified clearly as metered spots.

MR. PULASKI: I did some arithmetic and if you're going to a conference, you don't want a 2 hour meter. You want something better than a 2 hour meter. So if you take all those spaces that are greater than 2 hour meters, you get to 16. Assuming that there's going be --

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EASTCHESTER PLANNING BOARD - 3/23/17

there's a lot of businesses around or whatever, so there's going to be a lot of use of those spaces, you take 10 percent of it, you come down to 1 or 2.

MR. O'LEARY: Two.

MR. PULASKI: If you include 2 hours into it and take 10 percent of that, you come down to 5.

MR. O'LEARY: Then you have the 18 spots on the site.

MR. WEST: In the residential area?

MR. O'LEARY: No. The 18 spots that are on the site itself incorporating the 8 spots from Tutta Bella, which generally accommodates the Monday morning conferences.

MR. PULASKI: Right. Tutta Bella definitely works well for you.

MR. O'LEARY: Yes, absolutely. It's consistent with the time. The time is actually expanded from 8 until 12. It's very consistent with the timing of the Monday morning conferences. If you look at the total parking provided at that time, it's consistent with the demand, and you may be looking at 1 or 2 people

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EASTCHESTER PLANNING BOARD - 3/23/17

who might be looking at that metered spacing in any of the metered parking lots. So there is nowhere near a demand of 18 people going out to those metered parking lots at that time.

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

THE CHAIRMAN: I think we're done. Anything else?

MR. NEMECEK: I'm satisfied that we've asked and had answered pretty much everything I could think of.

MS. UHLE: I have a quick question. I can't remember if John Iannacito -- did you show the revised site plan when you first got up? You were showing floor plans and things.

MR. IANNACITO: I didn't. It hasn't changed from the last meeting.

MS. UHLE: It did, because -- I thought -- oh, it hasn't. You had changed the location of the one parking spot?

MR. IANNACITO: That was done prior to the last meeting.

MS. UHLE: Okay. All right.

MR. IANNACITO: We had submitted it

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EASTCHESTER PLANNING BOARD - 3/23/17

prior to the meeting, and then we had a conversation about it that it couldn't work there because the access -- the handicapped access aisle had to be -- couldn't be within the travel --

MS. UHLE: So they have seen this.

MR. IANNACITO: This was the same site plan that was submitted for the January --

MS. UHLE: The last time you presented?

MR. IANNACITO: Yes.

MS. UHLE: Okay. All I was going to say is all the parking information is obviously very interesting, but that goes back to the Zoning Board evaluating that in relationship to the test for the area variances. I think -- because I talked to the chairperson -- I think what you've been trying to do is get the site plan to function as best that it can given the site constraints and circumstances so that if you do refer it to the Zoning Board, they don't have to worry about all of that. They're going to continue to worry about the parking.

MR. WEST: I'm sorry, I miss the last

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EASTCHESTER PLANNING BOARD - 3/23/17

1 meeting, but we get anywhere on the driveway in
2 between the bank and them where people seem to
3 be parking?

4 MR. IANNACITO: Those are not legal
5 parking spaces.

6 MR. WEST: But every time I drive by
7 there, there are cars parked there.

8 MR. IANNACITO: They shouldn't be
9 parking there. That's the access easement that
10 exists today.

11 MS. UHLE: We had talked about it.
12 Our traffic engineer had recommended signage.
13 Right now I believe there's only four spaces
14 behind the building, so you're showing eight.
15 So yes, that's been addressed at a couple of
16 meetings.

17 MR. TUDISCO: I just had one question,
18 Mr. Chairman. Since the applicant has made
19 reference to an agreement with Tutta Bella and
20 that is potentially something that this board,
21 for whatever reason, or the Zoning Board is
22 going to take into consideration in terms of
23 the available spots, has that been provided?

24 MS. UHLE: Yes. It's part of the

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EASTCHESTER PLANNING BOARD - 3/23/17

1 application that was submitted for tonight's
2 meeting.

3 MR. NEMECEK: Here it is. It's
4 reciprocal parking agreement dated March 15th,
5 2017.

6 MR. TUDISCO: Okay. Thank you.

7 MS. UHLE: Again, other than the fact
8 that the Planning Board is clearly concerned
9 about the availability of the parking, at some
10 point that's a determination that the Zoning
11 Board is going to make.

12 MR. NEMECEK: Mr. Chairman, the public
13 hearing.

14 MR. IANNACITO: It should be still
15 open.

16 THE CHAIRMAN: It is, it's still open.
17 Any comments from the public regarding this
18 application?

19 MS. CHIOCCHIO: Good evening,
20 Chairman, members of the Planning Board. My
21 name is Lucia Chiocchio. I'm with the Cuddy &
22 Feder and we represent Lord & Taylor.

23 We had an opportunity to review the
24 supplemental submission from the applicant, and

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EASTCHESTER PLANNING BOARD - 3/23/17

1 we continue our objection to the application
2 due to its impact to Lord & Taylor and Lord &
3 Taylor parking.

4 With respect to the reciprocal parking
5 agreement, that agreement is not recorded. It
6 can't be if Keller Williams is only leasing the
7 space. Because it's not recorded, it's really
8 not enforceable against future owners. So if
9 Tutta Bella at some point in the future decided
10 to sell its property to a restaurant that
11 wanted to serve breakfast and that restaurant
12 wanted those eight spaces back, they could take
13 their eight spaces back. By the same token, if
14 Keller Williams decided, we were going to
15 change the way we operate, you know, our
16 morning meetings are going to change to 30 or
17 40 people available or that space is now
18 occupied by a different office, once again, you
19 have a situation where this reciprocal parking
20 agreement would not be enforceable.

21 With respect to the available parking
22 at the different municipal lots, as the board
23 noted, these parking spaces are shared by quite
24 a few commercial establishments and residential

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 folks that live in the area. I live in town.
2 I know what it's like. I've tried to get into
3 CVS on a Saturday morning, couldn't find a
4 spot, would go into the store -- I'd park in
5 one of the metered spots, I would go into the
6 store, and there would be no customers in
7 there. It was because a lot of folks that were
8 using Equinox or the gym across the street were
9 parking in CVS because it was free parking and
10 taking up all the spaces. So, you know, I
11 understand parking is at a premium during
12 certain times. Once again, if Keller Williams
13 is -- you know -- if their big time for parking
14 is Monday morning, that's fine, but what
15 happens in the future if that changes and then
16 you have a competition for all these spaces, so
17 what's going to happen? Folks are going to
18 park in Lord & Taylor's parking spot. It's
19 free parking. I, personally, observed this
20 this past Monday morning. I saw someone park
21 at Lord & Taylor's parking lot, cross Wilmot
22 Road, and go to Keller Williams. Then I saw
23 someone come out of the Keller Williams
24 building and get into their car that was parked

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EASTCHESTER PLANNING BOARD - 3/23/17

1 in the Lord & Taylor parking lot, and that was
2 about 9:00 in the morning. So they were
3 clearly not customers of Lord & Taylor because
4 Lord & Taylor wasn't open.

5 So we have concerns about this. Lord
6 & Taylor should not have to monitor their
7 parking because of Keller Williams' plans.
8 It's obviously an issue now, it's only going to
9 get worse if this proposed expansion goes
10 through, and there's no guarantee that in the
11 future any of these parking agreements would be
12 upheld. So for that we would ask that the
13 Planning Board refer a negative recommendation
14 to the Zoning Board of Appeals for the granting
15 of the parking variance. Thank you.

