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Eastchester Town Hall

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TRANSCRIPT OF
TOWN OF EASTCHESTER PLANNING BOARD MEETING
December 7, 2023

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

BOARD MEMBERS IN ATTENDANCE:

CHAIRMAN JAMES BONANNO
PHILIP NEMECEK, MEMBER
ANTHONY GIACOBBE, MEMBER
JOSEPH RUBINO, MEMBER
MICHAEL FORTUNO, MEMBER

EASTCHESTER EMPLOYEES IN ATTENDANCE:

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

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

DINA M. MORGAN, REPORTER

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quickly. We have seven applications this evening. The first one is Wilmont Pharmacy; the second is Crema Caffe; the third is Total Form Fitness; the fourth is Lake Shore Drive, 26 Lake Shore Drive; the next is 65 Hickory Hill Road; the sixth is 465 White Plains Road, Jiang Nan Restaurant; and the last one is ArchCare at 265 White Plains Road.

The first application is 23-21 Wilmont Pharmacy. While you're getting up there, Mr. Iannacito, we will take Mr. Phil Nemecek's attendance.

MR. NEMECEK: Finally present.

THE CHAIRMAN: Good to see you, Phil.

MR. GIACOBBE: Should we approve the minutes?

THE CHAIRMAN: I guess we could.

MR. GIACOBBE: So we don't forget.

THE CHAIRMAN: John, could you just hang on a minute, we're just going to approve some minutes here.

The first one is June 22, 2023.

That's me, you Phil, and Anthony. I make a motion to approve the minutes of June 22, 2023.

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THE CHAIRMAN: Hi, folks. We have one more member who should be here in a couple of minutes. We're just going to give him a couple more minutes.

This is the Planning Board meeting of December 7th, 2023. If you would rise for the Pledge of allegiance, please.

(Pledge of Allegiance.)

THE CHAIRMAN: We'll do the roll call now. Mr. Anthony Giacobbe.

MR. GIACOBBE: Present.

THE CHAIRMAN: Mr. James Bonanno is here.

THE CHAIRMAN: Mr. Joseph Rubino.

MR. RUBINO: Present.

THE CHAIRMAN: And Michael Fortuno.

MR. FORTUNO: Present.

THE CHAIRMAN: Mr. Phil Nemecek is probably on his way up the hill right now. We will start without him, and we'll call his attendance when he arrives.

So we will still start with the application, the first application this evening. Let me just run through this really

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MR. NEMECEK: Subject to the relatively few minor revisions that I circulated, second.

THE CHAIRMAN: All in favor.
(AYE)

THE CHAIRMAN: I think you guys can do the 26th; Phil, Anthony, Joseph and Michael. So one of you guys make a motion.

MR. NEMECEK: I make a motion -- this is September 26th?

THE CHAIRMAN: October 26th.

MR. NEMECEK: October 26th. Okay. I make a motion to approve the Planning Board minutes of the October 26, 2023 Planning Board meeting, subject to the revisions that I've circulated.

MR. GIACOBBE: I'll second.

MR. NEMECEK: All in favor.

(AYE)

THE CHAIRMAN: Okay. Thank you. You're up.

MR. IANNACITO: Good evening. My name is John Iannacito, I'm an architect, and I'm representing Wilmont Pharmacy, the owners of

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<p style="text-align: right;">5</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 the property.</p> <p>3 We are proposing the construction of a</p> <p>4 one story addition at the rear of the existing</p> <p>5 one story structure located at 199 Brook</p> <p>6 Street. The proposed addition will be</p> <p>7 constructed in a landlocked rear yard, which is</p> <p>8 currently at a lower elevation than the</p> <p>9 neighboring properties, and is separated from</p> <p>10 the neighboring properties with retaining walls</p> <p>11 on the side property line and the rear property</p> <p>12 line.</p> <p>13 I'm going to come up there and just</p> <p>14 review the drawings. So here on this page we</p> <p>15 have the site plan showing the addition at the</p> <p>16 rear highlighted in yellow here. Basically,</p> <p>17 it's just an extension of the existing building</p> <p>18 mass into the rear yard. It's about a 20 foot</p> <p>19 extension into the rear yard.</p> <p>20 The floor plans. At the lower floor,</p> <p>21 the upper floor will be supported by columns.</p> <p>22 It will be open underneath. Then at the top</p> <p>23 floor, it's an expansion of the pharmacy space</p> <p>24 to include some additional office spaces for</p> <p>25 the pharmacy.</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>	<p style="text-align: right;">7</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 increase to all the existing non-conforming</p> <p>3 conditions. It's non-conforming at six</p> <p>4 different points, and all six points needed a</p> <p>5 variance for this addition.</p> <p>6 The application was also presented to</p> <p>7 the Architectural Review Board on November 2nd,</p> <p>8 2023, and it was approved as submitted with no</p> <p>9 additional comments.</p> <p>10 Thank you for your time, and I'm happy</p> <p>11 to answer any questions.</p> <p>12 THE CHAIRMAN: It looks pretty</p> <p>13 straightforward to me. I don't have any</p> <p>14 questions.</p> <p>15 MR. NEMECEK: What is the purpose of</p> <p>16 the addition?</p> <p>17 MR. IANNACITO: Well, they needed some</p> <p>18 additional office space because ever since</p> <p>19 Covid, they've been doing vaccines within the</p> <p>20 pharmacy. So they gave up their existing</p> <p>21 office space that they had set up from years</p> <p>22 ago, as little exam rooms for vaccines for both</p> <p>23 the flu and Covid and whatever other vaccines</p> <p>24 people need.</p> <p>25 MR. NEMECEK: Yes. These are high</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>
<p style="text-align: right;">6</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 Here are the elevations. The front</p> <p>3 elevation, there's no proposed changes to the</p> <p>4 front elevation at all. Everything is at the</p> <p>5 rear. At the right side elevation, here's the</p> <p>6 addition at the rear. Only the upper portion</p> <p>7 of the addition will be visible from grade on</p> <p>8 this side. Then here is the addition on the</p> <p>9 left side where both the lower and the upper</p> <p>10 level will be visible from grade with the lower</p> <p>11 level open. At the rear, there's a couple of</p> <p>12 windows, a door and a staircase going down to</p> <p>13 the rear yard.</p> <p>14 As far as the materials, the wall</p> <p>15 surfaces will be a brick to match existing,</p> <p>16 painted brick to match the existing colors of</p> <p>17 the rest of the building. The door and windows</p> <p>18 at the rear will be vinyl clad in a white</p> <p>19 finish to match existing. The columns on the</p> <p>20 lower floor will be metal painted to match the</p> <p>21 brick color. The staircase at the rear will be</p> <p>22 metal in a black finish.</p> <p>23 The existing property is currently</p> <p>24 non-conforming, and variances were granted by</p> <p>25 the Zoning Board on October 10th, 2023 for an</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>	<p style="text-align: right;">8</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 times for vaccinations.</p> <p>3 MR. IANNACITO: Keep pumping them into</p> <p>4 us.</p> <p>5 MR. NEMECEK: Okay. That makes sense.</p> <p>6 Thank you.</p> <p>7 THE CHAIRMAN: Great. So let's just</p> <p>8 do the public hearing.</p> <p>9 I make a motion to open the public</p> <p>10 hearing on Application 23-21, Wilmont Pharmacy.</p> <p>11 MR. NEMECEK: Second.</p> <p>12 THE CHAIRMAN: All in favor.</p> <p>13 (AYE)</p> <p>14 (No comments.)</p> <p>15 THE CHAIRMAN: Make a motion to close</p> <p>16 the public hearing on the same application,</p> <p>17 23-21, Wilmont Pharmacy.</p> <p>18 MR. NEMECEK: Second.</p> <p>19 THE CHAIRMAN: All in favor.</p> <p>20 (AYE)</p> <p>21 THE CHAIRMAN: We're matching the</p> <p>22 existing on the addition, the existing facade</p> <p>23 on the side? You probably said that already.</p> <p>24 MR. IANNACITO: The brick work?</p> <p>25 THE CHAIRMAN: Yes.</p> <p style="text-align: right;">DINA M. MORGAN, REPORTER</p>

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MR. IANNACITO: Everything is going to match existing. So I have some photos of --

MR. NEMECEK: It's brick work that's painted; right?

