

TRANSCRIPT OF
 TOWN OF EASTCHESTER PLANNING BOARD MEETING
 MAY 25, 2023

HELD AT: Eastchester Town Hall
 40 Mill Road
 Eastchester, New York 10709
 V.A.P.M.

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO
 PHILIP NEMECEK, MEMBER
 LOUIS CAMPANA, MEMBER
 ANTHONY GIACOBBE, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

LUKAS HERBERT, DIRECTOR OF PLANNING
 ROBERT TUDISCO, DEPUTY TOWN ATTORNEY

Dina M. Morgan, Reporter
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tonight. The ones that we are hearing are 23-14, Lululemon, 670 White Plains Road; Pottery Barn, also 670 White Plains Road; Bout Boxing on Garth Road; and Mickey Spillane's, 23-19, 429 White Plains Road.

MR. NEMECEK: It's a big night for White Plains Road; three out of four.

THE CHAIRMAN: There's a lot going on there. What we're missing tonight is the Tuckahoe Avenue subdivision, which is 21-17, and the 23-02, 203 Beech Street application for the subdivision. So if you're here to listen to those, I hate to disappoint you, but we're not talking about them tonight. You could stick around for the other applications.

That being said, we're going to get started. So the first application is 23-14, Lululemon, 670 White Plains Road.

MS. MARSHALL: Good evening. My name is Zuwena Marshall, I'm from KPA, representing Lululemon.

So at the proposed storefront for Vernon Hills Shopping Center, we are basically keeping the existing storefront mullions,

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THE CHAIRMAN: Good evening. This is the Town of Eastchester Planning Board meeting of May 25, 2023. If everyone would rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

THE CHAIRMAN: We're just going to take attendance here. Mr. Phil Nemecek.

MR. NEMECEK: Present.

THE CHAIRMAN: Mr. Anthony Giacobbe.

MR. GIACOBBE: Present.

THE CHAIRMAN: Jim Bonanno is here. I don't think Mr. Mark Cunningham is here. Mr. Louis Campana is on the way, but we can start without him. He's about 15 minutes out, but we would rather just get started. He'll jump in when he gets here.

Let's see. So, Phil, you said that you haven't looked at any minutes, so I don't think we're going to approve anything.

MR. NEMECEK: No, we're not.

THE CHAIRMAN: So we have no minute to review or to approve.

Let me just see. Let me just run through what applications we're talking about

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painting them black. We are keeping the existing glazing for the storefront.

The adjacent storefront -- let me actually -- It's easier if I show you. So this is the existing storefront. Right here, which is currently part of New York Sports Club, this whole space will be re-demised. So we'll be taking a portion of this where this door is, this existing door, and our plan here is to remove the door and infill it so it will be solid, solid wall.

The storefront, we will remove what you see here. The awnings will be removed. We will refinish the storefront with a concrete lime plaster.

MR. NEMECEK: I'm going to make a statement for the record that Louis Campana has joined us.

MR. CAMPANA: Present.

MS. MARSHALL: Sorry about that. Well, I gave you time to settle in.

MR. NEMECEK: You were waiting for Louis; right? The correct answer is, yes.

MS. MARSHALL: So what we plan on

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1 doing is using a concrete lime plaster on the
 2 exterior here. We'll also be replacing the
 3 base tile, so we'll have kind of gray, light
 4 gray base tile. You can see where the concrete
 5 plaster is and where the newly painted black
 6 mullions are. They're existing mullions, but
 7 we're going to be painting them black. We'll
 8 have like a darker gray tile, almost black.
 9 And new storefront doors as well. All signage
 10 and new awnings will be done by a different
 11 vendor, so they will also present their
 12 drawings.

13 We decided to go with 3/8th inch
 14 reveals along the storefront. The concrete
 15 plaster has a nice kind of aggregate. You can
 16 take a look and see. It kind of adds texture
 17 to the storefront. We will also have two black
 18 sconce lights on either side of the new entry
 19 doors. That's pretty much it.

20 THE CHAIRMAN: That's everything?
 21 Thank you for presenting that.

22 MS. MARSHALL: Also, I gave you two
 23 sheets. One has examples of the texture and
 24 finish, and the other is sort of an alternate

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1 design for the awning, just to show you what
 2 that would look like with an awning that wraps
 3 around completely.

4 MR. NEMECEK: Did you say there was an
 5 alternate design for the awning somewhere here?

6 MS. MARSHALL: So the rendering that
 7 I -- the two sheets.

8 MR. NEMECEK: I'm not really seeing --
 9 MS. MARSHALL: I'm sorry.

10 MR. NEMECEK: I'm not seeing another
 11 awning on the second sheet.

12 MS. MARSHALL: No, the rendering that
 13 I --

14 MR. NEMECEK: The rendering?

15 MR. GIACOBBE: This one?

16 MS. MARSHALL: Yes, that first sheet.
 17 So that one wraps around the corner and this
 18 one just has one here --

19 THE CHAIRMAN: Oh, these are
 20 different. I see that. So which one are we
 21 reviewing, this one or that one?

22 MS. MARSHALL: That's an alternate
 23 design. This is what they ultimately want to
 24 go with.

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1 THE CHAIRMAN: Okay.

2 MR. NEMECEK: The one with the two
 3 awnings as opposed to the wraparound awning,
 4 that's the preference?

5 MS. MARSHALL: They would rather this
 6 right now. They were considering that, but
 7 they're still unsure. This is mainly what they
 8 want to go with.

9 MR. CAMPANA: I think the awnings
 10 separated is preferred. I like that. It
 11 defines the windows around the corner. You,
 12 know, it's not just continuous. It's nice that
 13 it breaks.

14 MR. NEMECEK: I'm fine with that too.

15 THE CHAIRMAN: There is there
 16 something in the rendering that I can't quite
 17 make out. At the one, two, three boxes up,
 18 there seems to be like a setback on the facade
 19 at the top.

20 MS. MARSHALL: This here?

21 THE CHAIRMAN: Run your finger down.
 22 Right, that first line.

23 MS. MARSHALL: This one?

24 MR. CHAIRMAN: No, the horizontal
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1 line.

2 MS. MARSHALL: Oh, right here.

3 MR. CAMPANA: Yes.

4 MS. MARSHALL: Oh, so that's existing.
 5 That's the way the storefront currently looks.

6 MR. NEMECEK: It's a slight recess?

7 MS. MARSHALL: Yes.

8 THE CHAIRMAN: Okay. So you're not
 9 creating that, that's already there?

10 MS. MARSHALL: Right.

11 THE CHAIRMAN: You're just refinishing
 12 it in this finish?

13 MS. MARSHALL: Yes.

14 THE CHAIRMAN: Got it. So their
 15 typical storefronts are black, I take it, and
 16 that's why we're making everything black;
 17 right? The mullions are going to be black and
 18 everything else is black?

19 MS. MARSHALL: Yes.

20 THE CHAIRMAN: All right. Can't
 21 change that.

22 MR. NEMECEK: By the way, some of the
 23 illustrations on this second page, can you tell
 24 me where these are located; are they throughout

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the country?

MS. MARSHALL: One is in Martha's Vineyard, and the other one I'm not quite sure. I don't remember offhand.

MR. NEMECEK: So this is sort of a national branding; correct?

MS. MARSHALL: Yes.

MR. NEMECEK: I understand that this application came before the Architectural Review Board. Can you just summarize for me what comments they had?

MS. MARSHALL: They actually didn't have any comments. They had no issue with the storefront. The only thing that they were curious about, which we could not answer for them, was what the landlord planned on doing on this side where we're taking over part of that existing space for the adjacent tenant. We've asked them, but we don't know what they plan on doing with that space.

THE CHAIRMAN: So where is that little strip that you will be taking from New York Sports; is it just that panel?

MS. MARSHALL: It's just right here.

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There's a door currently there, and we're just removing the door and infilling it so it's solid wall.

THE CHAIRMAN: Is there demising space behind that also, or is it just the storefront?

MS. MARSHALL: So the landlord is going to redemise. So they're just basically adding this amount of space all the way down even within the space.

THE CHAIRMAN: So it's making up some square feet?

MS. MARSHALL: Yes.

THE CHAIRMAN: Got you.

MR. CAMPANA: The door that's being removed, is that a required egress door for the gym?

MS. MARSHALL: I am not sure at the moment.

MR. CAMPANA: Actually, I think that that should be looked into.

MR. HERBERT: The gym is actually in for a building permit to get rid of that door.

MR. CAMPANA: Okay.

MR. HERBERT: So that's going through

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the building permit process.

MR. CAMPANA: Perfect.

THE CHAIRMAN: We're assuming it will be approved; right? We're assuming that will be approved?

MR. HERBERT: The gym? That doesn't need site plan approval, that's just going through the building inspector.

MR. CAMPANA: But I think maybe as a condition possibly, that the gym should get approval for removal of that door because if it is a required egress door, then this can't go through like this.

MR. NEMECEK: I would think that the Building and Planning Department would not approve the removal of the door if it was, and without that approval, they can't move forward; right?

MR. HERBERT: Right.

THE CHAIRMAN: Is it a condition or is it a precursor?

MR. HERBERT: It's a separate project. I mean, I asked the manager of the shopping center about it. I said, is the storefront,

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you know, for the gym moving. He said, yes, it's going to all be from the backside of the building, but they're going to maintain a sign on the front of the building.

MR. NEMECEK: At some point, someone is going to have to remove that door, right. So who's removing it, who's removing the door; is it the applicant or is it the gym?

MR. HERBERT: My understand is it's the gym.

MR. NEMECEK: So I think we can then make the approval of this application contingent upon the gym door removal project receiving the permit. They have to go hand in hand. If not, you can come back to us with some alternative plan.

MR. CAMPANA: Do you know if they're relocating that exit?

MR. HERBERT: I wasn't able to figure that out from the plans that I saw. We can find that out. I can ask the Building Inspector about it.

MR. NEMECEK: But otherwise, I think the design looks perfectly nice and in keeping

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1 with -- it is helpful to have an illustration
2 like this. If it works in other places, it
3 will work in Eastchester.

4 THE CHAIRMAN: There are a lot of
5 storefronts in that shopping center that are
6 being changed, and it's certainly just another
7 addition to that, which is certainly
8 appreciated.

9 MR. NEMECEK: Is the Talbot's still
10 there? Is it still operating?

11 MS. MARSHALL: I believe it's
12 currently open.

13 MR. NEMECEK: What's the timeframe
14 that you're looking at to get in? It doesn't
15 look like massive renovations on the exterior,
16 but they'll be significant enough.

17 MS. MARSHALL: So I believe they will
18 be vacating soon. I want to say our idea is to
19 start construction I want to say in August.
20 So, yes, they would probably be vacating soon,
21 and the landlord should be doing the interior
22 demo.

23 MR. NEMECEK: Got it.

24 THE CHAIRMAN: We're good up here?

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1 MR. NEMECEK: Yes.

2 MR. GIACOBBE: All good.

3 THE CHAIRMAN: So standby. I just
4 have to see if there are any comments from the
5 public.

6 I make a motion to open the public
7 hearing on Application 23-14, Lululemon, 670
8 White Plains Road.

9 MR. NEMECEK: Second.

10 THE CHAIRMAN: All in favor.

11 (AYE)

12 (No comments.)

