

TOWN CLERK
EASTCHESTER, N.Y.

TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
SEPTEMBER 26, 2019

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

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

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of the applicant and owner, Michael DiSisto, we are proposing site alterations and improvements to 157 Montgomery Avenue.

The site is located in a general business zone, but it's also abutting a residential district along the north and east side of the property. It's improved with a multi-family dwelling and a contractor's construction yard for storage of construction materials occupying the rest of the site. This is where most of the action takes place.

What we are essentially doing is, we're proposing four storage container units. They will be hunter green in color. Right now there are two that exist on the property. They will be relocated to the proposed position that's next to the multi-family dwelling, and then two additional ones will be added in place and they will be again the same color. Those will be also in the same area as -- there's an existing large non-permitted shed that exists in that area that will be removed as part of this application. What these storage containers ultimately will allow for is the

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THE CHAIRMAN: Good evening. This is the Town of Eastchester Planning Board meeting of September 26, 2019. If everyone would rise for the Pledge of Allegiance, please.

(Whereupon the Pledge of Allegiance was said.)

THE CHAIRMAN: I'll take attendance here. 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 could not be here this evening, but I'm sure he's with us in spirit. I would apologize for the delay. It's Phil's fault. We were on the same train together.

Our first application is 19-19, 157 Montgomery Avenue.

MR. MAIORANO: Good evening, board members. My name is Adamo Maiorano from Community Designs and Engineering. On behalf

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storage of material to be in an enclosed structure instead of sort of spread out amongst the property. They will also allow for a designated storage area of material behind these units. So the units will help sort of hide that area for material to be stored, as well as existing landscaping that sort of shades and blocks that area on Montgomery Avenue that's located sort of south of the storage units.

Lastly, there's a rack storage area that's designated on the east side of the property as well, so we're trying to orientate certain areas that, you know, these sort of items can be positioned and stored cohesively on the site.

As far as the entrance to this construction yard, the entrance area will be repaved with new asphalt, there will be a new gate that will be consist of gray slats instead of the existing that's green. The remaining fencing, trash enclosure along Dunwoodie Street will be all painted a neutral gray color to match the new gate.

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1 In regards to landscaping on the site,
 2 I did have Tony Acocella, landscape architect,
 3 come out to see what would be the best effect
 4 to survive and sort of give a good screening to
 5 area. We are proposing eight Arborvitae along
 6 the existing stone retaining wall on the north
 7 side of the property and a neighboring wood
 8 picket fence, those would go in between. There
 9 are two existing pretty mature trees in between
 10 those. We're proposing two Littleleaf
 11 Viburnums. Then lastly, we're proposing some
 12 flowering bushes along Montgomery Avenue as
 13 well, just to sort of soften up the front
 14 elevation of the concrete porch. This area is
 15 sort of used by the tenants of the multi-family
 16 dwelling.

17 Other than that, I think that kind of
 18 summarizes overall what we're trying to do.
 19 Any questions?

20 MR. PULASKI: You make a note that the
 21 storage containers are temporary; what
 22 constitutes a temporary container versus a
 23 container that doesn't move, and therefore,
 24 after awhile you think of it as permanent?

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1 MR. MAIORANO: They wouldn't be
 2 considered temporary, but they do have the
 3 ability to be easily moved off the site. But
 4 when it's positioned in a certain spot, it's
 5 not exactly temporary.

6 MR. NEMECEK: Because it's not
 7 permitted to be a permanent structure, is that
 8 the --

9 MR. MAIORANO: Yes.

10 MR. NEMECEK: It's effectively going
 11 to stay there but it's not a permanent
 12 structure?

13 MR. MAIORANO: Yes.

14 MR. NEMECEK: Like you said, it could
 15 be moved if needed.

16 MR. MAIORANO: Yes, exactly.

17 MR. PULASKI: Isn't there a part of
 18 this application that you're going to maintain
 19 those containers in good condition? I know
 20 there's a comment that you're going to paint
 21 them hunter green.

22 MR. MAIORANO: Exactly. That's to
 23 create some consistency. Again, there's
 24 residential housing abutting this property, so

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1 we're trying to make it sort of consistent and
 2 sort of blend in a little to the green
 3 landscaping of the property as well.

4 MR. PULASKI: I'm concerned that we're
 5 going to paint them as a part of this permit,
 6 but then three years down the road they -- what
 7 happens if they start to show rust, are we
 8 going to repaint them?

9 MR. MAIORANO: Just like anything, it
 10 should be up kept, just like, you know, the
 11 house and property should be.

12 MR. PULASKI: It should be.

13 MS. UHLE: I actually have that in my
 14 notes as well as a potential condition of
 15 approval.

16 MR. PULASKI: My concern is it's a
 17 yard, it's a construction yard, and as a
 18 construction person I look at things in a
 19 construction yard differently from a
 20 residential yard. This application has to
 21 acknowledge that the yard existed before the
 22 area really became more residential, and it's
 23 being allowed to continue to exist but it has
 24 to exist now on a different level, a level that

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1 fits better with the residential area.

2 MR. NEMECEK: In fact, there's a
 3 representation in your letter dated
 4 September 19, 2019, and I quote from it, "The
 5 applicant is aware that the site maintenance
 6 and trash disposal needs to be managed and
 7 maintained effectively moving forward." It's a
 8 site maintenance issue, and I'm not exactly
 9 certain what conditions we can place on any
 10 approval that we were to give that would ensure
 11 that you will be living up to this pledge.

12 MR. MAIORANO: Sure.

13 MR. PULASKI: Another observation that
 14 I have is, very often on gates and the posts of
 15 the gate itself when you have heavy equipment
 16 vehicles moving in and out, very often the
 17 posts get hit sooner or later or the gates get
 18 hit sooner or later. One possible way of
 19 improving on that construction to hold up
 20 better is to go with a larger diameter heavier
 21 gauge post. You sometimes see them on
 22 construction sites nowadays where you have
 23 sliding gates. You need that structural
 24 support.

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1 MR. MAIORANO: We could propose maybe
2 a bollard in front of it potentially. I mean,
3 the gate is fairly large for any of the
4 vehicles not to --

5 MR. PULASKI: I'm not questioning the
6 size, but if you go there and you look at this
7 gate right now, it looks like a construction
8 area gate, which is in, out, all over the
9 place. I'm just trying to keep your site
10 presentable. So if that post right now is 2
11 and a half and you made it a 4 inch post or
12 whatever increments -- I'm not specific on
13 that -- I think that the whole gate will be
14 huskier and it could take a slight impact and
15 still maintain it to be vertical.

16 THE CHAIRMAN: Do we have anything on
17 the gate?

18 MR. MAIORANO: Nothing specific. Just
19 the catalogue cut of the color.

20 THE CHAIRMAN: Is it in here?

21 MS. UHLE: Right now what you're
22 proposing is to keep the existing fence and
23 gate, correct, but then weave the gray vinyl
24 through?

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1 MR. MAIORANO: Exactly. Paint the
2 rest of it -- well, fix it up and paint the
3 rest of it all to match instead of being green
4 and gray and a bunch of different colors.

5 MR. PULASKI: Do we have any photos
6 with us that show photos of the gate?

7 MS. UHLE: The proposed, but none of
8 the existing I don't believe.

9 MR. MAIORANO: We can replace it
10 entirely.

11 THE CHAIRMAN: So what do you propose
12 to do with that?

13 MR. MAIORANO: The green slats, we're
14 going to replace them with gray. Fencing along
15 this side and fencing along the street will
16 also match with this.

17 MS. UHLE: I had recommended that they
18 replace the gate and the fence. That was my
19 recommendation.

20 THE CHAIRMAN: Can the height of that
21 gate looks like it's about 4 feet.

22 MR. NEMECEK: Adamo, grab the mic.

23 MR. MAIORANO: It's a minimum 6 foot
24 high gate.

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1 THE CHAIRMAN: Okay. Solid or
2 something substantial looking, aesthetically
3 pleasing.

4 MR. MAIORANO: If there's no cost
5 involved, yes.

6 THE CHAIRMAN: I propose that the gate
7 be changed.

8 MR. PULASKI: I agree. I think it
9 should be 8 foot. I think the Building
10 Department should see what they're going to
11 make this. It should be a husky gate. Again,
12 it's because of the difference of location.
13 You're locating in an area that is partially
14 residential. It's not an out and out
15 commercial area where this type of thing is
16 done at a lesser level.

17 There's a fire escape on the side of
18 the building and there's a ladder that comes
19 down from that fire escape. I don't know what
20 the code says. I know that you could get from
21 the ladder to the ground, and at that point are
22 you okay or do you have to be able to get out
23 of the yard? If you have to be able to get out
24 of the yard, how do you get out of the yard if

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1 the gates are locked?

2 MS. UHLE: The Fire Department has
3 been out there a few times, and actually went
4 out there relatively recently with our code
5 enforcement official just to make sure there
6 were no current code violations with regard to
7 fire safety issues and there are not. I could
8 certainly clarify that question with the Fire
9 Department.

10 MR. PULASKI: Possibly, if there has
11 to be an exit, there is a part on the plan
12 where you have a back set because it looks like
13 you have a side exit.

14 MR. MAIORANO: There's an entrance
15 there into the basement area.

16 MR. PULASKI: Maybe this thing here
17 could be made into a one way gate, a gate with
18 a spring on it. But that would be next to the
19 building. If the building was on fire, that
20 wouldn't be a good place to have it. I don't
21 know what the code is.

22 THE CHAIRMAN: It's what the code is.
23 You're the architect, you know what the code
24 is.

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1 MR. NEMECEK: I think Margaret's
2 suggestion to have the Fire Department just
3 double check --

4 MS. UHLE: So far I know that they
5 have complied because they've been out there a
6 few times.

7 MR. PULASKI: A couple of other
8 things. Are there hours that you're committing
9 to that you will not exceed as far as bringing
10 vehicles in and out?