MR. IANNACITO: Yes. It's like an off-white painted brick. It will just be an extension of the existing. So it's just extended towards the back. Everything will be the same on the sides and the rear.

MR. NEMECEK: Good.

THE CHAIRMAN: So I make a motion to approve this application, 23-21, Wilmont Pharmacy.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.
(AYE)

THE CHAIRMAN: Thank you.

MR. IANNACITO: Thank you.

MR. NEMECEK: Thank you.

Do you have any other applications before us?

MR. IANNACITO: Two more.

MR. NEMECEK: Two more. Okay.

THE CHAIRMAN: The next one is 23-34,

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Crema Caffe, 470 White Plains Road.

MR. IANNACITO: Good evening, again. My name is John Iannacito, I'm an architect, and I'm representing Crema Caffe, the proposed tenant at 470 White Plains Road. The proposed tenant space is highlighted there on the survey in yellow. I also have the owners of Crema Caffe with me this evening.

So the proposed scope of work here will include a change of use from a dry cleaners to a coffee shop cafe. We are requesting a special permit for the proposed type one food service establishment. All the proposed work is internal, and there is no proposed change to the exterior of the building. The new space will have a service counter and a few tables, but most of the food will be carry out.

We are also requesting a referral to the Zoning Board for one area variance. The proposed change in use will create an increase to the existing non-conforming parking. The existing parking is currently non-conforming with a total of 56 spaces required and 11

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provided. The proposed change in use will increase the parking required by two parking spaces, to a total requirement of 58 spaces. So we have 11 spaces on the site, and there is plenty of metered space available across the street in the public parking lot.

The proposed use will comply with all standard and individual requirements for the type one food service establishment, and I put that in my cover letter explaining each point.

The subject space was previously occupied by a deli about 10 to 15 years ago, and we will be utilizing the existing opening in the roof for the new hood. Since the property is adjacent to a residential zone, we are also proposing to install an odor abatement system within the hood system to neutralize the odors and the smoke that will be released from the exhaust system. The existing roof top HVAC equipment will remain unchanged.

The waste and recyclables are currently stored in receptacles on the side yard of the building, and that will remain unchanged. The waste and recyclables are

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picked up by a private waste management company twice a week, and that could be increased, if necessary.

Deliveries are currently made through the parking lot and through the side of the building. All the spaces have entrances on the side entrances, and that will remain unchanged.

The hours of operation for the cafe will be Monday through Sunday 7:00 a.m. to 3:00 p.m. They will also be open for a couple of hours on Fridays and Saturdays in the early evenings or in the evenings between 6:00 p.m. and 9:00 p.m. for a limited menu of just desserts, coffee, and gelato.

MR. NEMECEK: So that wouldn't involve cooking?

MR. IANNACITO: Yes, very little cooking in the evenings; right? Just desserts and gelato and coffee. So most of the cooking will be in the morning time.

That's it, basically. If you have any questions, I'm happy to answer them.

MR. NEMECEK: John, the variances that you will be seeking from the Zoning Board of

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1 Appeals, the parking because you have an
2 increased need for two additional spaces or
3 something?

4 MR. IANNACITO: So the dry cleaners --
5 the way the calculation works in the town for
6 the dry cleaners, you basically do the area
7 where the public customers stand, that area
8 plus the number of employees. It's a very
9 small area in this cleaners where the public
10 can stand. So it's like one space for that,
11 and they have two employees, so it's a total of
12 three parking spaces.

13 The restaurant is based on a gross
14 floor area, which is one parking space for
15 150 square feet, and that comes out to five
16 parking spaces. So it's an increase of two
17 parking spaces. The entire building is
18 non-conforming over the years. We found some
19 records of variances for the parking and some
20 not. We're going to try to clean it all up
21 with this applications, basically.

22 MR. NEMECEK: I do remember when that
23 building was originally built, and I certainly
24 know that the parking in that area just west of

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1 the library going all the way down to White
2 Plains Road was not nearly in as good a shape
3 as it is now. So I do believe that there would
4 still be a need for a variance, but I think
5 there is ample parking.

6 So in addition to that variance,
7 what --

8 MR. IANNACITO: Just that variance.

9 MR. NEMECEK: Just that one. Just
10 that one. Okay.

11 THE CHAIRMAN: Some of the special
12 permit requirements we go through all the time,
13 but as far as garbage, waste and all that, that
14 really isn't changing?

15 MR. IANNACITO: So they have
16 receptacles in the side yard currently for each
17 store right here. These little squares here
18 all are receptacles. So the garbage truck
19 pulls in here and picks up the garbage. The
20 deliveries are made the same way. The trucks
21 pull into the driveway and they make
22 deliveries.

23 MR. RUBINO: What is the total seating
24 inside?

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1 MR. IANNACITO: So the proposed
2 seating, we're going to have a service counter
3 with no seats around the service counter, and
4 then we have five tables of two. So about 10
5 people.

6 THE CHAIRMAN: Any more questions,
7 guys?

8 MR. NEMECEK: No.

9 THE CHAIRMAN: So I make a motion --
10 let's do the public hearing. We'll do the
11 public hearing, leave it open, and then we'll
12 refer you to the Zoning Board. I make a motion
13 to open the public hearing on Application
14 23-34, Crema Caffè, 470 White Plains Road.

15 MR. NEMECEK: Second.

16 THE CHAIRMAN: All in favor.

17 (AYE)

18 (No comments.)

19 THE CHAIRMAN: We'll just leave that
20 open. Right, you're going to Zoning, and then
21 you're coming back.

22 MR. IANNACITO: Yes. Then we'll come
23 back to Planning for a final review.

24 THE CHAIRMAN: Then if there are no

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1 other questions, I'll make a motion to forward
2 this application, 23-34, Crema Cafe, 470 White
3 Plains Road, to the Zoning Board of Appeals for
4 the consideration of the necessary variances
5 for the application.

6 MR. NEMECEK: Second.

7 THE CHAIRMAN: All in favor.

8 (AYE)

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

11 MR. IANNACITO: I have one more.
12 Okay. Good evening, again. My name is John
13 Iannacito, I'm an architect, and --

14 THE CHAIRMAN: Could I just announce
15 it just so everyone knows.

16 The next application is 23-35, Total
17 Form Fitness, 95 Montgomery.

18 MR. NEMECEK: And this is John
19 Iannacito, he's an architect.

20 MR. IANNACITO: John Iannacito,
21 architect. I'm representing Total Form
22 Fitness, the proposed first floor tenant at 95
23 Montgomery Avenue. That tenant space is also
24 highlighted on the site plan in yellow.

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1 The proposed scope of work here will
2 include a change of use from an office space to
3 a personal fitness center. We are requesting a
4 special permit for an indoor recreation and
5 family entertainment facility. A gym, I guess.
6 All the proposed work is internal.
7 There are no proposed changes to the exterior
8 of the existing structure.

9 We are also requesting a referral to
10 the Zoning Board for one area variance and two
11 variances to the individual requirements of the
12 special permit.

