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TRANSCRIPT OF

TOWN OF EASTCHESTER PLANNING BOARD MEETING

MAY 23, 2019

TOWN OF EASTCHESTER  
Building and Planning Department

JUN 24 2019  
HELD AT:

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

RECEIVED

BOARD MEMBERS IN ATTENDANCE:

ACTING CHAIRMAN PHILIP NEMECEK  
ROBERT PULASKI, MEMBER  
MARK CUNNINGHAM, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

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

Dina M. Morgan, Reporter  
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fairly short agenda today.

First and foremost, we have one item that was on the original agenda for today which has been adjourned to the next meeting, which is June 27th, and that is Application 19-04, 51 Orchard Street. That will not be heard tonight. So if you're here for that one, or if you're among our substantial viewing audience at home watching and waiting with bated breath for the 51 Orchard Street application to come on, it's not tonight. It's June 27th.

We do, however, have three items, all of which have been before this board before, all of which were before this board last month. Those three items are as follows: Application 18-36, which is Holy Mount Cemetery, which is located on, appropriately enough, Cemetery Lane. The second application is Application 19-05, which is 2 York Place. Then application number 3 today is Application 19-08, which is 14 Interlaken Drive. So let's get going.

The first application today, Application 18-36, Holy Mount Cemetery.

MR. ALLEN: Good evening, ladies and

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ACTING CHAIRMAN NEMECEK: All right.

Everyone, we're going to get started. Please.

I'm calling to order the Town of Eastchester Planning Board meeting of May 23, 2019. Let's do the Pledge of Allegiance.

(Whereupon the Pledge of Allegiance was said.)

ACTING CHAIRMAN NEMECEK: All right.

We're going to do the roll call. I'm Phil Nemecek. I'm the Acting Chairman today in the absence of James Bonanno, whose daughter is graduating from college tomorrow. So congratulations to our Chairman and his family. The rest of the crew here; Bob Pulaski.

MR. PULASKI: Present.

ACTING CHAIRMAN NEMECEK: Mark Cunningham.

MR. CUNNINGHAM: Present.

ACTING CHAIRMAN NEMECEK: Bill West is not going to be with us today.

Do we have any minutes to approve?

Re March 28th we can't.

MS. UHLE: You're correct, you cannot.

ACTING CHAIRMAN NEMECEK: We have a

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gentlemen. As we were at the last meeting --

ACTING CHAIRMAN NEMECEK: Introduce yourself.

MR. ALLEN: I'm sorry. My name is Tim Allen, Bibbo Associates. Our project team: Joe Lazarcheck, Rob Sherwood, Father Sorgie is here also, and members of the parish.

At our last meeting, we had discussed at the very end of the meeting, hopefully bringing this to a resolution subject to drainage, which we worked out with Mr. Cermele. You don't recall that?

ACTING CHAIRMAN NEMECEK: I'm sorry to interrupt you. If you could just go back to where we were.

MR. ALLEN: Absolutely. So we had talked about additional drainage on the property. We provided additional drainage through a pipe, the perforated pipe that was already there on the plans that you've previously seen. We worked with Joe and his office to hopefully his satisfaction. He's going to tell you right now that that was addressed properly.

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We had some landscaping comments that came through. I'm going to let Rob go through those landscaping comments right now and walk you through that. As far as we're concerned, I think we've addressed all the comments the board and the public has had on this project. Thank you.

ACTING CHAIRMAN NEMECEK: Thank you.

MR. SHERWOOD: Good evening. Robert Sherwood, landscape architect. After the last meeting and the public's comments and the comments from Joe's office, we did revise the landscape plan. I did switch out some of the plant material to be different varieties. I did locate all the existing trees on the plan, what their conditions were, and if we were removing them or taking them down. I put those on the latest plans as well. So there is a tree chart, what they are, their conditions. Some are in poor conditions out there.

The comment letter that came through yesterday from Joe's office, Kellard Sessions, there were still a few inaccuracies on my plan, and I've addressed them. They were pretty

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simple. A plant count wasn't there. There was a graphic symbol that wasn't showing up. I revised the plan to kind of highlight the existing condition of the steep slope on what we're trying to do and how we're going to stabilize the other areas where we're planting. So in essence, on this plan --

MS. UHLE: If you could bring the microphone with you. Thank you.

MR. SHERWOOD: So in essence, the plan that you see here, the area in red on the slope where it has the existing vines, it has some existing shrubs, what we intend to do is take out any debris or, let's say, nuisance that might have been dumped there, anything like that, but the intention is to leave that and not disturb the soil itself. So if there are vines there that are growing that are stabilizing the slope, we're going to leave it.

The other areas where we planted a mix of shrubs and trees, in that area we're not going to mulch it, we're going to seed it with a conservation seed mix, which will grow up and also stabilize that area.

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In essence, that's pretty much all I did to achieve hopefully compliance with Joe's comments.

ACTING CHAIRMAN NEMECEK: I think there were comments from certain of the neighbors at the last hearing about the choice of flowering tree as sort of a center piece tree, if you will, on the property.

MR. SHERWOOD: Yes.

ACTING CHAIRMAN NEMECEK: Has that been addressed in any way?

MR. SHERWOOD: I did take that into consideration. I did use a different tree. I used a flowering tree that's a little bit more hardy and native to the environment. I did keep some of the more ornamental trees up near the building, and then in the backside the last three trees going down I guess to the west side of the property, I changed those to a flowering Shadblow Service Berry. It's got a white flower, multi-stemmed. It's a little more durable let's say.

ACTING CHAIRMAN NEMECEK: A hardier plant.

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MR. SHERWOOD: Yes.

MR. PULASKI: You're saying that the top of that slope or embankment is basically not going to be disturbed, it's going to be cleaned up a bit and then kept intact?

MR. SHERWOOD: The top of the slope?

MR. PULASKI: Right.

MR. SHERWOOD: No. The top of the slope is going to be -- the construction limits when we put in the storm water drainage and stuff, that will be disturbed, that top of the slope. But going down farther, I tried to highlight it in the red striped area, where we're not doing any disturbance, leaving that ground cover, the existing shrubs, anything that is growing there is going to stay. What we disturb and where we're planting, I'm going to under seed that with a conservation seed mix.

MR. PULASKI: But where you're hatched, that's -- when I walked the site, I had the sense that that is pretty much the top of that slope, the crest of that slope.

MS. UHLE: It's where there's actually

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the slope, and then where it levels off is where they're disturbing it more for the planting.

MR. PULASKI: What my ultimate concern is, while you are constructing, your temporary condition of maintaining the water on your side of the property. That is a steep slope. Usually this is the contractor's obligation and his means and methods, but it's a steep slope and it has to be focused on. To the comments of the public, they are concerned with anything that starts to rush down to their property, and during construction when you don't have all that vegetation in place, it can become muddy and problematic if it isn't focused on and dealt with properly.

MR. SHERWOOD: Certainly, and I'll have Tim, the project engineer, discuss what they've done for sediment and erosion control. That's more towards what he is doing.

MR. ALLEN: You're absolutely correct. Certainly part of our plan is an erosion control plan as part of that. During temporary construction, generally I believe the sequence

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of construction would tell you that the drainage would go in immediately upon the construction of the walls. Logically, that would make sense anyway because as you're building the walls next to the drainage, they would all go in at once. So certainly it's all been addressed on the plans.