13 THE CHAIRMAN: Going once. Good, then
14 we all agree.

15 So I make a motion to close the public
16 hearing on this Application, 23-14, Lululemon,
17 670 White Plains Road.

18 MR. NEMECEK: Second.

19 THE CHAIRMAN: Good.

20 MR. NEMECEK: All in favor.

21 THE CHAIRMAN: All in favor.

22 (AYE)

23 THE CHAIRMAN: Thank you.

24 MS. MARSHALL: Thank you.

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1 THE CHAIRMAN: So then subject to the
2 condition we said previously about that door
3 and the fire egress, I will make a motion to
4 approve this application, 23-14, Lululemon, 670
5 White Plains Road.

6 MR. NEMECEK: Second.

7 THE CHAIRMAN: All in favor.

8 (AYE)

9 THE CHAIRMAN: Great. Thank you.

10 MR. CAMPANA: Thank you.

11 MR. GIACOBBE: Thank you.

12 THE CHAIRMAN: The next application is
13 23-12, Pottery Barn.

14 APPLICANT: Does everybody up there
15 have a copy of this already, or would you like
16 one?

17 MR. NEMECEK: I would like one.

18 APPLICANT: Oh, and then for the
19 building materials if I have samples, do you
20 want to see those up there?

21 MR. NEMECEK: Sure. It's always a
22 best practice.

23 Was everyone in Seattle impressed when
24 you told them you were going to Eastchester?

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1 APPLICANT: What's that?

2 MR. NEMECEK: Was everyone in Seattle
3 impressed when you told them you were going to
4 Eastchester?

5 APPLICANT: They were pretty jealous.

6 MR. NEMECEK: Good. That's the right
7 answer.

8 APPLICANT: Okay. So I think this is
9 one building south of the project that we just
10 reviewed. The existing space was America
11 Eagle. It's directly adjacent to the Barnes
12 and Noble Store, which has an entry more or
13 less at this level, and then that store
14 continues down, just to orient.

15 So the existing storefront -- and I
16 actually do have -- I'm wondering if I could
17 just pull it up here. So the existing
18 storefront here, as you can see -- and I hope
19 that's visible enough -- I think you have a
20 copy of this as well -- there's two entry
21 doors, and then there's two different sized
22 sets of storefront windows; smaller on the left
23 and then larger on the right, and then the LOD
24 itself kind of jogs. There's an egress door

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1 right here on the right, I believe, for Barnes
 2 & Noble, and then the LOD itself kind of steps
 3 back as you go back into the space.
 4 As I stated during the ARB
 5 presentation, William Sonoma, all our brands,
 6 Pottery Barn especially, they really appreciate
 7 a symmetrical presentation. So what we're
 8 proposing to do, of those two existing entry
 9 doors, is to retain the right position,
 10 create -- consolidate all the glazing on the
 11 left-hand side to create a larger span of
 12 windows, and then mirror that on the right. So
 13 what you kind of end up with is a symmetrical
 14 storefront here, that pretty much aligns with
 15 all of the lease lines. It does align here. I
 16 believe on the right-hand side this aligns
 17 with -- it's kind of in between the forward
 18 lease line and to the left of the next lease
 19 line, I guess back.

20 As far as the storefront materials
 21 themselves, the primary material is this Cove
 22 Dutch lap siding. It's actually like a polymer
 23 fly ash composite. It's super stable in a
 24 bunch of different climates. We've installed

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1 it in Chicago, New Hampshire, Seattle, lots of
 2 like southern locations too. So it performs
 3 really well. And then once it receives that
 4 paint -- actually, I have a drawing done of
 5 that too, if you wanted to see it. It looks
 6 really great. It feels really residential. We
 7 feel, you know, especially here, this kind of
 8 ties into the vernacular here.

9 MR. NEMECEK: When you say it performs
 10 well, what do you mean?

11 APPLICANT: It performs well with
 12 extreme climates, so it's really stable. It
 13 doesn't warp. There's not a lot of, you
 14 know -- it doesn't absorb water. It is meant
 15 to, you know -- it's built to last, I guess.

16 THE CHAIRMAN: But it's a manufactured
 17 wood product or?

18 APPLICANT: Yes. So that's a sample
 19 there on the furthest right. The manufacturer
 20 that we're using now is Tru Exterior, T-R-U
 21 Exterior. They actually manufacture all of the
 22 kind of trim boards as well. They have, you
 23 know, very specific kind of guidelines as far
 24 as, you know, how to cut, curve finish the ends

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1 and all that. I do believe even if this were
 2 not painted, this would last without any
 3 warping or damage on the facade.

4 THE CHAIRMAN: You said you were going
 5 to put a stain on it?

6 APPLICANT: So the finish is a white
 7 paint. I think it's right here.

8 THE CHAIRMAN: Got it. I have it
 9 here.

10 APPLICANT: So the colors are Benjamin
 11 Moore alabaster.

12 MR. NEMECEK: 876.

13 APPLICANT: Yes, 876, per the material
 14 board.

15 So then kind of working around the
 16 storefront to the smaller elements, the kind of
 17 brand standard stone base is this flamed black
 18 basalt kind of continuous along the whole
 19 storefront. That wood is not coming into
 20 contact with the sidewalk ever. I think in
 21 climates such as this where you get snow, we
 22 spec a 3cm thickness so that it's more durable,
 23 especially if there's like, you know, any salt
 24 applied to the sidewalk. I'm not sure what the

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1 maintenance program is here.

2 Then these two trellises are open wood
 3 construction. They're really meant to sort of
 4 pick up whatever the plant spec is here, you
 5 know, and create sort of a nice canopy and
 6 coverage in the summer. It probably will be
 7 like a deciduous -- we haven't kind of nailed
 8 down what this is. The pots themselves will be
 9 a product that Pottery Barn sells. They do a
 10 stock withdrawal. So, you know, how these look
 11 over time is really important to them because
 12 it is, you know, something that they sell. So
 13 if anything happens to them, I foresee repairs
 14 and maintenance swapping those out, or with new
 15 lines kind of as they're introduced those would
 16 be swapped out.

17 Then the canopy at the center, you
 18 know, primary function is to shield customers
 19 as they enter the store. This is probably
 20 going to be an aluminum product made by the
 21 signage manufacturer. Super tight controls
 22 over, you know, all those joints and how that's
 23 finished. Sometimes we also have the GC look
 24 at installing a steel product. It's really

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meant to look like steel, so there's a, you know, an express kind of C channel on the exterior.

Then on the underside, I believe those two lights -- I have to double check my RCP -- one of them will be on an emergency circuit, and then this reclaimed wood, it clads the underside. So the top of this thing is kind of weather tight, and the reclaimed wood is, you know, more or less protected with that canopy, and that's kind of recessed on the underside there.

Then last, these trellis elements, those are metal, kind of a tubular, I believe it's like a one by one shape and each of these squares are two by two. So one by one inch, and then two foot by two foot square. And, you know, those are kind of bolted to the facade with standoffs so the plant can grow between them.

MR. NEMECEK: How far out are the trellises going to protrude from the --

APPLICANT: These ones here?

MR. NEMECEK: Yes.

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APPLICANT: So I believe there's a section in the presentation, later in the presentation -- let me look for it. Oh, actually, there's a section right there. So let me find that.

MR. NEMECEK: Is it eight feet?

APPLICANT: No, I don't think it's that far. Three foot. Three foot, plus or minus.

MR. NEMECEK: Three feet.

APPLICANT: Yes. This is the section here. It's kind of hard to read. The canopy itself -- just anticipating you might ask -- so we're showing that four foot. So there's a little bit of like hierarchy there with the canopy on the trellis.

THE CHAIRMAN: But they're all going to be four feet?

APPLICANT: Yes. Four foot max is the max projection.

MR. NEMECEK: And you have the one double door to enter?

APPLICANT: Yes.

MR. NEMECEK: So right now did you say

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they were a couple of sets of doors?

APPLICANT: Yes. There's two sets of double doors, I believe. They're both 6 foot doors.

MR. NEMECEK: Is there another form of exit, like an emergency exit in the back or something?

APPLICANT: Yes. There's kind of the loading corridor that leads to the loading dock, and that's the second means of egress.

THE CHAIRMAN: I really appreciate the symmetry. I didn't realize how messy it was until you pointed it out.

APPLICANT: Thank you.

MR. NEMECEK: It's very clean and, you know, it really is nice. Lululemon as well. We've seen a lot of -- some turnover in Vernon Hills, but I think the quality of the tenants who are coming in is pretty high, and it's nice to see, you know, good brands coming in places that I know, for one, my wife certainly wants to shop. I don't know if that's a good thing or not.

MR. CAMPANA: I'm in the same boat.

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MR. NEMECEK: It's a very nice design. It's to be commended.

MR. CAMPANA: Yes. Very handsome elevation. It speaks to the product well too.

MR. NEMECEK: And I do like the fact that you're using your wares in a very practical way, that serves as an advertisement of sorts in a very tasteful way.

APPLICANT: Right. Like why not do that.

THE CHAIRMAN: So you went through the trouble of bringing this. I know what that one is. What's that one over there?

APPLICANT: So that is the reclaimed wood. It actually receives a -- it receives a stain or a sealer, so it darkens it a little bit. That's just the sample that William Sonoma provided to me, so I think that's the raw product that you see there.

The reclaimed wood, I also want to mention, shows up on the interior of the store. A lot of the bays have this as a surround. So the base are like white on the interior to kind of serve as a neutral background to the

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product, and then these kind of frame the exterior. Then there's a bunch of other instances where the reclaimed wood is used as well, like behind the cash wrap and stuff.

Then that's the Solarban 72. Just visibility into the store is really important to William Sonoma, so they like us to spec, you know, this feature of glass that has a little bit more visibility.

THE CHAIRMAN: That's all new glazing?

APPLICANT: That's all new glazing, yes. We're not reusing anything.

Then the storefront system, that's an example. I think that one is from Old Castle. As you may or may not know, lead times are still crazy on storefront manufacturers, and we kind of go with, you know, the same aesthetic, you know, two inch profile aluminum system with, you know, minimal kind of joints on the face. They don't like to see a lot of mess on the profiles themselves. So Conair is another one, YKK. It kind of depends on who the GC can, you know -- or, you know, what they can source. But this is an example of kind of the

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color. So it's an off black. It's not, you know, shiny. It's not shiny, it's not pure black, it's like an off black or black bean color.

MR. CAMPANA: Like a matte finish.

THE CHAIRMAN: What's that?

MR. CAMPANA: Like a matte finish.

APPLICANT: Exactly. Then that's the base. Again, it's kind of like a warmer gray, not like a shiny --

MR. CAMPANA: It looks good.

APPLICANT: Thank you.

THE CHAIRMAN: Two quick questions.

On Pottery Barn -- I just noticed -- is the P --

APPLICANT: I'm sorry.

THE CHAIRMAN: Thanks. So on Pottery Barn, is the P and the B larger than the other letters?

APPLICANT: It is, yes.

THE CHAIRMAN: It is; right?

APPLICANT: Yes. It's pretty much always been that way.

THE CHAIRMAN: What's that?

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APPLICANT: It's pretty much always been that way, but unless you're really concentrating on it --

THE CHAIRMAN: It doesn't appear.

APPLICANT: Right. So we understand this is kind of separate process similar to what we've been through, and that is currently ongoing. You know, people in the town are very sensitive to this, you know, aligning with the adjacent tenants, and that's absolutely our intent. I'm sure the signage team from Sign Tech, they'll have the exhibits that kind of show more context.

MR. NEMECEK: How is the storefront illuminated from the front?