13 The proposed change in use will create
14 an increase to the existing non-conforming
15 parking. The existing parking is currently
16 non-conforming with 46 spaces required and 10
17 provided. The proposed change in use will
18 increase the parking by 26 spaces, an increase
19 in the total requirement to 72 spaces and 10
20 provided. The 10 spaces are provided on site.
21 There are also 10 permit spaces right along the
22 front of the building. Those permit spaces are
23 paid for by the building owner and are provided
24 for the tenants of his building. There are

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1 also additional metered spaces along Montgomery
2 Avenue across the street. Also, the
3 calculations that were done for the parking
4 here is one parking space for every 50 square
5 feet of the personal training space. This
6 personal training space is not your
7 conventional gym where you're just going to
8 have lines of gym equipment for people to use.
9 It's more of a personal, one-on-one training
10 with a trainer. So at max you're going to get
11 10 people there at a time within the space.

12 The proposed use will comply with all
13 the standard and individual requirements for
14 the indoor recreation and family entertainment
15 facility, except for two items, and variances
16 will be required for a use setback and for the
17 hours of operation.

18 So the required setbacks for an indoor
19 recreation and family entertainment facilities
20 are a hundred feet from each property line.
21 This site is a hundred feet wide and a hundred
22 feet deep. So it will not comply -- it can't
23 comply with the hundred foot setback to the
24 building. The building would have to be on

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1 another site.

2 The other variance for the use is the
3 required hours of operation. So the required
4 hours of operation for the indoor recreation
5 and family entertainment facility are 9 a.m. to
6 10 p.m. on Sundays through Thursday, and 9 a.m.
7 to 11 p.m. Friday and Saturdays. The proposed
8 hours of operation for the gym will be 6 a.m.
9 to 6 p.m. Monday through Saturday and closed on
10 Sundays. So we're actually going to open a
11 little bit earlier than the required hours and
12 close a little bit earlier, and then not open
13 at all on Sundays.

14 MR. NEMECEK: The number of hours is
15 approximately the same or possibly less if you
16 consider you're not open on Sunday.

17 MR. IANNACITO: It might be like one
18 hour because it's 9 to 10, and this is 6 --

19 MR. NEMECEK: So it's one hour less,
20 but it's just shifted three hours earlier.

21 MR. IANNACITO: Earlier, yes.

22 MR. NEMECEK: Okay. Which probably
23 will help alleviate something of a traffic
24 problem -- parking problem, especially at six

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1 in the morning. Maybe less so at 8:30.

2 MR. IANNACITO: The parking on
3 Montgomery Avenue is usually pretty plentiful.
4 It's not always crowded there. I think we'll
5 be okay. We'll have to see what the Zoning
6 Board says.

7 MR. NEMECEK: I guess if you sit on
8 this board long enough, you remember Wood &
9 Fire, before that was Mezzaluna, and we had,
10 you know, the proposed age restricted housing
11 that never went forward up there, and I do
12 recall every application I think that we have
13 ever had off of Brook Street, has included
14 local residents complaining about the
15 difficulty of getting parking. I rather
16 suspect that has not gotten better, it's
17 probably has gotten worse. But that's more an
18 issue, I believe, for the Zoning Board of
19 Appeals at this point than this board. And, as
20 you said, at least as this facility is proposed
21 for the present, it should not have the same
22 impact on parking because it should have fewer
23 people attending at any given moment than might
24 a more general, standardized gym.

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1 MR. IANNACITO: Yes. They could place
2 a condition on it that if it ever changes to a
3 gym that was more conventional with a lot of
4 equipment, they would have to go back in front
5 of the board. I'm sure the owners here would
6 be happy to do that.

7 MR. NEMECEK: Okay. Sounds good to
8 me.

9 MR. RUBINO: So it's really personal
10 and maybe group lessons, classes and whatnot,
11 which should be fine.

12 MR. IANNACITO: Right. It's more like
13 a CrossFit type gym. If there's a trainer, he
14 might be training two or three people at a time
15 bouncing around from one to the other.

16 MR. RUBINO: If they do have anything
17 in the mornings, the noise, the music will be
18 indoors during those sessions, so it shouldn't
19 impact anything.

20 MR. IANNACITO: Right.

21 THE CHAIRMAN: You said seven; right?
22 You said the hours start at seven?

23 MR. IANNACITO: 6 a.m.

24 THE CHAIRMAN: Okay.

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1 MR. NEMECEK: Is that early enough for
2 you, Jim? I know you're an early bird.

3 THE CHAIRMAN: I'm out of the gym by
4 six on my way to work.

5 MR. NEMECEK: There you go. I gave
6 you that opportunity to boast, okay.

7 THE CHAIRMAN: Thank you.

8 MR. NEMECEK: You're welcome. It's my
9 Christmas gift to you.

10 THE CHAIRMAN: You knew I was going to
11 take the bait.

12 Let's do the public hearing. Open it
13 up. I make a motion to open the public hearing
14 on this application, 23-35, Total Form Fitness,
15 95 Montgomery.

16 MR. NEMECEK: Second.

17 THE CHAIRMAN: All in favor.

18 (AYE)

19 THE CHAIRMAN: Do you want to comment?
20 Please come up. Yes, come up to the mic, state
21 your name, address, and then make your comment.
22 I would appreciate it.

23 MR. NEMECEK: Or comments, if you have
24 more than one.

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1 MR. MORENO: Good evening, gentlemen.
2 My name is Anthony Moreno. I am the owner of
3 Boutique Personal Training right on 91
4 Montgomery Avenue, so that would be directly --
5 this is my partner, Tanisha. She's very
6 pregnant. This proposed change would be very
7 detrimental to me or my business. What this
8 gentleman is describing is exactly the business
9 that I currently have there, which is a small,
10 boutique personal training area where we do
11 know more than one on ones or small group
12 training. Unfortunately, I have looked into
13 Total Form Fitness, and it is a bigger, more
14 complex business model than that, and the
15 parking situation on Montgomery has not
16 improved by any standard. If anything, it has
17 gotten worse.

18 I would be opposed to this because, A,
19 it's directly next to my business. Literally
20 door to door. B, it's going to be detrimental
21 to the parking situation and to the immediate
22 area, in my opinion, of course. That's all,
23 gents.

24 THE CHAIRMAN: Okay.

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1 MR. NEMECEK: I do understand, though,
2 that maybe there is a need for more of -- maybe
3 this will become the hub of personal training
4 fitness, and you'll see more business. I
5 happen to be a lawyer, and they always say the
6 worst thing is to be the only lawyer in town.
7 Business only takes off when there are two
8 lawyers in town. I don't know if this would be
9 a good analogue.

10 One thing that I don't think this
11 board is charged with is making decisions as
12 to, you know, what type of business we already
13 have enough of and what we don't need more of.
14 I think the public usually finds a way of
15 expressing, you know, who it likes, who it
16 wants to do business with, and, you know,
17 again, the hope would be if this application
18 does go forward, that, you know, there's more
19 than enough business for both of you.

20 The other concerns that you raised
21 about parking I think is more probably more
22 appropriately raised -- assuming this board
23 advances the application to the Zoning Board of
24 Appeals -- I think that is the board that is

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1 probably going to address more thoroughly the
2 request for a variance and how that -- how the
3 current situation off of Brook Street on
4 Montgomery and in the immediate surrounding
5 areas, whether that can support a facility of
6 this nature. You're already there, so your
7 business isn't jeopardized by that. Those are
8 my suggestions. But thank you for your
9 comments.

11 MR. MORENO: Wonderful.

12 THE CHAIRMAN: Thank you.

13 MR. GIACOBBE: Thank you.

14 THE CHAIRMAN: If there are no more
15 comments from the public, nor the board, I am
16 going to make a motion to forward this
17 application -- comment?

18 MR. FORTUNO: Can I just ask, what's
19 the less than a hundred feet, what --

20 THE CHAIRMAN: Can you try and explain
21 it?

22 MR. IANNACITO: The use setback?

23 THE CHAIRMAN: Yes.

24 MR. IANNACITO: One of the
25 requirements -- individual requirements for

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2 the -- what is it -- the family -- hold on, I
3 got to get the right language here -- for the
4 recreation and family entertainment facility is
5 that any building on a site that has that
6 particular type of use, needs to have a minimum
7 of a hundred foot setback from the property
8 line to the structure. So this building exists
9 on a lot that's only a hundred by a hundred.