16 MR. NEMECEK: Thank you.

17 MR. PULASKI: Do we give a positive --
18 do we rank a recommendation to the Zoning
19 Board?

20 THE CHAIRMAN: We could do whatever we
21 want.

22 MR. PULASKI: Okay. I thought at one
23 time we stopped doing that.

24 MS. UHLE: I think what you can do --

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EASTCHESTER PLANNING BOARD - 3/23/17

1 and just like the Chairman said, you could do
2 whatever you want -- you could refer it with a
3 positive recommendation, with a negative
4 recommendation or I think -- and personally,
5 and I think maybe more appropriately, but
6 that's again up to you, is to really -- because
7 you're not really evaluating it specifically
8 with regard to the tests for the area
9 variances, I think you would refer it to the
10 Zoning Board clearly and strongly stating your
11 concerns and make it clear to them that, you
12 know, you would like them to consider your
13 concerns, which is, to me, slightly different
14 than a specific recommendation since you're not
15 evaluating them in accordance with the tests
16 for the area variances.

17 THE CHAIRMAN: Right. As Margaret
18 explained to me, and that's why I answered like
19 that, there are certain tests that they're
20 going to do that they're the experts at. So
21 talking about parking is really their purview,
22 not ours. We could make a recommendation, but
23 I don't think we could really say --

24 MR. NEMECEK: Well, they're charged to

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EASTCHESTER PLANNING BOARD - 3/23/17

1 do so legally, right? The Zoning Board of
2 Appeals is charged to do certain tests?

3 MR. TUDISCO: Correct, and the
4 variances are really within their purview as
5 opposed to yours. There are certain things
6 about parking that fall under site plan
7 approval and so on that are, you know, part of
8 what you are directed to, but in terms of the
9 variances and the meat of the parking issue, I
10 really think that's a Zoning Board
11 determination.

12 MS. UHLE: I just want to say one
13 other thing. I think what I'm saying is
14 somewhat semantics. Rather than just saying,
15 we recommend you deny the area variance I think
16 it's more informative and helpful -- or we
17 think you should approve it -- it's more
18 informative and helpful to say, these are our
19 very specific concerns related to the variance
20 issues and just make that clear to them.

21 MR. PULASKI: Let's try this from a
22 different perspective. From a planning
23 function when you're talking about parking, you
24 could be talking about parking at a very

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EASTCHESTER PLANNING BOARD - 3/23/17

1 specific location within the property bounds of
2 the applicant, or you could be talking about it
3 from a urban planner point of view where you're
4 looking at the general community, which is one
5 of the things that I'm hearing expressed, and,
6 you know, I think that that falls within a
7 planning purview.

8 MS. UHLE: Absolutely.

9 MR. PULASKI: So then if one did not
10 agree that it was good general community
11 planning, then it would not come out as a
12 recommendation to Zoning, we wouldn't be able
13 to do that because Zoning might just look at it
14 from the standpoint of that property and costs
15 and economics.

16 MS. UHLE: Well, I think the test for
17 the area variances, one of the primary tests is
18 the impact to the character of the community
19 and the environmental impacts to the community.
20 So those tests, they're supposed to be
21 considering the broader impacts as well as just
22 on site.

23 So again, I want to be clear, I'm not
24 saying that you can't refer and say, you know,

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EASTCHESTER PLANNING BOARD - 3/23/17

1 with a negative recommendation, again, I think
 2 I'm just saying maybe be thoughtful on the
 3 wording because the Zoning Board has by law to
 4 address very specific tests. That doesn't mean
 5 you, as a Planning Board, aren't supposed to be
 6 concerned when considering both the site
 7 specific parking issues and the broader parking
 8 issues. So I think it's more helpful to the
 9 Zoning Board, rather than just say we refer it
 10 with a recommendation to approve or to deny
 11 when you're not looking at the very specific
 12 tests, to say if you're concerned, we don't
 13 think that there is sufficient parking in the
 14 area. I mean, I think that's basically what
 15 your concern might be if that's what it is, or
 16 we're personally from a site planning
 17 perspective not concerned. As I said, it's
 18 sort of semantics.

19 MR. TUDISCO: I think it may be
 20 semantics, but I really don't think it is. I
 21 mean, my perspective on what Ms. Uhle is saying
 22 really is that if you have legitimate concerns
 23 that you want or you believe that the Zoning
 24 Board should be considering, I think it would

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EASTCHESTER PLANNING BOARD - 3/23/17

1 be important that you articulate them to the
 2 Zoning Board as a recommendation as not
 3 necessarily for or against but we have these
 4 five concerns about this issue that has popped
 5 up and as you evaluate the parking variances,
 6 we are letting you know that these are our
 7 concerns or these are the things that we had
 8 more difficulty with.

9 I also did want to mention one other
 10 thing to advise the board. The statement that
 11 was made is, in fact, correct, that the
 12 reciprocal parking agreement if it is not
 13 recorded with a deed to either of the
 14 properties, it doesn't run with the land, and
 15 so, any future owner is not bound by it. So
 16 that is a correct statement. I just wanted to
 17 make that clear.

18 MR. PULASKI: When I'm looking at the
 19 parking, I know that in the southern part of
 20 the town it's an older part and it has very
 21 limited parking, there's street parking and
 22 then whatever lots there are are very small,
 23 they're controlled, and so, if you allow an
 24 expansion or you allow a variance there, it's a

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EASTCHESTER PLANNING BOARD - 3/23/17

1 matter of, well, it's already congested, if
 2 somebody wants to expand the property, they
 3 think that they can park more in that area, so
 4 be it. Up here you have the issue of
 5 commercial properties that have met legal
 6 limits with large parking lots and that can be
 7 abused. I don't think necessarily the property
 8 owner is directly responsible for that, but
 9 that's just how people utilize -- will act.
 10 It's been stated here in comments before us. I
 11 think that's problematic to the community, it's
 12 an impact on the community, an impact on the
 13 environment. These businesses provide tax to
 14 the town, they provide places for the town
 15 residents to shop, they're convenient, and they
 16 can easily be abused. That is one of the
 17 problems I have with this application. I just
 18 don't see that there is sufficient parking
 19 being generated. Although, I am conflicted in
 20 the fact that I like to see businesses develop
 21 in the area, and this guy has stepped up, he
 22 wants to create a nice establishment, he wants
 23 to keep his business here, and I would like to
 24 support that, but I just don't know how I can

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EASTCHESTER PLANNING BOARD - 3/23/17

1 do that being fair with the other businesses.

2 I also think that the building can be
 3 sold, and we've taken a lot of time and effort
 4 where we talked about this at a previous
 5 meeting, that we've taken a lot of effort to
 6 count the number of people when it's occupied,
 7 but once that building is built and the
 8 approval is in place, it can change to a
 9 different use and there could be a lot
 10 occupants and that would create a lot more
 11 parking need.

12 THE CHAIRMAN: So any more comments
 13 from the public here?

14 (No comments.)

15 THE CHAIRMAN: The public hearing no
 16 more comments. So the public hearing remains
 17 open until it comes back from Zoning if we
 18 refer it to Zoning?