APPLICANT: You know, that's a good question. We're not proposing any sconces. Except for, you know, the lights kind of signaling where the entry it, it's not really a illuminated except for kind of ambient light. So I think if you're concerned about light pollution, that's good. But really, the focus is sort of what, you know, the merchandise within the store. So, you know, we are really

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careful with how we kind of place the light track on the interior. We use like a B22, I believe -- or, no, B11 is the taller profile unit, and then that's also clad in the reclaimed wood to create kind of a ceiling datum. That will be above the height of the storefront. There's one track at the front right behind the storefront, probably, you know, 12 to 24 inches, that illuminates the merchandise from the -- you know, from -- you know, behind the storefront itself. So kind of the face of all of that product gets lit. But other than that, no illumination.

MR. NEMECEK: Also, the whole presentation is a light color, and that will pick up, I'm sure -- the parking lot lighting will illuminate it. The light -- the -- I guess it's the seven smaller windows on the top, what are -- are they going to be lit in any way? Is that part of -- is that a separate floor?

APPLICANT: It is, yes.

MR. NEMECEK: Is that part of the Pottery Barn --

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1 APPLICANT: No, that's a separate -- I
2 believe it's offices up there. So it's outside
3 of our -- it's technically outside of our lease
4 line. We are extending slightly above. I
5 think it's a couple of feet. Actually, right
6 here. This section kind of shows. It's not
7 dimensioned. Just to extend for proportion.
8 The landlord was okay with that, you know,
9 conceptually. So we're showing that extending
10 over the top lease line. That office isn't
11 really programming this facade at all.

12 MR. NEMECEK: Got it.

13 THE CHAIRMAN: I never knew that.
14 That's the office that the entrance is on the
15 side.

16 APPLICANT: Yes, I believe so. Like
17 down here.

18 THE CHAIRMAN: I never noticed that.
19 That's like reflected glass, and that's not
20 changing, I guess; right?

21 APPLICANT: Right.

22 THE CHAIRMAN: So I guess it's shown
23 in the rendering, all of those display windows,
24 you guys don't put displays in the windows,
25

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1 just gives you vision into what's inside the
2 store.

3 APPLICANT: So Pottery Barn I think
4 will, you know, put they call them lifestyles
5 up against the window, pretty close to the
6 window so you can see them. So, you know,
7 there may be like a dining table kind of filled
8 with merchandise and a sofa lifestyle. Maybe
9 in the summer there's like an outdoor umbrella
10 kind of with an outdoor, you know, furniture
11 grouping there.

12 THE CHAIRMAN: Does the lighting stay
13 on at night or is it lowered or does everything
14 turn dark?

15 APPLICANT: I don't think it can. I
16 don't think it can, and nor would they want to
17 all night. I actually don't know the answer to
18 how long it stays on after they close.

19 THE CHAIRMAN: It's on a timer and at
20 some point --

21 APPLICANT: If you're familiar with
22 the West Elm, which is just across the parking
23 lot, it's the same company, and I think that's
24 why they have a lot of confidence at this site
25

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1 because --

2 THE CHAIRMAN: What is that?

3 APPLICANT: West Elm. The other
4 furniture store right here. It's right next to
5 the Lens Crafters.

6 THE CHAIRMAN: Yes. It used to be the
7 bridal shop.

8 APPLICANT: Yes. So I would
9 imagine -- and again, I don't know what they
10 do, but I imagine it would be exactly the same
11 as what they do.

12 THE CHAIRMAN: That's all the
13 questions I could muster. Very well done. You
14 guys okay?

15 MR. NEMECEK: Yes.

16 MR. CAMPANA: Yes.

17 THE CHAIRMAN: So since there are no
18 more comments here, I make a motion to open the
19 public hearing on Application 23-12, Pottery
20 Barn, 670 White Plains Road.

21 MR. NEMECEK: Second.

22 THE CHAIRMAN: All in favor.

23 (AYE)

24 (No comments.)

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1 THE CHAIRMAN: Everyone is speechless
2 because it looks so good.

3 I make a motion to close the public
4 hearing on this application, 23-12, Pottery
5 Barn, 670 White Plains Road.

6 MR. NEMECEK: Second.

7 THE CHAIRMAN: All in favor.

8 (AYE)

9 THE CHAIRMAN: I don't think there's
10 any conditions. I think we just will approve
11 it as is then.

12 MR. NEMECEK: Yes.

13 THE CHAIRMAN: So I make a motion to
14 approve this application, 23-12, Pottery Barn,
15 670 White Plains Road.

16 MR. NEMECEK: Second.

17 THE CHAIRMAN: All in favor.

18 (AYE)

19 APPLICANT: Thank you.

20 THE CHAIRMAN: Thank you for the
21 application.

22 MR. CAMPANA: Good luck.

23 Congratulations.

24 MR. NEMECEK: Tell your friends in
25

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1 Seattle you were treated very well in
2 Eastchester.

3 THE CHAIRMAN: Do all the stores just
4 in general use the same sort of mix of
5 materials?

6 APPLICANT: So primarily, yes, most of
7 them is this pallet with a few minor
8 modifications. I could tell you, we're doing
9 one in Southern California that is kind of
10 Spanish style. So they do change it up
11 depending on the location. But this pallet was
12 developed for -- you know, they're based in San
13 Francisco -- a store in Marin Corde Madera is
14 where they first used this pallet. It's
15 interesting, because this is really appropriate
16 there, and it feels really appropriate here.
17 So I think more often than not, this is the
18 pallet.

19 THE CHAIRMAN: Are you doing any other
20 Pottery Barns recently?

21 APPLICANT: Yes.

22 THE CHAIRMAN: Good news. I hear
23 about people closing stores. It's good to hear
24 that.

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1 APPLICANT: No. Everywhere.

2 THE CHAIRMAN: That's great.

3 MR. NEMECEK: You could have your
4 supplies back.

5 THE CHAIRMAN: While you're in
6 Eastchester, walk around a little bit, get to
7 know it a little bit. Go to the bar called
8 Mickey Spillane's and have a beer there. I'm
9 sure he'll buy you won. Great thank you.

10 Next application is 23-18. Bout
11 Boxing, 74 Garth Road.

12 MR. GIACOBBE: Have a good trip back.

13 MR. CAMPANA: Thank you.

14 MR. MASTROGIACOMO: Good evening,
15 Chairman, members of the board. Michael
16 Mastrogiacono. We are here tonight --
17 (inaudible) -- hello? There you go. Thank
18 you.

19 Again, my name is a Michael
20 Mastrogiacono, I'm with Gibbons Engineering.
21 We're here for a special use permit for a
22 boxing gym and training area. What our client
23 is looking to do is, have a personal boxing
24 experience where you can go through. They're
25

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1 only looking at having two classes a day; one
2 in the morning, one in the evening. Very small
3 classes. They more focus on one on one
4 training. It's not like, you know, there's
5 going to be 20 people in this place at all
6 times. They'll looking at, you know, again, a
7 class in the morning, a class in the evening,
8 roughly about eight people, and then during the
9 day a one on one. They're not looking to have
10 two or three trainers with 2 or 3 people at
11 each time. They're looking more at one person
12 with a trainer and they're dedicated for that
13 space.

14 This is an existing space that we're
15 utilizing. We have some minor work to do in
16 order to put all the equipment in, and that's
17 about it.

18 THE CHAIRMAN: Two classes you said;
19 is that right?

20 MR. MASTROGIACOMO: Yes.

21 THE CHAIRMAN: So like a morning class
22 and a night class?

23 MR. MASTROGIACOMO: Yes, a morning
24 class and an evening class.

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1 THE CHAIRMAN: But that's subject to
2 change; right? I mean, you don't have to come
3 back if you decide to do more classes; right?

4 MR. MASTROGIACOMO: I have the client
5 here --

6 THE CHAIRMAN: I think it's more a
7 procedural question. Does that become a
8 condition? That's not enforceable, is it, a
9 two class per day thing?

10 MR. HERBERT: No, that's not.

11 THE CHAIRMAN: Nice point, but it
12 could change, right.

13 MR. MASTROGIACOMO: They have another
14 gym in Roslyn, and they use the same business
15 model here. It's worked well for them for
16 awhile, and they want to use the same business
17 model here.

18 THE CHAIRMAN: Any idea what time the
19 classes will be?

20 MR. MASTROGIACOMO: I'll let the
21 client speak, that way you get a little bit
22 more information on the actual classes.

23 THE CHAIRMAN: That's perfect. Thank
24 you.

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MR. KUCICH: I'm Alec. It's my gym.

So --

MR. NEMECEK: Last name, Alec.

MR. KUCICH: What is that?

MR. NEMECEK: Last name.

MR. KUCICH: Alec Kucich. I started the studios. We have two. We have one in Roslyn and one in Long Island City. The reason I wanted to do Eastchester is a lot Roslyn clients have overflow here in this area. So people from this area actually reached out to me if I was looking to do one here.

In Roslyn, for example, today we only have one class, it's 9:00 a.m. Tomorrow we only have one class, 9:00 a.m. Saturday, Sunday it's only one.

When Covid happened, we changed our business model and became more of a private studio, and that's worked a lot better for us than previously.

MR. NEMECEK: How long have you been operating the Roslyn location?

MR. KUCICH: It just was 5 years two weeks ago.

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MR. NEMECEK: And the Long Island City location.

MR. KUCICH: A year and a half.

MR. NEMECEK: Okay. What are the -- what are your hours of operation there? Granted, Long Island City is a different type of venue.

MR. KUCICH: So Roslyn, I'll get there -- I was in Roslyn at 6:30 this morning, and then I left to come here. But it will be open until 8 tonight. Long Island City is 7 to 6. When I say it's 7 to 6, we'll close for two hours in the afternoon. It just might be like on class, two classes in the morning in Long Island city, they'll break for a couple of hours, a couple of privates, and then another class at night.

MR. NEMECEK: Do you have membership at this gym, or is it sort of a pay per class type of thing?

MR. KUCICH: Yes. So it's like a specialty studio. Like most people that belong here will have like a membership to Equinox or another gym, and then they'll use this as like

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a specialty. It's not like a hardcore boxing gym. Mostly, it's women in the morning, and then kids in the afternoon. It's a lot of one on ones. 90 percent one on ones.

MR. NEMECEK: Does anyone in your Roslyn location, for example, do they -- do people come in just to sort of quote-unquote, use the gym without instruction?

MR. KUCICH: So, no, it's appointment only. What we have is -- so like, for example, like after school today I was there, it's mostly like one on one kids. If they don't play sports, they'll come there and this will be like their sport. Most of them are not trying to be boxers, it's more for fitness, coordination, all that stuff.

MR. NEMECEK: Self-defense.

MR. KUCICH: Self-defense. Not too many fighters come out of this gym. It's mostly, you know, like a fitness place.

THE CHAIRMAN: So is there a trainer for each person in the gym?

MR. KUCICH: No. So like this morning when I did a class -- it's me and my sister

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that have it, and in Long Island City we have two to three other trainers throughout the week. The way they do it is, there will be one instructor for Roslyn. There's nine people in the class if it's sold out, and they'll be one instructor for those nine people. Long Island City, 10 people is the max. So it will be one person for those 10. When it's a private, it will be me and you, or, you know, if you wanted to bring a friend, it would be me and you two.

THE CHAIRMAN: How long is the session?

MR. KUCICH: How long?

THE CHAIRMAN: How long is the session?

MR. KUCICH: Half hour to an hour. 50 minutes. Half hour to 50 minutes.

THE CHAIRMAN: So what happens in the establishment in the down time between -- or there's back to back appointments?

MR. KUCICH: It's usually back to back. So with Roslyn, we -- so the business model is we try to keep our overhead very small and very simple. We don't like competing with

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1 like other bigger places. The way we've been
2 able to do it is, we're so specialized in how
3 we like work with people, that they'll leave
4 bigger gyms and bigger studios to train with
5 us. It's worked, you know, for five years.
6 It's been pretty successful.