11 MS. UHLE: There's no zoning
12 restrictions on that. They're permitted to
13 store vehicles and equipment and materials,
14 they're not permitted to fabricate things.
15 There is not like an hour of construction time.

16 MR. PULASKI: There is something else
17 that very often happens with construction
18 yards, and that is that a vehicle gets started
19 up in the morning, particularly when it gets
20 cold, you don't have to drive it yet, you could
21 start it up so that the oil gets warm and
22 whatever and it's a diesel and it just runs.
23 It runs for an hour before an operator gets in
24 and does something. I don't know if there is

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1 any town restriction on that, but I know I've
2 been on job sites where there have been
3 community restrictions to running buses or any
4 vehicle more than about 15 minutes before you
5 have to shut it down.

6 THE CHAIRMAN: Idling times.

7 MR. PULASKI: Now that's
8 environmental. But this is not a job site,
9 it's a residential community and people will be
10 arriving at a construction yard at 6:00 --
11 5:30, 6:00 in the morning to get going. I
12 would like to have a commitment that the
13 vehicles would not be allowed to idle for more
14 than 15 minutes.

15 THE CHAIRMAN: What's the nature of
16 the work; what are the hours that they work
17 there?

18 MR. MAIORANO: No work is allowed to
19 be permitted on the property. It's only,
20 again, storage of construction vehicles and
21 material.

22 MS. UHLE: You're permitted to store
23 construction vehicles and equipment on the
24 site, but you're not allowed to actually do

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1 construction activities there.

2 THE CHAIRMAN: So you start the
3 vehicle, pull it out, start the work day?

4 MR. MAIORANO: Yes.

5 MS. UHLE: Actually, even though this
6 is a pre-existing non-conforming use, we get
7 requests for those types of places all the time
8 because a lot of contractors don't have places
9 that they could leave their equipment overnight
10 or within town. That would serve that purpose.

11 MR. PULASKI: I think we have to
12 acknowledge that there are certain hours that
13 construction typically works, and I would say
14 that something starting up at 6:00 in the
15 morning would not necessarily be unusual for
16 certain construction purposes and ending
17 somewhere around 7 or 8:00 at night wouldn't
18 necessarily be unusual either. Bringing
19 something in at 11:00 at night or starting at
20 5:00 in the morning starts to become excessive
21 times. If the applicant can agree to an item
22 like that, I think it would be good for working
23 within the community.

24 MS. UHLE: The only comment I would

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1 have is, we have not received complaints about
2 excessive traffic. I can't speak for
3 residents, but I just personally have not
4 received that. We do have a noise ordinance
5 that the Police Department enforces if there's
6 any excessive noise. If the purpose is to be
7 able to drop off and pick up construction
8 vehicles, it may be complicated and difficult
9 to enforce maintaining hours of operation
10 because it's a little bit different than a
11 business that has specific hours of operation.
12 I'm not sure if that's been a problem, but
13 again, I can't speak for neighbors.

14 MR. PULASKI: I understand. Unless
15 the applicant agrees to --

16 MR. TUDISCO: Just to kind of
17 enlighten the Board, Margaret and I have been
18 working for quite some time with the owners of
19 the property, and some of the issues have
20 arisen with respect to policing the site, the
21 overall maintenance of the site, and the
22 specific structures that were on site that were
23 either unapproved or, you know, things that
24 were going on on the site. I understand where

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1 that request and concern is coming from, but I
2 do think in terms of enforcement it becomes
3 problematic, and it's not necessarily a concern
4 that have been raised. There were setback
5 issues that were addressed by the owners, the
6 issues involving some of the structures that
7 are not supposed to be there have been
8 addressed as part of this plan, but I don't
9 know if there was really traffic issues or
10 noise issues from vehicles as much as
11 fabrication that shouldn't have been going on
12 on the site, the structures that were
13 unapproved or inappropriate for the site, and
14 some issues generally in terms of clean up and
15 setback requirements for construction
16 materials.

18 MR. PULASKI: I'm aware of a lot of
19 that. I read through the literature. I
20 understand that there are some things that are
21 before the court at the moment. I see
22 basically what the applicant is doing, and they
23 have addressed a lot of things, but they have
24 come before us and as a planner I'm just
25 looking at it and saying, you know, leaving the

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1 gate the way it is, you know, it could be
2 polished up. As far as hours, if we can't come
3 to an agreement over it and there's nothing
4 that we could hold you to, I'm fine with that.
5 I'm just raising it in case -- because I think
6 that the applicant should limit themselves to
7 certain hours even if there isn't a restriction
8 for it. I have some experience in this, and
9 I'm just trying to relate things that I've run
10 into on other projects.

12 THE CHAIRMAN: Just two more
13 questions. The landscaping that's being
14 proposed, could you just point it out?

15 MR. MAIORANO: Excuse me.

16 THE CHAIRPERSON: Is landscaping being
17 proposed?

18 MR. MAIORANO: Yes.

19 THE CHAIRMAN: Could you just point it
20 out on the plan?

21 MR. MAIORANO: So basically it's here
22 in this area to help screen the neighboring
23 residence on Woodruff Avenue. There's eight
24 dark American Arborvitae, some Littleleaf
25 Viburnum in between the large plants. It's

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2 very hard to plant anything here because the
3 planting buffer is very small and there's a lot
4 of screening from this mature tree, and then
5 also some flowering bushes along the front to,
6 again, soften up that front street-scape of the
7 front porch that's occupied by the multi-family
8 dwelling, and then there's a little bare spot
9 in between. This is very mature and a good
10 amount of screening for the area here, so we're
11 just filling in this spot with another shrub to
12 help kind of screen that. You could see in
13 picture 1B it's very dense shading along
14 Montgomery Avenue.

15 MS. UHLE: And you're proposing a
16 ground cover on that wider strip that's raised?

17 MR. MAIORANO: Yes. This is very
18 overgrown with weeds and invasive species and
19 whatnot, so we're going to try to clean that up
20 and plant pachysandras along this area. Also,
21 this area below the retaining wall where no
22 material is allowed to be stored because it's
23 within that 15 foot minimum, we're putting a
24 line of cobblestone, this is a gravel area, but
25 then this is planting ground cover as well,

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2 pachysandras in that area.

3 THE CHAIRMAN: The only other thing I
4 wanted to ask was, in addition to the gate, the
5 trash enclosure, was that going to be upgraded
6 also?

7 MR. MAIORANO: We're proposing to
8 paint it all uniform one color. There is one
9 that's on the right of way here that's a wood
10 picket fence, and this is a metal gate with a
11 door.

12 MS. UHLE: Adamo, is that trash
13 enclosure two sided, three sided, four sided?

14 MR. MAIORANO: It's enclosed four
15 sides and then the front here is where the door
16 is to open it.

17 MS. UHLE: The one out in the right of
18 way I'm talking about.

19 MR. MAIORANO: This is only two sided.
20 So there's planting here that sort of blocks
21 this area here, and you could get into it along
22 where the access driveway is.

23 MS. UHLE: So the trash is initially
24 kept where it says, enclosed trash on the site,
25 and then on pickup days it's brought out to the

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1 trash enclosure on the right of way?

2 MR. MAIORANO: No. I believe recycle
3 is stored here, and then on trash days it's
4 brought to the street.

5 MS. UHLE: I'm sorry, where are the
6 recycles stored?

7 MR. MAIORANO: Behind this picket
8 fence area.

9 MS. UHLE: Within the right of way.

10 MR. MAIORANO: Yes.

11 MS. UHLE: I did talk to the Highway
12 Superintendent about how comfortable he was
13 with the trash enclosure being within the right
14 of way, and I know that he was comfortable with
15 it being there because that makes it easier for
16 them to pick it up, but I'm not sure that the
17 recyclables and the trash are supposed to be
18 kept there except for the days that they're
19 picked up. So that needs to be stored on site
20 and then moved to that location on pick up
21 days. That was one of the things that were was
22 expressed at the ARB meetings, that the trash
23 was sort of remaining within the right of way
24 and sometimes would get messy and blown around.

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1 MR. MAIORANO: I think the neighbor's
2 concern was it was kept in front of the trash
3 area, which is actually on 1H. So instead of
4 garbage bins being kept in front of that, they
5 sort of wanted that concealed. Sometimes they
6 have their trash in front of the picket fence
7 and they don't throw it out, but then sometimes
8 it's just left there and nobody is moving it
9 and bringing it back on the property. So
10 neighbors were concerned that trash was left
11 sort of out on the street. They could easily
12 do that.

13 MS. UHLE: I have one other comment.
14 I don't think you said in your presentation,
15 were they planning to repave the entrance drive
16 as well?

17 MR. MAIORANO: Yes. So this shaded
18 portion. Basically the trash enclosure
19 forward.

20 THE CHAIRMAN: So there's a number of
21 conditions and we'll wrap them up at the end,
22 but this is a public hearing, so unless there's
23 more questions from the Board --

24 MR. NEMECEK: No.

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1 THE CHAIRMAN: So then I make a motion
2 to open the public hearing on this application,
3 19-19, 157 Montgomery Avenue.

4 MR. NEMECEK: Second.

5 THE CHAIRMAN: All in favor.

6 (All aye.)

7 THE CHAIRMAN: Please come forth.

8 MR. SWEENEY: Good evening. Frank

9 Sweeney, 22 Lakeview Avenue, representing the

10 two adjoining property owners of the property

11 directly behind the yard. Basically what

12 they're looking at, and possibly maybe you've

13 had an opportunity to look at -- I'm just

14 trying to determine since we last met, have any

15 of the board members done an on-site review of

16 the yard itself?