MR. PULASKI: I see the usual indications on the plans, but it's really how that whole thing gets put together by the contractor. It's not necessarily the designer's obligation, it's the contractor's obligation. So it becomes a part of the owner and whoever is managing the construction to oversee it, and then, of course, our Building Department observes it also. Sometimes the contractor will just put a simple filter fence up, but the steepness of this slope could be such that that might not work totally. You might need to augment it with some other temporary measures that are practiced.

MR. ALLEN: As luck would have it, we have our project manager here tonight who will be overseeing the construction. Not

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necessarily the contractor that's going to be doing the work, but certainly overseeing all this. We've worked with Mr. Kelly on many other projects, and he's going to be the one that's going to be, number 1, letting us know if there's a problem, and, number 2, solving that problem immediately if it becomes a problem.

MR. PULASKI: I know in your design you've gone to a great extent to take care of water on that long term basis.

MR. ALLEN: Correct.

MR. PULASKI: Just reiterating what I'm addressed is, it started with a public's concern about water, and we'll get off to the wrong foot if the construction portion isn't addressed.

MR. CUNNINGHAM: Does the site plan call for a limit of disturbance on it?

MR. ALLEN: We have it on the erosion control, correct.

MR. PULASKI: Okay.

MR. ALLEN: Thank you.

ACTING CHAIRMAN NEMECEK: Anything  
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else from the applicants at this point?

(No comments.)

ACTING CHAIRMAN NEMECEK: Then I want to hear from Mr. Cermele, who is here on behalf of the -- I guess he's the town's consultant on the water management, storm water.

MR. CERMELE: Good evening. As you probably know, our office worked in conjunction with Bibbo's office on the engineering side of things. We went back and forth a few times on iterations of the plan. We've met with the two neighboring property owners on the downhill side of the property, heard their concerns for storm water, erosion, vegetation. I think collectively we've all worked towards the plan you have before you tonight.

They've addressed all of our comments and concerns regarding the storm water. The systems that they've designed are based 100 percent on infiltration. All the water from the columbarium, from the existing upstream drainage area or upgrade drainage area will all be collected and it will be controlled on site in various forms of infiltration

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1 systems before it's allowed to discharge, as  
2 opposed to what it does today, which is to just  
3 run off the site uncontrolled.

4 With regard to the landscaping plan,  
5 this is my first time seeing that plan tonight,  
6 so obviously we'll want to take a quick look at  
7 it. Our comments with regard to the  
8 landscaping had become fairly minimal, so I  
9 assume that they've been addressed.

10 Just to your point with erosion  
11 control, the plan also in addition to silt  
12 fence and temporary protection on drainage  
13 structures, there is also a detail for erosion  
14 blankets, which as soon as an area is disturbed  
15 what the contractor would be required to do is  
16 to immediately seed it, stabilize it, and then  
17 there's an erosion control blanket, it's a  
18 coconut fiber biodegradable mat that gets laid  
19 over the seed, allows it time to germinate  
20 while protecting the soils from erosion.

21 MR. PULASKI: I appreciate you  
22 pointing those out.

23 ACTING CHAIRMAN NEMECEK: Joe, one  
24 other question, just a comprehensive view. It

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1 sounds like what you were saying was the net  
2 effect of the construction that's contemplated  
3 here is that you would expect there to be less  
4 of a water intrusion issue for the neighbors  
5 than presently exists at the conclusion of this  
6 construction given the infiltration system that  
7 you described; is that a fair assessment?

8 MR. CERMELE: Yes. Flow rates as well  
9 as volumes will both be used.

10 ACTING CHAIRMAN NEMECEK: Okay. Thank  
11 you. I think we still -- Rob, do we still have  
12 a --

13 MR. TUDISCO: The public hearing is  
14 open currently.

15 ACTING CHAIRMAN NEMECEK: Open. Okay.  
16 Are there members of the public who would wish  
17 to be heard?

18 MS. LEIBOWITZ: Good evening. I'm  
19 Elizabeth Leibowitz, 23 Lake Shore Drive, the  
20 closest neighbor to this area. Thank you for  
21 reading our letter. It was double spaced this  
22 time.

23 Just to hit the main points, the  
24 fencing we discussed last meeting had to be put

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1 up by the neighbors because there was too much  
2 debris overflowing from the cemetery. So we're  
3 hoping that that's not going to be a problem.  
4 Right now they've set up waste baskets and we  
5 hope that they regularly will actually empty  
6 them so that the animals don't have a lunch  
7 counter. But I don't know who's going to make  
8 sure that the cemetery is kept clean.

9 Water runoff and the trees. Water  
10 runoff, I'm not a water engineer, so I don't  
11 know if it's actually going to work, but I do  
12 know that we will be living with the  
13 consequences, so I really hope that the water  
14 runoff planning has been done properly. We're  
15 glad they replaced the trees with a hardier  
16 kind of tree. The Hornbeam I guess can live  
17 for like a hundred years -- which would be  
18 good -- with no care.

19 The height of the building. We didn't  
20 hear anything about them lowering it further,  
21 but if it could be lowered even like 6 inches,  
22 that would be great. I think it was mentioned  
23 that it was possible to do.

24 Upkeep of the cemetery. Again, I

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1 don't know if there's anything you could do  
2 between the town and the parish to actually  
3 make sure the cemetery is up kept, but it's  
4 really important because we found ourselves in  
5 this situation because it hadn't been kept up.

6 I was going to say something about  
7 stabilizing the slopes, but you've taken care  
8 of that. The English ivy that's there now is  
9 very happy, it's very well established, and I'm  
10 glad it's going to be left there because it  
11 does a good job.

12 Thank you for hearing us out, and I  
13 hope this all works out well.

14 ACTING CHAIRMAN NEMECEK: Great. I  
15 think we all do.

16 One of the concerns that Mrs.  
17 Leibowitz mentioned was the upkeep. I'm  
18 satisfied with the answer that Father Sorgie  
19 gave at the last meeting about the requirement.  
20 We're not going to enter into a contract. We  
21 don't have the enforcement powers to do that.  
22 As I understand it, this is a requirement  
23 that's imposed upon the parish by the Arch  
24 Diocese of New York. The parish has been a

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1 good citizen of the Tuckahoe/Eastchester  
2 border. I think half of the church property is  
3 in Eastchester and the other half in Tuckahoe.  
4 The cemetery is wholly within the Town of  
5 Eastchester. I know the parish has been  
6 cooperative in the past. I was on this board  
7 when we were responsible for approving the  
8 gymnasium construction and that went very well.  
9 Minimal complaints that I'm aware of. In that  
10 instance, the gymnasium has been of use to the  
11 entire community.

12 So there is a certain level of trust.  
13 What I've heard from the applicant's  
14 representatives, that they are required through  
15 their internal controls to dedicate a certain  
16 portion of the revenue that comes in from the  
17 sale of these niches to the upkeep, I'm  
18 satisfied that that's been addressed or will be  
19 addressed. It certainly will be addressed I  
20 would think in the near future, because I don't  
21 think you're going to be able to sell very many  
22 of these niches if you have a poorly maintained  
23 site. So I think that concern has been  
24 addressed.