7 MR. NEMECEK: Certainly one of the
8 concerns that we're going to have here is, it's
9 a congested area on to begin with on Garth
10 Road, and I know some residents have weighed in
11 on that. In terms of the number of people who
12 will be using the gym at any given moment, it
13 sounds like roughly 9:00 in the morning or so,
14 whatever the morning session would be, you
15 might have one or two trainers and eight or
16 nine, 10 people. So maybe you have a dozen
17 people on the high end. Then you may duplicate
18 that in the afternoon and evening?

19 MR. KUCICH: Probably -- if we were to
20 do it, it would probably be 7 to 7:30, based on
21 the train schedule. That's kind of why we also
22 looked at the location was because of the train
23 schedule we saw a lot of people walking. We
24 think that would be a good, you know, point to

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1 use.

2 MR. NEMECEK: Then in between the
3 morning session and the evening session, you
4 would have those individual sessions where
5 there would be I guess pretty low impact in
6 terms of the number of people using the place?
7 Maybe a couple at a time at most, plus the
8 instructors?

9 MR. KUCICH: Yes. Like one or two
10 people. It's a small operation.

11 THE CHAIRMAN: It's not like you're
12 turning over every training station every half
13 hour?

14 MR. KUCICH: No. I mean, I would love
15 to but --

16 THE CHAIRMAN: I was about to say, how
17 do you stay in business, but it's your model.
18 But then why do we have 16 punching bag
19 stations? I mean, the floor plan shows 16
20 stations -- 16 -- what are they called?

21 MR. KUCICH: So people will transfer
22 back and forth. Sometimes they'll be like TRX
23 stations, so they'll be going on the bag at one
24 point, and then they'll be doing like weight

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1 areas.

2 THE CHAIRMAN: Oh. So it's one person
3 could use multiple stations?

4 MR. KUCICH: Yes.

5 THE CHAIRMAN: Got it.

6 MR. NEMECEK: At some point you may
7 have nine or 10 people at one time?

8 MR. KUCICH: Yes. So like Roslyn we
9 have nine stations, and then in the back there
10 are TRX's and there's weights, and they'll kind
11 of go back and forth. Then Long Island City,
12 there's 10.

13 MR. CAMPANA: What's the square
14 footage at the Roslyn location?

15 MR. KUCICH: 1400. Long Island City
16 is tiny. It's like 950.

17 MR. CAMPANA: 950.

18 MR. KUCICH: For Long Island City,
19 there's no parking spaces, and then Roslyn
20 we're in like a -- we're in a 13 -- we're in an
21 apartment complex. So there's like 32
22 apartments, and then there's 13 like commercial
23 tenants. Between all of them, there's 28
24 parking spots. The residential have their own

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1 reserved. Between the 13, there's 28 spots,
2 and it's nail salons, hair salons, a spa, a
3 couple of stores, and we've never had an issue
4 because we're usually there before they're
5 open, and then they close, and then we do it
6 again because we work on those off hours.

7 THE CHAIRMAN: Is that Roslyn or Long
8 Island City that you just described?

9 MR. KUCICH: Roslyn. That's the exact
10 population I think is a very similar population
11 is Roslyn and this area. Long Island City is a
12 city crowd, so there's less privates, there's
13 more classes. There might be four or five a
14 day, where Roslyn there's one. I know it
15 sounds kind of weird, but it's kind of how
16 we --

17 MR. NEMECEK: It's understandable.
18 Long Island City is just right across the East
19 River from Manhattan, and it's heavily
20 residential, it's been very heavily developed
21 in the last decade or so. It's an urban
22 setting as opposed to a suburban setting. I
23 agree with you that the Roslyn location is
24 probably the much stronger comparable.

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1 MR. KUCICH: To your point about is it
 2 subject to change, if we were sold out every
 3 single second of the day, which we haven't in
 4 Roslyn, we kind of keep -- even if that's still
 5 the case, we're not doing midday classes. It
 6 would be unrealistic for any studio gym. For
 7 example, if you look at like one of the bigger
 8 ones like a SoulCycle, which is a really big
 9 one, they'll do a 6, 7, 8, maybe a 9 and 10, so
 10 in that range, and then they'll close for
 11 mostly all day, and maybe a 6:00 p.m. They're
 12 a huge studio like that. We're not like an
 13 Equinox where people will come in all day.
 14 It's not like that. Maybe if we got really
 15 popular, maybe do one or two in the morning,
 16 but it would be like at 7 and 8 based on the
 17 train schedule, and kid drop off and then all
 18 that stuff. Then at night, ideally just one,
 19 if it got to that point.

21 THE CHAIRMAN: You said it's a studio
 22 gym not a health club; right? I guess that's
 23 the characterization of your space versus New
 24 York Sports Club?

25 MR. KUCICH: It's a studio, yes. Yes,

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1 definitely. We don't do like memberships I
 2 guess you could say. Like, we don't do that
 3 style. It's sign up. So if it's only 10 or so
 4 spaces, let's just say, and we do seven to 10
 5 classes a week, most people are not doing
 6 memberships. It's like, you do your
 7 membership, and then you come here and you do
 8 whatever it is. So it's pay as you go.

10 THE CHAIRMAN: Okay. Any more
 11 questions, guys?

12 MR. NEMECEK: Let's move on to the
 13 variances I guess.

14 THE CHAIRMAN: Or the criteria,
 15 whatever that is.

16 MR. HERBERT: Actually, we have to
 17 open the public hearing first.

18 THE CHAIRMAN: Can we go over the
 19 criteria first before we --

20 MR. HERBERT: No. I was told we have
 21 to open the public hearing first.

22 THE CHAIRMAN: We have to take
 23 comments, and then we go back?

24 MR. HERBERT: Yes, then we go back and
 25 do it.

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1 THE CHAIRMAN: We've got a plan, which
 2 is very good. Standby. We're going to do a
 3 public hearing, take comments, and then we'll
 4 get back to you.

6 I make a motion to open the public
 7 hearing on this application, 23-18, Bout
 8 Boxing, 74 Garth Road.

9 MR. NEMECEK: Second.

10 THE CHAIRMAN: All in favor.

11 (AYE)

12 THE CHAIRMAN: Please come forward.

13 MR. KRAMER: Good evening. It's been
 14 a little while. My name is Barry Kramer, I'm
 15 President of 105 Garth Road, which is the co-op
 16 building almost directly opposite the stores.
 17 I'm also President of the Garth Road
 18 cooperative council, which is the 11 co-op
 19 buildings on Garth Road. It's been a little
 20 while since I've been here. The whole place is
 21 redecorated. I've been asked here to come and
 22 talk a little bit about the feelings that the
 23 residents of Garth Road have about the prospect
 24 of another gym or similar facility on Garth
 25 Road.

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1 As you know, Garth Road is a very
 2 congested area, and over the past year or so,
 3 has become even more congested. There are over
 4 5,000 residents on Garth Road, and we are now
 5 sharing our street with many restaurants; Topsy
 6 Taco, Cafe Alaia, SE Asian. Just a few that
 7 are in that immediate area. We are all
 8 jockeying for spaces really at the same time.

10 What really has compounded the need
 11 for parking on Garth Road is the Iron Vault
 12 Gym, which I suppose at some point did come
 13 before this group and ask for permission to
 14 open the Iron Vault Gym at 4 Grayrock Road.
 15 That gym, there's lots of cars parking all day
 16 long from early hours until the late evening.
 17 That is the Iron Vault -- I see folks kind of
 18 wondering, who's the Iron Vault Gym. So that's
 19 4 Grayrock Road. That is taking the entire
 20 floor -- I would say the second floor of that
 21 facility.

22 So while we do appreciate a thriving
 23 and vibrant commercial district -- actually, my
 24 real estate office is part of that district as
 25 well -- we are very, very concerned about the

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1 increased need for parking that the new boxing
2 facility would create. Some of what Alex
3 mentioned -- actually, Alex, we appreciate --
4 MR. NEMECEK: Alec.
5 MR. KRAMER: Alec. I'm sorry. We
6 appreciate not having empty storefronts, so I
7 welcome having another business, but the thing
8 that we want to think about is, what can we do
9 to alleviate a very bad parking situation. So
10 I would like to offer a couple of suggestions.
11 I believe that this building, which also
12 consists of a Christie's Real Estate Office, a
13 new hair salon, Moxie Hair Salon, which has not
14 opened yet, and also the Ocean's Bank, I think
15 are all part of the same building. I believe
16 that property is owned by Garson Brothers.
17 Garson Brothers also owns Scarsdale Common,
18 which is directly behind that building. They
19 have currently -- when you drive into the
20 driveway for that building for Scarsdale
21 Common, they have parallel parking along the
22 back wall of what used to be, many of us will
23 remember, the CVS, and if not, the Cornerstone
24 Children's Center, which recently vacated the

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1 property. So one suggestion that we would like
2 to offer for the landlord to try to help this
3 facility open, would be consider having
4 diagonal parking spaces along that wall, rather
5 than parallel parking. I think it's something
6 the town would have to look into to see if it
7 still allows proper egress to and from
8 Scarsdale Common, but we are just trying to get
9 a little creative and determine is there a way
10 that we can add more parking to help this
11 facility happen.

12 Another possibility is what's called
13 the Beatty, B-E-A-T-T-Y. That's actually owned
14 primarily by Scarsdale. It's the large open
15 parking lot that is directly behind, let's say,
16 Slice Pizza. So it's directly behind your
17 facility. That is currently permit only for
18 the Village of Scarsdale. Many years ago, it
19 used to be parking meters. Scarsdale now has
20 that as all permit parking, in addition to the
21 adjacent Freightway garage. There's very --
22 the amount of demand for parking in those two
23 places, the Beatty lot and Freightway Garage,
24 has come down tremendously since Covid. So the

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1 Beatty Lot is now virtually empty all the day
2 long. I've spoken to Supervisor Colavita about
3 this, about the possibility of approaching
4 Scarsdale to see if they would allow that lot
5 to become perhaps something like Pango and
6 permit. There's no reason to eliminate the
7 permit parking, there's plenty of room, and
8 most of the permit parkers are parking in
9 Freightway anyway.

10 So again, rather than coming here
11 tonight and just complaining that there's no
12 parking, I'm trying to offer a few suggestions
13 that might be considered by this applicant and
14 the owner of the property, in order to make it
15 work for the neighborhood, to make it work for
16 both the commercial district, as well as the
17 residents and the patrons who are coming into
18 the community. So again, we're not negative on
19 new businesses. We welcome new businesses. I
20 just think before any application is approved
21 for this space -- actually, I have a question.
22 How many square footage is this space?

23 MR. CAMPANA: It's 1200 square feet.

24 MR. KRAMER: Is that the entire vacant

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1 space right now?

2 MR. MASTROGIACOMO: The whole space.

3 MR. KRAMER: The whole space. So
4 essentially, that will complete the spaces that
5 are between the real estate office and the new
6 hair salon. Great. So that will complete that
7 whole section. We just want to see there is
8 some consideration given to parking because
9 that, as everyone knows, is a big problem on
10 Garth Road.

11 So thank you very much, and I hope
12 you'll take that into consideration.

13 MR. NEMECEK: By the way, we did
14 receive your e-mail, and I know I read it, and
15 I thought, in particular, one thing that hadn't
16 struck me is how the need for the parking has
17 probably decreased because many of us are
18 working on something of a hybrid schedule, you
19 know, where we're not in the office five days a
20 week anymore. Some still are. Some don't go
21 in at all anymore. So if what you're telling
22 us is correct about this Beatty Lot, and that
23 sounds like a very sensible resolution -- I
24 don't know, is this lot in Scarsdale proper?