17 MR. PULASKI: Yes.

18 MR. SWEENEY: The reason we're kind of

19 focusing in on the aesthetics of what the yard

20 looks like, it's important you understand

21 what's there now and how it's being maintained.

22 You can take all the pictures you want, you can

23 do all your telephones, but to visit the site

24 as being run as a business is really key to

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1 your decision on how you go forward. The two

2 property owners that basically represent the

3 backup situation to the north side of the

4 property are the ones that are facing the

5 movement of the trucks, movement of the

6 aesthetics around the building itself, and the

7 idea is that I'm trying to determine who owns

8 the containers and who are the containers for;

9 are they for the building owner or the

10 contractor?

11 MS. UHLE: I don't think it matters

12 because, again, they're allowed to store

13 materials and equipment, either their own

14 materials and equipment or a contractor's

15 materials and equipment there. So I imagine --

16 again, the applicant can address that better

17 than I can -- it may be their materials or it

18 may belong to another contractor that has some

19 kind of agreement with them.

20 MR. SWEENEY: Does the contractor own

21 the containers or does the property owner have

22 the ownership and whether he can or cannot move

23 them? I'm concerned that the contractor can

24 come in and say, I want to move this container

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1 over 10 or 12 feet and they have no control
2 over it.

3 MS. UHLE: If they receive site plan
4 approval for the containers to be in this
5 location, they would have to maintain the
6 containers in that location. They would be
7 required to stay there, otherwise they would be
8 in violation of the site plan approval.

9 MR. TUDISCO: I also want to address
10 one of the other comments that was raised.
11 There are two issues here that are going on
12 with the property essentially. One is the
13 aesthetics of the property, how it's being
14 maintained based upon complaints that we've had
15 from the community, the overall demeanor of the
16 property. The other issue from an enforcement
17 perspective is how the property is being run
18 and what is taking place and is it a permitted
19 use for what's going on there. From an
20 enforcement perspective I can tell you that I'm
21 the one that prosecutes these, there has been
22 an ongoing case in court based upon trying to
23 work with the property owners so that they
24 understand what they're allowed to do and what

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1 they're not allowed to do.

2 The second piece of that is the
3 aesthetics of the property from the community's
4 perspective what they see, and what we are
5 concerned about as a town about the potential
6 dangers to some of the equipment that we stored
7 there, where it was stored and so on. So for
8 the purposes of what this Board is looking at
9 tonight is really the aesthetics and the site
10 plan itself.

11 The other issues, as they materialize,
12 and if there are additional complaints, you are
13 certainly free to bring them to my attention or
14 to Ms. Uhle's attention because that is also a
15 concern that we have to maintain.

16 MR. SWEENEY: The other issue is that
17 one of the things he just indicated, and it was
18 kind of brought up by the Board itself, is they
19 are going to put up a new fence that basically
20 is going to hide the refuge behind it, which
21 are the trucks and the construction pieces of
22 material that they use every day. Currently,
23 now they've built out a buffer zone where the
24 garbage is now placed outside in the right of

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1 way of town. That sets a precedent that I'm
2 not very comfortable with because now you've
3 extended the property out so he could now
4 release his garbage or his refuge, whatever the
5 case may be, beyond his property line. It's
6 not going to be behind the fence, it's going to
7 be out of the side of the fence. If you took a
8 look at it this morning, I passed by around
9 6:30 this morning, I don't know who puts his
10 garbage out in paper bags, maybe a raccoon got
11 at it or something, it was a mess, absolute
12 mess. I don't know who the property owner is,
13 but if you can't afford a \$10 garbage can, you
14 going to have more serious problems trying to
15 manage it.

16 The other issue is that right of way,
17 that should be behind the fence line for him to
18 put out the garbage. If you pass by there
19 tonight, does he understand the refuse pick up
20 in town? I don't believe so. He's got garbage
21 sitting out there now that's not going to be
22 picked up until Monday. My two property owners
23 that face into that are going to see that for
24 the next three days. Why?

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1 THE CHAIRMAN: We addressed that we
2 would advise them to keep the garbage within
3 their property until the day of pick up.

4 MR. SWEENEY: He already built the
5 extension to put the garbage outside the fence.
6 We don't want it outside the fence, we want it
7 behind the fence.

8 MS. UHLE: Well, it needs to be
9 outside the fence on pick up days.

10 MR. SWEENEY: That's fine, but I don't
11 want to have it out four or five days before
12 pick up.

13 MS. UHLE: That would not be permitted
14 and that's what we had said.

15 MR. SWEENEY: It's being permitted
16 right now.

17 THE CHAIRMAN: We'll address that when
18 we approve this.

19 MS. UHLE: I want to make something
20 clear, things are not necessarily permitted,
21 it's a violation. So that's something that
22 actually the Highway Department can issue
23 violations. They're aware of the situation and
24 I believe have spoken to the owners recently or

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1 previously about this.

2 MR. TUDISCO: From an enforcement
3 perspective, to the extent that they -- I
4 believe the statute requires sundown the night
5 before the garbage pick up. If the garbage is
6 going out onto the public right of way earlier
7 than it's supposed to under the statute, if you
8 alert us, the Highway Department doesn't just
9 try to get compliant, they will also issue
10 summonses. I prosecute those. I will tell
11 you, certainly you should have the neighboring
12 landowners or just members of the community
13 that are concerned about that, to bring it my
14 attention.

15 MR. SWEENEY: I think it's important
16 you should take a look at the two houses that
17 back up to this piece of property. They're
18 crystal clear. They're maintained to the
19 nines. They are maintained to the nines, let
20 me tell you. They're really nice homes. I'm
21 not against the issue of having the yard there.
22 I'm more concerned about the condition of how
23 it's being maintained, what's being done there,
24 and what we could do to make it better. That's

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1 all. I agree with the new fencing, possibility
2 that it's a neutral color or whatever the case
3 may be. No more free cake walks here.

4 THE CHAIRMAN: We're concerned with
5 the same issues you are. Thank you for
6 pointing it out that we should go see the
7 operations there. I don't think any of have
8 within the site.

9 MR. SWEENEY: I do appreciate your
10 time.

11 THE CHAIRMAN: Thank you.

12 MR. PULASKI: I think that relative to
13 what Robert was saying before, that this
14 application has addressed a lot of the -- I
15 think they've addressed all of the concerns
16 that I've read about in the paperwork of how
17 this yard was being maintained and the junk in
18 it and the vehicle maintenance and there's a
19 lot of overgrowth of weed trees and whatever,
20 and this plan basically shows that that stuff
21 is being addressed. I went in and my comments
22 just had to do with more things that I see that
23 I think could be included in this package
24 because the intent is to make something that is

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1 more -- that works better with the community,
2 as well as complying with code. That's why I
3 stress certain things about the gates and idle
4 times and in and out times. I understand fully
5 what Robert has said, that the items that made
6 this yard look really despicable appear to be
7 addressed in this design.

8 THE CHAIRMAN: Any more comments from
9 the public?

10 (No comments.)

11 THE CHAIRMAN: So I think on the other
12 applications we've made site visits, see what
13 goes on out there, make a closer observation of
14 the yard then maybe we have from the street.
15 As Margaret put forth, do other members of the
16 Board think that we should leave this open,
17 take a visit to the site, take a closer look at
18 what's going on there, come back with our
19 findings, and reconvene and address anything
20 else.

21 MR. PULASKI: I would certainly concur
22 with that. I think if we were going to do that
23 and agree to do that, perhaps the applicant can
24 come back with a better plan as to a more

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1 specific nuts and bolts kind of plan as to what
2 he's going to do with the fence and the gate.

3 THE CHAIRMAN: In the meantime, sure.

4 MR. TUDISCO: If that's the case, I
5 would recommend you leave the public hearing
6 open.

7 THE CHAIRMAN: I think, as you said
8 Robert, they've done quite a bit with
9 encouragement from the boards here.

10 MR. PULASKI: They have. I don't want
11 to be taken wrong in the things that I came out
12 with. I'm just trying to polish something that
13 somebody has done a lot of work on.

14 THE CHAIRMAN: So I'm going to propose
15 that. In the meantime, do you want to just
16 catalogue the conditions?

17 MS. UHLE: We'll talk about what you
18 had talked about so far so that the applicant
19 can try to respond to those in the meantime.
20 What I can also say is I'll try to coordinate
21 with the applicant and the property owners what
22 appropriate times are to come visit the site
23 because I think typically the gate is locked
24 there; correct?

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MR. MAIORANO: Yes.

MS. UHLE: So I'll coordinate with you about that.

This is a condition that's coming up, but I think the Board was going to talk about ensuring that there is no storage on top of those containers, nothing placed on top of the containers. We had talked about maintaining the containers so that they don't get rusty so that they're maintained in good condition. The Board had talked about rather than just painting and keeping the existing gate, having something that's more solid and up to 8 feet high, which actually is permitted in the GB district. That's the only district that would permit an 8 foot high fence. Maybe being clearer about how trash is disposed of and where it's disposed of and how that's going to function and work. Let me see. In the meantime, I could have the Fire Department also look at the issue with regard to the fire escape and gates, etcetera. We need to think about some of Bob's comments about the idling vehicles and limiting hours that vehicles could

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come and go. Those were the things that were discussed tonight.

I do think it's a good idea, even though I agree, I think the applicant has done a very good job of organizing the site, cleaning it up and clearing it out, it is a very unique site in terms of its location and the topography and how the adjacent residences relate to that site and the view from the street is different from the view from neighbors, it's very high up, so I think it would be a good idea to go just to get a little bit of different perspective. It delays it one more month, and I know that applicants are getting frustrated and residents are probably getting frustrated, but I think overall it's probably worth it to do that.