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1 With respect to the landscape plan,  
2 since it's not been finally reviewed by Mr.  
3 Cermele and perhaps not by Margaret's office,  
4 I'm satisfied that progress has been made, and  
5 maybe this is a satisfactory final plan, but to  
6 the extent there may need to be minor  
7 adjustments, I have the full confidence that  
8 Margaret, who is a licensed landscape  
9 architect, knows what she's doing in this area,  
10 and that working with Joe and working with her  
11 department, any changes to this that are made  
12 are going to be for good reason and are going  
13 to ultimately inure to the benefit of the  
14 entire Town of Eastchester, and, in particular,  
15 take into account the considerations of the  
16 nearby neighbors.

17 In terms of further adjustments to the  
18 height, I don't really know that 6 inches is  
19 going to make much of a difference. I'm  
20 satisfied that the applicant has already scaled  
21 down it's original vision, and I believe the  
22 contemplated edifices is the same size as the  
23 one that's in place right now. I think the  
24 process has worked well. I think there's been

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1 a good give and take. Certainly, the applicant  
2 here has been very cooperative, and all of its  
3 representatives have been professional. We do  
4 appreciate very much the input of the public,  
5 the neighbors who are most directly affected,  
6 and we appreciate your bringing some of these  
7 issues to our attention and to the applicant's  
8 attention, and, thankfully, we have had a  
9 responsive applicant here.

10 Subject, I guess, to the normal  
11 conditions that we have --

12 MS. UHLE: I have a quick question.  
13 Did you close the public hearing or see if  
14 anyone else wanted to comment?

15 ACTING CHAIRMAN NEMECEK: Anyone else  
16 want to comment? This is the difference  
17 between an acting chairman and the real  
18 chairman. The acting chairman sometimes makes  
19 mistakes like this. Go ahead. First introduce  
20 yourself.

21 MS. SALERNO: Good evening. Anna  
22 Salerno, 15 Lake Shore Drive. I just have a  
23 couple of quick questions.

24 They've addressed how they are going

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1 to maintain the property up top. What about  
2 the front when you first enter the area, has  
3 anybody spoken about what's going to be done on  
4 the roadway going up to the cemetery, any  
5 maintenance there? It looks like a dried up  
6 old delapidated forest, especially when you  
7 first enter. Aesthetically wise, you're going  
8 to build this beautiful columbarium and you're  
9 not even focusing on the focal point when you  
10 first enter.

11 Aside from that, another one of my  
12 concerns is heavy machinery and things like  
13 that going in the road up to the cemetery. I'm  
14 the first house on the right. Is there going  
15 to be anything disrupted? I had to put trees  
16 there for privacy. Is anything going to be  
17 disrupted in that effect because of the heavy  
18 machinery or whatever that goes up there?  
19 These are a few of my concerns.

20 Another concern, which I think I  
21 brought to light awhile ago, but I'm just going  
22 to mention it again because I think it's  
23 important for our town, in the winter everybody  
24 knows everybody goes sledding at Lake Isle.

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That's the thing. You have little kids, this is what they grow up on.

ACTING CHAIRMAN NEMECEK: I used to when I was a kid.

MS. SALERNO: Did you?

ACTING CHAIRMAN NEMECEK: Yes. In the 1970'S.

MS. SALERNO: My kids are older now, they don't need to go sledding.

ACTING CHAIRMAN NEMECEK: I don't do it anymore, by the way.

MS. SALERNO: You still go?

ACTING CHAIRMAN NEMECEK: No, I don't.

MS. SALERNO: So what they do now, people park outside my house, cut through my yard, I don't have a problem with that, they're going sledding. Then a lot of people do go up Cemetery Lane, flip it around at the top, make the u-turn, come down, park on the side. Is that going to even be allowed anymore? Is that's going to be something that's going to be off premises? This is what our town is known for, Lake Isle sledding in the winter. It's a big deal. Just another concern. Just another

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thought that you don't want to ruin our foundation of what this town is all about.

Again, the aesthetics is a big deal, and I'm concerned with how are they going to brush that up and make that look better and clean that up. We did speak about maintenance a couple of weeks ago, so we'll see how that goes. All right. Thank you.

ACTING CHAIRMAN NEMECEK: Thank you. I would think with respect to the sledding thing, that's really an enforcement issue. I don't know what the restrictions are.

MR. TUDISCO: Again, it depends on whether or not the road is a private road or if it is a road that was deeded over to the town or if there's an easement. I don't honestly see that anything is going to change. I don't know if that's a legal issue.

Again, I just want to address in general there's difference between what gets approved and conditions, and ultimately to the extent that the community has concerns about upkeep, there are certain things that the town can enforce, and it is really incumbent on the

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community to reach out to either the land owner preferably, or certainly my office or the Building and Planning Department. There are certain statutes in terms of the height of the grass, the maintenance of the property. There were some complaints or concerns raised about the fencing around the area. I think we've come to learn that the fences are the property of adjoining landowners and not the cemetery, and it is the responsibility of the owners of the fencing to keep it in good repair.

To the extent that anyone has questions from the community about enforcement issues, please feel free to could contact my office and I will certainly address them.

ACTING CHAIRMAN NEMECEK: In terms of the roadway and the state of the trees leading up to the cemetery proper, there's only so much I think we can do in this application. We're fairly far along here. I don't recall that issue being raised at the last meeting, and, you know, quite frankly, if the application were to be denied, there would be no change at all in that. I don't recall being affected one

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way or the other when I visited, and it didn't strike me as anything that required immediate attention. Again, I would suppose that it would be very much in the interest of the applicant here to do whatever, to make whatever aesthetic changes might need to be made or upkeep that would have to be done in order to make the cemetery, including the entranceway to it, as attractive as possible because if this application is approved, the plan is to be selling a commodity, in this case the niches for the burial or the placement of the remains. So I would think it would be very much in the interest of the applicant upon approval of the application, to do everything within its reasonable power to make this look as nice as possible, even if we're not addressing that particular issue at this point.

You also had a concern about the heavy machinery.

MS. UHLE: Maybe the applicant can address that.

ACTING CHAIRMAN NEMECEK: Is there going to be heavy machinery?

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MR. CUNNINGHAM: It's a valid concern because basically, as Bob was saying before, that we have, you know, an erosion problem, any machinery coming in, any dirt that would get on the road is there a plan to get that all clean and keep the place pristine while the construction is going on down by the road?

MR. KELLY: During construction --

ACTING CHAIRMAN NEMECEK: If you could identify yourself again.

MR. KELLY: Sure. Bill Kelly, project manager with the parish. During construction, all efforts will be made to keep the project safe and clean. As far as heavy equipment or construction equipment, nothing any larger than what's already been up to the site already, and they would be on the paved entrance roads, there wouldn't be anything off road. The only disturbed area would be the location up where the construction is. There would not be a lot of activity before that, specifically with adjacent properties entering the facility or entering the cemetery.

ACTING CHAIRMAN NEMECEK: What is the

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approximate duration of the construction from start to finish; how long is it going to take?

MR. KELLY: That is to be reviewed.

ACTING CHAIRMAN NEMECEK: Can you ballpark it?