19 MS. UHLE: Yes.

20 THE CHAIRMAN: Great. So now it's a
 21 question of whether we're going to make a
 22 recommendation to send it to Zoning for area
 23 variances --

24 MR. NEMECEK: I think it's a referral

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1 EASTCHESTER PLANNING BOARD - 3/23/17
2 we're talking about, referral.

3 THE CHAIRMAN: Referral for their
4 approval with strong concerns or do not make
5 that referral?

6 MS. UHLE: I think at some point
7 you're going to have to refer it to the Zoning
8 Board for their consideration.

9 THE CHAIRMAN: Regardless of our
10 concerns, it has to be referred?

11 MS. UHLE: Yes, it has to be referred
12 to the Zoning Board.

13 THE CHAIRMAN: So if we were to not
14 like the application, if it goes to zoning and
15 they approve the parking, when it comes back
16 here, that's the time in which we can vote on
17 it and vote against this application, but it
18 has to go to Zoning for their review of the
19 parking first?

20 MS. UHLE: Yes. I don't think I would
21 get that far into the process at this point.
22 You can't vote on the application at this point
23 because variances haven't been granted. So I
24 would wait to see what happens at the Zoning
25 Board. If they do grant the variances, if

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1 EASTCHESTER PLANNING BOARD - 3/23/17
2 you're inclined to deny the application, it's
3 going to be somewhat tricky once the variances
4 are granted unless you deny it on other
5 grounds, I think. I think at this point I
6 don't know if I would talk about having it come
7 back to you in order to deny it. I think what
8 I'm hearing is that when you refer it to the
9 Zoning Board, you want to make it very clear to
10 them that you're very concerned, it sounds,
11 especially about the parking issues, and I
12 think Mr. Pulaski articulated a lot of those
13 concerns.

14 If you want me to go over what I've
15 heard, I could certainly do a referral to the
16 Zoning Board that said, you know, in reviewing
17 the application, the Planning Board just
18 doesn't see that there is sufficient parking
19 available either on site or in the vicinity of
20 the site to meet the demands that will be
21 generated, that there is concern that even if
22 you understood that it would work right now,
23 that if the business were sold or if the
24 agreements couldn't be enforced in the future,
25 that that could significantly change

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1 EASTCHESTER PLANNING BOARD - 3/23/17
2 circumstances that would be out of your
3 control, that, as Mr. Pulaski said, you know --
4 all of you said that the available parking
5 spaces are already being shared by multiple
6 uses, that some of the larger lots, for example
7 Lord & Taylor, there's the possibility that
8 those properties are being abused by people
9 that are parking for other businesses. I think
10 you can express these concerns to the Zoning
11 Board in your referral to them.

12 THE CHAIRMAN: Rather than just make
13 a strong -- show that we have strong concerns,
14 we could enumerate what the concerns are, list
15 them, and send them along.

16 MS. UHLE: Yes. Again, I don't want
17 to put words in your mouth, if you want to say,
18 we want you to -- if you want to say, we don't
19 think you should approve the parking variance,
20 I think you have the right to do that. My only
21 concern is you're not applying the specific
22 test, although the test go to a lot of the
23 issues you're considering.

24 MR. NEMECEK: But are we not,
25 Margaret, within -- and I'm not suggesting we

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1 EASTCHESTER PLANNING BOARD - 3/23/17
2 would do this for this application -- but if we
3 determined that, you know, with or without the
4 variances that this board could make the
5 determination that this application is going to
6 have a dramatically negative impact on the
7 community, we could stop it right here? Are we
8 required to refer it?

9 MS. UHLE: I believe you are, yes.

10 MR. TUDISCO: I believe that the
11 applicant is entitled to make an application
12 for those variances. I think that's what the
13 process is laid out for, and so, I think that
14 they have to have that opportunity. I think,
15 though, that to the extent -- again, I know Ms.
16 Uhle has taken pains not to do this and I
17 certainly don't want to do this, I don't want
18 to put words in anybody's mouth, but to the
19 extent any of you have specific concerns, my
20 advice would be to articulate them as
21 specifically as you can to the Zoning Board and
22 request that they take those concerns that you
23 have from a planning perspective into account
24 when they make their determination on the
25 zoning issues.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

MR. NEMECEK: I would also add, by the way, to the list of concerns -- and I'm certain that this will all come up in front of the Zoning Board of Appeals -- that we did hear from Mr. Grealy, who is the independent consultant, and he did not appear to share the concerns that many of the rest of us have regarding the sufficiency of the parking.

MS. UHLE: Well, I --

MR. NEMECEK: He had some concerns but they were not nearly as intense as the ones, for example, that will Mr. Pulaski just articulated. This will all, I'm certain, be dealt with. I'm quite confident that Lord & Taylor's attorneys will be present at the Zoning Board of Appeals, and I'm absolutely certain no matter what the degree of concern we express regarding the parking, that we will express a concern concerning the parking, and that because a variance for the parking is required, this will be fully vetted by the ZBA.

MR. TUDISCO: The only thing I just want to be careful about is it seems to me that the parking consultant or the traffic

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EASTCHESTER PLANNING BOARD - 3/23/17

consultant issues an opinion based upon the available number of spots in the area, the flow of the traffic, how many spots are potentially available. In terms of practically speaking how it may impact this site or the area, I think it's the position of this board and the Zoning Board ultimately, to take whatever data he reports to you and interpret it or take into consideration all of the facts and circumstances of the application and raise concerns that you have or not be concerned about certain things. So I don't know if necessarily it's his function to have the same concerns you may have from a planning perspective.

THE CHAIRMAN: He's the technical advisor and advises on the matters.

MS. UHLE: One thing, just so there is not any confusion, I'm going to tell you exactly what this says about referral to the Zoning Board. It says: "No application shall be deemed complete unless it complies with all of the requirements of this local law and any necessary variances have been granted by the

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EASTCHESTER PLANNING BOARD - 3/23/17

Zoning Board of Appeals. The Planning Board shall not approve or disapprove an application until any necessary variances have been granted by the Zoning Board of Appeals." So again, you can't disapprove it. "In cases where a use requiring site plan approval also requires one or more variances, application may first be made to the Planning Board at the discretion of the building inspector." We do that as a matter of course as part of our application process. "If it is determined that the site plan issues related to the variance may be significant, the Planning Board, after initial review, shall then forward the application to the Zoning Board of Appeals. The Planning Board may include a recommendation, including the planning and land use aspects of the application and requested variances." So I don't know if that clarified anything, but --

MR. NEMECEK: I like to hear the language of the statute.

THE CHAIRMAN: So, as we discussed, we, as the board, have put together the site plan such that it is in the best shape we could

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EASTCHESTER PLANNING BOARD - 3/23/17

have made it. We've explored a number of issues, we've requested much information from the applicant, which they've given to us. So we've really vetted this out as far as we can at this point for one issue, of course the parking issue, which is, as we said, the purview of zoning. So now is the time to let them do. I think now it's just a question of what exactly we want to say to the zoning when we make the referral. I think the list you came up with is fine. I guess we should agree on what the conditions are before we do it.

MS. UHLE: Yes. If you don't mind if I say them somewhat crudely, and then if I can edit them, you know, in a way that makes sense.

THE CHAIRMAN: Just so we know, right. I think one that you didn't mention was that the agreement that was presented in front of us hasn't been recorded, so we're concerned that it's still going to be -- that it's not recorded.