MR. PULASKI: Before we make that vote, this location on the plan right outside the gate, it says, wood picket fence around trash enclosure, that is where the trash is being kept?

MR. MAIORANO: No. It's essentially being kept right behind the -- there's a trash

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enclosure that's totally enclosed, and it's supposed to be brought out into that area on trash days. It's right behind the dwelling.

MR. PULASKI: Okay. That's brought out and just put on the curb?

MR. MAIORANO: Yes.

MR. PULASKI: If that's being done and it's being done just before the day of the trash pick up, the night before the day of the trash pick up, that should suffice, unless there's a lot of trash, in which case it would be nice to have some kind of enclosure on it.

THE CHAIRMAN: As Margaret said, we will readdress the trash.

MR. PULASKI: I just wanted to clarify that. Are we going to vote on this?

THE CHAIRMAN: No. We're leaving it open.

MS. UHLE: Adjourn to the October 24th meeting.

THE CHAIRMAN: You will arrange for a visit?

MS. UHLE: Yes. I will coordinate with everybody early week.

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THE CHAIRMAN: I guess I'll make a motion to adjourn this application to the next Planning Board meeting. So this application, 19-19, 157 Montgomery.

MR. PULASKI: Second.

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

THE CHAIRMAN: Thank you. The next application is 19-25, Meat the Greek, LLC, 2 Mill Road.

MR. FERNANDEZ: Good evening, board members.

THE CHAIRMAN: Good evening.

MR. FERNANDEZ: Joe Fernandez, architect, 575 White Plains Road, Eastchester. We have an application for a new eating establishment and site plan review, architectural review of a small I guess storefront type restaurant located at 8 Mill Road here at the end of Mill Road at the intersection of White Plains Road.

The plan is to create a restaurant that's going to have some limited seating and mostly a take out operation. It will have a

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1 full commercial kitchen, ADA toilet facilities,
2 storage both on the first floor and in the
3 basement for dry goods. The site and building
4 has been plagued with debris, garbage that they
5 use a compactor in the back, which I believe
6 has caused issues with the neighborhood, and my
7 client has already procured a contract with a
8 carting company to have his own dumpsters,
9 which will be locked, for refuse and recycling
10 in the back area. We don't want to get
11 involved in any of the current issues that the
12 building has with the other tenants.

13 The kitchen will also have a Type 1
14 hood over a line of commercial cooking
15 equipment, and it's a small little place. No
16 exterior changes other than new signage, which
17 will go on to the existing facade and just be
18 refreshed with the same white color. That's
19 pretty much it.

20 MR. PULASKI: I have a couple of quick
21 comments, questions. I saw, Margaret, that the
22 various items of heating, ventilating, air
23 conditioning, hood exhaust all conform to what
24 we currently have in our regulations?

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1 MS. UHLE: Well, they'll conform to
2 the New York State Building Code Regulations.
3 I think you maybe want to discuss that because
4 I did say that was something you would be
5 interested in.

6 MR. PULASKI: We could discuss that in
7 a moment.

8 The other item is where you're going
9 to put the 3 yard container. I certainly
10 understand your concern and why that might be
11 best for the public to have a separate 3 yard
12 container, but do we have any designer looking
13 at that saying that there is sufficient space
14 for traffic to pass by the 3 yard container and
15 not interfere with the parking? It's a very
16 congested area. It's very funky back there.
17 You could see it's like a V, it starts to
18 narrow down. My druthers tells me that a 3
19 yard container isn't very big and should fit in
20 there. You also have to be able to get a truck
21 in there to pick it up.

22 MR. FERNANDEZ: They're on wheels
23 also, they could roll those out.

24 MR. PULASKI: That was my principal

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1 concern.

2 MR. FERNANDEZ: We didn't want to be
3 involved with that compactor because we just
4 knew it was going to be an issue.

5 MR. PULASKI: I get it. I applaud you
6 for that. Because of the way that V's down, I
7 want to be make sure that putting a container
8 there, A, can be serviced, and if it's a matter
9 of manually moving it, that it could be
10 manually moved in all weather; rain, snow, ice,
11 whatever, at whatever hours it needs to be
12 moved, and that it doesn't create a traffic
13 problem either for the people that have parking
14 rights back there or for police and fire.

15 MR. FERNANDEZ: There is no parking
16 where we're planning it. It's up at the end of
17 that and right behind the store. It would be
18 easy for them to get rid of their refuse and
19 also on pickup days to be able to roll it out
20 for the truck to just pick it up.

21 MR. WEST: Do the other restaurants
22 behind there do it?

23 MR. FERNANDEZ: No, they use that
24 compactor and there's issues with that.

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1 THE CHAIRMAN: So these dumpsters will
2 be in the proximity of the actual restaurant?

3 MR. FERNANDEZ: Right behind it, yes.
4 Correct.

5 THE CHAIRMAN: So right up against the
6 back there?

7 MR. FERNANDEZ: Across the parking lot
8 there's a fence.

9 MR. PULASKI: If I were trying to
10 resolve this -- and I don't know how we're
11 going to vote on this tonight -- but if we had
12 time, I would want to see just a measurement of
13 here's the container, here's the amount of
14 vehicle traffic space between the container and
15 a parked vehicle, this is how much space is
16 left for a parked vehicle to back up. Short of
17 having that, depending on what we decide, if
18 you think that is enough, I'm fine with that.
19 I would like to have seen that on the
20 application.

21 MR. FERNANDEZ: That area in the back
22 is really not -- there's no vehicular access
23 back there. Once it gets back up into there,
24 it too narrow.

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1 MR. PULASKI: I've got one further
2 question. Is there a property owner that owns
3 this whole thing?

4 MS. UHLE: It used to be a number of
5 property owners. I think it's two now.
6 Including Dunkin Donuts, I think it's two. A
7 few years ago, it was four or five different
8 owners. Right now it's two different owners.
9 The Dunkin Donuts portion, the former Mr.
10 Moses' portion I think is owned by one company
11 and the remaining is by another, I believe.

12 MR. PULASKI: In other words, what I'm
13 trying to add is we're looking at it from a
14 town planning standpoint, whereas if a property
15 owner has this, the property owner should be
16 saying something about it because he's got to
17 guarantee to these other people that he's
18 providing access to are being satisfied, being
19 accommodated.

20 MS. UHLE: With regard to?

21 MR. PULASKI: Traffic in and out.

22 MS. UHLE: I think if you look at the
23 catalogue --

24 MR. WEST: There's like two stores by

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1 them, the jewelry store going by them.

2 MS. UHLE: If you look at where
3 they're proposing to put the dumpster on the
4 site plan, the dumpsters are 6 feet long by 3
5 and a half feet wide, if you had two of those
6 together, that's 7 by 12, that's less than the
7 size of a parking space. I see if they were
8 directly behind the space, that could be a
9 little tight, but it looks like where they're
10 proposing them there's sufficient room.

11 MR. PULASKI: I've been back there
12 and, yes, they've picked the widest point.

13 MR. NEMECEK: Tell me a little bit
14 about the exhaust system and the kitchen hoods
15 because this is an issue that's becoming
16 increasingly prevalent with the introduction of
17 new restaurants.

18 MR. FERNANDEZ: So we're sensitive to
19 that, and we've done quite a few in town
20 already. The exhaust will be directed towards
21 Mill Road and White Plains Road. There is
22 residential beyond the site behind that parking
23 or slash refuge area, so we want everything to
24 kind of just go out towards the street. We did

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1 similar things on other applications.

2 One other thing I didn't mention, I'm
3 sorry, we also did already receive from
4 Westchester Department of Health, their
5 approval on our design. I had already given
6 that to Jay.

7 MR. NEMECEK: I guess my question was,
8 I see that it's a Greek restaurant, I know
9 sometimes you get a lot of lamb cooked, lamb
10 has a pretty strong scent or odor when it's
11 cooked, is there any effort being made for the
12 exhaust system to attenuate the smells?

13 MR. FERNANDEZ: There's nothing
14 required by code, obviously, but we are
15 sensitive to that and we do want a smell to
16 emulate, just like all the other restaurants,
17 to keep us all hungry in our travels.

18 THE CHAIRMAN: Standby, we have to
19 entertain questions from the public.

20 MR. FERNANDEZ: Certainly.

21 THE CHAIRMAN: I make a motion to open
22 the public hearing on Application 19-25, Meat
23 the Greek, 8 Mill Road.

24 MR. PULASKI: Second.

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1 THE CHAIRMAN: All in favor.

2 (All aye.)

3 THE CHAIRMAN: Comments from the
4 public?

5 (No comments.)

6 THE CHAIRMAN: Mr. Pulaski, I think
7 I'm sort of having faith that they will be able
8 to maneuver around these and that the dumpsters
9 could be moved out such that they won't create
10 trouble back there. Seems like there's ample
11 room back there.

12 MR. PULASKI: And I have a sense to
13 agree with that. It's just better if it were
14 put down on a plan with measurements. We make
15 a decision here, and then there becomes some
16 conflict with owners and they'll come back to
17 us, oh, the Planning Board made the decision on
18 this. Naturally, I don't know if the Police
19 Department or Fire Department needs to be there
20 as long as you have your technical 11 feet or
21 so for lane width or such, I guess we're okay,
22 but we don't clearly know that. It just seems
23 like it's okay.

24 MS. UHLE: I will say the Fire

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1 Department reviews all applications for
2 commercial projects, so their application will
3 be referred to the Fire Department as well.

4 MR. PULASKI: Just staying with that,
5 I think we've had discussions whenever -- I
6 think there was a similar issue with the Shop
7 Rite, which they're adjacent to it, and when
8 the pickup of that dumpster happens.