MR. KELLY: It could be a six month project, but primarily the foundations will go in relatively quickly, and then it will be a matter of the niches themselves, which are custom made and require a longer lead time. So there will be coordination between putting the foundations in and then accepting the niches themselves, but the niches and the ground disturbance should be relatively quickly.

MR. CUNNINGHAM: So after this is set up, foundations are poured, when the monuments come in, is that on a tractor trailer? Does it come off with a crane, does it come off with a forklift? I think it's a valid concern about machinery in and out.

MR. KELLY: It's a tight site. There's not going to be large equipment to begin with. There is going to be great concern and respect for the trees that are there not to

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disturb things. It's going to be a careful thing.

As far as excavation for where the long walkways are, it's going to go relatively quickly. It will be planned out where the excavation will be. They'll work from the back out, taking the material off site immediately so we're not storing things or making things worse, and immediately putting the foundations in, the drainage. It's going to go relatively quickly and I'll say clean.

MR. CUNNINGHAM: That's very important that that entranceway stays clean during the whole operation, you know, being that it's in such a high visibility area and the homes in that area.

MR. KELLY: Without question. We run a clean site, period, and safe.

ACTING CHAIRMAN NEMECEK: We still have open the public hearing. Gentleman over here.

MR. APUZZO: Hi. Jared Apuzzo, 17 Lake Shore Drive. My question is slightly off topic. It doesn't have to be answered here,

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but maybe you could tell me how I can address it. It happens to do with the entrance gate.

This is the first time I've ever been here, I don't know if it's been addressed, so if it has been, I apologize. I don't know if it's ever been closed or locked, but the cemetery road pretty much runs right up my back yard and I'm seeing cars go up there all times of night.

Not all the time but every once in awhile. Are there any rules about when cars are allowed to go up there at night as far as like, you know, is it open after dusk, things like that? Is it posted anywhere that cars are allowed or not allowed to go up there after a certain hour? It's just a little concerning sometimes when I see a car up there at 9:00. If that's something that we can't address here, I understand. Maybe you could just tell me if that's something I should put in writing or something.

MS. UHLE: As far as I know, the town does not have any restrictions with regard to access to the site. I'm not sure if the church has any restrictions. Not that this is

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1 directly relative to your question but it's  
 2 kind of related, I did check with the Police  
 3 Department to see whether they've ever had  
 4 calls or concerns about activity on the site.  
 5 They checked the records for the past five  
 6 years and really did not have any record of  
 7 anything. They did say that they drive up into  
 8 the site periodically as part of their patrols,  
 9 but I think if there were security concerns or  
 10 if there were some reason that the Planning  
 11 Board and the applicant thought those gates  
 12 should be closed, that's something you could  
 13 discuss with the applicant.

14 MR. APUZZO: Is that town property or  
 15 is that the church's property?

16 MS. UHLE: It's the church property.

17 MR. APUZZO: Thank you.

18 ACTING CHAIRMAN NEMECEK: Is there a  
 19 policy?

20 MS. UHLE: Maybe Father Sorgie could  
 21 address that.

22 ACTING CHAIRMAN NEMECEK: Whoever.  
 23 Father Sorgie, it would be inappropriate if you  
 24 didn't at least have some comment today.

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1 FATHER SORGIE: Apparently, over the  
 2 many, many years -- it's a 120 year old  
 3 cemetery -- there have been signs and rules, I  
 4 found them, and they change constantly. Until  
 5 sunset back in the 1920's. Most recently, a  
 6 sign, I believe, fell off during part of the --  
 7 I always have to mention who the Pastor was --  
 8 during Father Oliverio's time, which is around  
 9 1999 to 2005, and there was a time from dawn to  
 10 dusk.

11 Our parish council took a vote with  
 12 the whole parish, and we are going to be  
 13 announcing that it will be open from 8 a.m. to  
 14 4 p.m. But again, with such a porous -- we  
 15 will make every effort to put the signage up  
 16 correctly, alert our Police Department, which  
 17 I've always am in contact with so I know they  
 18 go up there because it's me requesting it  
 19 constantly because I, too, find that we cannot  
 20 empty garbage pails fast enough. So somebody  
 21 is up there eating, and I doubt it's too many  
 22 people visiting graves. So I'm trying to  
 23 figure that out. We're always on it  
 24 constantly, constantly. So 8 to 4 is what we

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1 voted on. How I'm going to do that, we'll see.  
 2 I actually would like to make an appointment  
 3 myself with Margaret to talk about that whole  
 4 entrance, which, as we know, is the town's. We  
 5 own the pillars, the gate, and the sign, and we  
 6 have had this easement probably since after the  
 7 Civil War, but it is actually the town until  
 8 the water meter, which is all that sleighing  
 9 and stuff goes on is town property. So we'll  
 10 have to talk about that. That's another day.  
 11 So 8 to 4 is the thought of the Pastoral  
 12 Council of the parish. That is my council.

13 ACTING CHAIRMAN NEMECEK: It sounds  
 14 like it would be a good idea to post that. How  
 15 you can enforce it is another question. As a  
 16 deterrent, at least, to people entering at the  
 17 late hours. Some people actually read signs  
 18 and observe signs.

19 FATHER SORGIE: Already in the hands  
 20 of our sign person, San Signs.

21 MR. TUDISCO: I would also just  
 22 address that issue. If the police are  
 23 patrolling that area at night intermittently  
 24 and we're hearing from the church that they

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1 can't empty garbage receptacles fast enough,  
 2 clearly something is going on at the site at  
 3 time that it shouldn't be. So my advice to  
 4 people would be, if you are a neighboring  
 5 landowner or someone in the area and you see  
 6 activity there at night, you really need to  
 7 call the police desk and have them kind of make  
 8 sure they're up there. I wouldn't call at  
 9 4:30, but if it's 10:00 at night, I think it's  
 10 safe to say that that's not a church function  
 11 going on up there. I would use your common  
 12 sense and let the police know what's going on.  
 13 If you find that you're calling the police  
 14 often and you still see activity and it's an  
 15 ongoing issue, please call the Law Department  
 16 and ask for me, and I would be happy to meet  
 17 with the police or members of the community and  
 18 resolve the issue. Okay.

19 ACTING CHAIRMAN NEMECEK: Father  
 20 Sorgie, you know where to find Margaret.

21 Any other comments from the public?  
 22 (No comments.)

23 ACTING CHAIRMAN NEMECEK: Not having  
 24 any hands raised, I move to close the public

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 2 hearing on Application 18-36, Holy Mount  
 3 Cemetery.  
 4 MR. PULASKI: Second.  
 5 ACTING CHAIRMAN NEMECEK: All in  
 6 favor.  
 7 (All aye.)  
 8 ACTING CHAIRMAN NEMECEK: We went  
 9 another couple of rounds. I reiterate what I  
 10 said before, I think the application has been  
 11 very well thought out, and with the benefit of  
 12 the comments of the community, I think it's  
 13 become an even better application. It's  
 14 certainly one that I can endorse. I think the  
 15 issue of the landscape plan looks like it's  
 16 pretty far along and it's addressed issues,  
 17 including minimizing the likelihood of erosion  
 18 on the steep embankments, addressing different  
 19 choices perhaps in trees, and all of this, I  
 20 guess, as I was saying before, Margaret is a  
 21 licensed landscape architect and she and her  
 22 department working with Joe Cermele, I have  
 23 every confidence that if there is tinkering to  
 24 be done with this, it will only improve the  
 25 finished product for both the applicant and the