MS. UHLE: Yes. So I have -- and again, I definitely will edit these out -- some of them based upon what Mr. Pulaski said, just

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EASTCHESTER PLANNING BOARD - 3/23/17

1 the fact that it may put a burden on other
2 businesses in the community with regard to
3 utilizing their parking spaces.

4 MR. WEST: Question. So what we heard
5 from two property owners in the area, it's
6 creating that burden on them, right, Lord &
7 Taylor and the people across the street said
8 there is a problem --

9 MS. UHLE: But I think that --

10 MR. WEST: If you're increasing the
11 footprint of the building to include more
12 people in it, it's not creating one, it's
13 increasing an existing problem.

14 MS. UHLE: Okay. Does everyone agree
15 with that, that the issue is increasing?

16 MR. TUDISCO: What I would suggest is
17 that you kind of go through the list of what
18 you think are the concerns of the board and you
19 should vote on them as a recommendation that
20 you make to the --

21 MS. UHLE: That's what we're doing.
22 He's saying --

23 MR. NEMECEK: But are we doing it
24 individually, are we doing it on a severity

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EASTCHESTER PLANNING BOARD - 3/23/17

1 test?

2 MS. UHLE: Well, I think that --
3 again, I read the first concern, and I think
4 Bill was just saying that, you know, maybe it's
5 not that I should say that it's creating an
6 issue, it's exacerbating an issue already. So
7 I think that's a fair point.

8 THE CHAIRMAN: I think everyone would
9 agree that's a condition.

10 MS. UHLE: It's exacerbating an
11 already existing condition, which is that --
12 now this I am going to qualify -- perhaps it's
13 putting a burden on other adjacent property
14 owners where people may be utilizing --

15 MR. NEMECEK: Potentially --

16 MS. UHLE: -- Existing lots -- yes.
17 Based on the analysis of the available parking
18 in the area and what's on the site, it still
19 doesn't seem like there's sufficient parking to
20 accommodate the increased floor area.

21 MR. NEMECEK: If I could -- what I'm
22 comfortable voting on or voting for, and I
23 think it's a foregone conclusion based on the
24 statutory language that we are referring this

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 to the Zoning Board of Appeals, what we are
2 doing right now is formulating our list of
3 concerns and that we can go further and make a
4 recommendation, that was the specific language
5 of the statute. I'm most comfortable -- and I
6 speak for myself -- referring this with our
7 concerns articulated but not saying, you know,
8 we're really, really concerned about this,
9 we're a little less concerned about that but
10 still concerned. I think just a blanket
11 listing of concerns the Zoning Board of Appeals
12 will get it.

13 MS. UHLE: That's what I understand
14 we're doing.

15 MR. NEMECEK: I don't know if we're
16 editorializing beyond stating the concerns.

17 MS. UHLE: Can be more specific?

18 THE CHAIRMAN: He doesn't want to say
19 exacerbating.

20 MS. UHLE: What is that?

21 MR. NEMECEK: I was saying that, you
22 know, are we making a recommendation that
23 they -- other than that the Zoning Board of
24 Appeals do what it's required to do anyhow,

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EASTCHESTER PLANNING BOARD - 3/23/17

1 which is to look into these? We're
2 highlighting issues for them, right?

3 MS. UHLE: Yes. All of a sudden now I
4 think we're making this way too complicated.

5 MR. NEMECEK: That's why you have a
6 lawyer on the board.

7 THE CHAIRMAN: So far I think you're
8 good.

9 MS. UHLE: I think if you're -- to me,
10 if you're going to say, we're concerned about
11 this or we're not at all concerned about it,
12 that's not very helpful. So this is a list of
13 what your concerns are. The Zoning Board can
14 choose to agree or disagree with them. I think
15 based on the concerns, it's not really
16 necessary to say, therefore, you must deny or
17 you must approve, it's just that these are our
18 concerns.

19 THE CHAIRMAN: So far --

20 MS. UHLE: I have two so far.

21 MR. NEMECEK: I'm good with that. I'm
22 good with that.

23 MS. UHLE: Some of these are related
24 and overlap. Another one is, again, this

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

concern that there is competition from other businesses for available spaces already that will be exacerbated. There is a concern that the Keller Williams business could be sold or another tenant could come into the space that would generate even more demand for traffic and parking demand.

MR. NEMECEK: Could you hold that for a second? How long has Keller Williams been at this site?

MR. HADI: 10 years. Do I say my name?

MR. NEMECEK: No.

MR. HADI: 10 years.

MR. NEMECEK: 10 years. Thank you.

MS. UHLE: There's concern that because the agreement with Tutta Bella has not been recorded, that if conditions change or ownership changes, that this is not something that can be legally enforced, and there is -- I'm adding this now, not to pile on here -- there is the same issue with the bank property with regard to egress from the site. So I think that those are the general concerns, and,

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

like I said, if I could word them a little bit better than I've done here, I think we can put that along with your referral to Zoning Board to say that you have strong concerns, especially related to the parking and possibly traffic circulation and just leave it at that.

MR. NEMECEK: I prefer the word significant.

MS. UHLE: Significant concerns, okay.

MR. NEMECEK: Yes. Strong is fine if the board wants to use it. I prefer significant.

MS. UHLE: Okay, that's fine. Anything else? So you're referring it to the Zoning Board for consideration of the area variances, along with an indication of your significant concerns with regard to parking, as I've articulated, and circulation or just parking at this point? Parking. We'll say parking.

THE CHAIRMAN: Okay. I'm trying to figure out what's next.

I'm going to make a motion to refer this application to the Zoning Board of Appeals

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

with our significant concerns about the parking in the area and items which will be enumerated and sent separately which Margaret has put forth.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

MR. IANNACITO: Thank you. See you in a couple of months.

MR. NEMECEK: Thank you.

MR. IANNACITO: Or not.

THE CHAIRMAN: The next application is 16-14, 600 White Plains Road.

MR. VILLANI: Good evening.

THE CHAIRMAN: Good evening.

MR. VILLANI: My name is Jonathan Villani. I'm with Annunziata Villani Design Consultants representing the 600 White Plains Road Gas Mart located at 600 White Plains Road. It's been a couple of months since we presented before you, so I figured I would rehash the project quickly.

It's approximately a 9,190 square foot lot that presently has a one story structure,

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

two gas pumps that services four cars. It's been this way for 40 to 50 years. It has a small retail space with an office, as well as two empty usable service bays. It doesn't have any designated parking and it's paved, entirely paved. It has guardrails and fencing on the northern property line, guardrails on the southern property line.

We are proposing a convenience store in the same one story structure, no increase to the footprint. The gas pumps will stay in use.

When we presented last, there was a discussion between traffic engineers, our traffic engineer Adler Consulting, as well as Philip Greal, on the increase in traffic volume, and they both agreed there would be no significant increase in traffic volume. There were some other points that Philip Greal brought to our attention that we've since revised the plans to include all those circulation issues, as well as site plan issues, including making the planter 30 feet, putting the parking in the rear of the property on an angle, relocating the handicapped spots,

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

making these two spots a little bit larger, as well as putting additional striping and indicators to accentuate the one way traffic that we accommodated previously. There was two way traffic, now there will just be one way traffic throughout the whole site.