9 MS. UHLE: There were some residents
10 that were concerned about the noise that was
11 generated actually for deliveries to Stop &
12 Shop, and so the town did, a couple of years
13 ago, revise the noise ordinance to address
14 specific types of deliveries.

15 MR. PULASKI: Ultimately where I'm
16 going with this is, do we need to coordinate
17 with any established time when certain trucks
18 come into that area? If it's going to be a
19 manual movement of that container to get it to
20 the dumpster, maybe the dumpster guy moves it
21 himself and doesn't take any other manual labor
22 other than what he provides.

23 MS. UHLE: I'm not sure I understand
24 the question. Again, with the existing

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1 dumpsters back there, we've never had a problem
2 with regard to noise or when it's being picked
3 up. It's been more that the dumpsters are
4 overflowing or haven't been properly closed or
5 maintained.

6 MR. PULASKI: I guess they probably do
7 it after those stores are closed and they could
8 get in there and nobody has to move anything.
9 All right, I guess I talked myself into this.

10 THE CHAIRMAN: I think whoever is
11 being hired to dump the dumpsters will figure
12 out how to do it.

13 MR. PULASKI: Okay.

14 THE CHAIRMAN: So then I'm going to
15 close the public hearing.

16 MS. UHLE: Could I just ask one
17 question or make one comment? Joe, you
18 confused me a little bit with your answer with
19 regard to the exhaust system. I think what
20 we've been stressing in previous applications,
21 we actually want to minimize odors to the
22 maximum extent possible regardless of which
23 direction they're heading. So if you could
24 explain what you're proposing.

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1 MR. NEMECEK: I'll comment on that too
2 because I believe the next application, which
3 is for 324 White Plains Road --

4 MS. UHLE: Actually I think it's
5 different.

6 MR. NEMECEK: Is that a different one?
7 You're right, it's 575 White Plains Road.

8 MR. FERNANDEZ: That's my address.

9 MR. NEMECEK: I'm sorry, it's 324;
10 right?

11 MR. FERNANDEZ: Yes, that's the next
12 application.

13 MR. NEMECEK: Wait, the Pizza Barn,
14 right, the Beverage Mart?

15 MR. FERNANDEZ: I'm not involved in
16 that project. Just the building, not the
17 specific project.

18 MR. NEMECEK: The building site here
19 has been the subject of complaints from local
20 residents about some of the odors coming out of
21 one of the food establishments there. In fact,
22 we received an education six months,
23 eight months ago from an individual who's a
24 neighbor or the son of one of the nearby

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1 neighbors --

2 MR. FERNANDEZ: I believe that was the
3 deli. We corrected that.

4 MS. UHLE: He was the architect on
5 that.

6 MR. NEMECEK: The point is, I don't
7 live very far, I live right over here, as much
8 as I like Greek food, I don't want to be
9 smelling it all hours of the day.

10 MR. FERNANDEZ: I'll just say that
11 there were complaints about this deli and we
12 corrected it. We adjusted where the exhaust
13 went. We directed it a certain way. We took
14 care of it with a different type hood. He will
15 have the same type hood, a Type 1 Hood that has
16 a filtration system that gets cleaned, and
17 you're not going to smell it.

18 MR. NEMECEK: The way you answered my
19 question earlier, it left me a little confused.
20 I'm glad Margaret was equally confused. It
21 sounded like you said, well, the more smells,
22 the more business we're going to drum up.

23 MR. FERNANDEZ: In some respect,
24 that's wishful thinking, but no. There hasn't

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2 been, I don't believe, any other complaints
3 about that particular --

4 MR. UHLE: No. Joe, can I just
5 clarify something?

6 MR. FERNANDEZ: Sure.

7 MS. UHLE: There were complaints about
8 that particular space because it did not have
9 the proper ventilation system, but then the
10 Board did request a certain type of ventilation
11 system be used that minimized the odors to the
12 maximum extent possible, which Mr. King did
13 quite a bit of research on because we didn't
14 want it to be exorbitantly costly, etcetera.
15 So I'm still confused about what -- are you
16 proposing the exact some kind of exhaust system
17 that was proposed for that deli or is it a
18 different type?

19 MR. FERNANDEZ: It's the same type
20 hood and it's the same type directional fan.
21 It basically dissipates everything into the
22 ozone and you don't smell it. They have quite
23 a lot of spices they cook with there, and you
24 would definitely smell like that.

25 MR. NEMECEK: You're talking about the
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2 deli now?

3 MR. FERNANDEZ: The deli.

4 MR. NEMECEK: This was a footwear
5 establishment and now it's becoming a
6 restaurant.

7 MS. UHLE: I'm going to be very clear:
8 Is it the same filtration system? Your saying
9 the same hood and the same direction.

10 MR. FERNANDEZ: It's the same
11 filtration that's within the hood.

12 MS. UHLE: Of the one that was
13 proposed for the deli?

14 MR. FERNANDEZ: Yes.

15 MS. UHLE: Okay.

16 THE CHAIRMAN: Is that identified on
17 the plan?

18 MR. FERNANDEZ: Yes.

19 MR. NEMECEK: One further question,
20 and I'm not sure who -- maybe, Margaret, you
21 could answer this. One thing I did not notice
22 in the package of materials I had for 8 Mill
23 Road is a listing of the individuals who got
24 notice of it. I know that with your other
25 application we have a listing of individuals.

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2 I'm assuming that Margaret's department would
3 have made note if there had not been proper
4 notice given.

5 MS. UHLE: I don't know. Let's see.
6 You have the Notice of Public Hearing. Did you
7 notify the neighbors within the 200 foot
8 radius?

9 MR. FERNANDEZ: Yes. We have the
10 mailing.

11 MS. UHLE: Jay has them, yes.

12 MR. NEMECEK: Okay. That's fine. The
13 observation, the name, Meat the Greek, M-E-A-T
14 the Greek, has this been thought out?

15 MR. FERNANDEZ: My client is in love
16 with it, yes.

17 MR. NEMECEK: Okay. I guess you love
18 it or you don't love it, but that's beyond the
19 purview of this Board.

20 THE CHAIRMAN: I think the public
21 hearing is still open, so I'm going to close
22 the public hearing. So I make a motion to
23 close the public hearing on this application,
24 19-25, Meat the Greek, 8 Mill Road.

25 MR. PULASKI: Second.

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2 THE CHAIRMAN: All in favor.

3 (All aye.)

4 THE CHAIRMAN: So I think we've
5 covered everything. The dumpster is going to
6 be done.

7 MS. UHLE: I think you have two
8 conditions possibly. One, I just want say I
9 think the applicant has been extremely
10 responsive about these dumpsters as soon as I
11 explained to him what the issues were there.
12 The Building Department does have leverage with
13 regard to property maintenance issues, but I
14 think we should also just make it clear that if
15 the number of dumpsters are insufficient or if
16 the number of pickups don't seem to be
17 sufficient, if we get complaints about that,
18 then not only is it a property maintenance
19 violation, it's a violation of the site plan
20 approval as well because we're having more and
21 problems with dumpsters at commercial
22 properties. So I just want to give us a little
23 more authority with regard to enforcement.

24 THE CHAIRMAN: Does that mean that
25 they have to increase the number of dumpsters?

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1 MS. UHLE: That they may have to
2 increase it or they would have to -- well, it
3 means that we could say that they're in
4 violation of the site plan approval, and we
5 could require that they either increase the
6 number of pickups or that they increase the
7 number of dumpsters. I mean by "we" the
8 Building Department. There would be no reason
9 for them to come back to you.

11 The other thing is, I do want to make
12 sure that the hood has the same filtration
13 system because I think even if it's not as
14 close to residential areas, there are still
15 concerns about potential odors.

16 THE CHAIRMAN: So you're saying that
17 we confirm that the one called out here is --

18 MS. UHLE: Is the same as the deli
19 with regard to the filtration system.

20 MR. NEMECEK: Because we looked at it
21 in some detail. Not that that is the standard,
22 but I know that there was a recent application
23 where we really focused on that and we are
24 familiar with it.

25 MR. FERNANDEZ: That was mine.

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1 MR. NEMECEK: We are familiar with it
2 and that assurance does provide me certainly
3 with some comfort.

5 MS. UHLE: That would be it.

6 MR. NEMECEK: I'm all about comfort.

7 THE CHAIRMAN: You just don't want
8 that vent to be pointed in the direction of
9 your home.

10 Subject to the two conditions Margaret
11 put forth, I make a motion to approve this
12 application, 19-25, Meat the Greek.

13 MR. PULASKI: Second.

14 THE CHAIRMAN: All in favor.

15 (All aye.)

16 THE CHAIRMAN: Thank you.

17 MR. FERNANDEZ: Thank you.

18 THE CHAIRMAN: Let's roll into the
19 next one, that is 19-27, Beverage Mart, 320
20 White Plains Road.

21 MR. FERNANDEZ: So this application is
22 for 324 White Plains Road, aka 320, or vise
23 versa. It's site plan review and review of the
24 existing building facade and some improvements
25 that are needed.

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1 So the main thing that triggered this
2 entire project was that the roof was failing.
3 They were starting to take on some leaks, and,
4 as you know, they have new tenants in the deli
5 and future in the pizza restaurant, and they
6 wanted to address that.

8 Part of the design was to update what
9 we believe to be a tired facade and remove the
10 shed like roof off the front and kind of bring
11 it into this millennium by adding some new
12 facade pieces and LED lighting to wash the
13 building and also to light some new signage.
14 We're also proposing to relocate two of the
15 stanchion type lights that are in the parking
16 lot. We found after doing a survey, that they
17 are, in fact, just onto state property. So we
18 need to address that and relocate them as shown
19 on the plan.