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1 MR. KRAMER: The Beatty Lot is not
2 always easy to determine what's going on.
3 We've had discussions with the Village of
4 Scarsdale going back 20, 30 years. The Beatty
5 Lot is primarily in Scarsdale. There are about
6 three to four to five spaces that are on
7 Eastchester property. The Beatty Lot has been
8 under discussion between Eastchester and
9 Scarsdale for a long time, and how it could
10 work well for us. I mean, the good news, Alex,
11 is --

12 MR. NEMECEK: Alec.

13 MR. KRAMER: The good news, Alec, is
14 that there's free parking in Freightway Garage
15 all weekend long and holidays, that's right
16 near your proposed business, and that also
17 flows over to the Beatty Lot, where there's
18 free parking in the evening from 6 to 11 they
19 allow free parking in the Beatty Lot. So, you
20 know, other times of day is really where the
21 issue would be.

22 MR. TUDISCO: Mr. Chairman, the only
23 thing I think is important to take note of here
24 is, that while many of these solutions that you
25

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1 are offering are actually excellent ideas, I
2 think that your comments and your suggestions
3 really need to be addressed before the Town
4 Board in terms of reconfiguration of parking
5 spaces that exist there, the use of the lot,
6 potentially negotiating with another
7 municipality that definitely go outside the
8 scope of this particular application, and what
9 this board is here to kind of address. I mean,
10 I think those are very, very good suggestions.
11 It's been a long time coming because the Garth
12 Road area is just a parking nightmare, and
13 everyone acknowledges that, but I would
14 encourage you to -- while I believe it is
15 outside the scope of this application, I would
16 encourage you to follow up on that with the
17 board, the Town Board.

18 MR. KRAMER: And I actually agree with
19 you. I have been speaking to Supervisor
20 Colavita about this, but I think by way of
21 coming here this evening, it just opens the
22 door for this committee to kind of further know
23 or have an awareness of this as an option.
24 Certainly anything that can be done by the
25

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1 landlord that owns the property, that makes a
2 lot of sense. If Garson Brothers can do
3 something within their own property to create
4 parking for businesses that are on their
5 property, that's something that this board
6 should definitely look into because that's on
7 the landlord.

8 MR. NEMECEK: Good point.

9 THE CHAIRMAN: Yes. Thank you.
10 Robert, that's a good point because I was going
11 to ask -- one moment -- I was going to ask all
12 of the --

13 MR. NEMECEK: Are we done with the --

14 THE CHAIRMAN: I don't know. I was
15 speaking. I was hoping he was going to stay.

16 MR. CAMPANA: Do you want to get
17 through your thought?

18 THE CHAIRMAN: I would like to finish
19 my sentence. So Mr. Kramer, could you hang on
20 a second. So the lots that you brought up,
21 just so I know, the one that you said maybe
22 they do Pango there, change the parking
23 configuration, whose lot is that?

24 MR. KRAMER: Garson Brothers. You're
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1 talking about where the parking could be
2 changed from let's call it parallel to
3 diagonal. That's Garson Brothers property for
4 Scarsdale Common. It's right in the -- you
5 guys know the way the configuration is for the
6 storefronts of what used to be the CVS or the
7 Children's Center, and then directly behind
8 that is the Scarsdale Common apartment
9 building. The egress to Scarsdale Common is
10 from Grayrock Road. As you're going in that
11 direction, the old CVS building is to your
12 left. Those spaces along that wall are
13 parallel parking. We're suggesting, well maybe
14 there's a chance -- I'm not an engineer --
15 maybe there's a chance that parallel parking
16 some of those spaces could be diagonal so there
17 would be more spaces created along the wall.
18 But again, that's something that the Fire
19 Department would have to look at, as well as
20 the Building Department. I'm happy to meet
21 over there, if anybody would like to meet me.
22 My office is across the street. Our building
23 has no parking, so I don't guarantee anything
24 for parking, but we would be happy to meet you
25

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1 over there.

2 THE CHAIRMAN: Okay. Thank you. Who
3 was in this space before they came along?

4 MR. KRAMER: The movie theatre.
5 Before Scarsdale Common?

6 MR. HERBERT: It was a real estate
7 office; right?

8 MR. KRAMER: Which one?

9 MR. HERBERT: The subject site is --

10 MR. CAMPANA: That was the bank.

11 THE CHAIRMAN: That's office use, a
12 bank? It's different than this. It was an
13 office of some sort.

14 MR. KRAMER: I think it may have been
15 Chase Bank. I've been on Garth Road for almost
16 40 years, you lose track of who's --

17 THE CHAIRMAN: But it was a bank, it
18 wasn't --

19 MR. KRAMER: Yes. I mean, right now
20 Christie's Real Estate Office is in the same
21 building and Ocean's Bank, and there's a new
22 hair salon, Moxie Hair Salon. Hopefully, they
23 came before you guys.

24 THE CHAIRMAN: You don't use them.

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1 MR. NEMECEK: I was thinking of it,
2 but I wouldn't have made a comment like that.

3 THE CHAIRMAN: Let's get to the next
4 guy before I say another -- (inaudible) --
5 thank you. I apologize. No harm intended.

6 MR. NEMECEK: He was just joking about
7 how you would not be using the hair facility.

8 MR. KRAMER: No. My barber visits my
9 home directly.

10 THE CHAIRMAN: I apologize. All
11 right, next gentleman, please. Thank you.
12 We're going to give the mic to the next person.
13 Thank you.

14 MR. GIACOBBE: Thank you.

15 MR. CRITTENDEN: Hi. John Crittenden,
16 105 Garth Road, also president. I think one of
17 your questions was about the Pango. The Pango
18 that Barry Kramer was talking about is
19 Scarsdale. So they would have control over the
20 Pango. The lot changing diagonally to
21 parallel, that's private land. That's not
22 municipality. There was a concern of parking,
23 what you can and can't do in going to the town
24 and talking about parking, but I do want you to

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1 understand at night -- during the day, it's not
2 as difficult, but at night, even though it
3 looks like there's a lot of spaces available,
4 on Grayrock 5pm to 9am, permit parking, Garth
5 Road permit parking only. So stores,
6 restaurants, they're not allowed to park there
7 without getting tickets. The gym, they're not
8 supposed to be parking there. They do. That's
9 a whole another issue that is taking up a lot
10 of spaces. There's a commuter lot down below,
11 the resident commuter lot, that's permit
12 24 hours except for Sundays and holidays. So
13 people and the restaurants that are there
14 cannot park there. You also have restaurants,
15 when their business is going, is going to be in
16 the evening, not during the day, not during the
17 morning, which is causing even more traffic and
18 congestion in that area. So you can't really
19 be thinking of it as a typical space and area,
20 residential area, without knowing the permits
21 of where people are and are not allowed. It
22 looks like there's a lot, but there's not for
23 businesses in the evening, and that's causing a
24 lot of problems in the parking in the area. So

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1 having some kind of parking when there's going
2 to be 10 extra potential cars, because people
3 are potentially coming individually, I'm not so
4 sure how many people are going to be coming off
5 a train on Garth Road and then going home.
6 That might be the case, but I think a lot more
7 people are going to be having cars coming
8 there.

9 I want you to have a good
10 understanding of the parking situation, that
11 it's not other parts of the town. There's a
12 lot of uniqueness that are there. In the
13 evening, it's extremely difficult. If you talk
14 to other town members, you're hearing that
15 there's a lot of issues going on right now with
16 parking. So maybe if this was a different
17 time, it wouldn't have been quite as much of an
18 issue, but right now there is a serious issue
19 of parking, especially in the evening, on that
20 particular part of Garth Road. So just please
21 keep that in mind.

22 MR. NEMECEK: Sounds like there is
23 already -- anyone who's been there, and I do
24 get up to Garth Road quite a bit --

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MR. CRITTENDEN: But a lot of people don't understand that Grayrock, that's still permit in the evening from 5 p.m. until 9 a.m. That was put into place because there was a gym underneath where the Iron Vault is, and the gym members were parking there. So that got changed so when residents were coming home, they have a place to park. It isn't for any of the businesses taking space from people coming home. Now, as you said, people are not necessarily commuting, so there's even more congestion from residents who are staying home and using parking spaces because they're working from home and not going in to work.

MR. NEMECEK: Yes. But residents are probably not going to want to pay for metered parking. They want the parking -- the permitted parking. I don't know of any resident who wants to go out and feed a meter or pay for Pango.

MR. CRITTENDEN: That's right.

MR. NEMECEK: So it sounds to me like -- I think everyone acknowledges an existing parking problem. I like Mr. Kramer's

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ideas of maybe steps to address that.

MR. CRITTENDEN: And that is something that could happen.

MR. NEMECEK: Yes, could happen. Obviously, Rob Tudisco pointed out that there's only so much we can do in the context of this application, but it does certainly sound like there is at least the potential for some alleviation of the issue that probably needs to take place I guess not only at a higher level within the Town of Eastchester, but also in collaboration with the Village of Scarsdale.

MR. CRITTENDEN: Right.

Unfortunately, you don't have control over that. We'd love to have that.

MR. NEMECEK: We should really have control over a lot more things. Don't you think so, Mr. Chairman?

MR. CRITTENDEN: I hope going to the landlord and trying to, you know, manipulate a little bit more and seeing if the landlord can do something to help them out to get there --

MR. NEMECEK: That's more practical and maybe doable.

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MR. CRITTENDEN: That might be in line. Thank you.

THE CHAIRMAN: One more question. So since you're a resident and you see this, where do the people park that are looking to go -- they just park illegally in permitted spots or --

MR. CRITTENDEN: They park down by 281 and walk back up. So the opposite end of the street because there is no place when they're coming home. Some do park in the parking meters and feed the meter until 7:00, and then have to either move it early or feed the meter at 8 AM now because they're ticketed at 8. If you don't have something there. Then on street cleaning on Mondays and Tuesdays, people have to move off the side.

THE CHAIRMAN: That's residents you're talking about; right? I'm talking about the people that are going to the restaurants or using the businesses.

MR. CRITTENDEN: Some of the restaurants have valet parking and they're using Freightway garage in the evening. So

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they valet, and they park the cars of their patrons in Freightway. You see some that kind of double park while they're running in and getting takeout and then leave. That's kinda typical for any kind of neighborhood that has takeout restaurants. It's an issue, and they're trying to leave it, and the restaurants are doing the best they can with valet and move the cars out of the area. They don't want people coming and having to walk half a mile to their restaurant. They're not going to go.

THE CHAIRMAN: So they valet it. That's how they do it. Okay. Thank you. Please.

MR. NEMECEK: Yes, please.

MR. GARY KUCICH: Hi. My name is Gary Kucich, I'm Alec's father. I just want to say a couple of things.

I've been to this spot probably 10, 15 times to look at the building and everything, different days, all types of hours. I know there's a parking garage in the back. I parked in front of our space every single time. I see spots everywhere. The main focus here is on

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1 parking. Alec explained to you, this is not a
2 parking gym. It's just not. There is a garage
3 in the back. I've seen 10, 15, 20 spots every
4 single time I've been here.