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 2 neighbors and the town and the community in  
 3 general. So it would be my recommendation to  
 4 the extent that there are minor modifications  
 5 to be made to the landscape plan, that that be  
 6 done -- that the application be approved  
 7 subject to those modifications being agreed to  
 8 by Margaret and her department.  
 9 I certainly would encourage the  
 10 applicant to go ahead with posting some sort of  
 11 sign regarding hours. I think that would be a  
 12 helpful guide to those who, in the absence of a  
 13 sign, determine this is a 24/7 cemetery.  
 14 Beyond that, I feel very comfortable  
 15 moving ahead with the approval of this  
 16 application.  
 17 MS. UHLE: You mentioned the landscape  
 18 plan, but did you also mention final review and  
 19 approval of the engineering?  
 20 ACTING CHAIRMAN NEMECEK: That's going  
 21 to part of the --  
 22 MS. UHLE: I thought you were wrapping  
 23 p already.  
 24 ACTING CHAIRMAN NEMECEK: I wanted to  
 25 see if we had any consent here first.

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 2 MR. CUNNINGHAM: Just that Joe has to  
 3 review the engineering plan.  
 4 ACTING CHAIRMAN NEMECEK: Not having  
 5 heard any objection, I make a motion to approve  
 6 Application 18-36, Holy Mount Cemetery, subject  
 7 to the condition that the final engineering  
 8 plan be approved and -- I'm sorry, what's  
 9 the --  
 10 MS. UHLE: Final review and approval  
 11 of the engineering plan and landscape plan.  
 12 ACTING CHAIRMAN NEMECEK: Subject to  
 13 final review and approval of the engineering  
 14 plan and the landscape plan with whatever minor  
 15 modifications are necessary. Subject to that,  
 16 I make a motion to approve this application.  
 17 MR. PULASKI: Second.  
 18 MR. TUDISCO: Margaret, is a negative  
 19 declaration required?  
 20 MS. UHLE: No.  
 21 ACTING CHAIRMAN NEMECEK: All in  
 22 favor.  
 23 (All aye.)  
 24 ACTING CHAIRMAN NEMECEK: Good luck.  
 25 Thank you. We'll pause for a moment.

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 2 (Whereupon a short recess was taken.)  
 3 ACTING CHAIRMAN NEMECEK: Let's resume  
 4 with Application 19-05, which is 2 York Place.  
 5 MR. COLLINS: Good evening.  
 6 ACTING CHAIRMAN NEMECEK: I think  
 7 we're good.  
 8 MR. COLLINS: Good evening, members of  
 9 the board. My name is Dan Collins from Hudson  
 10 Engineering. We're the engineers for the  
 11 project.  
 12 Since our last meeting, we've been  
 13 coordinating design with Joe Cermele of  
 14 Kellard's office. Per the last memo, we've  
 15 actually raised the first floor of the main  
 16 building up by a foot in order to provide  
 17 positive drainage away from the structure. In  
 18 doing so, we relocated the trench drain closer  
 19 to the property line so that it doesn't have  
 20 any ponding or any potential ponding by the  
 21 building.  
 22 We've also included a note on the  
 23 plans to replace the entire frontage of Belgium  
 24 block to reset it to provide the 6 inch reveal.  
 25 Regarding the storm water, the system

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 2 has now been designed for the hundred year  
 3 stormy event, which is basically a 9 inch storm  
 4 over 24 hours, and we provided two separate  
 5 overflows from the system. Our client, the  
 6 applicant, has been in touch with the neighbor.  
 7 They have had conversations -- the one from 31  
 8 Crawford Street next door -- about relocating  
 9 the 18 inch pipe which cuts through the corner  
 10 of the property. He agreed to allow us to  
 11 relocate this. What we're going to do is  
 12 provide a new catch business along the edge of  
 13 the property, which intercepts the pipe. We're  
 14 going to bring it down across in a westerly  
 15 direction. I brought it on an angle, as there  
 16 is an existing tree here. We're trying to keep  
 17 it as far away from the tree as we can, as well  
 18 as keep a certain distance away from the  
 19 foundation of the building because obviously  
 20 water and foundations don't mix very well.  
 21 From here we put a separate structure,  
 22 it turns to the north, and intercepts the  
 23 existing pipe just before it exits the property  
 24 where the flows will continue to flow towards  
 25 the existing manhole.

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 2 The provided plans, I've actually  
 3 handed it off to Joe and handed in some plans  
 4 to the town as well. I've addressed the most  
 5 recent comments that we actually got today on  
 6 the May 23rd memo, and we're hoping that we  
 7 could close the public hearing and move forward  
 8 with approval.

9 ACTING CHAIRMAN NEMECEK: I have one  
 10 question: Have you elevated the entire  
 11 structure by one foot since the initial  
 12 application?

13 MR. COLLINS: As far as I know, it was  
 14 just really the garage floor and the finished  
 15 floor. I'm not aware of us actually lifting  
 16 the whole building, it was just the floor  
 17 elevations that we changed.

18 ACTING CHAIRMAN NEMECEK: Just the  
 19 floor elevations. So the ridge line, for  
 20 purposes of compliance with zoning  
 21 requirements, is not affected?

22 MR. COLLINS: No, not that I'm aware.

23 ACTING CHAIRMAN NEMECEK: Just for my  
 24 own curiosity, you said that your storm water  
 25 management is built with the retention for a

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 2 hundred year storm, which is, did you say, 9  
 3 inches of rain in 24 hours?

4 MR. COLLINS: That's actually per the  
 5 DEC's requirement. Their hundred year storm is  
 6 about a 9 inch storm for 24 hours. That's a  
 7 significant amount.

8 ACTING CHAIRMAN NEMECEK: Yes, that  
 9 is.

10 MR. COLLINS: It's not expected that  
 11 there's really anything ever going to be like  
 12 that.

13 ACTING CHAIRMAN NEMECEK: This is a  
 14 sensitive area, the Crawford Street area. As I  
 15 noted the last time, it's significant enough  
 16 that it has it's own water study, which is  
 17 relatively recent vintage. I think it's 2007.  
 18 I had a chance to take a look at that, and I  
 19 know Mr. Cermele did too. Did you have a  
 20 chance to look at that study?

21 MR. COLLINS: Personally, I have not.  
 22 But Joe, when he did look through all the  
 23 plans, he did recommend that on all of our  
 24 outlets for storm water connections out to the  
 25 street, as well as our connections to the sewer

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 2 out to the sewer structures in the street as  
 3 well, to provide check valves as well so that  
 4 nothing really backs up into the property,  
 5 which would compromise the existing systems as  
 6 well. So we did take that into consideration.

7 MS. UHLE: That study was provided to  
 8 both the applicant and the applicant's  
 9 engineers.

10 ACTING CHAIRMAN NEMECEK: Okay. Do  
 11 you have any questions, Bob?

12 MR. PULASKI: Yes. To belabor the  
 13 comment that the basement has been raised a  
 14 foot -- correct? Is that a correct statement?