We've also addressed and had correspondence with Margaret Uhle and James King on concerns that they had, variances that we will have to get, as well as clarifying a few typos on the drawings that have since been revised. We are within our parking, so we do not need a variance for parking. We have to go to the Zoning Board for a special permit, as well as two variances for landscaping which we will not be able to institute on this property. James King made me aware of that, the two slight landscaping variances. I forget the sections of the code that they're in reference to, but that seems to be the three variances that we would need to obtain approval from the Zoning Board on. So that's where we are.

The few months -- I know that the last presentation we had some concerns from

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

neighbors. The two months that I spent -- the couple of months that I spent with Margaret Uhle, James King, correspondence with my traffic engineer, and cleaning up some suggestions on the site, I also made suggestions after the last meeting to my client to make sure the operations that were occurring that were concerns from the neighbors, didn't occur, and to make sure that that's a daily habit. I know there was a concern about the garage doors, concern about certain aspects of deliveries, deliveries had been happening at a certain time. So, from what I'm aware of, those have been addressed by the owner. So as of now, we're trying to obtain variances and then come back to you for final approval, I believe.

THE CHAIRMAN: That just about summarizes it. Thank you. What were the changes on this one -- did you run through them -- since the last?

MR. VILLANI: I believe the last meeting the suggestions with Philip Grealy -- I don't know if I presented this plan the last

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

meeting; did I Margaret?

MS. UHLE: You know, it's going to be complicated for him to do that to an extent because what happened is he made a submission for the January meeting, which was overall responsive to Phil Grealy's comments, but then there were additional comments that I had and that Mr. King had, and I will say he was very responsive to those comments as well. I think most of the comments had to do -- just a quick summary from, you know, when we first saw it was this counter clockwise circulation, reducing the length of the planter in front to ensure that the fuel trucks could make the appropriate turning radiuses, angling the parking to fit more parking in there, relocating a handicapped parking space that was previously shown in the front of the building but that blocked circulation.

MR. VILLANI: Additional lighting, I believe, too, additional luminare to the rear of the property.

MS. UHLE: Also, the two parking spaces I'm going to say on the right side of

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

the property or the south side of the property there, those were typically I think 9 by 18 but because they're tighter to get in and out the bottom space was made longer. Showing the arrows on the plan. There was a note about an existing fence that's actually in bad condition that has the woven stuff going through the chain link fence, that actually is no longer permitted. The applicant had said they would replace it in kind, and we just pointed out to them those aren't permitted. So if they come back to you, they'll have to show you the catalogue cut sheet for that. I will say that I think that the plan now has been very responsive to a series of comments.

It was just today that I received the final review on this plan from our traffic engineer, Phil Grealy, who couldn't make it today, and we didn't really think it was necessary for him to make it today. He did make a point to tell me that all five of his points are fairly minor. They're just confirmation with regard to the size of that planter; it talks about the Fire Department

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 reviewing the plan; again, mentioned that
 2 vegetation was within the right-of-way on the
 3 property to the north, which the applicant and
 4 I did look at the survey, there is vegetation
 5 within the right-of-way, so that's something
 6 that could be addressed. Actually, we'll
 7 probably address it regardless of the outcome
 8 of this application. So Mr. Grealy did make a
 9 point of saying that these were minor and
 10 actually could be more appropriately addressed
 11 if and when it came back to you. The biggest
 12 issue for the applicant is not -- I had forget
 13 to mention because I had forgotten that Mr.
 14 King had identified a couple of landscaping
 15 variances required, and we can explain that in
 16 a minute, but their major hurdle is a use
 17 variance, and, as you know, the threshold for
 18 that is very difficult. So I think any kind of
 19 loose ends I think it's just better to wait and
 20 see if it comes back to you.

21 THE CHAIRMAN: There was just one
 22 other issue which I don't think we talked about
 23 when this was in front of us, but I don't think
 24 it's major and it could be picked up should this

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 return to us, and that is the site lighting. I
 2 don't really think we've addressed the lighting
 3 that is there the way we have on other
 4 applications.

5 MS. UHLE: Yes. Again, specifically
 6 because it's a use variance, too, when it comes
 7 back to you, things like that the Zoning Board
 8 definitely doesn't really care about. The
 9 Zoning Board, I think all the time you spent on
 10 the circulation and everything, again, will be
 11 very helpful to the Zoning Board so that they
 12 don't have to -- under any circumstances for
 13 their SEQRA determination, they would look at
 14 parking and they would look at traffic and all
 15 that kind of thing, site lighting is something
 16 definitely you could address when it comes
 17 back. This way if it goes to the Zoning Board,
 18 they could just really focus on the use
 19 variance.

20 THE CHAIRMAN: Right. So I think
 21 this, similar to the application that was just
 22 here, we spent a lot of time going over the
 23 site plan issues and addressed a lot of them,
 24 asked for information from you, you've revised

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 your drawing, we certainly appreciate working
 2 and being responsive, as Margaret pointed out,
 3 and now we have a plan that we similarly I
 4 think will move to zoning and they could make
 5 the determination for the use variance not the
 6 area variance.

7 MR. VILLANI: I appreciate that.

8 THE CHAIRMAN: I think this is still
 9 an open hearing, so there are some people that
 10 probably want to talk so --

11 MR. VILLANI: Understood.

12 THE CHAIRMAN: -- We're going to
 13 listen to them and then we'll come back to you.
 14 Unless there are comments from us, guy?
 15 Anything?

16 MR. NEMECEK: I will preface what I
 17 expect to be comments from -- I know we
 18 received some materials from neighbors showing
 19 operations and those operations are ongoing at
 20 the site right now. So if we do nothing, if
 21 this application went nowhere, the concerns
 22 that are depicted in the photographs and videos
 23 that we received may still need to be
 24 addressed. I'm not certain if they have or

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 have not been addressed. On top of that, to
 2 the extent there are operational issues, we
 3 would appear to be in a better position to deal
 4 with those if and when you're referred back to
 5 us by the Zoning Board. Is that a fair
 6 statement, Jim?

7 THE CHAIRMAN: I think you represented
 8 that very well. So let's just hang for
 9 Margaret to join us, and I think we'll continue
 10 addressing that once they're done. We're just
 11 going to standby until we get our planner back
 12 here.

13 If you would like to come up. It's an
 14 open public hearing, so certainly you're
 15 welcome to come up and talk. If you just set
 16 up and wait for Margaret to come back. When
 17 you come up, please identify yourself and your
 18 address.

19 MR. ARAYA: My name is Alberto Araya.
 20 I live at 591 White Plains Road. Thank you for
 21 taking the time to listen to me, Chair and
 22 members of the council.

23 The pictures you are seeing right now
 24 is from the last snow storm we just had in

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 Eastchester. As you could see, our neighbor,
 2 per se, decided to move snow over from his
 3 property across the street onto neighbors'
 4 properties. And so, his abuse of saying he's a
 5 neighbor, he's taking care of what he needs to
 6 do to make sure that we don't have issues is
 7 not true. It's still going on. He is doing
 8 this continuously and continuously. As you
 9 could see, that picture shows that a plower
 10 literally moved snow onto White Plains Road. I
 11 know you've received my videos, my images. In
 12 one of the videos or in actually two of the
 13 videos, you will hear me calling the police,
 14 giving them the information, and then giving
 15 them my phone number that this was happening
 16 after the fact that the streets already been
 17 cleaned, he just started to put snow back onto
 18 the streets.