20 We've also proposed a new dumpster
21 enclosure with some gates to allow the two
22 dumpsters that currently reside there to be
23 hidden. We've addressed some maintenance
24 issues in the fencing around the north side of
25 the property, and the plan is to recondition

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1 the existing parking lot and re-stripe it and
2 create two accessible parking spots.

4 Finally, the roof, which needs to be
5 repaired, we're also going to add built up
6 rigid insulation to make the building more
7 efficient, energy efficient, and in doing so we
8 needed to raise the parapet two blocks or about
9 17 inches to allow for the slope of the roof.

10 The water all drains towards the east currently
11 and that's what it's going to continue to do.

12 The building being now 17 inches higher will
13 mask the existing light poles that are there.
14 In the ARB meeting, there was a gentleman who
15 lived directly behind the property and he had
16 discussed the issue about the lights. They are
17 adjustable, they will be, you know, obviously
18 shining on the parking lot area, and now they
19 will be below sight lines. He has a bedroom
20 that's kind of right over the top of the
21 building, so this way that will all get cut
22 off.

23 That's pretty much it. All the work
24 is exterior. The other application, as you had
25 mentioned earlier, is a separate thing,

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interior project.

We also looked at the dumpsters and their location. We provided site lines from the side road there, I believe, to show based on highway standards the open vision so that it wasn't blocking anything. There are some existing town trees that are on the, I guess, adjacent property to us, and the dumpsters actually back up to that. So they're not seen from essentially anywhere except for White Plains Road where you see the side of the dumpsters.

MR. NEMECEK: What is going to be the color of the new facade and the new --

MR. FERNANDEZ: I didn't bring samples, but I had brought them to the Architectural Review Board. They're gray, like a dove gray.

MR. NEMECEK: In the illustration, it's certainly very gray, but then again, so is the individual in the picture. It seems like there's no color at all.

MR. FERNANDEZ: Gloomy day. If you look at the section, you'll see that there are

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lights that are going to wash the existing brick that's there which will just be painted to the match the upper facade, and then there will be some lighting just where the signage is. Those will all be on photocells, etcetera.

MR. PULASKI: I think that even though you're addressing your mansard because of roof construction modification, I think it suits the whole facade better. I think the colors and the look kind of go with adjustments that are being done up north of you. So I applaud what you're doing, and just dressing it up and cleaning it up, I think all of that is good. I do look at a couple of details and I would like to mention some of those.

MR. FERNANDEZ: Sure.

MR. PULASKI: One is, I had read the comment about the concern with light spillage, and I understand what you're saying that your mansard is going to be 17 inches taller and that should give you sufficient light cut off. I would recommend that as part of the conclusion to this, that we say that if that's not sufficient, then you'll come back and put

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some shades or something on the fixture so that the light is --

MR. FERNANDEZ: They're actually adjustable. When they were first installed, I believe that they weren't adjusted and they were just basically shining towards the building, which we won't need anymore because the building will have its own lighting source. It was actually very dark there at night.

MR. PULASKI: You're saying that there's sufficient adjustment to take care of that. I also read something that some of these poles had two lamps on them where it was only supposed to be approved for one?

MS. UHLE: Well, I wanted to be clear with you, right now are there two light fixtures on each pole or one light fixture or is there a combination?

MR. FERNANDEZ: So I believe there's a combination, but there's two that need to be relocated and I think the others will probably need to be legalized.

MS. UHLE: In your illustration, you're showing one light fixture facing down,

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but in the photograph it looks like there's two. I was just trying to clarify, how many lights are there on each pole, do you know?

MR. FERNANDEZ: I believe the corner has one by Cornell's and then the other two have two. It's basically to give, you know, distribution on the parking surface.

MR. PULASKI: I would think you need more light at Cornell's because your lot is deeper.

MR. FERNANDEZ: Well, it's the corner. It's the very corner. We don't want to splash onto someone else's property, so we're trying to be cognisant of that.

THE CHAIRMAN: So where are they being moved? There's a note they are big moved.

MR. FERNANDEZ: It's on the site plan, but, I mean, essentially they're like 1 inch onto state property.

THE CHAIRMAN: Okay.

MR. FERNANDEZ: We got a survey and that's what he showed. He re-checked it and it was 1 inch.

THE CHAIRMAN: Get another surveyor?

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MR. FERNANDEZ: No.

MS. UHLE: I had one other comment, too, that I think Jay and I spoke to you about. I'm not sure whether the HC accessible parking spaces, those as shown on this plan still don't meet the New York State Building Code for HC accessible spaces, so those have to be revised.

MR. FERNANDEZ: They meet ANSI 117.

MS. UHLE: They're required to meet the New York State Building Code requirements.

MR. FERNANDEZ: Which the 2015 ICC says you have to go by ANSI 117.

MR. KING: They look to the New York State supplement. They don't accept that 5 foot access aisle.

MR. FERNANDEZ: They want 8 foot. That's fine. We have space. We could revise that.

MS. UHLE: Actually, what we require is two 9 foot spaces with an 8 foot wide aisle.

MR. FERNANDEZ: 9 foot?

MS. UHLE: That's our zoning law and 8 foot wide aisle.

MR. FERNANDEZ: 20 foot long, Jay?

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MS. UHLE: 18 foot is fine.

MR. FERNANDEZ: We could revise that.

MR. PULASKI: I read something that they wanted the back of the facility painted, but it looks like the back was painted.

MR. FERNANDEZ: It was painted. I think it was brought up as an issue in the ARB meeting, but it was already painted white. I don't believe we had a picture in our application but we put it into this one.

MR. PULASKI: There is a but to that, and that is that there is a section on your northeast that looks like they added some masonry block above and that's not painted.

MR. FERNANDEZ: There's been no work that's been done there for many years, and I think it's only painted on the gentleman's property.

MR. PULASKI: What I'm driving at is I think it should be painted.

MR. FERNANDEZ: I hear you.

MR. PULASKI: Then right next to that there's also some fencing that sitting on top of --

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MR. FERNANDEZ: The wall?

MR. PULASKI: Your fencing going east/west is in good shape, but just as you make that corner the fencing is in terrible shape.

MR. FERNANDEZ: It's called out to be repaired.

MR. PULASKI: Those are my comments.

THE CHAIRMAN: The ARB also noted something about existing HVAC having some noise mitigation?

MR. FERNANDEZ: There are several units on the roof that are existing. I don't know what we can do. They've been there with these businesses. That's the old side of the building. That's the Beverage Mart. There is one unit that's directly across from his bedroom, it's probably 20 feet, 25 feet away, that if this Board deemed so we could move.

THE CHAIRMAN: You could move it?

MR. FERNANDEZ: It would a cost to the owner, but, I mean, that would be something that I'm sure we could get them to agree to.

THE CHAIRMAN: Is there a roof plan

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that shows the units?

MR. FERNANDEZ: Yes, there is.

MR. NEMECEK: Are we talking about on the Beverage Mart end of it? Is that the Beverage Mart end?

MS. UHLE: If you look at the aerial photographs, there's one residence that's most affected.

MR. FERNANDEZ: This unit here.

MS. UHLE: At the ARB meeting, that was his only concern, basically a concern about noise from the HVAC system.

MR. NEMECEK: It's my recollection, though, that -- I remember when this building was put up in the 1970's, and I believe the two closest residences were put up maybe in the last 10 to 15 years. I have a little less sympathy because the Beverage Mart was there first, long before. I understand we can put restrictions on -- because you're coming before us now, we have an opportunity to address certain of those concerns. Maybe we'll hear something today, but I'm not hearing any complaints right now about the air

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conditioning. You said that there was a complaint that was brought at the ARB meeting?

MR. FERNANDEZ: It was.

MS. UHLE: And the ARB did -- and I indicate this in my notes -- that that was less of an aesthetic issue than a site plan issue, so they deferred that to you.

MR. NEMECEK: Okay.

MS. UHLE: They did ask the applicant to consider ways that they could mitigate noise.

THE CHAIRMAN: It would move further towards the center of the roof plan?

MR. FERNANDEZ: That would be the only option. There would be a substantial cost because there might be other structures that we may have to do to support that unit as opposed to where it lives now. That's the only thing I'm concerned about, and I don't know that answer.

MR. PULASKI: Sometimes when they talk about mitigate, they're considering that a lot of units are becoming more energy efficient, more noise quiet, so it's just a matter of

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coming in with a more updated unit rather than trying to structurally move it.

MR. FERNANDEZ: I did mention at the ARB meeting that these units are all -- at least that particular unit seems as though it's coming up to its life cycle, and I'm sure that, who knows, in a few years or so maybe it will have to be changed. It's a big expense for the owner to do all that. Once you move something that's that old, it's probably going to break and then they're going to pay twice.

MS. UHLE: I think Mr. King had wanted to make a comment.

MR. KING: Could I suggest putting a sound attenuating blanket or surround around that unit?

MR. FERNANDEZ: We did look into that. The unit is very close to the edge, and the problem was anything that we found was going to hang over the edge. I just thought that that was probably not the best solution because it was just going to cause other issues.

MR. KING: Instead of moving that unit 20 feet to the center, even if you moved it in

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a foot or 2 feet, maybe you could get a sound attenuation around that.

MR. FERNANDEZ: You could, but it's going to cost them probably the same amount of money to move it a foot and then more to put the sound attenuation around it, as opposed to moving it the 20 feet. I don't know if it's going to need more structure or not, that's another whole issue. I just think it's a lot, and I think that the unit is, from what I could see, tired. It probably doesn't have a lot of life left. I can understand that he has an issue when it turns on or whatever, but the businesses are closed at night. His bedroom window is like right there. You could see it in some of the pictures, but, again, it's daytime stuff. I mean, most people are going to work or they're out and about.