10 MR. NEMECEK: So you got to buy the
11 lot in back of it.

12 MR. IANNACITO: You have to buy a
13 couple of lots in order to make that work.

14 MR. FORTUNO: I'm sorry, so I guess
15 what I was asking was, when they less than a
16 hundred, is there any proposed amount of feet
17 away that it would be?

18 MR. IANNACITO: What it is? It's
19 whatever is existing. Currently, the existing
20 building is zero on this side; it's right up
21 against the property line. At the rear, it's
22 30 feet. On this side, it's 13 feet. In the
23 front, it's 10 feet. So it requires variances
24 on all four sides for that particular -- I
25 don't think they call that an area variance

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2 because it's basically a variance for this use.
3 It's not really for the building footprint as
4 far as zoning. This building actually --
5 we'll, it actually doesn't comply because this
6 is non-compliant, you know, that setback is
7 non-complaint for today's code, but when it was
8 built, maybe it was compliant.

9 MR. NEMECEK: Do you know, John,
10 whether this is for its current or the previous
11 use? I don't know if it's current as an
12 office. I would imagine different setback
13 rules apply there. Do you know whether this is
14 non-compliant even for an office in its current
15 use?

16 MR. IANNACITO: So as far as the
17 building itself -- so if we look at the
18 required, the front yard required is 10 feet,
19 and the existing is 10 feet. The rear yard is
20 actually a required 40 feet, and the existing
21 is 30. So it's non-compliant in the rear yard.
22 The first side yard here required is 10 feet
23 and existing is 13, so it doesn't comply there.
24 Then the second side yard is 10 feet and it's
25 actually zero. So it actually doesn't comply

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2 on one side yard and the rear even as an
3 office. But the office doesn't require a
4 special permit, so it doesn't have to meet
5 these requirements for that use.

6 MR. NEMECEK: Okay.

7 MR. FORTUNO: Thank you.

8 THE CHAIRMAN: I mean, the intent of
9 this statement is to get the establishments
10 away from the property line. Where that could
11 accomplished in any town, I guess that's a good
12 thing to have, but on most of the lots here in
13 town, it just can't be complied with.

14 MR. IANNACITO: Yes, most wouldn't
15 comply with that one in particular.

16 THE CHAIRMAN: We've seen that before.

17 MR. IANNACITO: I mean, I could
18 understand that if it was like an entertainment
19 like amusement park.

20 THE CHAIRMAN: And if it was a bigger
21 lot.

22 MR. IANNACITO: For an indoor space
23 like this for a gym, it really doesn't make
24 much sense, that requirement.

25 THE CHAIRMAN: So then let's keep

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 2 going. So I make a motion to forward
 3 Application 23-35, Total Form Fitness, 95
 4 Montgomery, to the Zoning Board of Appeals for
 5 consideration of the necessary variances for
 6 this application.
 7 MR. NEMECEK: Second.
 8 THE CHAIRMAN: All in favor.
 9 (AYE)
 10 MR. IANNACITO: Thank you. Merry
 11 Christmas, everyone, Happy Holidays.
 12 MR. NEMECEK: Merry Christmas. It's
 13 the first night of Hanukkah, Happy Hanukkah.
 14 Happy New Year.
 15 THE CHAIRMAN: Next application is
 16 23-31, 26 Lake Shore Drive.
 17 MR. WILE: Good evening. My name is
 18 Arnold Wile. I'm the architect for 26 Lake
 19 Shore Drive. We are proposing to do some
 20 interior changes and windows and door changes
 21 to the house. There's no change at all to the
 22 physical size of the house. There is also a
 23 deck in the back, an existing deck, which we're
 24 proposing to replace.
 25 THE CHAIRMAN: Can you just point it
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 2 out on the drawing what it is you intend?
 3 MR. NEMECEK: Bring the microphone
 4 with you.
 5 MR. WILE: Of course. So this part of
 6 the house, which is the kitchen, miscellaneous
 7 rooms, and an entrance, we're proposing to make
 8 the entrance larger. We're moving the bathroom
 9 from its existing location to a new location.
 10 We're moving a few of the walls, creating an
 11 office and a great room in the back, and we're
 12 changing some of the windows and doors in the
 13 front and also in the back. There's an
 14 existing deck which we're replacing.
 15 THE CHAIRMAN: So are you replacing
 16 windows and doors in the front in kind?
 17 MR. WILE: I'm sorry.
 18 THE CHAIRMAN: Are you replacing the
 19 windows and doors in the front that you just
 20 mentioned in kind; same size, shape, everything
 21 is the same?
 22 MR. WILE: Everything is going to
 23 match. We're putting on new siding, which was
 24 approved by the Architectural Review Board a
 25 couple of weeks ago, and that will be
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 2 throughout the entire house.
 3 THE CHAIRMAN: So there's really no
 4 physical change to the elevation, other than
 5 the siding that's changing?
 6 MR. WILE: Yes. We're not changing
 7 anything in terms of the physical size of the
 8 house at all.
 9 MR. NEMECEK: The only changes to the
 10 exterior of the house, other than new siding
 11 and alike, the only changes are to the decking
 12 in the back; right?
 13 MR. WILE: We're not changing anything
 14 as far as the size is concerned, just some
 15 windows and door.
 16 MR. NEMECEK: But the deck as well in
 17 the back?
 18 MR. WILE: Yes. In the back, there's
 19 an existing deck, and we're replacing it with a
 20 little bit larger deck in exactly the same
 21 place.
 22 MR. NEMECEK: Okay. Lukas, can you
 23 ask you, why is this before us?
 24 MR. HERBERT: Well, it involves more
 25 than 30 percent of the front of the house is
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 2 being changed.
 3 MR. NEMECEK: Just by changing the
 4 siding?
 5 MR. RUBINO: Did you say the
 6 entrance --
 7 MR. HERBERT: No. When you do an
 8 alteration to a house, if you look at the front
 9 of the house and you can calculate more than
 10 30 percent of the front of the building that
 11 you view from the street, if more than
 12 30 percent is being changed by the alteration,
 13 it has to be appear before the ARB and Planning
 14 Board.
 15 MR. NEMECEK: I thought that there
 16 isn't really an alteration, they were just
 17 doing a change in the siding.
 18 MR. HERBERT: No, no, no. When you
 19 look at the way the house is being
 20 reconfigured, it's about 30 percent. It just
 21 barely makes it.
 22 MR. NEMECEK: Okay. Okay.
 23 MR. RUBINO: Did you say the entrance
 24 is being adjusted or from the face of the house
 25 it's still the same? You said the entrance --
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1 MR. WILE: Everything is in exactly
2 the same place, we're just changing the windows
3 and the doors.

4 MR. RUBINO: So when you say that the
5 entrance area is getting larger, it was just
6 within the house that you were reconfiguring?
7 Where you said the bathroom was getting moved,
8 it's not like you're making an extension, it's
9 just within?

10 MR. WILE: No. Everything is in the
11 same place. The interior volume of the house
12 is not changing at all.

13 MR. NEMECEK: Is this an instance,
14 Lukas -- I'm sorry, I'm not trying to freeze
15 you out -- because there's a lot of window on
16 this, that the changing the windows constitutes
17 that 30 percent possibly?

18 MR. HERBERT: Right. It is part of
19 that, but if you look at the front of the
20 plans, I mean, you see that like the windows
21 are being changed -- if you just look at the
22 front, about a third of the house is being
23 changed. Let's see. Remove existing windows,
24 add the new windows. It basically comes out to

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1 about that. Also, the whole house is being --
2 if I'm correct, the whole is being re-clad with
3 new siding; right?