5 MR. NEMECEK: What hours is this that
6 you've been there? Are you ever there in the
7 evening?

8 MR. GARY KUCICH: I've been in there
9 all different hours meeting contractors, just
10 doing things. Morning, middle of the day,
11 evening. Got a slice of that pizza. Had gone
12 in the back. Saw a parking garage. It's never
13 been an issue. But like Alec said, it's not
14 Equinox. This is a very small --

15 MR. NEMECEK: I could tell you, as a
16 resident of the Town of Eastchester if you're
17 going to argue that it's not crowded on Garth
18 Road, you're not going to get a lot of sympathy
19 for that argument. Anyone who's been there,
20 and I've gone to many of the restaurants up in
21 that area, sometimes I just do pickup up there,
22 and it is very crowded. I can tell you that.
23 Every time I go, which tends to be in the
24 evening, it's crowded. It's crowded on the

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1 weekends. So understand that the complaints
2 that I've heard are consistent with my
3 experience. You telling me that you've been
4 there a number of times and there's 15, 20
5 spots, doesn't ring true. Maybe you're just
6 the luckiest guy in the word, but -- I'm not
7 saying this isn't an issue that we can't work
8 through, but your saying in your experience, as
9 limited as it might be, it hasn't been a
10 problem, I'm not really buying it. I don't
11 know if anyone else on the board is.

12 MR. KUCICH: I just wanted to tell you
13 something about the studio that Alec did not
14 mention. So Alec and my daughter Nell own the
15 gyms and run them. They instruct 5 year olds
16 up to 85 year olds. In Roslyn, Alec can leave
17 the house at 5:30 and he goes to clients' homes
18 because they have gyms in their basement. They
19 do that all the time. My daughter, Nell, takes
20 elderly people around Roslyn for walks, that's
21 their training session. It's a very, very --
22 they are -- the community of Roslyn, Alec and
23 Nell are, you know, incredible people, and this
24 community would be the same way. It would be a

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1 huge loss not to give it a chance. I've been
2 here a bunch of times now, and it's not your
3 typical thing. They're incredible people, and
4 it will be well worth it here. I just wanted
5 to say that.

6 THE CHAIRMAN: Thank you for your
7 comments. We appreciate what you said about
8 your son and your daughter. They are the kind
9 of people we want to be part of our community
10 because it's a family business. We're not
11 trying to keep them out, we're just trying to
12 find a way that will allow them to operate here
13 without impacting the people who already live
14 here. I think just what you said, they're the
15 kind of people we want here and --

16 MR. NEMECEK: I do think, also, it's
17 important -- and Alec gave us a very full
18 description, I think, of exactly the relatively
19 low impact that a gym of this nature would have
20 as opposed to an Equinox or, you know, we used
21 other examples there. So that's an important
22 take away.

23 But, you know, along the lines of Alec
24 and Nell, you know, I don't know if they're

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1 going to be the ones running this particular
2 gym. If so, you know, our gain in Eastchester
3 would presumably be Roslyn's loss because I
4 can't imagine that they can be in two places at
5 once. Roslyn is probably not the easiest place
6 to get to with traffic in the daytime. So, you
7 know, somebody else may be running the gym, not
8 Alec or Nell, but presumably those are going to
9 be very good quality people who will follow the
10 same business model, the same model, and it
11 will be -- you know, that's what we're
12 anticipating, and that's what we're hoping for,
13 and that's what we're evaluating this
14 application based on.

15 MR. GARY KUCICH: Then, I guess,
16 what's the time frame? So, I mean, since we
17 signed the lease, it's been a month and a half,
18 and we haven't been able to do anything. It's
19 just, we had to wait for this meeting. So what
20 happens from here like as far as --

21 MR. NEMECEK: Talk to this guy.

22 THE CHAIRMAN: The requirement for the
23 parking has been in place from when you signed
24 the lease. It's not something new. You just

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1 weren't aware of it, I think.

2 MR. GARY KUCICH: I can't hear you.
3 What?

4 THE CHAIRMAN: Oh, I'm sorry. So the
5 parking requirement that you're here to discuss
6 and this whole thing is because there is a
7 zoning issue of how much parking should be
8 required for this space you have. That's been
9 in place. That hasn't changed. Unfortunately,
10 you weren't aware of it when you signed the
11 lease. I mean, that's why you're here. The
12 usage of the space you're taking has changed.
13 If it were the same, if it were an office
14 space, we would be done. Because it's a gym,
15 the requirement for parking is different. Even
16 though there is no parking, oddly enough, the
17 requirement is more spaces. So it's a bigger
18 deficit. If it was office, there would be
19 nothing to talk about. That's the issue.
20 That's not new.

21 MR. GARY KUCICH: So how much time
22 from this point on before Alec knows? Is it a
23 month, is it two months, is it three months?

24 THE CHAIRMAN: That's why we're here.
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1 So we have a couple of options as to what to
2 do. Actually, maybe you could explain it
3 better than I.

4 MR. HERBERT: Yes. In order to
5 operate the gym, you need to get a special
6 permit approval. So what we have to do tonight
7 is, we have to go through the special permit
8 standard, and evaluate your application based
9 on those standards. In the event that your
10 application does not meet the standards, and I
11 could tell you right off the bat that you don't
12 meet the standards for parking, it has to be
13 referred to the Zoning Board of Appeals. They
14 meet next month. Then they would be able to
15 grant the variance.

16 MR. TUDISCO: I have to address that
17 issue in terms of timing because new
18 applications that come before the Zoning Board
19 for variances, don't get decided the night that
20 they are brought. What typically happens is,
21 the application gets presented, the board
22 reviews it, there's a public hearing, and then
23 the matter gets adjourned for consideration,
24 and there is a -- and there is a -- at the

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1 following meeting, a vote is taken on the
2 resolution.

3 The problem that you face timing wise
4 here is that June is the last meeting before we
5 come back in September. There's no July or
6 August meeting. There have been situations
7 where the board has met just for resolutions in
8 certain cases. But typically, the Zoning Board
9 Chair, Alan Pilla, will actually make that
10 statement to applicants before every meeting to
11 say, just be aware that if you're bringing an
12 application before this board, it will not be
13 decided tonight, it will be decided the next
14 time.

15 So the next Zoning Board meeting is
16 the second Tuesday in June, and those
17 applications will go over the summer, unless
18 there's a special meeting in between. So
19 that's something that you're going to have to
20 discuss with the Building and Planning
21 Department in terms of what the board's
22 intention is, just to give you an idea of what
23 the scheduling is.

24 MR. CAMPANA: But then, Rob, after
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1 they get the resolution from Zoning, are they
2 obligated to come back to Planning for final
3 approval?

4 MR. TUDISCO: Well, that's another
5 issue. But in terms of getting an answer on a
6 variance that's applied for by Zoning, that is
7 how that process works, and then there would be
8 a final site approval that would come back
9 here. So you're talking about those issues,
10 and you need to really know how that plays out.

11 THE CHAIRMAN: Best case, you're not
12 back here until the end of the summer.

13 MR. TUDISCO: Possibly even October.
14 It could be late September, you're Planning
15 Board meeting, possibly even October.

16 THE CHAIRMAN: Also, based on what we
17 decide right now because the alternatives are,
18 as you said, go to Zoning, or the alternatives
19 are we as a board feel that your establishment
20 and the parking situation that's been caused
21 because of it are unsuitable, and we just don't
22 even send it to the Zoning. I'm not saying
23 we're doing that, but that is an option. The
24 other option, I think, is what we're hearing

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1 right now to try and ask you to work something
2 out with your landlord to get some spaces to
3 alleviate the situation. So there are a couple
4 of things we have to decide on, each having a
5 different time frame.

6 MR. CAMPANA: Then, of course, is the
7 Building Department because if there are
8 obviously any interior alterations, those would
9 go to be the Building Department for a plan
10 review, and then final review by the Building
11 Inspector.

12 MR. GARY KUCICH: What if the
13 landlord --

14 MR. TUDISCO: You have to come up to
15 the mic so the record could pick it up.

16 MR. GARY KUCICH: I think Garson is
17 the owner of the building, the landlord. If he
18 comes up with parking spots, does that speed
19 things along with this parking issue?

20 MR. NEMECEK: I don't know if speeding
21 along is the right terminology, but certainly
22 any creative solutions that you might be able
23 to work out with the landlord will
24 facilitate -- I would think they would improve

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1 the likelihood of a positive outcome.

2 MR. TUDISCO: I think that if you --
3 whatever solutions you come up with with the
4 landlord, would certainly minimize or possibly
5 even work around your having to go to Zoning
6 for a variance. That would obviously speed up
7 the process because if you are here for a final
8 approval and you don't need a variance, then
9 Planning Board votes on applications when
10 they've had enough information. If you need
11 variances, that is where the issue becomes
12 problematic in terms of timing. It just may
13 set you back.

14 MR. GARY KUCICH: So basically in a
15 perfect world, we won't be able to start
16 construction until the end of -- like the fall?

17 MR. TUDISCO: If variances are
18 necessary.

19 MR. NEMECEK: And they probably will
20 be.

21 MR. HERBERT: They are necessary,
22 unfortunately.

23 THE CHAIRMAN: Unless they can come up
24 with --

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1 MR. HERBERT: No. It's more than just
2 the parking. Unfortunately, there's --

3 THE CHAIRMAN: There's that other
4 little thing. It's that other hundred foot
5 thing, which --

6 MR. HERBERT: Correct.

7 THE CHAIRMAN: I don't know if you
8 could explain that. There's two variances.
9 One is the parking, and the other is some
10 hundred foot rule that is a parking requirement
11 that is in our code. Our code expert is Lukas.

12 MR. CAMPANA: But if they were to seek
13 any solutions through the landlord, I guess a
14 quick question would be, would parking
15 reconfiguration on site require a site plan
16 review or a simple Building Department review?

17 MR. NEMECEK: I think probably
18 Building Department review. If it's on site,
19 it just has to probably be -- I don't know the
20 answer, but my guess would be if you're
21 reconfiguring a parking lot that you own, you
22 can't do it in a way that would create a
23 hazard, but short of that --

24 MR. TUDISCO: I don't know if

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1 configuration alone is going to be enough to
2 avoid a variance. If a variance is necessary,
3 you have a process.

4 MR. HERBERT: Just so you understand,
5 the parking requirement is 25 spaces. That's
6 just the way the ordinance is written. I
7 realize that the --

8 MR. NEMECEK: We all know how the
9 Zoning Board of Appeals works, and, you know,
10 they're not going to necessarily hold you to
11 that if you're able to make an effective
12 presentation.

13 MR. TUDISCO: I can tell you this, it
14 seems to me, from my experience working with
15 Zoning and Planning, that the reconfiguration
16 of spots will make it much easier for the
17 Zoning Board to grant a variance. The problem
18 that you're going to face is a practical one in
19 terms of scheduling and what the timing is
20 involved because you still would have to go
21 before them and still have to get a decision to
22 come back here for your final approval. I
23 don't know if there is any way around that.

24 THE CHAIRMAN: I imagine we have to

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1 decide here if we're going to make a
2 recommendation that we're okay with this and
3 you could move forward to the Zoning Board
4 tonight, or we're going to ask you to see what
5 you could do about alleviating the parking a
6 little bit, come back to us, and then we'll
7 say, all right, you guys have made a good faith
8 effort, you picked up some spots, you guys go
9 see what you could do with the Zoning Board
10 now. That's the way I see it.

11 MR. MASTROGIACOMO: What if -- and I'm
12 just throwing this out there -- what if we had
13 a condition on the approval and maybe a
14 restriction on the space to say that there can
15 only be X amount of people here to alleviate
16 this kind of a variance? I mean, it's a very
17 small space. You know, 50 -- what is it --
18 yes, 50 per square foot for a small space for
19 something that is not a gym or a doctor's
20 office is kind of harsh for this little, tiny
21 space. If we had a restriction put --

22 MR. NEMECEK: But we can't -- how is
23 that going to get policed?

24 THE CHAIRMAN: I mean, to your point,
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1 if we know how many spaces were needed as an
2 office, can't we just match those with his gym
3 and say it's net zero?