THE CHAIRMAN: Did we do a public hearing? No. Let us open the public hearing, please.

MR. FERNANDEZ: Sure.

THE CHAIRMAN: I make a motion to open the public hearing on this application, 19-27,

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Beverage Mart, 320 White Plains Road.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(All aye.)

(No comments.)

THE CHAIRMAN: I make a motion to close the public hearing on this application, 19-27, Beverage Mart.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.

(All aye.)

THE CHAIRMAN: Do we have conditions?

MS. UHLE: Correct me if I'm wrong, I think one of them was to make sure the entire rear facade was painted white, and the other was to ensure the fence was repaired where it needs to be.

MR. TUDISCO: Are you considering anything with respect to the air conditioning or no?

MS. UHLE: It didn't sound like they were --

THE CHAIRMAN: We haven't decided yet. MR. NEMECEK: I don't know what can be

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1 done. I tend to agree with the applicant on
2 this, that putting the applicant through the
3 potentially significant expense of having to
4 move this unit based on a complaint of a
5 neighbor who's not here today to tell us about
6 it -- I mean, I'm not doubting that the world
7 would be a better place for that neighbor if
8 the air conditioning were quieter, but --

10 THE CHAIRMAN: It's not a condition
11 that's been created by this application. It's
12 an existing condition.

13 MR. NEMECEK: And the building was
14 existing beforehand. Look, I had a problem
15 with my own air conditioning around the 4th of
16 July, it was getting very loud, and then it
17 broke. It was a motor problem. Guy came in,
18 charged me money to put in a new motor, and the
19 thing was instantly quiet again. I noticed it.
20 I'm certain my neighbor noticed it. That was a
21 maintenance issue. That was on me. I should
22 have probably had somebody in earlier before it
23 broke. I don't know if there's an analogy
24 here. I don't know if there's something that
25 can be done to inspect the unit more carefully,

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1 replace parts selectively, and not be a
2 significant financial cost, but it might even
3 preserve the life of the unit a little bit
4 longer.

6 MR. FERNANDEZ: Agreed. I believe
7 that my client has been a very good neighbor to
8 this gentleman by treating the whole back of
9 the building and just basically making it
10 nicer.

11 Now that northeast corner, I guess
12 they hadn't done it because I guess they felt
13 it went beyond what he was looking at and he
14 was okay with it, but to finish that off
15 wouldn't be a lot of an effort. The unit maybe
16 needs a little bit of love or something. On
17 the other hand, if it was making so much noise
18 and it died, then it would have to be replaced.
19 Then we would have a new application and it
20 would be moved into the center of the building.
21 These units, when they were placed many years
22 ago and they were, you know, permit approved,
23 it's kind of beyond where I am at this point.

24 MR. PULASKI: I think just moving it
25 to the center of the building or whatever,

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1 moving it away from somebody's direct line,
2 it's still going to --

4 THE CHAIRMAN: You have to put a
5 screen around; right?

6 MR. FERNANDEZ: I think you're still
7 going to hear the noise, potentially, because
8 you're going to be in the same line.

9 THE CHAIRMAN: You would have to put
10 an enclosure around it.

11 MR. FERNANDEZ: If that was a
12 condition.

13 THE CHAIRMAN: That would be the
14 solution. Moving it isn't going to solve the
15 sound problem.

16 MR. PULASKI: I know when Mrs. Greens
17 came before us, we had the ability to do that
18 because their application was different.

19 MR. NEMECEK: I think we seem to be in
20 agreement. I don't know what --

21 THE CHAIRMAN: What more can done.

22 MR. NEMECEK: Certainly from a
23 maintenance end of it I don't know what we
24 could do to attenuate that noise, but I don't
25 know that we're going to make it a condition.

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1 I look to a very learned Chairman.

3 MS. UHLE: With the understanding that
4 when and if it's replaced, it's most likely to
5 be more efficient, and therefore, more quiet.

6 MR. PULASKI: I also think in the case
7 of Mrs. Greens, that the neighboring property
8 came with readings, noise readings.

9 MS. UHLE: Actually, the Planning
10 Board required that they do noise readings.

11 MR. PULASKI: I remember those. Maybe
12 that's entirely different and I don't want to
13 make it something that it isn't.

14 THE CHAIRMAN: This is the condition
15 that's there and it's staying the way it is.

16 So then I make a motion to approve
17 this application. Conditions? We don't have
18 anything; right?

19 MR. NEMECEK: That's a condition of
20 approval, that the appropriate striping be done
21 and that the handicapped spaces be done in
22 accordance with the town.

23 THE CHAIRMAN: Are you re-striping
24 everything?

25 MR. FERNANDEZ: Yes, the whole parking

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1 lot because the parking is being re -- not
2 resurfaced but reconditioned to fix some
3 patches and then kind of sealed. So once you
4 do that, you have to re-stripe everything, and
5 that also triggered us to put in ADA spots.

6 THE CHAIRMAN: We didn't have anything
7 else for conditions?

8 MS. UHLE: Painting the whole building
9 and repairing the fence -- I'm sorry, the
10 entire rear wall and then repairing the fence.

11 THE CHAIRMAN: So subject to those
12 conditions, I make a motion to approve this
13 application, 19-27, 320 White Plains Road.

14 MR. PULASKI: Second.

15 THE CHAIRMAN: All in favor.

16 (All aye.)

17 THE CHAIRMAN: Thank you.

18 MR. FERNANDEZ: Thank you.

19 THE CHAIRMAN: Next application 19-15,
20 38 Lee Avenue.

21 MR. IANNACITO: Good evening. My name
22 is John Iannacito, I'm an architect, and I'm
23 representing Mr. and Mrs. Franklin, the owners
24 of the subject property.

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1 Let me go the plans. So the scope of
2 work on this project will include repairing and
3 reconstructing an existing covered porch at the
4 front of the existing residence, removal of an
5 existing detached garage at the rear of the
6 property, construction of a one story attached
7 garage at the side of the property, and removal
8 of a portion of the driveway back here at the
9 rear and the patio, reducing the coverage on
10 the property.

11 So this application was presented to
12 the Zoning Board and the following area
13 variances were granted on June 11, 2019:

14 The first was for the front yard
15 setback to the existing covered porch, the
16 second was for the front porch width along the
17 front facade, and the third was for the front
18 yard setback to the new attached garage.

19 MR. PULASKI: And that was because
20 they were legal non-conformities; right?

21 MR. IANNACITO: I'm sorry.

22 MR. PULASKI: They were legal
23 non-conformities?

24 MR. IANNACITO: Correct. The porch

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1 was built exactly the same distance away from
2 the line, and the garage was brought forward
3 but it is further back than the porch. It's
4 still closer than 30 feet to the front.

5 So quickly go through the plan. So
6 here is the first floor plan showing the
7 reconstructed porch in the same location and
8 the new attached garage. The front facade
9 showing the new covered porch and the attached
10 garage. Then we have the side elevation and
11 the rear elevation.

12 Here is a rendering showing the
13 exterior materials. So the wall surfaces will
14 be a vinyl siding in a gray finish. The roof
15 surfaces on the house will remain, and the new
16 porch and garage will match existing and be
17 asphalt shingles. The new windows on the
18 garage will be vinyl clad in a white finish to
19 match existing. The trim boards on the entire
20 house will be AZEK painted white. The columns
21 on the porch will be AZEK painted white. The
22 new railings of the porch will be composite in
23 a white finish. The gutters will be aluminum
24 in a white finish. The overhead door will be

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1 fiberglass in a white finish.

2 This application was presented to the
3 Architectural Review Board on September 5th,
4 2019, and was approved with two conditions.
5 The first was to show light fixtures on the
6 elevations, so we did that. We added light
7 fixtures at every door along the elevations.
8 The second was to add a note to the material
9 list for the finish on the existing foundation
10 along the building, and that will be a painted
11 foundation to match the siding.

12 I have samples of the materials if you
13 would like to see them. I'm happy to answer
14 any questions.

15 MR. PULASKI: Do your samples look
16 like your photo? I think there was a time it
17 was a little bit off.

18 MR. NEMECEK: You're not going to keep
19 the blue bottom?

20 MR. IANNACITO: No.

21 MR. NEMECEK: No. Okay.

22 THE CHAIRMAN: I think it's a very
23 handsome design, as always.

24 MR. NEMECEK: I really like the porch

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1 quite a bit. It really pops out in a way that
2 it doesn't here.

4 MR. IANNACITO: In the back yard, it
5 frees up a lot of space by pushing the garage
6 forward. It gives them a really nice back
7 yard.

8 MR. PULASKI: I'm always happy to see
9 when somebody adds a two car garage instead of
10 a one car garage. Bringing that garage
11 forward, you complete a facade and a bigger
12 play space in the back.

13 MR. NEMECEK: What did the ARB have to
14 say about this?

15 MR. IANNACITO: Just the two comments
16 to add light fixtures and then add that one
17 note that was missing on the material list.
18 Otherwise, everyone had good things to say
19 about the overall project.

20 THE CHAIRMAN: The stone that's being
21 added on the porch.

22 MR. IANNACITO: That's going to be a
23 granite. So it's a gray granite.

24 THE CHAIRMAN: Real granite. That's
25 nice.

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2 MR. NEMECEK: What's the color of the
3 roofing there? In this illustration it looks
4 kind of brown and it looks gray there. Is this
5 more accurate?

6 MR. IANNACITO: It's like a slate
7 gray.

8 MR. NEMECEK: Gray. All right.
9 Because that's brown. That's brown, John.

10 MR. IANNACITO: It's not going to be
11 brown.

12 THE CHAIRMAN: Okay. I don't have any
13 questions.

14 MR. WEST: It's nice.

15 THE CHAIRMAN: I make a motion to open
16 the public hearing on this application, 19-15,
17 38 Lee Avenue.

18 MR. NEMECEK: Second.

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

21 THE CHAIRMAN: I make a motion to
22 close the public hearing on this application,
23 19-15, 38 Lee.

24 MR. PULASKI: Second.

25 THE CHAIRMAN: All in favor.

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2 (All aye.)