4 MR. WILE: Yes.

5 MR. HERBERT: So there's also that
6 element to it.

7 MR. NEMECEK: But I thought siding,
8 you could put new siding --

9 MR. HERBERT: No, no that wouldn't
10 normally be --

11 MR. NEMECEK: So it's got to be the
12 windows then?

13 MR. HERBERT: Right. Right. The
14 windows and the door.

15 MR. NEMECEK: And the door, whatever.

16 MR. HERBERT: But because it's here,
17 the ARB evaluated the siding, and they had
18 specific comments about the siding.

19 MR. WILE: Right. We agreed on the
20 siding, yes.

21 MR. HERBERT: So it's horizontal --

22 MR. WILE: Clapboard.

23 MR. HERBERT: Okay. She said between
24 five and seven inches wide.

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1 MR. WILE: Exactly.

2 MR. RUBINO: Do you have the front
3 elevation to show those windows?

4 MR. WILE: I don't have it here. He's
5 got it there.

6 MR. NEMECEK: Mr. Wile, could you -- I
7 know we just mentioned the Architectural Review
8 Board, the very hard working ARB, can you tell
9 us with respect to the recommendation that they
10 made about the siding, it appears that you
11 adopted their recommendation?

12 MR. WILE: Yes, of course. We were
13 proposing to use shingles, which would be
14 horizontal lines, but then you'd see the
15 vertical lines, each individual shingle, and we
16 agreed that it would be clapboard, which is
17 just straight across. No problem at all.

18 MR. NEMECEK: Got it. Did the ARB
19 have any other recommendations?

20 MR. WILE: That was the only one.

21 MR. NEMECEK: Okay. Perfect.

22 MR. HERBERT: Did you bring samples?

23 MR. WILE: I did bring samples to the
24 Architectural Review Board, yes.

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1 MR. HERBERT: They had asked that you
2 bring them here.

3 THE CHAIRMAN: You gave the ARB the
4 samples?

5 MR. WILE: I'm sorry.

6 THE CHAIRMAN: You have the ARB the
7 samples?

8 MR. WILE: I didn't give it to them, I
9 just showed it to them.

10 THE CHAIRMAN: But you did not bring
11 them with you tonight? You did not bring them
12 with you tonight here? You don't have with you
13 now?

14 MR. WILE: I don't have them with me,
15 no.

16 MR. HERBERT: The ARB asked for
17 samples and photos of what the house would look
18 like.

19 THE CHAIRMAN: To show us?

20 MR. HERBERT: Yes. That was in my
21 notes, yes.

22 MR. WILE: We did submit photographs.
23 We submitted those to the Architectural Review
24 Board.

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THE CHAIRMAN: What color is it? What color is the siding?

MR. WILE: It's white. Slightly off-white.

THE CHAIRMAN: Can we just let it go, it's Christmas?

MR. HERBERT: When the plans come before the Building Inspector, I mean, he can check them against what the ARB said.

THE CHAIRMAN: All right. We would have liked to see it, but we're not going to give any more of a hard time. Nice of you to come. We're just going to let this roll forward so you can leave and we can move on.

So then I am going to open the public hearing, is that what I'm doing?

MR. NEMECEK: Yes.

THE CHAIRMAN: So I make a motion to open the public hearing on Application 23-31, 26 Lake Shore Drive.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(AYE)

THE CHAIRMAN: Don't go anywhere.

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Motion to close the public hearing on the same application, 23-31, 26 Lake Shore Drive.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(AYE)

THE CHAIRMAN: And approve the application, 26 Lake Shore Drive.

MR. NEMECEK: Second.

THE CHAIRMAN: All in favor.

(AYE)

THE CHAIRMAN: Great.

MR. NEMECEK: Thank you, Mr. Wile. Merry Christmas, Happy Hanukkah, Happy Kwanzaa, Happy New Year. I might be missing some, but happy everything.

THE CHAIRMAN: The next application is 23-20, 65 Hickory Hill Road.

MS. MYLENSKI: Good evening. I'm Stephanie Mylenski. I'm the architect for 65 Hickory Hill Road.

We're proposing an addition at the front of the house. My clients wanted a contemporary look, so I'm adding some new roof lines with a standing seam metal roof in black.

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The whole house will be re-clad in stucco, and then we have some wood-like accents. I have a sample here. The off-white color is the stucco color, the black represents the standing seam metal roof, and then the Trespa, it's a laminate hardwood that will have some accents on. The windows will be black.

I'll walk you through the plans. So the addition is here at the front of the house. We've got a large great room and then a master suite -- it's a split level -- a master suite here. So this is the addition and the addition on this side.

So carrying the stucco around the entire house, the entire existing house, and then at the front of the house some accents of that wood.

The Architectural Review Board had asked about snow guards, so I have some information on there for the snow guards for the standing seam metal roof. They also asked about the lighting, so I have some lighting -- it's not on this rendering. It's on either side of the garage. Here, I forgot to put it

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in the elevation.

They also had some comments about the walkway. So since then, I made the walkway here, but then we have a few steps down to the driveway, and then the walkway continues for accessibility.

MR. NEMECEK: So is the illustration here before or after you made the revisions?

MS. MYLENSKI: This is the after.

MR. NEMECEK: Because I'm seeing the steps down. So the version that you showed the ARB did not have those steps?

MS. MYLENSKI: Correct, yes. It was just a sloped sidewalk all the way down, and they were just concerned about that. So, you know, I broke it up with that flat landing, and then the steps down, and then the walkway continues.

MR. NEMECEK: Because I think they were concerned about ice, etcetera.

MS. MYLENSKI: We are calling out for it to be a heated sidewalk so that they don't have to worry about the ice and snow.

THE CHAIRMAN: Do you have a

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 2 street-scape or the adjacent buildings? I
 3 mean, I have the pictures of them, but do you
 4 have something illustrating how this looks next
 5 to 63 and --

6 MS. MYLENSKI: I don't have an
 7 elevation. I just have the existing photos.

8 THE CHAIRMAN: Yes, but I can't piece
 9 it together in my head. You don't have
 10 anything prepared or do you?

11 MS. MYLENSKI: I don't have an
 12 elevation of that.

13 MR. NEMECEK: You can look on Google
 14 Maps.

15 MS. MYLENSKI: It's on a cul-de-sac.
 16 You could kind of see the house right here next
 17 to it, but then it turns around.

18 THE CHAIRMAN: Yes, the one to the
 19 left is this one; right? It's obviously the
 20 bigger one?

21 MS. MYLENSKI: Yes.

22 THE CHAIRMAN: Did you match the
 23 height?

24 MS. MYLENSKI: So this is lower than
 25 the surrounding houses because it is a split

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 2 level, and we're not going any higher than the
 3 existing.

4 MR. NEMECEK: I know the ARB had some
 5 concern about the -- that this is a modern
 6 house. It's a different -- there's nothing
 7 else in the street-scape that looks like this;
 8 is that a fair characterization? Is that fair?

9 MS. MYLENSKI: That's a fair
 10 characterization, yes. My clients wanted a
 11 contemporary look, so that's where it came
 12 from.

13 MR. NEMECEK: Whether, you know, it's
 14 my preference or Anthony's preference, or
 15 anyone's, I think it looks neat. It is a
 16 little bit different but, you know, people have
 17 different tastes. I can respect that.

18 To answer one of your concerns, Mr.
 19 Chairman, it is definitely a different type of
 20 construction, yes.

21 THE CHAIRMAN: Okay. Let's keep
 22 moving if there are no more comments.

23 I'm going to make a motion to open the
 24 public hearing on the application, 23-20, 65
 25 Hickory Hill.

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2 MR. NEMECEK: Second.

3 THE CHAIRMAN: All in favor.

4 (AYE)

5 (No comments.)