19 As you can see, traffic is coming
 20 through and there is still snow as he's plowing
 21 through. What kind of neighbor is that? Why
 22 is he moving it to the opposite side where
 23 neighbors have to clean up their own side
 24 anyway and instead he's moving it over and can
 25

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 cause an accident. This can actually cause
 2 somebody to get hurt. So safety is a big
 3 issue. There are too many kids in the
 4 neighborhood, there's a lot of elderly people
 5 around the area. What kind of neighbor does
 6 that to anybody in general? You're supposed to
 7 be able to help them, not do something like
 8 this.

9 The last pictures just keep showing
 10 that it's continuously happening. In the other
 11 video that you've seen, you'll probably see his
 12 staff moving, blowing leaves onto the property,
 13 blowing garbage onto the street again, which
 14 comes across the street onto our properties.
 15 That's not a neighbor. That's not a neighbor
 16 at all. There's a lot of concerns because he's
 17 supposed to not have deliveries happen at odd
 18 times. He still does. In the video you'll see
 19 that there is traffic jams. A truck tries to
 20 pull in and stops both sides of that main
 21 highway or main road for a few minutes before
 22 traffic starts to flow. It's a big concern.
 23 Since I live across the street and I work from
 24 home, it happens consistently, consistently,
 25

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 consistently. Not once has he come over, not
 2 once has he made any attempts. I have a
 3 neighbor who has two kids who is worried as
 4 well, because one now is finally able to stay
 5 outside and enjoy snow and play, the other one
 6 is a very young 12 month, maybe 14 month child;
 7 so what happens then? What happens when the
 8 son wants to go out and play on just the snow
 9 and the truck driver who's plowing that decides
 10 to plow snow over and hits the child? Is that
 11 really a neighbor that we want to continue, and
 12 then you give them a variance to use for a
 13 store because then we'll have more deliveries,
 14 more issues, more garbage, more of the
 15 non-satisfactory kind of neighborhood that we
 16 want?
 17

18 The last thing I do want to bring up,
 19 which Margaret has been on e-mails, is he was
 20 selling two cars from his property, two used
 21 cars. I e-mailed Margaret. I explained to her
 22 the situation. Steve, who works with Margaret,
 23 went and had a conversation with him. One car
 24 was taken off. The other was said to be an
 25 employee car that he was just selling on his

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 own. From that conversation until now, those
 2 two cars have not shown up. So it questions
 3 the integrity. If those two cars were actually
 4 one was being sold and one was an employee car,
 5 that car would continuously be there today.
 6 That car is not there and it's the same
 7 employee. There's only two employees that work
 8 there. So I can't trust his integrity if he's
 9 saying one thing but other things are
 10 happening. So I urge this board a negative
 11 recommendation. It doesn't help the community
 12 when you have a neighbor that's like this.

13 THE CHAIRMAN: Thank you. We're in a
 14 hard place here because we have the same issue
 15 we had on the last application. The applicant
 16 has put a plan in front of us, and right now,
 17 as Margaret read, it has to be referred to the
 18 Zoning Board where they can look at the
 19 granting or not granting of the use variance.
 20 So at this point, there is nothing that we can
 21 do except to refer them with a recommendation
 22 if we feel like, similarly like we did on the
 23 last one, or just refer it.

24 That being said, the pictures you
 25

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 provided and the videos certainly are alarming,
 2 and I am just as horrified about it as you are
 3 that the owner there is just flaunting that he
 4 could do whatever he wants across that.
 5 Unfortunately, as a board that's a condition
 6 that beyond the property line and whatever
 7 happens in the right-of-way is not within our
 8 scope to enforce. So I think those are
 9 enforcement issues. Although it's dangerous,
 10 I'm not sure how we could bring that into our
 11 review of this.

12 MS. UHLE: The one thing that I can
 13 say, if for some reason it came back to you, as
 14 you did with 504 New Rochelle Road there was a
 15 condition that the snow actually physically be
 16 removed from the site. I will have to say, I
 17 understand this resident's concerns, when I
 18 spoke to the highway superintendent about it,
 19 who actually said it's a police issue but
 20 obviously is very aware of these issues,
 21 basically said to me unfortunately so many
 22 property owners on White Plains Road do that,
 23 you know, and that is an issue. With regard to
 24 the blowing of the leaves and the debris, I was

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 also told a lot of property owners do that and
 2 a significant amount doesn't disturb them too
 3 much. But I understand if it's blown on to
 4 your property, that's something completely
 5 different. Ironically, if it were approved,
 6 you have more leverage to impose conditions
 7 than if it's denied, and I'm not trying to
 8 influence how you vote.

9 MR. NEMECEK: I was just going to make
 10 that comment, actually, to this member of the
 11 public, that actually if we do nothing, if we
 12 reject this application, you're exactly in the
 13 same position you are now, which is attempting
 14 to find out who's responsible for making sure
 15 that the leaves aren't blown and making
 16 complaints about the times of deliveries and
 17 that. If the Zoning Board of Appeals approves
 18 the variances that are requested and the
 19 application comes back here and we see fit to
 20 grant the application, we can impose on the
 21 applicant restrictions on the approval of the
 22 application that may be restrictions that don't
 23 exist right now and, you know, may go some ways
 24 towards addressing some of the issues; for

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 example, times of delivery. As Margaret just
 2 said, we imposed a condition on the approval
 3 that we had for a gas station renovation in the
 4 Chester Heights area of town that required them
 5 to physically remove snow if it fell above a
 6 certain -- was it 4 inches or something like
 7 that?

8 MS. UHLE: Yes, I believe it was 4
 9 inches.

10 MR. NEMECEK: And we were able to
 11 impose those restrictions, those conditions.
 12 Now, just because we impose a condition doesn't
 13 mean it's automatically going to be followed,
 14 we're not a police force here, but at least
 15 there's something on the record that may be
 16 stronger than what exists now. So the point
 17 that I made before you got up to speak, was
 18 that what we're seeing here and what we saw in
 19 your photographs and your videos were
 20 operational issues and certainly they don't
 21 paint the applicant in a good light. Whether
 22 or not other people are doing the same thing,
 23 it's still, as you said, isn't about being a
 24 good neighbor, but we can't make someone be a

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 good neighbor. We can encourage them. But if
 2 we do nothing and if this application goes
 3 nowhere, you're probably stuck with exactly
 4 what you have now. There is a chance that by
 5 imposing conditions on an approval, we might be
 6 able to make it a little bit better.

7 In any event, I think what this board
 8 is required to do basically is to pass on to
 9 refer to the Zoning Board of Appeals the
 10 application for variances. If the Zoning Board
 11 of Appeals approves those variances, it will
 12 come back here, and at that point, we can
 13 consider the issues again and see if there are
 14 conditions to an approval that might be
 15 appropriate.

16 MR. TUDISCO: Also, the members of the
 17 public should know that to the extent that you
 18 refer it to the Zoning Board, there's a public
 19 hearing process in front of the Zoning Board.
 20 So you could raise whatever issues and appear
 21 at that point as well.

22 MR. ARAYA: Thank you.

23 THE CHAIRMAN: Stay. Don't go just
 24 yet. Just hang on. We're still going to

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 discuss this a little bit more.

2 So the conditions -- I stand

3 corrected -- if it does come back, as Mr.