3 THE CHAIRMAN: If there are no further
4 comments, I make another motion to approve this
5 application, 19-15, 38 Lee Avenue.

6 MR. PULASKI: Second.

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

9 MR. IANNACITO: Thank you.

10 MR. WEST: John is still up.

11 MR. IANNACITO: Good evening, again.

12 John Iannacito, I'm an architect, and I'm
13 representing Mr. and Mrs. Pinkas, the owners of
14 the subject property.

15 The scope of work on this project will
16 include a second story addition over the
17 existing footprint, which is highlighted here.
18 We're also proposing a new portico over the
19 existing front door, and then repairs to the
20 existing front porch including a new railing on
21 the porch.

22 Here's the proposed second floor,
23 which will consist of three bedrooms, two
24 bathrooms, and a couple of closets. Right now
25 it's a Cape Cod house and has two bedrooms and

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2 one bath on the second floor. They'll end up
3 with three bedrooms, a small office, and two
4 bathrooms.

5 Here is the facade. The second story
6 addition over the existing footprint, the new
7 entry portico, and then the new railing along
8 the front porch. Side view of the second story
9 addition, and then the second story addition at
10 the rear and left side.

11 Here's a rendering of the proposed
12 facade showing the materials. It's very
13 similar to the other application. The siding
14 is going to be a vinyl siding in a gray finish.
15 The roof surface will be asphalt in a charcoal
16 black finish. The windows on the second floor
17 will be vinyl clad in a white finish to match
18 the existing windows on the first floor. The
19 shutters will be composite in a black finish.
20 The gutters and leaders will be aluminum in a
21 white finish. The railing will be composite in
22 a white finish. The portico over the entry
23 door will be standing seam in a black finish.

24 This was also presented to the
25 Architectural Review Board on September 5th,

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2019. The only comment was to add a note to the material list. I was missing a finish for the roof over the portico, the metal standing seam black roof, so I added that to the material list.

I'll be happy to answer any questions.

MR. NEMECEK: Is there any lighting?

MR. IANNACITO: There will be a light in the ceiling of the portico. The remaining lighting, there's a door in the back from the kitchen and the family that has some fixtures on it.

MR. NEMECEK: Anyone have any questions? Do you want to open the public hearing?

THE CHAIRMAN: I don't have any questions.

I make a motion to open the public hearing on this application, 19-28, 38 Forbes.

MR. PULASKI: Second.

THE CHAIRMAN: All in favor.
(No comments.)

THE CHAIRMAN: Close the public hearing on Application 19-28, 38 Forbes.

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MR. NEMECEK: Second.

THE CHAIRMAN: No comments.

MR. NEMECEK: All in favor.
(All aye.)

THE CHAIRMAN: Did we approve it?

MR. NEMECEK: No, we haven't yet.

Thankfully Pulaski and I are still awake.

THE CHAIRMAN: I make a motion to approve this application, 19-28, 38 Forbes.

MR. NEMECEK: Second.

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

MR. IANNACITO: Thank you.

THE CHAIRMAN: You're welcome. Have a nice night.

The next is 19-32, Jack's Bar and Restaurant, 219 Main. Good evening.

MR. PULASKI: Do you want to introduce yourself?

APPLICANT: Sorry, I'm little nervous here.

THE CHAIRMAN: Don't worry, we're friendly.

APPLICANT: The architect couldn't

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make it here tonight.

This is an existing restaurant. It's just interior alterations. Everything is pretty much existing; kitchen, restaurant, exterior. We're just doing interior design work, changing the inside a little bit.

MR. PULASKI: The outside is basically staying the way it is?

APPLICANT: It's staying the same, just pretty much cleaning it up a little bit.

MR. PULASKI: Other restaurants have basically had that look, so there isn't much to change there.

APPLICANT: That's it. It's just interior renovation. For the most part, everything stays the same; kitchen, bathrooms.

MR. PULASKI: Is there anything changing about the food prep that would require a change to the hood or the filter on the roof?

APPLICANT: I don't believe so. I think everything stays as is. The entire kitchen layout stays as is.

MR. PULASKI: There are no complaints that have been brought before us. I don't know

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if you're taking over the existing equipment that was there.

APPLICANT: The equipment will be new. That was removed. It's just getting put back in the same place. It will be new equipment in the existing locations.

MR. PULASKI: If there's new equipment, do we need to see a new equipment list?

MS. UHLE: Well, it's part of the building permit application.

MR. PULASKI: I understand that, but I'm only emphasizing it because we went through this whole thing with the hoods and the smells.

MS. UHLE: Sure. Can you talk about the kind of hood that you're using?

APPLICANT: The hood?

MS. UHLE: Yes, or the exhaust system.

APPLICANT: Honestly, I don't know much about it. Whatever is existing. Whatever is there. We're just going to get it serviced and hoping that it's good.

THE CHAIRMAN: The existing hood is remaining in place?

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APPLICANT: Yes, it's all remaining.

The hood is remaining in place.

MR. PULASKI: It was the unit on top on the roof that's the filter that does a lot of the work, from what I understand how these systems work.

MS. UHLE: Jay, do you know if that's the same filter, the entire system is staying the same?

MR. KING: The existing is staying.

MR. NEMECEK: I will note it was a Greek restaurant most recently.

MS. UHLE: I will say, in that location we never did receive any complaints about any odors.

MR. NEMECEK: What type of food will be prepared? Not Greek; right?

APPLICANT: Not Greek, no. Just typical Irish/America bar restaurant like Mickey Spillane's.

MR. PULASKI: It says it right on the plan, that he's not making any changes to the existing.

THE CHAIRMAN: So nothing is being
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changed.

APPLICANT: Everything stays as is.

MS. UHLE: Actually, one thing that makes this a little different, had the ownership changed over more rapidly they wouldn't need to come before the Board. Because it has not operated as a restaurant for more than six months within a one year period, that's why they had to come before the Board.

MR. NEMECEK: It seems pretty straightforward.

MS. UHLE: Like I said, had they had the opportunity earlier, they wouldn't even be here.

MR. WEST: The parking is in the rear still?

MS. UHLE: Parking? They have variances from long ago where no parking is required. You don't have any parking on site, do you?

APPLICANT: No parking on site. There is meter parking outside, that's all it is.

MR. PULASKI: They had valet that used to help find parking spaces.

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APPLICANT: We may consider doing the same thing if it's busy on the weekends, valet parking.

MR. NEMECEK: There are a number different restaurants and establishments around here. This previously has gone through a couple of different iterations as a restaurant. It seems to me that whatever the parking issues are, they're going to be no worse than they were when the last place was there. My preference is decidedly to have an occupied restaurant rather than an empty one.

MR. WEST: The old place is not there because they didn't have enough people to have a parking problem.

MR. NEMECEK: Did you ever go there? I did. It was pretty good. A little pricey. Not good enough for me to go back a second time.

THE CHAIRMAN: Oh, it's pizza. It's a pizza barn.

MR. NEMECEK: People watch this show that we put on.

THE CHAIRMAN: I make a motion to open
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the public hearing on this application, 19-32, Jack's Bar and Restaurant.

MR. NEMECEK: Second.

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

THE CHAIRMAN: Close the public hearing on this application, 19-32, Jack's Bar and Restaurant.

MR. NEMECEK: Second.

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

THE CHAIRMAN: We're good?

MR. NEMECEK: We're good.

MS. UHLE: It's not a pizza place.

THE CHAIRMAN: I make a motion to approve this application, 19-32, Jack's Bar and Restaurant.

MR. NEMECEK: Second.

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

MR. NEMECEK: Good luck.

MS. UHLE: We have a little bit of problem -- well, it's not really a problem, but the applicant for Siwanoy Country Club is not

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2 here. I'm not quite sure what the confusion or
3 issue was because they did submit an
4 application for this agenda. So we'll just
5 adjourn them. There may have been
6 miscommunication on their team. I'm not sure.

7 MR. TUDISCO: Does there need to be a
8 vote?

9 MS. UHLE: Make a motion to adjourn it
10 to the October 24th meeting.

11 THE CHAIRMAN: As Margaret said, I
12 make a motion to adjourn Application 19-34,
13 Siwanoy Country Club, to the October 24th
14 meeting.

15 MR. NEMECEK: Second.

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

18 THE CHAIRMAN: Any minutes?

19 MR. NEMECEK: I have not gotten
20 through the minutes, Margaret.

21 MS. UHLE: You do, yes. You could
22 hold those off. I actually just discovered
23 recently, and this does not make sense to me,
24 but you can actually vote on minutes for
25 meetings that you have not attended. We can

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2 leave that up to you. That's not how we've
3 been doing it. So we'll wait. You can do the
4 June 27th minutes.

5 MR. NEMECEK: I was about two thirds
6 of the way through that.

7 MS. UHLE: So we'll hold them.

8 THE CHAIRMAN: There's been no
9 comments, so we will just wait with bated
10 breath.

11 MR. WEST: We can do those.

12 MR. NEMECEK: I do have some minor
13 revisions.

14 THE CHAIRMAN: I make a motion to
15 close the Planning Board meeting of September
16 26th, 2019.

17 MR. PULASKI: Second.

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

20 THE CHAIRMAN: Have a good night.

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

4 STATE OF NEW YORK)
) Ss.
5 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 17th day of October, 2017.

DINA M. MORGAN
Court Reporter

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CORRECTION SHEET

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