6 THE CHAIRMAN: Look like there are no
 7 comments, so I make a motion to close the
 8 public hearing on the same application, 23-20,
 9 65 Hickory Hill Road.

10 MR. NEMECEK: Second.

11 THE CHAIRMAN: All in favor.

12 (AYE)

13 THE CHAIRMAN: We're good to go.

14 MS. MYLENSKI: Thank you.

15 THE CHAIRMAN: So, guys, if you don't
 16 have anything else, I make a motion to approve
 17 application --

18 MR. NEMECEK: Are you removing the
 19 Barberry shrubs from the landscaping?

20 THE CHAIRMAN: We have to approve
 21 this. Is there a site plan?

22 MS. MYLENSKI: Yes.

23 THE CHAIRMAN: Thank you. So as far
 24 as stuff like impervious surface and all that
 25 kind of thing, are we increasing, decreasing?

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2 MR. NEMECEK: Or staying the same?

3 MS. MYLENSKI: We're increasing, so

4 I've added some dry wells for that, but we're
 5 not over the allowable. We did have to receive
 6 a variance just for a front yard setback.

7 Because they are on a cul-de-sac, the property
 8 lines caused this corner to have to -- it was
 9 over the front yard setback.

10 THE CHAIRMAN: And we always ask where
 11 the condensers are.

12 MS. MYLENSKI: So we're not adding
 13 any.

14 THE CHAIRMAN: Are they going where
 15 the existing is?

16 MS. MYLENSKI: We're not adding any,
 17 but they're currently over here.

18 THE CHAIRMAN: Okay.

19 MR. RUBINO: You said everything --
 20 all the samples were approved by the
 21 Architectural Review Board already?

22 MS. MYLENSKI: I'm sorry, what?

23 MR. RUBINO: You said all of the
 24 samples were already reviewed and approved by
 25 the Architectural Review Board?

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1 MS. MYLENSKI: Yes. I didn't have the
2 snow guard, which I have information in there
3 on, but they reviewed that, as well as the
4 colors.

5 MR. RUBINO: Okay.

6 THE CHAIRMAN: I saw that, the snow
7 guard. What's a snow guard?

8 MS. MYLENSKI: Just to prevent snow
9 from coming down the roof.

10 THE CHAIRMAN: Oh, on the standing
11 seam?

12 MS. MYLENSKI: Yes, at the edge of it.

13 THE CHAIRMAN: To keep it from falling
14 on you. Got it.

15 MR. NEMECEK: Yes, because you do have
16 that standing seam, and you do have a few
17 different angle there, so I get it.

18 MR. FORTUNO: My only comment, and
19 I'll be alone on this if I don't make the --
20 you know, if I don't agree with it, but it's
21 the contemporary look amongst the other houses
22 there, it just, personally, has too many
23 materials and angles for my eye. I think I'll
24 be four to one on the board, but I just wanted

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1 to make the comment of I guess kind of sticking
2 out a bit amongst the peer houses on that
3 cul-de-sac, but it's a matter of opinion.

4 MR. RUBINO: That's also why I brought
5 up the color of the sample and if it was
6 approved by the Architectural Review Board
7 already.

8 THE CHAIRMAN: That's the wood on the
9 right?

10 MS. MYLENSKI: Yes.

11 MR. RUBINO: This is the front.

12 MR. NEMECEK: One of the other things
13 in my mind that sort of -- it's at the end of a
14 cul-de-sac. If anyone had an issue with the
15 style, it would presumably be one of the
16 neighbors, who would have the opportunity to
17 complain about it here. Seeing as no one has
18 shown up to do so, you know, I take that as,
19 you know, the neighbors not really minding, or,
20 perhaps, not having gotten the notice.

21 MR. HERBERT: They were noticed three
22 times.

23 MR. NEMECEK: I'm sure they were. Not
24 having read the notice. I'm sure they got it.

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1 I didn't mean to imply that.

2 MR. HERBERT: This application has
3 been before the Zoning Board, the ARB, and now
4 you, so there have been three public notices.
5 Every time there's been nobody from the public
6 speaking for or against.

7 THE CHAIRMAN: Maybe they like it.
8 It's fine.

9 MR. HERBERT: Can I just can a quick
10 question? In my notes from the ARB meeting,
11 they asked about lighting along the pathway.

12 MS. MYLENSKI: Yes. So I am calling
13 out for low voltage lights along the pathway.
14 Then, you know, I have lights in the soffit
15 here, and then I forgot to put it on the
16 rendering, but on either side here, which is
17 the one that I have --

18 MR. NEMECEK: That's the one that you
19 gave us the information on?

20 MS. MYLENSKI: Correct. As well as on
21 the side of the house, going in the doors on
22 the side. On either side here.

23 MR. NEMECEK: Okay. I think the ARB
24 suggested that you consider installing lighting

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1 along the path.

2 MS. MYLENSKI: So I did call out low
3 voltage lights just along the path as well.

4 MR. NEMECEK: Okay. And they will be
5 there?

6 MS. MYLENSKI: Yes. They're on the
7 site plan.

8 MR. NEMECEK: Okay. Got it. Okay.
9 Perfect. I always like when people are
10 responsive to our ARB. The ARB is there for an
11 important function, you know, most of it
12 aesthetics, but it helps clear the underbrush
13 for this board. So thank you.

14 THE CHAIRMAN: Additional comments
15 from the board?

16 MR. RUBINO: To Mike's point, I think
17 this is a cul-de-sac and the neighbors were
18 already notified. It would be a different
19 situation if it was not on a cul-de-sac and on
20 a main road within this entire neighborhood
21 because it does differ a little bit. But I
22 think everybody was notified, and it is in a
23 cul-de-sac area.

24 THE CHAIRMAN: It might be the next

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1 craze.

2 So then I will make a motion to
3 approve this Application, 23-20, 65 Hickory
4 Hill Road.

5 MR. NEMECEK: Second.

6 THE CHAIRMAN: All in favor.

7 MR. NEMECEK: Aye.

8 THE CHAIRMAN: Aye.

9 MR. RUBINO: Aye.

10 MR. FORTUNO: Nay.

11 MS. MYLENSKI: Thank you.

12 MR. TUDISCO: Do you want it to be
13 noted as a nay?

14 MR. FORTUNO: Please.

15 MR. TUDISCO: So it's four to one.

16 MR. NEMECEK: Thank you. Merry

17 Christmas, Happy Hanukkah, Happy Kwanzaa, Happy
18 New Year, happy everything.

19 MS. MYLENSKI: Thank you. You too.

20 THE CHAIRMAN: Thank you. Next
21 application is 23-36, Jiang Nan Restaurant, 465
22 White Plains Road. You're up.

23 MR. PAUL: Good evening. My name is
24 Paul (Ph.). I'm the representative of the

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1 architect who is doing the project. The
2 architect cannot be here.

3 THE CHAIRMAN: Excuse me. I'm sorry.
4 Can you either lift the mic closer because
5 you're coming through really, really --

6 MR. PAUL: My name is Paul, and I
7 represent the architect who is doing this
8 project. I'm not the one who is doing the
9 project, but he is not here today. I'm also a
10 registered architect, so I should be qualified
11 to present in front of you for the project.

12 So we are here for a special use
13 permit. The reason for that is because the
14 site we are taking over as a new restaurant --
15 as a new business is almost -- is vacant for
16 over a year, that's why we need to present in
17 front of your board for a special permit. I do
18 a little research. It's a diner called Odyssey
19 Diner, and we are taking over. Our business --
20 I mean our restaurant is a gourmet upscale
21 Chinese restaurant, and we are focused on the
22 dining experience.

23 The scope of work -- I guess I can go
24 over with you the plan.

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1 THE CHAIRMAN: Please.