4 Nemecek pointed out, there are things we could

5 do to do something about the snow and also,

6 perhaps, the deliveries. I, personally,

7 guarantee you if it's back, the snow is the

8 first condition we'll make as part of the

9 approval that it gets disposed of properly, not

10 pushed across the street. Also, deliveries,

11 although --

12 MS. UHLE: Possibly with deliveries --

13 THE CHAIRMAN: -- Although gas

14 companies always say that they deliver when the

15 deliver, which I think is totally unacceptable.

16 They have to come up with something better than

17 that. I mean, that's just, from my point of

18 view, I think leaving it up to them to deliver.

19 So those two issues are front and center if

20 this application is approved at zoning, and we

21 certainly will make a point to address those.

22 MR. ARAYA: Okay.

23 THE CHAIRMAN: So thank you.

24 MR. ARAYA: Okay.

25 DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 MR. PULASKI: One of my observations

2 is that where this station is located is an

3 area between traffic lights, you have two lanes

4 in each direction, the traffic can start moving

5 along at a good clip. It's still a 30 mile an

6 hour zone but --

7 MR. NEMECEK: It's downhill.

8 MR. PULASKI: It moves. My concern is

9 when a car is exiting or entering, it crosses

10 two active lanes to get to the third lane and

11 how this can impact traffic. It can expose to

12 more accidents, it can slow certain traffic

13 down when it gets a little more congested,

14 force that traffic that you're crossing to stop

15 and give you access to cross. How I bring this

16 back into the application, is that I think that

17 a convenience store is going to generate more

18 of this as opposed to a gas station located

19 where that gas station is located. I don't

20 know on what true basis DOT or the town is able

21 to evaluate a left turn condition. I know that

22 when you get up to Vernon Hills, there there's

23 a sign at one place where it says, no left

24 turn. You just can't make a left turn there.

25 DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 THE CHAIRMAN: But is a left turn --

2 sorry to interrupt -- is a left turn out of

3 that even legal?

4 MR. WEST: It's a solid yellow, isn't

5 it?

6 THE CHAIRMAN: It's a double yellow.

7 MS. UHLE: You can cross a solid

8 yellow, you just can't pass.

9 MR. TUDISCO: You can make a left turn

10 out of a driveway. The issue, however, is, as

11 Mr. Pulaski stated earlier, 22 is a state road,

12 and so, it's simply not easy for the town or we

13 would not be in a position to require the

14 applicant to put up a no left turn sign there.

15 The state would have to get involved. So just

16 kind of putting that out there.

17 MS. UHLE: The application has been

18 referred to New York State DOT for -- I

19 referred it actually a few months ago for

20 review and input. So they have a copy of one

21 of the iterations of the plans. They have not

22 made any -- they have not responded at all yet,

23 which is probably not atypical, but I have also

24 followed up with them a couple of times.

25 DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 MR. PULASKI: To tie this further back

2 into the application, if you look at other

3 properties up and along that road, you don't

4 have properties that will generate a lot of in

5 and out. You'll have a business and some will

6 go out and eventually someone else will come

7 in, but you don't have a lot of in and out like

8 you get in a convenience store. That's why I'm

9 mentioning it, because the Zoning Board will be

10 reviewing it from a standpoint of whether to

11 grant consideration of this as a convenience

12 store. I think that trying to keep safe

13 traffic and good flowing traffic is a part of a

14 planning function to look out for the

15 community.

16 THE CHAIRMAN: Did we do a traffic

17 study on generating trips for a convenience

18 store?

19 MS. UHLE: Yes. I think part of the

20 problem was the application had been adjourned

21 for a couple of months, but yes, they had a

22 traffic engineer evaluate this and submit a

23 memorandum to you. Phil Grealy evaluated it

24 and submitted a memorandum to you as well. I

25 DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 think the conclusion of both traffic engineers
2 was, again, that there won't be -- what they're
3 looking at is level of services and how
4 disruptive it will to -- how much it will
5 affect your wait at traffic lights and at
6 intersections and whether it significantly
7 increases or affects basically the time you're
8 stopped along the road. I think both traffic
9 engineers concurred that the amount of
10 additional traffic that would likely be
11 generated as a result of the convenience store,
12 would not be something that would noticeably
13 increase waits at traffic lights and
14 intersections and that type of thing.

15 MR. NEMECEK: I recall -- going back
16 to the Chester Heights gas station as well and
17 that's in some respects even busier -- I do
18 recall Mr. Grealy saying that convenience
19 stores in gas stations, they have -- the
20 traffic engineers have a broad range of data to
21 go on and, you know, the reality, I guess, is
22 that not so many people will stop just to use a
23 small convenience store. They'll use it
24 because they're going to get gas, they'll stop

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 in. So it doesn't necessarily have as much of
2 an impact on the number of trips made to the
3 property. It's not like you're going to double
4 the number of trips. They were able to, and
5 Mr. Grealy felt quite confident based on the
6 data base that he was using, that the
7 incremental increase was not going to be so
8 much that it was going to be -- that you would
9 really feel it. That's sort of what -- I do
10 recall that.

11 THE CHAIRMAN: So we covered it. As a
12 board, we did our job and we covered it.

13 MR. NEMECEK: Once again, under the
14 masterful leadership of the esteemed Chairman.

15 THE CHAIRMAN: But it's not the
16 Chairman, it's those working with the Chairman
17 that make the difference.

18 I'm sorry to keep you waiting. Come
19 on up. We're going to joke around all night if
20 you don't interrupt us.

21 MRS. ARAYA: I appreciate your time
22 and the opportunity to address the board. My
23 name is Virginia Araya. I also reside at 591
24 White Plains Road.

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 I'd like to remind the board -- I have
2 five considerations for you in addition to what
3 my husband mentioned earlier. There are three
4 private homes directly across from the gas
5 station and one directly adjacent to the gas
6 station. I'd like to remind the board also of
7 the school. So I would like you to, as
8 residents of Eastchester and as members of this
9 board, consider our concerns regarding the
10 expansion of the gas station into a convenience
11 store.

12 The first, as Mr. Pulaski aptly
13 mentioned, was the traffic considerations. All
14 the traffic studies have taken -- rightfully
15 this is what they're designed to do is to study
16 the flow of traffic into and out of the gas
17 station. What they don't consider because
18 they're not required to, but I'm going to try
19 to explain as clearly as possible to the board,
20 is our traffic considerations. Entering and
21 exiting our home in the morning and entering in
22 the evening has been disrupted. I know it
23 doesn't sound like much, but when you're trying
24 to exit to catch at 6:56, a 6:50, a 7:19 train

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 and you have to stop because of the gas
2 delivery or stop because of increased traffic
3 of people trying to make the left into the gas
4 station, it's extremely inconsiderate. I
5 understand that we live there and that we chose
6 to live there, but as an addition a convenience
7 store will only increase that foot traffic.

8 I would like to remind you of the
9 school next door. If there's a convenience
10 store there, the children, of course, are going
11 to want to go in and buy certain things. We've
12 personally witnessed children climbing the snow
13 banks as of last week to get to the school.
14 Kind of just waiting for one of them,
15 unfortunately, to fall sitting with a phone in
16 the hand because, you know, they're just
17 slipping and sliding up the snow banks that are
18 up on the side. So that's the first
19 consideration, traffic.