15 MR. COLLINS: I believe so.

16 MR. PULASKI: Yes, because you want  
 17 the drainage out of the basement by gravity.  
 18 Are you giving us assurance that all of this  
 19 has been coordinated back through the  
 20 architecture so that slab to ceiling heights in  
 21 the basement and ceiling heights on the first  
 22 floor or second floor are all acceptable to the  
 23 architect and the client?

24 MR. COLLINS: I believe we did  
 25 coordinate. I would have to follow-up.

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1 MR. PULASKI: The reason why I'm  
2 asking is, is that if it's not and the client  
3 is insisting on not changing it, then it's  
4 going to end up coming back before us and  
5 you're going to want to raise the ridge by a  
6 foot. I know that when you're dealing with a  
7 basement, usually that clearance is tight  
8 because you have so many pipes and such down  
9 there. Sometimes they'll make a basement  
10 fairly tall because they want to make use of  
11 it, and I think that that was one of the  
12 intents on this project. I don't have the  
13 drawings anymore.

14 MR. COLLINS: It's a 9 foot  
15 basement from -- well, 9 feet from -- 10 feet  
16 from finished first floor to the basement. So  
17 yes, it would be an 8 to 9 foot basement.

18 MR. PULASKI: So you have a 9 foot  
19 ceiling. So if you lose a foot down there,  
20 it's not the end of the world.

21 MR. COLLINS: 7 feet for a basement I  
22 think is minimum.

23 MR. PULASKI: If you're finishing out  
24 your basement -- I don't recall what was

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1 happening on this project. I really don't see  
2 a basement plan.

3 MS. UHLE: I think the biggest issue  
4 is kind of what Phil raised, if anything is  
5 raised up, we just have to make sure that  
6 you're not exceeding the maximum permitted  
7 height requirement. Otherwise, I think the  
8 Planning Board can require that they raise the  
9 floor elevations with regard to storm water  
10 management issues.

11 MR. PULASKI: From what I could see on  
12 the architectural drawings, it's just showing  
13 us a first floor and second floor.

14 MR. CUNNINGHAM: You're at 29 feet 8  
15 now.

16 ACTING CHAIRMAN NEMECEK: Maximum  
17 ridge height is 33, according to this.

18 MR. CUNNINGHAM: There's no elevation  
19 other than that.

20 MS. UHLE: I think as part of the  
21 condition, we'll make a note to confirm that  
22 the home doesn't exceed the maximum permitted  
23 building height.

24 MR. PULASKI: One of the reasons I'm

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1 talking about is, you know, you're doing a  
2 custom house, you're spending a lot of money on  
3 it --

4 MR. CUNNINGHAM: It's 8 feet on this  
5 drawing.

6 MR. PULASKI: My intent is not to deny  
7 what you want to build for the purpose that the  
8 house is being built. Sometimes something like  
9 this doesn't get coordinated, and later down  
10 the road somebody goes, whoa.

11 MR. COLLINS: This is definitely  
12 something we would be coordinating. This is  
13 not something that we would let slip through  
14 the cracks.

15 ACTING CHAIRMAN NEMECEK: This  
16 suggests 8 foot.

17 MR. CUNNINGHAM: Drawing 105 on --

18 ACTING CHAIRMAN NEMECEK: This is the  
19 drawing that we have. What's that one?

20 MR. COLLINS: This is C-2.

21 ACTING CHAIRMAN NEMECEK: This is the  
22 updated one?

23 MR. COLLINS: Yes.

24 MR. CUNNINGHAM: Do you have an

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1 elevation drawing on that plan revised.

2 MR. COLLINS: This has been revised,  
3 yes. There are no elevations for this yet,  
4 just the civil plans. We only have the  
5 engineering plans.

6 MS. UHLE: You guys are kind of  
7 confusing me what you're trying to figure out.  
8 I think what we could just say is that they  
9 need to coordinate with the architect with  
10 regard to ensure elevations and building  
11 height. You just want to make sure that if  
12 they have raised the finished floor elevations,  
13 that they still could maintain appropriate  
14 ceiling heights and ridge heights; correct? Is  
15 that what the concern is?

16 MR. CUNNINGHAM: I'm sure if they're  
17 raising floor heights, they're raising the  
18 height of the building. They're not going to  
19 take an 8 foot ceiling and make it a 7 foot  
20 ceiling in a home of that magnitude.

21 ACTING CHAIRMAN NEMECEK: Drawing 105  
22 that we looked at at the last hearing, it has  
23 an 8 foot basement to grade.

24 MR. COLLINS: So the first floor rose

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up. The basement floor stayed the same.

MS. UHLE: The height of the house to the highest roof ridge is 29.7 feet, so they have a lot of flexibility to go to 33. It sounds like they have flexibility. We'll just make sure that it works or they will make sure that it works.

ACTING CHAIRMAN NEMECEK: It shouldn't be an issue, even raising the entire thing by a foot. I would like to hear from Joe Cermele regarding the engineering and the storm water management.

MR. CERMELE: Again, we've been working with the applicant with the engineering review. We've been to the site. We witnessed the soil testing for the storm water system. I, personally, met with the Highway Superintendent to hear his concerns. As you said, this is a sensitive area in town with regard to storm water. In meeting with him, he had suggested some of the plan modifications that are in my memo, specifically removing and resetting the Belgium block curb around the property frontage to provide that 6 inch

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reveal, which is typical for a curb. Over the years, the block had settled, maybe the road was repaved, so that reveal is almost none existent in a lot of places, so it allows runoff from the street to enter the property. So they'll correct that. The check valves on the storm and sanitary connections -- a lot of the items in the memo, Dan has gone through it. It appears they've been addressed. Obviously, we'll want to look at it. In my mind, my last memo was a lot of clean up items, nothing really substantial that would change the plan certainly. My, I guess larger comment, was the rerouting of that existing storm line through the front of the property, which it looks like he's done. As I mentioned, Con Ed. no longer allows gas service connections, so the applicant will need to find another means of providing fuel for the house, whether it be oil or propane or all electric but something other than gas. That service connection that was shown will obviously have to disappear. Other than that, I think from a storm water standpoint and engineering in general, we're

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fine it.

The comment regarding the elevation of the house, when we made the comment, the prior plan showed that the first floor was only 6 inches above the existing adjoining grade, which is tight from a construction standpoint. You don't really want that silt plate that close to the grade. So we suggested just basically picking up the entire house a foot. So I think all the relative floor elevations would likely stay the same, and, as Margaret mentioned, there's plenty of room with the building height from a zoning standpoint. So I think picking up that house a foot is a good idea from protecting the house, and I think it will be fine with the zoning.

ACTING CHAIRMAN NEMECEK: It adds one step in the front.

MR. CERMELE: It's either a step or they could have a slightly ramped walkway. You get snow accumulation, heavy storms, you don't want that water sitting at that silt plate elevation.

MR. PULASKI: So it's the first floor

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that's being raised?

MR. CERMELE: I don't have the prior plan with me, so I don't know what that elevation change is, but the floor elevations were noted on the previous plan on the civil drawings. I don't know if we have that plan here. I imagine all the relative floor heights from an architectural standpoint would stay the same, and then they just pick everything up a foot.

MR. PULASKI: Right. But it's not the basement that's being raised, it's the first floor?

MS. UHLE: Yes.

ACTING CHAIRMAN NEMECEK: It makes sense.

MR. CUNNINGHAM: It makes perfect sense.