2 MR. NEMECEK: Yes.

3 MR. PAUL: So let's start from the
4 site plan. We didn't propose any changes for
5 exterior whatsoever. So from the wall, siding,
6 roofing, windows all the same. Landscape all
7 the same. Parking configuration all the same.
8 All we're proposing is interior renovation.
9 Even for the interior renovation, we keep the
10 main structure in tact, which means the kitchen
11 will be the same place, bathroom will be the
12 same place, toilet room will be the same place.
13 Dining room, egress route all will be the same.
14 Basically, we're doing just interior renovation
15 type of project.

16 So on the site plan, that's where the
17 building is. I guess everybody from the board
18 should be familiar with the location of the
19 building and the surrounding area. So that's
20 the building. All this area is parking space.
21 There's 40 of them. I actually go there and
22 count myself. There's 40 parking space and two
23 handicapped parking space, right here and here.
24 This drawing doesn't refer the current

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1 situation for the parking, parking
2 configuration, but there's 40 of them.

3 MR. NEMECEK: You said, I'm sorry, 40,
4 plus two handicapped spaces?

5 MR. PAUL: No. 40 --

6 MR. NEMECEK: Including two.
7 Including two.

8 MR. PAUL: Including two handicapped
9 parking space.

10 There's two way traffic; going in
11 here, go out here. On your right-hand side,
12 that's the Jewish Center. Across the whole
13 length of the parking lot, this is I think an
14 office building right here on the right.
15 That's for the side.

16 So this demo plan shows what we are
17 doing. Like I said, we keep most of the
18 internal structure in tact, we are just doing
19 the interior renovation to freshen up the
20 inside from the wall, from the ceiling, from
21 the floor. That's our proposed plan.

22 The current building like the diner
23 had three dining area; here, here, and here and
24 here. We keep it, but we make one changes. We

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1 carve out this large area in the party room.
 2 So if you have a bigger group who want to dine
 3 there as a group, you can occupy this area like
 4 a private dining space. Kitchen stays the same
 5 where it is. Of course, new hood, new
 6 equipment, everything is new. Two bathroom;
 7 one for men, one for women. I checked the
 8 plumbing code. It is totally enough for the
 9 occupancy we are proposing. We are proposing
 10 to have 110 customer and 15 employee, so total
 11 would be 125, and two bathroom can support that
 12 per plumbing code requirements. Then some
 13 equipment here, some equipment here.

14 There are two exits, one to the front
 15 and one to the back right here. There's a
 16 separate entry down to the cellar, basement
 17 area. The basement occupy the whole first
 18 floor, probably like half of them, probably
 19 like this area will be basement where you put
 20 the meter, electrical meter, gas meter, and
 21 there's a water heater downstairs as well, but
 22 nothing else. We're not planning to occupy
 23 that area as the -- we'll keep it as storage.

24 MR. NEMECEK: So there's storage down

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1 there in addition -- is there currently storage
 2 there?

3 MR. PAUL: Currently, it's storage,
 4 like a meter room, mechanical room. We are
 5 going to keep that.

6 MR. NEMECEK: Is there refrigeration
 7 down there as well?

8 MR. PAUL: No, no, no, nothing down
 9 there.

10 MR. NEMECEK: Got it.

11 MR. PAUL: There is two refrigeration
 12 equipment. We're going to remove it. We're
 13 going to get rid of it. It's not functioning
 14 anymore.

15 MR. NEMECEK: The party area that you
 16 suggest in the upper corner, is that going to
 17 be reserved for groups, or is it going to be
 18 used as a regular part of the restaurant as
 19 well?

20 MR. PAUL: Like I said, Christmas time
 21 or any busy holiday, it will be overflow of
 22 the, you know --

23 MR. NEMECEK: Got it. It's only going
 24 to be used for regular diners in the event

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1 that, you know -- first of all, there's no
 2 party there, but secondly, in the event that
 3 you need the extra space?

4 MR. PAUL: Correct. Correct. I think
 5 that's pretty much it.

6 MR. NEMECEK: What's the overall
 7 dining capacity including that space?

8 MR. PAUL: 110.

9 MR. NEMECEK: 110.

10 MR. PAUL: 110 space for customers.

11 MR. NEMECEK: Got it.

12 THE CHAIRMAN: Does anyone know what
 13 the diner was? Not that it matter for this
 14 application. Just kind of curious.

15 MR. PAUL: I think roughly very close
 16 to that number. Very close. Maybe 90, a
 17 hundred, but very close to the number we're
 18 proposing.

19 MR. RUBINO: And you said the
 20 bathrooms are single use with that occupancy?

21 MR. PAUL: Yes. I checked the
 22 plumbing code, it's allowed. It's under the
 23 requirements.

24 THE CHAIRMAN: Two restrooms for a 110

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1 people. Wow.

2 MR. HERBERT: Is that what we went
 3 over with the Building Inspector when you came
 4 in? I know we had this discussion about it.

5 MR. PAUL: You need one toilet room
 6 for 75 men, one toilet room for 75 women. One
 7 vanity for 200 men, and one vanity for 200
 8 women. So it definitely can support the
 9 occupancy load we are proposing.

10 MR. NEMECEK: Is that what the diner
 11 had as well, or are you reducing the number of
 12 toilet facilities? Is it the same number as is
 13 existing?

14 MR. PAUL: I didn't verify, to be
 15 honest. I didn't verify how many seating they
 16 had at the diner. I just visually look it up.
 17 Roughly -- maybe not as many as we are
 18 proposing, but I would say maybe 80, 90, in
 19 that range.

20 MR. RUBINO: Code aside, for you as a
 21 business, and as well as also for the people of
 22 the community, just a suggestion, you might
 23 want to see what you could do about it because
 24 you don't want people lining up at the door.

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MR. PAUL: Yes, for sure. I mean, if it becomes a hit, that will be --

THE CHAIRMAN: Okay. You can keep --

MR. PAUL: Oh, yes. The other page is more like the technical pages. This shows the equipment schedule. All the equipment will be here. The other page is like ADA information.

THE CHAIRMAN: Obviously, what we're most concerned with, or most interested in, not that it's of the purview of this board, is the signage and the name of the restaurant and what's that's going to look like. You don't have any elevations of the building here in this set; right?

MR. PAUL: No, we don't. But I do take a picture of the current structure, and we are not proposing any changes. The only changes we are doing on the outside is the signage. We're going to put a new sign. That's a separate permit.

THE CHAIRMAN: That's what I'm asking; where is it going to be? Can you, I guess, go to the cover sheet? Is there anything there? Actually, you can lower that and just pin it up

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there with one of the binder clips, and Gary will zoom in on it for us. That's perfect.

Thank you.

MR. PAUL: It's right over here. Right over here.

THE CHAIRMAN: That's where it used to be.

MR. NEMECEK: Right at the entrance?

MR. PAUL: Yes. We're going to keep it over there. We're not going to change the location of it, but we'll have a new sign. I don't think it's a backlit sign. No, it's not. It's just a letter sign with no lights. It's a fabric sign.

MR. NEMECEK: Lukas, we still have the issue with the name of the -- has that been resolved?

MR. HERBERT: First, when it comes to the signs, the sign cannot be backlit.

MR. PAUL: It's not backlit. It's not backlit.

MR. HERBERT: Just so that you're aware, we have a new sign law that takes effect on February 29th. So depending on when you

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submit your application, it could be the old law or the new law depending on when you submit your application. It's the Sign Review Committee until February 29th, then it becomes the Sign Review Board after March 1st. So it depends on when you make your submittal.

MR. PAUL: I understand.

MR. HERBERT: With the name and the logo, we ask that since there are more than seven of these restaurants, could you explain like the ownership structure, how this will be different than the other restaurants?

MR. PAUL: Yes. Although we share -- this restaurant shares the same name of the other restaurant, in terms of ownership, this is not a franchise. We particularly separate this building from the whole franchise. So it will be individually operated. It isn't tied to any like franchise requirements. Eventually, we create special menu for this restaurant. We study the demographic of the Eastchester. We create a particular menu only for this restaurant.