4 MR. CAMPANA: No. It's based off the
5 Zoning Law. It's just less square footage, you
6 know, per spot, basically, based on the Zoning
7 Law. The Zoning Board -- you know, once we get
8 through our review tonight, if it moves on to
9 the Zoning Board, the Zoning Board will
10 certainly take into consideration the type of
11 use, specific use --

12 MR. NEMECEK: I think what he's saying
13 is, we can't pretend that this is not a gym and
14 it's more like an office. Even if we believe
15 that the ultimate usage is going to be more
16 like the office, we can't create that fallacy.
17 We have to abide by our rules. The place to
18 bring that argument up is before the Zoning
19 Board.

20 MR. MASTROGIACOMO: In other
21 municipalities, that's what we've gotten
22 sometimes is restrictions or certain conditions
23 that we have to abide by and maybe set up a
24 yearly meeting with the Building Inspector to
25

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1 walk around to see what's going on. You know,
2 there's other avenues in other municipalities
3 in similar situations like this.

4 MR. TUDISCO: I don't think we have
5 those avenues. But even if you called it
6 whatever you called it, there's still going to
7 be some necessity -- I think the difference is
8 whether you can send it to Zoning tonight or
9 you're going to ask them to come back one more
10 time. The most expedited way to do this is for
11 you to send it tonight to Zoning, and in
12 between tonight and the Zoning Board meeting
13 for June, you speak to your landlord about some
14 type of configuration that may minimize the
15 amount of spots that you need for a variance.
16 For instance, if the Zoning Law requires that
17 you have 28 spots, and you get, you know, an
18 extra six spots based upon reconfiguration, and
19 you make an application for a variance to say,
20 the Zoning Law is what the law is, but this
21 type of use is not going to -- you know, we can
22 do conditions, and we also squeezed out another
23 six spots, that would likely help the Zoning
24 Board say, okay, this is something we could

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1 grant a variance on. I just don't think
2 they --

3 MR. NEMECEK: It will certainly put
4 you in a better position.

5 MR. TUDISCO: It will put you in a
6 better position. I just don't know if they can
7 say yes in June. The best case scenario is,
8 they say there are one or two applications that
9 require an approval, we usually go until the
10 fall, we're going to have a July meeting just
11 for resolutions. Sometimes that has happened,
12 but that's a decision that the Chairman makes
13 with the, you know, Director of Planning. I'm
14 just telling you, the best case scenario is
15 they send it tonight, but you're still
16 potentially looking at a break over the summer
17 in terms of the process. That's all.

18 THE CHAIRMAN: Right. It's moving
19 towards the end of the year, September and
20 October.

21 MR. MASTROGIACOMO: Would the board
22 entertain maybe using a different, you know,
23 parking use, like how we're saying maybe use it
24 as offices since it's such a small space and
25

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1 what the --

2 MR. NEMECEK: We can't pretend it's
3 something it's not.

4 MR. HERBERT: You also need another
5 variance that we haven't even gotten to yet.
6 There's a second variance that you can't avoid
7 that's on this list.

8 MR. CAMPANA: We can't make exceptions
9 on the Zoning Law.

10 MR. NEMECEK: Because then
11 everyone would --

12 MR. MASTROGIACOMO: I didn't know if
13 there were certain things in the code that
14 said, you know, except if there's this or that.

15 MR. HERBERT: I've been looking at
16 this for weeks for you guys, trying to find
17 some kind of loophole for you. I've been
18 meeting with your realtor. I've been meeting
19 with -- I've been trying my best to try to find
20 some way to expedite this, and everything has
21 been a dead end. I want you to understand that
22 I've been putting a lot of time into this,
23 trying to figure out some way for you guys to
24 open sooner, and I've hit a dead end every

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1 single time. I've pleaded with our land use
2 counsel, please, can we do it this way? No.
3 Can we do this this other way? No. I mean,
4 this is it. I'm sorry.

5 MR. MASTROGIACOMO: We appreciate all
6 the work.

7 THE CHAIRMAN: Based on the way it's
8 written, there's only so much we can do.

9 So should we go through all the
10 requirements now?

11 MR. HERBERT: We have to, yes. I
12 mean, if there's more public comment, we have
13 to that, and then we'll go through the list.

14 THE CHAIRMAN: Are there anymore
15 public comments?

16 (No comments.)

17 THE CHAIRMAN: No. Okay.

18 MR. NEMECEK: Leave the hearing open;
19 right?

20 MR. HERBERT: Yes, the hearing stays
21 open. We have to do this while the hearing
22 stays open. Actually, we have to leave the
23 hearing open if we refer it.

24 THE CHAIRMAN: So there's a list of
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1 standards for applications for special permits.

2 We would like to run through them. Do you have
3 it there?

4 MR. MASTROGIACOMO: I'm sorry.

5 THE CHAIRMAN: So there's a list that
6 we have in front of us for special permits for
7 Bout Boxing, and it lists one, two, three,
8 four, five, six, seven -- a number of
9 conditions for special permits. So we would
10 like you to address them with us tonight.

11 MR. MASTROGIACOMO: Can I get a copy?

12 THE CHAIRMAN: Yes, of course. You're
13 going to have to do this on the fly.

14 MR. CAMPANA: So where do we determine
15 where to start, which one?

16 MR. HERBERT: We have to start with
17 the general standards. So the first one is --

18 MR. NEMECEK: We kind of went through
19 that, didn't we? They gym, the location.

20 MR. CAMPANA: Noise.

21 MR. NEMECEK: I think we hit on that
22 one. I think it would be overkill to do it
23 again.

24 THE CHAIRMAN: So number 1 is no, I
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1 guess; right?

2 MR. HERBERT: I guess we have to read
3 it into the record.

4 THE CHAIRMAN: I'll read it then. I'm
5 going to read verbatim what you have in front
6 of, and then we'll give a response I guess yay
7 or nay on them; right?

8 The first one is: The location and
9 size of the special permit use, the nature and
10 intensity of the operations involved in it or
11 conducted in connection with it, the size of
12 the site in relation to it, and the location of
13 the site with respect to streets getting access
14 to it are such that they will be in harmony
15 with the appropriate and orderly development
16 and use of the area in which it is located.

17 MR. MASTROGIACOMO: Yes. Yes, we
18 believe that it will be in harmony with the
19 surrounding stores and businesses around there.

20 THE CHAIRMAN: I guess we just give
21 their response; right? Whether we disagree or
22 not, it doesn't really matter.

23 So the next one is: The location,
24 nature and height of the buildings, walls and
25 **DINA M. MORGAN, REPORTER**

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1 fences, and the nature and extent of
2 existing or proposed --

3 MR. NEMECEK: This is not applicable.

4 MR. HERBERT: Some of them aren't
5 applicable.

6 THE CHAIRMAN: The next one:
7 Operations in connection with any special
8 permit use will not be objectionable in any way
9 to nearby properties for reasons of noise,
10 traffic, fumes -- I'm going to finish, then you
11 can say as you will -- vibration of the
12 characteristics, then would be operations of
13 permitted uses not requiring a special permit.
14 Parking areas will be of adequate size for the
15 particular special permit use, properly
16 located, suitably screened from adjoining
17 residential uses, and the entrance and exit
18 drive shall be laid out so as to achieve
19 maximum convenience and safety.

20 MR. NEMECEK: Some of this doesn't
21 apply.

22 MR. MASTROGIACOMO: Some doesn't apply
23 but, you know, as far as noise and anything
24 else, you know, we'll be -- that will be fine.

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1 You know, we'll --

2 MR. NEMECEK: And, of course, you
3 know, the issue of parking --

4 THE CHAIRMAN: Parking is --

5 MR. NEMECEK: Will be determined by
6 the Zoning Board of Appeals.

7 THE CHAIRMAN: N/A and TBD.

8 MR. CAMPANA: I think -- sorry. I
9 think what may work to your advantage would be
10 to issue a letter in response to all of these
11 questions moving forward from this meeting.

12 MR. MASTROGIACOMO: Sure.

13 MR. CAMPANA: So this way we know how
14 they're addressed and all of the explanations
15 involved.

16 THE CHAIRMAN: Should we continue
17 running through it now for the record?

18 MR. HERBERT: Unless you want them to
19 come back.

20 THE CHAIRMAN: Okay, standby. We'll
21 figure out if we're going to finish this. If
22 you are coming back, you can do as Louis said
23 when you come back. So now it's up to us,
24 guys, to figure out if we want them to explore

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1 options with their landlord and then come back,
2 or if you want to just move it to the Zoning
3 Board to make the decisions.

4 MR. CAMPANA: So when, potentially,
5 this does come back, we'll still be reviewing
6 under these standards; correct?

7 THE CHAIRMAN: Reviewing what?

8 MR. CAMPANA: We will still be
9 reviewing under these standards. So that would
10 give us also an opportunity to have eyes on
11 this until it comes back to us.

12 THE CHAIRMAN: Oh, to evaluate it?

13 MR. CAMPANA: Right. So then at that
14 point if we're not comfortable with how it's
15 been responded to, we can have them come back
16 at that point, instead of holding them up from
17 Zoning. That may also be a way to expedite it
18 a little bit.

19 MR. MASTROGIACOMO: Quickly looking
20 through this list, there's only one, two,
21 three -- about four things that apply with this
22 space, which would be items B, F and J.

23 THE CHAIRMAN: We have two people
24 talking at --

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1 MR. NEMECEK: On the next page,
2 there's a lot that doesn't apply. There's no
3 swimming pools.

4 MR. MASTROGIACOMO: There's no
5 swimming pools, we don't have --

6 (Indiscernible. Multiple people
7 speaking at the same time.)

8 MR. NEMECEK: I think most of these
9 are either answered already, or there is the
10 variance for the parking that's required.

11 MR. TUDISCO: You have to go
12 through -- my understanding is, that you have
13 to go through these before you go to Zoning.

14 THE CHAIRMAN: We're not going to do
15 that now.

16 MR. HERBERT: Because if they don't
17 meet these standards, the Zoning Board can give
18 them the variances from the standards.

19 THE CHAIRMAN: You see the direction
20 this is going in? I think you answer these,
21 come back, tell us what your answers are. At
22 the same time, see what you get out of your
23 landlord. Hopefully, come back with some
24 spots. We'll nod our head and say, please go

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1 to Zoning. If your landlord says no, I guess
2 we'll figure out what to do then. I think
3 that's all we can do tonight. All right?

4 MR. MASTROGIACOMO: Do you understand
5 that?

6 MR. CAMPANA: This is part of the
7 application process.

8 THE CHAIRMAN: I mean, if this was
9 done when you walked in, we would be probably
10 in the same spot; right? So you haven't really
11 lost any time. If you had this filled out and
12 gave it to us, we would probably still ask you
13 to go back and talk to your landlord to see a
14 you could get a few spots. Do whatever you
15 have to. Bribe, threaten.

16 MR. MASTROGIACOMO: I just want to
17 check one thing in the submission package
18 because I remember Mr. Gibbons preparing a
19 cover letter. This has some of the information
20 that's being asked for.

21 MR. HERBERT: You mean the letter
22 dated May 7th?

23 THE CHAIRMAN: Yes.

24 MR. HERBERT: This does not address

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1 the special permit criteria. In fact, this
2 letter actually asks you to waive the
3 variances, acting outside of the purview of the
4 Planning Board.