ACTING CHAIRMAN NEMECEK: Do we have a public hearing open on this?

MR. TUDISCO: There's a public hearing open on this matter.

ACTING CHAIRMAN NEMECEK: Any members of the public want to speak on Application

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 2 19-05, 2 York place?  
 3 (No comments.)  
 4 ACTING CHAIRMAN NEMECEK: Not seeing  
 5 any, I move to close the public hearing on  
 6 Application 19-05, 2 York place.  
 7 MR. CUNNINGHAM: Second.  
 8 ACTING CHAIRMAN NEMECEK: All in  
 9 favor.  
 10 (All aye.)  
 11 ACTING CHAIRMAN NEMECEK: I think  
 12 whatever major concerns I had before, appear to  
 13 have been addressed either by the applicant or  
 14 by Mr. Cermele's comments. Again, with a  
 15 healthy amount of confidence, that moving this  
 16 forward subject to further review and  
 17 negotiation, if necessary, approval by the  
 18 engineer and by -- since this is a new site, we  
 19 have the normal landscaping requirement, but  
 20 subject to those conditions, I feel comfortable  
 21 moving forward with the approval of this  
 22 application.  
 23 MS. UHLE: Just for the applicant or  
 24 applicant's engineer, the landscaping  
 25 requirement is that we will require a letter  
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 2 signed and sealed by the landscape architect  
 3 indicating that the plan that has been  
 4 installed is actually what was approved, and if  
 5 there are any changes or modifications, they  
 6 need to coordinate with the Building and  
 7 Planning Department first. That will be  
 8 incorporated in the resolution so you could  
 9 see.  
 10 MR. PULASKI: Margaret, my  
 11 understanding is, and I look back at the sheet  
 12 that shows what the zoning tolerance is, and  
 13 under the code they're allowed 23 feet and  
 14 they're presently, as this plan is drawn, they  
 15 were using 20 foot 10 inches, so they have the  
 16 latitude of --  
 17 MS. UHLE: That 23 and 20, that's to  
 18 the principal eave, and then it's 33 to the  
 19 ridge line. So, yes, they do have about 3 feet  
 20 latitude.  
 21 MR. PULASKI: So our approval can  
 22 include that adjustment if it's necessary?  
 23 MS. UHLE: Yes.  
 24 MR. PULASKI: Good.  
 25 ACTING CHAIRMAN NEMECEK: I make a  
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 2 motion to approve Application 19-05, 2 York  
 3 Place, subject to the landscape architect sign  
 4 off on the finish plan that Margaret just  
 5 described, which will be incorporated into the  
 6 resolution; subject to site engineering  
 7 approval to make sure that all these little  
 8 loose ends are tied up; and also subject to a  
 9 confirmation that the contemplated lifting of  
 10 the house, if you will, by 1 foot in the design  
 11 that we've seen today, doesn't take the  
 12 construction out of compliance with the zoning  
 13 law. Subject to those three conditions, I move  
 14 to approve Application 19-05, 2 York place.  
 15 MR. PULASKI: Second.  
 16 ACTING CHAIRMAN NEMECEK: All in  
 17 favor.  
 18 (All aye.)  
 19 ACTING CHAIRMAN NEMECEK: Thank you.  
 20 MR. IANNACITO: Good evening. My name  
 21 is John Iannacito, I'm an architect, and I'm  
 22 representing Mr. and Mrs. Constantino this  
 23 evening, the owners of the subject property  
 24 the.  
 25 This application was presented to the  
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 2 board last month, and we're back tonight to  
 3 address the comments concerning the storm water  
 4 management approval and the trees within the  
 5 town's right-of-way. Revised drawings were  
 6 submitted addressing the comments for the  
 7 proposed storm water management system. I  
 8 believe there are still a few comments  
 9 remaining, and we will continue to work with  
 10 the town's consulting engineer to resolve those  
 11 issues and get an approval. Dan from Hudson  
 12 Engineering is here tonight, and he will be  
 13 able to address any questions for the storm  
 14 water management.  
 15 The town's arborist was at the site,  
 16 and he did submit a letter to the board. The  
 17 letter did not address the current health  
 18 condition of the trees, but it did state that  
 19 the proposed construction activity would cause  
 20 major damage to the root system on the two  
 21 trees and that they should be removed. We also  
 22 met with Hector from the Highway Department,  
 23 and the Highway Department has approved the  
 24 removal of the two trees and is requiring a  
 25 replanting of new red oaks within the front  
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yard at the completion of construction. He will let us know how many trees he wants at the front and where he wants them, and we'll plant them.

Thank you, and I'll hand it over to Dan.

MR. COLLINS: Dan Collins, Hudson Engineering. As with the last application, we have been coordinating with Joe to get everything done. We did receive the memo today and actually have revised the plans to address all those concerns up front. I've given the updated plans to Margaret and Joe for their review as well. Obviously, when we move forward, for the more formal submittal I'll provide everything that the town needs.

Per the last memo, again, we're going to replace the entire curb along the frontage to provide the 6 inch reveal. There was a comment regarding the driveway, about the 5 percent requirement within the first 15 feet and then up to meet grade. We revised the driveway slope to meet the requirement for the town's code.

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In addition, with regard to the storm water, that's also been revised to meet the hundred year storm for infiltration. There are some additional minor comments that were remaining that were in Joe's memo that obviously we have addressed in the new set of plans, and we believe at this point we've addressed everything to date and look to move forward to an approval.

ACTING CHAIRMAN NEMECEK: Okay. Anyone have any questions?

MR. CUNNINGHAM: No.

MR. PULASKI: No.

ACTING CHAIRMAN NEMECEK: Let's hear from Joe. Joe Cermele, Kellard Sessions Consulting, for the third and final time this evening.

MR. CERMELE: Put this on my recorder button. Like he said, we've been working with him back and forth going through various iterations of the plan. The memo you see before you is a lot of minor detail cleanup that sounds like it has already been addressed.

One thing we did require throughout

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the process -- if you remember, the storm water mitigation system is quite large, it's almost the entirety of the front yard. At the time we did the soil testing and witnessed the tests, we weren't aware of the size of it. I don't think it had been laid out at the time. The applicant did a single test hole, which is typical, but after having seen how expansive the system was, we requested that they do an additional test just to make sure that the soils were consistent throughout. They agreed and they did it and confirmed the initial assumption. So we have no concerns with the storm water design, the site as a whole. It's minor comments remaining at this point.

ACTING CHAIRMAN NEMECEK: I have some comments because I do remain upset in a way over the removal of the two trees, the two big red oak trees. I was not satisfied with the May 8th letter from Serpe Tree and Landscaping, Inc. to Hector DiLeo, the Superintendent of Highways, insofar as it didn't address the condition of the trees that were there at the time.

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Thankfully, with a great resource at the Planning Department of Margaret Uhle, Margaret was able to reach out to an arborist, who was able to show up on very short notice yesterday morning. Margaret was with the arborist, James Johnson, who did a pretty comprehensive review of -- we recognize that the tree that is nearest to the driveway, I think there had been previous comment about its condition not being the greatest and certainly its location being sort of front and center, that that tree was not going to be salvageable, but my concern, my principal concern was about the tree that was on the furthest left of the property almost in the corner as you view the property. In particular, and I think I mentioned this last time, I think those trees are beautiful trees. I think the neighborhood is greatly enhanced by the presence of those trees. The canopy that it provides is a very distinctive and integral part of that neighborhood. So not because I love every single tree I've seen, but I made it something of a personal mission to see if this tree could

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be salvaged.