20 Second consideration is noise really
21 to us across the street. There has been
22 beeping. I've heard it. I, unfortunately, was
23 home this summer on medical leave and there was
24 plenty of times when people were just waiting

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 3/23/17

1 to get in and there's traffic noise, which is
2 expected on White Plains Road, but again, if
3 there is a convenience store, that is going to
4 increase.

5 Third, I would like you to consider
6 the impact on the residential value our home.
7 We are also tax paying members of the
8 community. I understand that the gas station
9 is probably more of a tax generator than we
10 are; however, that is just going to directly
11 impact the value of our home. Not just the
12 monetary value. I think we kind of get lost
13 and lose the idea of the quiet use and
14 enjoyment of our home. When you have guests,
15 when you have, you know, constant traffic in
16 and out, it's just going to be increased by a
17 convenience store. That's just the nature of
18 the best, unfortunately.

19 I have been stuck, as I mentioned
20 earlier, trying to enter and exit. I have
21 witnessed the snow. I have witnessed the car
22 selling. What's next; a car dealership? I
23 mean, it begs the question; right?

24 In addition, there are to our right

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EASTCHESTER PLANNING BOARD - 3/23/17

1 two small children, directly across the street
2 adjacent to the gas station there are two small
3 children. I reside with my husband and my
4 mother-in-law, who, you know, obviously
5 emergencies happen, we need to be able to enter
6 and exit our property as we wish without extra
7 delay that the convenience store would bring
8 on. I understand that the board has to refer
9 this to the Zoning Board. I just beg your
10 consideration into taking our neighbors'
11 concerns into account. I ask you to please
12 consider the residential nature of where we
13 live. The gas station, also I would like to
14 mention, has lights. We've had to invest in
15 blackout shades as the light enters directly
16 into my mother-in-law's bedroom and indirectly
17 in my husband and my bedroom. Again, we choose
18 to live there; however, there is just concerns,
19 safety concerns, traffic concerns, quiet use
20 and enjoyment concerns for our home that we beg
21 you to consider as you consider this
22 application. Thank you for your time.

23 MR. PULASKI: In response to one of
24 the items about lighting, the board has

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EASTCHESTER PLANNING BOARD - 3/23/17

1 previously said that if this application comes
2 back and we review it to go forward, we can
3 require certain stipulations regarding
4 lighting.

5 MS. UHLE: I notice in one of
6 Alberto's photographs where the lighting, at
7 least in the photograph, looked excessively
8 bright, and that is something we may be able to
9 work with the owner now on as well absent any
10 other condition of approval.

11 MR. NEMECEK: Also, a lot of what I
12 just heard from you was a concern about the
13 change in the use of the property --

14 MRS. ARAYA: Exactly.

15 MR. NEMECEK: -- To a convenience
16 store, and that is the principal variance
17 that's being requested before the Zoning Board
18 of Appeals. I would recommend that you bring
19 those concerns directly to the Zoning Board
20 when they have their public hearing.

21 MRS. ARAYA: Absolutely.

22 THE CHAIRMAN: Great. Thank you.

23 MRS. ARAYA: Thank you.

24 THE CHAIRMAN: Hold on, let's see if

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1 there's anyone else from the public. Any other
2 comments from the public?

3 (No comments.)

4 THE CHAIRMAN: Sure.

5 MR. VILLANI: In summary, I just want
6 to reiterate, from my understanding as well, we
7 went into this, the owner of the property,
8 understanding the conditions and resolutions
9 that will be generated by the result of your
10 decisions, and he is willing to enforce those.
11 I take great pride in taking your suggestions
12 and not only putting them on the drawings but
13 suggesting them to the owner, and, hopefully,
14 he performs those. I heard new concerns
15 tonight that will be addressed, from previous
16 meetings and concerns with open doors and music
17 and stuff like that, and those I hope have been
18 addressed. I hope to address all of those with
19 the resolutions that are dictated to me by the
20 Planning Board, the Zoning Board. I think the
21 Planning Board and Zoning Board, that's the
22 reason for them to make conditions that will
23 make the site better, more usable, more user
24 friendly, neighboring to people, and that's why

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1 we're here. That's the general purpose of it.
2 He understands that and wants to enforce those.

3 THE CHAIRMAN: Thank you.

4 MR. VILLANI: Thank you.

5 MS. UHLE: One quick comment before
6 you refer it to the Zoning Board. You did for
7 this particular application declare yourselves
8 lead agency a few months ago, so you would have
9 to adopt a Neg Deck before you refer it.

10 THE CHAIRMAN: So I'm going to --
11 unless there's comments -- when we refer, I'm
12 going to say it's a straight referral with no
13 recommendation in any sort of way, unless
14 someone here would like to make some sort of
15 recommendation with conditions as we did on the
16 last application.

17 MR. PULASKI: I have none.

18 MS. UHLE: To clarify, that means with
19 regard to the consideration of the convenience
20 use, but if it did come back, then the board
21 would definitely address site lighting and
22 fencing, and, you know, snow removal, all that
23 kind of thing.

24 THE CHAIRMAN: Yes.

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1 MS. UHLE: Yes. Okay.

2 THE CHAIRMAN: So then I make a motion
3 to make a Negative Declaration regarding SEQRA
4 and this application, 16-14.

5 MR. PULASKI: Second.

6 MR. NEMECEK: Hold on. The public
7 hearing is still open.

8 THE CHAIRMAN: It's open, yes.

9 MR. PULASKI: I second that.

10 THE CHAIRMAN: All in favor.

11 (All aye.)

12 THE CHAIRMAN: I make a motion to
13 refer Application 16-14 to the Zoning Board of
14 Appeals for consideration of a use variance.

15 MR. NEMECEK: Second.

16 THE CHAIRMAN: All in favor.

17 (All aye.)

18 THE CHAIRMAN: Thank you. Do we have
19 minutes or --

20 MS. UHLE: Just the December 1st
21 minutes, I believe.

22 MR. NEMECEK: December 1st.

23 MS. UHLE: Everyone was here except
24 Mark, so that works out well.

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1 MR. WEST: We didn't need Mark after
2 all.

3 MS. UHLE: You needed him for the next
4 two.

5 THE CHAIRMAN: Phil, you have your
6 comments on the December 1st meeting?

7 MR. NEMECEK: Yes, I think I handed
8 them in last time.

9 THE CHAIRMAN: So I make a motion to
10 approve the meeting minutes of the town of
11 Eastchester Planning Board meeting of
12 December 1st, 2016.

13 MR. NEMECEK: Subject to the revisions
14 that I've submitted.

15 MR. WEST: The frivolous changes.

16 MR. NEMECEK: Second.

17 THE CHAIRMAN: All in favor.

18 (All aye.)

19 THE CHAIRMAN: I make a motion to
20 close the town of Eastchester Planning Board
21 meeting of March 23, 2017.

22 MR. PULASKI: Second.

23 THE CHAIRMAN: All in favor.

24 (All aye.)

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1 (MEETING ADJOURNED.)

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1
2
3 CERTIFICATION
4

5 STATE OF NEW YORK)
6) Ss.
7 COUNTY OF WESTCHESTER)

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

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

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

21 IN WITNESS WHEREOF, I have hereunto set
22 my hand this 17th day of April, 2017.

23
24 

25 DINA M. MORGAN
Court Reporter
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3 CORRECTION SHEET
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