5 THE CHAIRMAN: Did we get this in our
6 package?

7 MR. HERBERT: Yes, it was in the
8 package. It asks for exemption from Zoning Law
9 entirely. The board can't do that.

10 MR. NEMECEK: So it sounds like -- I
11 mean -- and I'm sorry to be the bearer of the
12 blunt timing news, if you're going to have to
13 come back to us next month, you're not going to
14 get before the Zoning Board of Appeals until
15 September, and they hold it over one month, so
16 you're going to have to go back to them in
17 October. It's really not -- I mean, the best
18 you could do is to get there in June, and they
19 would make you come back in September. So it's
20 really, you lose one month by having to come
21 back to us. As Lukas said, you know, he's been
22 trying his hardest to try and find a way to
23 help you guys out here.

24 I do think it behooves you to work

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1 with your landlord for all the reasons that we
2 said, and see if you can't engage in a little
3 self help on the parking because that's a big
4 issue. It seems to me that, you know, you're
5 not going to disrupt the neighborhood in a
6 horrible way due to the gym itself, which seems
7 to have, you know, built in guards against, you
8 know, the type of activity that would cause
9 neighbors to complain, or that would change
10 negatively the entire neighborhood. That's
11 unlikely to happen here. But, you know, the
12 one issue that we keep coming back to, and it
13 ties in with the very variance that you're
14 going to have to get, is parking. So anything
15 you could do to help yourself in that regard,
16 it will help you obtain a more favorable
17 response from the Zoning Board of Appeals.

18 MR. KUCICH: There was two things.
19 There was the parking, and then the other one.

20 MR. HERBERT: So the other one is
21 pretty minor. It's just the way the zoning is
22 written -- the way the Zoning Law is written it
23 says -- with respect to health and fitness
24 facilities it says: Any facility shall be

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1 located at such distance from any lot line as
2 the approving agency shall find to be necessary
3 in a particular case, but, in any event, not
4 less than 100 feet from any such lot line.

5 So your storefront is on the lot line,
6 so it needs to be set back a hundred feet from
7 the lot line. That's not happening. So it
8 would have to be another -- this one is just
9 more like almost administrative. It's the way
10 the law is written.

11 THE CHAIRMAN: You're not going to get
12 hung up on that one.

13 MR. NEMECEK: But understand, you
14 know, that it's kind of a one size fits all for
15 a lot of these, and we have to go through them.
16 We have to honor the system because if we start
17 waiving, and we're without the power to waive
18 the zoning regulations, the zoning rules, if we
19 did it for you, the next person would say, you
20 did it for the gym, why not us, we're not
21 special? On the whole, you may not be the
22 right fit for a lot of these, and it may seem
23 draconian, but there's a purpose behind it.
24 It's part of this town's, you know, very real

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1 concern to make sure that development is
2 orderly, and it's well thought through, and
3 we're just a part of that process.

4 THE CHAIRMAN: In that we ask you to
5 explore any options to improve your
6 application. Fortunately, there is an option
7 here, so we can't just ignore it. We ask you
8 to at least search it out and see what you can
9 come back with, and then if you can't do
10 anything, we'll figure out what to do then.

11 MR. NEMECEK: And you might have a
12 real ally or a couple of allies over here with
13 Mr. Kramer, you know, in trying to find other
14 solutions that really could help not only your
15 application, but might help others in the area
16 as well.

17 THE CHAIRMAN: All right? Thank you.
18 We'll see you next month. Have a nice evening,
19 guys.

20 Do I have a to make a motion? We're
21 not going to do that? Cool. The public
22 hearing remains open. We'll see you guys next
23 month. Thank you.

24 The next application is going to be
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1 much easier, 23-19, Mickey Spillane's, our
2 favorite applicant, 429 White Plains Road.
3 That's you.

4 MR. HYNES: Good evening, everybody.
5 Mike Hynes, representing Mr. Mickey Spillane's
6 here this evening.

7 We are just going back to the special
8 use permit for outdoor dining at the location,
9 that we've had for the last number of years. I
10 forget how many. A long, long time. Nothing
11 new. Same criteria. Same stipulations.
12 Basically the same everything that we had in
13 the past.

14 THE CHAIRMAN: So the table layout,
15 that's the same one you came with the last time
16 or the past four or five years?

17 MR. HYNES: Correct. Simple four
18 tables out front.

19 THE CHAIRMAN: I would love to ask
20 questions, but there's really none to be asked;
21 right?

22 MR. CAMPANA: So it's an existing
23 condition, you're just continuing that existing
24 use?

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1 MR. HYNES: That is correct.

2 THE CHAIRMAN: We haven't had any
3 issues with enforcement on the space or
4 anything, have we?

5 MR. HERBERT: Enforcement?

6 THE CHAIRMAN: Noise, crowds, partying
7 until the wee hours of the morning, nothing
8 like that; right?

9 MR. TUDISCO: I would tell you, I
10 would be the one that would be prosecuting
11 those, and we have not seen any issues. I
12 don't know, you know, if there's been issues
13 that the police have kind of issued summonses
14 for. But even those I think would come to me,
15 and there have not been any issues regarding
16 the special permit for outdoor dining, as far
17 as I know.

18 THE CHAIRMAN: It wouldn't be about
19 the people eating dinner outside.

20 MR. HERNANDEZ: The only thing is, I
21 ran your application by the Highway Department,
22 the Police Department and the Fire Department.
23 Highway and Police had no comments. The Fire
24 Department said that you would need to keep a

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1 three foot wide path open to the Fire
2 Department connection. To his recollection, it
3 was located adjacent to the south exit door.

4 MR. HYNES: Correct and right. I
5 could show you that. That's right here in this
6 area.

7 MR. NEMECEK: I assume you have a
8 three foot --

9 MR. HYNES: Yes.

10 MR. CAMPANA: Also, the clearance
11 between the planters and the tables.

12 MR. HYNES: Yes.

13 MR. CAMPANA: That's actually to the
14 property line, so there's sidewalk beyond that
15 as well?

16 MR. HYNES: That is correct. The
17 tables remain on our property.

18 MR. CAMPANA: Right. Got it.

19 MR. HYNES: Do not encroach on the
20 town property.

21 THE CHAIRMAN: So does that mean that
22 table at the bottom there really has to be
23 shifted? Can you just point out which the
24 tables are in that? I honestly just can't see

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1 it from here. Got it. Thank you.

2 MR. CAMPANA: There you go. So the
3 planters are up by the property line there.

4 MR. HYNES: The property line is
5 exactly this line here, and the tables are back
6 keeping the three feet for the egress for both
7 fire exits.

8 THE CHAIRMAN: So what's the other --
9 oh, those are like planters?

10 MR. HYNES: Correct.

11 MR. CAMPANA: I believe there's
12 sidewalk in front of the planters. There's
13 sidewalk between the planters and the street.

14 THE CHAIRMAN: Right. So I guess that
15 one planter is sort of blocking the path to the
16 fire --

17 MR. HYNES: Which planter?

18 MR. CAMPANA: No.

19 THE CHAIRMAN: The bottom left.

20 MR. HYNES: This one here?

21 THE CHAIRMAN: Yes. That's a table,
22 that's a planter, and what's to the left of --
23 yes, what's that?

24 MR. HYNES: No, because there's eight

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1 feet between this and the door.

2 THE CHAIRMAN: Okay. That's fine.
3 We're good. Let's do a public hearing, and
4 then we'll let you go home.

5 So I make a motion to open the public
6 hearing on this application, 23-19, Mickey
7 Spillane's, 429 White Plains Road.

8 MR. NEMECEK: Second.

9 THE CHAIRMAN: All in favor.

10 (AYE)

11 THE CHAIRMAN: Want to comment?
12 You're here. Seems like you like it here.

13 MR. NEMECEK: Mr. Kramer is going to
14 find you some parking.

15 MR. KRAMER: Barry Kramer. I wish you
16 the very best. I just have to say, I have some
17 concerns about outdoor dining --

18 MR. NEMECEK: The mic is off there.

19 MR. KRAMER: Barry Kramer, Garth Road.
20 We love Mickey Spillane's. We love the dining
21 at Mickey Spillane's. So certainly no
22 objection to this application.

23 It's just more curiosity. I know up
24 on Garth Road there are a number of restaurants

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1 that have been trying to secure permission for
2 their outdoor dining, which has existed for the
3 past few years, and only recently it has become
4 more of an issue. I'm hoping this board, as
5 will others in the Town of Eastchester, will
6 consider favorably outdoor dining on Garth Road
7 as well.

8 MR. NEMECEK: I know we've done so.
9 We've approved at least one, that I recall, a
10 few months ago.

11 THE CHAIRMAN: I know the details
12 involved, they're a little bit different than
13 this one.

14 MR. HERNANDEZ: Yes. The issue is
15 that the outdoor dining needs to be on property
16 that applicant owns, not in the street
17 right-of-way that the town owns. So in this
18 case with this application, the applicant has
19 documented that these chairs and tables will be
20 put on property that they own, not the street
21 right-of-way.

22 MR. KRAMER: I was beginning to get an
23 understanding of that as I was listening to the
24 meeting. So I would just again -- I understand

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1 that you have more property than the
2 restaurants on Garth Road, but again, I do hope
3 that even though that might require a variance
4 or some other concessions, we do hope that you
5 will also consider favorably outdoor dining on
6 Garth Road since it's great for the community.
7 It's really very popular in other locations
8 besides just Eastchester. You know, Mamaroneck
9 and White Plains and all over, everyone has
10 outside dining. I understand that sometimes
11 it's a little difficult to walk by the tables,
12 I understand that, but it really is a great
13 asset to the community.

14 Again, no comment specifically on your
15 application. I look forward to coming over and
16 having a burger.

17 MR. HYNES: Excellent.

18 THE CHAIRMAN: Thank you. So let me
19 just finish this public hearing thing. There's
20 no more comments, so I make a motion to close
21 the public hearing on --

22 MR. HERBERT: Just for the record, the
23 applicant did submit responses to the special
24 permit standards. These will be in the public

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record.

THE CHAIRMAN: Good point.

MR. HERBERT: Staff has reviewed them and they comply.

THE CHAIRMAN: Thank you. We have them.

So I can close the public hearing on -- I make a motion to close the public hearing on 23-19, Mickey Spillane's.

MR. NEMECEK: Second.

THE CHAIRMAN: All favor.

(AYE)

THE CHAIRMAN: So then we just -- what do we do, just grant the -- hold on, I got it here somewhere. There are no conditions. Okay. So we just approve the application. Is it the application or the request for a special permit application?

MR. NEMECEK: It's an application for --

MR. TUDISCO: The application is for a special permit.

THE CHAIRMAN: Right. So it's a special permit. Gotcha.

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So I make a motion to approve Application 23-19, Mickey Spillane's, 429 White Plains Road, for a special permit application for outdoor dining.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(AYE)

THE CHAIRMAN: You're good to go. Thank you.

MR. CAMPANA: Congratulations. Good luck.

THE CHAIRMAN: So then I make a motion to adjourn the May 25th, 2023 Planning Board meeting. The next meeting is June 22, 2023.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(AYE)

THE CHAIRMAN: Goodnight.

(Meeting adjourned.)

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CERTIFICATION

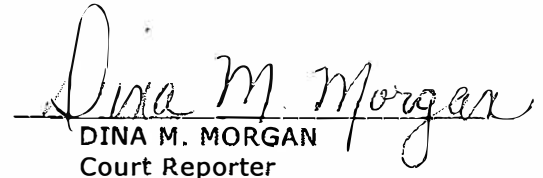
STATE OF NEW YORK)
) SS.
COUNTY OF WESTCHESTER)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of June, 2023.


DINA M. MORGAN
Court Reporter

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 5/25/23

CORRECTION SHEETPAGECORRECTION

DINA M. MORGAN, REPORTER