As I said, Margaret went out yesterday with Mr. Johnson. They looped me in on a call. I was on for about 15 minutes. We kind of went through just about every possible permutation.

Ultimately, there were two major concerns that Mr. Johnson voiced. One being that, unfortunately, there had been trucks that had run over the front lawn, which, in his estimation -- and this is mentioned in the Serpe Tree and Landscaping letter of May 8th -- that just having run that heavy equipment over the tree roots was not helpful and was likely to have caused some damage to the tree on the left of the property. Maybe not unsalvageable damage. We recognize that certainly the plan with the storm water management, the extensive storm water management in the front yard could not be built in that way if you were to preserve that tree, but I was certainly prepared to request that the applicant consider other options.

Ultimately, Mr. Johnson advised, and I'm fully convinced -- this is a complete

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neutral, somebody that had no skin in this game -- he pointed out that this particular tree has effectively three major trunks growing out of it. It isn't a single large trunk, it has three. He said that a tree of that nature is sort of inherently more dangerous, particularly if it's compromised in any way. I did ask him what the age of the trees were, of that particular tree, and he said it was likely a hundred and fifty to a two hundred year old tree. I asked him, could we get another 50 years out of it. He said, you know, while it was possible, he felt that the trauma that was caused by the heavy equipment having gone across it, coupled with the inherent formation of this tree made it, while not an immediate danger, something that was unlikely to have a very long life to it.

So having heard that, and basically having heard only that because, as I said, I wasn't particularly convinced with anything I saw and heard, and the very least convincing thing I got is this letter dated May 23, 2019, which is today's date, from James

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T. Scalise, a lawyer, and while I, as a lawyer myself, can appreciate sometimes a good lawyer letter, this does nothing for me. What I was concerned about and what I remain concerned about is if there was a way for me to preserve that particular tree, and even if it did cause a reasonable imposition on the homeowner, I certainly, you know, wasn't going to have the homeowner go to tremendous cost to preserve a single tree, but having been convinced by the arborist, who, again, I inherently trust and he really took his time to answer every question I have and had, you know, I ultimately came to the conclusion -- and I think this was both Margaret's conclusion and James Johnson's conclusion, the arborist -- that the likelihood of the tree surviving any sustained period after the construction even if there was a way to manipulate to revise the storm water management plan to keep it away from the roots, and even, you know, if he did everything he could afterwards to try to stimulate growth after the construction, that it just ran too high a risk of not working, and then having a

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tree a few years down the road that would have to be removed.

Based on all of that, and you could hopefully hear in my voice that this upsets me, but I can't find a way to justify keeping that tree. So that said, I'm okay with the removal of the tree. Certainly, I want those trees to be replaced. I know Mr. Johnson suggested that I think it's 4 inch caliber.

MS. UHLE: I think that's what Hector recommended as well.

ACTING CHAIRMAN NEMECEK: Yes, 4 inch. Apparently, if you try to start with something that's bigger than that, the likelihood that it's going to take is reduced. That appears to be the sweet spot, as big as you're going to get with a strong likelihood that the tree is going to thrive. John, as you said, you're willing to plant as many as the town wants, that's a generous offer, and I'm sure the town is going to be reasonable about that. That would be a condition of my approval. Since there are only three of us today, which means all three of us have to approve something, I guess I get to put

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whatever conditions on it I want that are reasonable.

So with that one main obstacle removed, and then subject to, you know, hammering out any final minor workable details, as Joe described, I'm prepared to approve this plan.

MR. TUDISCO: Mr. Chairman, you have a public hearing still open that you have to close.

ACTING CHAIRMAN NEMECEK: Ah, I did it again. See, I was all choked up over my tree.

MS. UHLE: I don't even think you opened it for this one. I'm not sure. I didn't write it down.

MR. TUDISCO: I have public hearing continued.

ACTING CHAIRMAN NEMECEK: Is anyone here want to comment any further? Anyone want to make fun of me and my tree fetish, go right ahead.

(No comments.)

ACTING CHAIRMAN NEMECEK: Not seeing anyone, I move to close the public hearing on

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Application 19-08, 14 Interlaken Drive.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

MR. PULASKI: Before we vote, I would just like to clarify something back into your report.

Item 5 says: The plan has been revised to indicate the proposed basement floor elevation. The applicant shall consider lowering the invert. The idea of the change to the basement floor elevation was for gravity flow. I got a little bit confused between the two projects before. So the basement elevation, I don't know if it was declared originally on the drawings, if it's been raised; how does that affect the building?

MR. COLLINS: The basement elevation stays the same on this one.

MR. SHERWOOD: The sewer invert, as was shown on the last plan we saw, I believe may have required that the basement level be pumped, which is not uncommon, but with

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modifying the invert, they're able to allow gravity to do the job.

MR. PULASKI: The clarification is the basement floor elevation does not change, and I assume that all of the other things about the slopes at the driveway and such were taken care of, which I think you said before. Okay, I'm fine.

MR. CUNNINGHAM: I'm good.

ACTING CHAIRMAN NEMECEK: Okay.

Subject to the condition of final engineering approval on these minor loose ends and subject to the applicant's agreement to plant new trees as coordinated with --

MS. UHLE: It's actually with the Highway Department since it will be street trees in the right-of-way most likely.

ACTING CHAIRMAN NEMECEK: Okay. So subject to those --

MS. UHLE: And also the letter from the landscape architect, same condition that we did previously.

ACTING CHAIRMAN NEMECEK: Okay. I thought because this is --

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MS. UHLE: This is new construction as well.

ACTING CHAIRMAN NEMECEK: Subject also to the landscape architect's letter certifying they've built essentially in compliance with the approved plan, subject to those three conditions, I move to approve Application 19-08, 14 Interlaken Drive.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: Thank you.

So I think that's it. We've already concluded we have no minutes to approve, so I make a motion to close the Town of Eastchester Planning Board meeting of May 23, 2019.

MR. PULASKI: Second.

ACTING CHAIRMAN NEMECEK: All in favor.

(All aye.)

ACTING CHAIRMAN NEMECEK: Thank you.

Have a wonderful Memorial Day, everyone.

**C E R T I F I C A T I O N**

**DINA M. MORGAN, REPORTER**


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23 STATE OF NEW YORK )  
4 ) Ss.5  
6 COUNTY OF WESTCHESTER)7 I, DINA M. MORGAN, Court Reporter and  
8 Notary Public within and for the County of  
9 Westchester, State of New York, do hereby  
10 certify:11 That the above transcript was taken from  
12 a videotape of the actual hearing. I was not  
13 present for such hearing. The videotape was  
14 taken and transcribed by me to the best of my  
15 ability.16 And, I further certify that I am not  
17 related to any of the parties to this action by  
18 blood or marriage, and that I am in no way  
19 interested in the outcome of this matter.20 IN WITNESS WHEREOF, I have hereunto set  
21 my hand this 20th day of June, 2019.

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DINA M. MORGAN  
Court Reporter

DINA M. MORGAN, REPORTER

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