MR. NEMECEK: Are you saying that the

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people of Eastchester have a very sophisticated palate? Yes? Yes?

MR. PAUL: Yes. Yes.

MR. NEMECEK: Okay. Good. That's the right answer.

MR. PAUL: And my colleague here can demonstrate that if you need more information for the menu we provide. So like I said, the whole structure of this business is not franchise.

MR. NEMECEK: If it's not -- does the ownership -- I'm not sure what the requirements are, but if you have the same ownership but it has -- okay, tell me about the ownership.

MR. PAUL: She said it's a different ownership.

MR. NEMECEK: Okay. State your name.

MS. ANNIE: My name is Annie. Good evening, everybody. Actually, EC by Jiang Nan is independent restaurant. This will be the first one and only one in the whole of America. Because the boss, the ownership, the interior design style, even the menu, logo totally different from Jiang Nan. So it's a new one.

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<p style="text-align: right;">61</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 MR. NEMECEK: Okay. Tell me, you</p> <p>3 know, I know we've been given notes on it, but</p> <p>4 Jiang Nan, tell me why it's that important to</p> <p>5 have the name Jiang Nan Chinese Fusion.</p> <p>6 MS. ANNIE: Yes. Actually, Jiangnan</p> <p>7 is an area name, it's a region name. It's not</p> <p>8 just for a restaurant or store because in China</p> <p>9 in the South of the Yangtze River, the whole</p> <p>10 area we call that Jiangnan. It covers several</p> <p>11 Province, including Jiangsu, Guangdong, Fujian</p> <p>12 and Sichuan. Also, Shanghai -- I'm from Shang</p> <p>13 Hi -- Shanghai is in this region. So our</p> <p>14 restaurant, we want to provide the food in this</p> <p>15 whole area. So because for me I really miss</p> <p>16 the food in my town. Yes, in my city. But in</p> <p>17 America, actually, there are not so many</p> <p>18 restaurants, Chinese Restaurants provide</p> <p>19 Jiangnan region food. We have hot pod, we have</p> <p>20 some Peking food, but for Jiangnan region food,</p> <p>21 not so many restaurants. We do that research</p> <p>22 here in Eastchester. We do really have some</p> <p>23 Chinese Restaurants, but consider about the</p> <p>24 surroundings, the restaurant environment, and</p> <p>25 the food that they served, it's not the first</p> <p style="text-align: center;">DINA M. MORGAN, REPORTER</p>	<p style="text-align: right;">63</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 dumpling, so we also provide this, we will</p> <p>3 serve this. Peking Duck very popular in</p> <p>4 Jiangnan area, so we will have that. Actually,</p> <p>5 I have prepared documents --</p> <p>6 MR. NEMECEK: You so disappointed me.</p> <p>7 You disappointed me. You said I prepared, and</p> <p>8 I thought you were going to take food out, but</p> <p>9 no.</p> <p>10 THE CHAIRMAN: Although this is</p> <p>11 educational, it's not really answering the</p> <p>12 question. The question is, the name of this</p> <p>13 restaurant is the same name on the other</p> <p>14 restaurant?</p> <p>15 MS. ANNIE: It's a different name.</p> <p>16 THE CHAIRMAN: Oh, this is a different</p> <p>17 name from the other one?</p> <p>18 MS. ANNIE: It's EC by Jiang Nan.</p> <p>19 THE CHAIRMAN: Oh, it's EC by Jiang</p> <p>20 Nan?</p> <p>21 MS. ANNIE: Yes.</p> <p>22 THE CHAIRMAN: What is the EC</p> <p>23 representing?</p> <p>24 MS. ANNIE: Eastchester.</p> <p>25 THE CHAIRMAN: EC by Jiang Nan. All</p> <p style="text-align: center;">DINA M. MORGAN, REPORTER</p>
<p style="text-align: right;">62</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 class. So what we do is, we want to introduce</p> <p>3 the typical, real, and first class of Chinese</p> <p>4 Jiangnan region food to this area.</p> <p>5 MR. NEMECEK: Okay. So the Jiang Nan</p> <p>6 name is something similar -- I see a lot of</p> <p>7 restaurants that have Sichuan, and, you know, I</p> <p>8 especially like the chicken with the very hot</p> <p>9 peppers on it. It's always a really good one.</p> <p>10 MS. ANNIE: Kung Pao chicken.</p> <p>11 MR. NEMECEK: Exactly. That name</p> <p>12 often denotes you get this hot, spicy Sichuan</p> <p>13 food.</p> <p>14 MS. ANNIE: It's not just spicy.</p> <p>15 THE CHAIRMAN: From a region.</p> <p>16 MR. NEMECEK: From a region, yes,</p> <p>17 exactly.</p> <p>18 MS. ANNIE: Because it combines the</p> <p>19 regions of the Jiangnan Province, so it's not</p> <p>20 just spicy food.</p> <p>21 MR. NEMECEK: Yes, but the Sichuan</p> <p>22 Region is one of the regions within Jiangnan;</p> <p>23 right?</p> <p>24 MS. ANNIE: Yes. Like in Shanghai we</p> <p>25 are popular for the Shalumpa, the soup</p> <p style="text-align: center;">DINA M. MORGAN, REPORTER</p>	<p style="text-align: right;">64</p> <p>1 EASTCHESTER PLANNING BOARD - 12/7/2023</p> <p>2 right, then you answered the question, and it's</p> <p>3 entirely separate.</p> <p>4 MR. NEMECEK: And no, we're not voting</p> <p>5 for Bonanno by Jiang Nan. That's not going to</p> <p>6 work. That's the Chairman's last name.</p> <p>7 THE CHAIRMAN: I wasn't paying</p> <p>8 attention.</p> <p>9 MR. NEMECEK: Okay. He wasn't paying</p> <p>10 attention.</p> <p>11 MS. ANNIE: What we're doing is, we</p> <p>12 hope to provide more good choice for the local</p> <p>13 residents when they have important days like</p> <p>14 Christmas Day, like some holiday or family</p> <p>15 gathering, wedding, birthday party, they could</p> <p>16 have one more good choice because our</p> <p>17 restaurant, you can see the design of the</p> <p>18 interior, it will be very beautiful and first</p> <p>19 class. The food also very good. So really</p> <p>20 want the local residents here can enjoy the</p> <p>21 food of Jiangnan Region of China.</p> <p>22 THE CHAIRMAN: It's kind of exciting.</p> <p>23 Does the architect do all of the restaurants or</p> <p>24 is it just --</p> <p>25 MR. PAUL: He specialize doing the</p> <p style="text-align: center;">DINA M. MORGAN, REPORTER</p>

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restaurant.

THE CHAIRMAN: But is the design of the other restaurants also done by the same architect or --

MR. PAUL: Yes, he's also done other restaurants, this architect.

THE CHAIRMAN: Okay. Cool.

MR. RUBINO: So even though it's not affiliated in a way, is this layout similar to the other restaurants?

MR. PAUL: No no.

MR. RUBINO: It's a totally different design?

MR. PAUL: It's a totally different design, yes.

MR. NEMECEK: I think the layout is probably adopting -- largely adopting the existing, which make sense.

MR. PAUL: The style is only created for this restaurant.

MR. RUBINO: Sorry, I was referring to the finishes, but yes.

THE CHAIRMAN: We do want to move on, but I do have one question. The menus are

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different in each restaurant?

MR. PAUL: No, the menu you saw here is only for this restaurant.

THE CHAIRMAN: Right.

MR. PAUL: The other Jiang Nan restaurants share the same menu.

THE CHAIRMAN: Oh, they do?

MR. PAUL: Yes.

THE CHAIRMAN: They all have the same menu.

MR. PAUL: They are a franchise.

THE CHAIRMAN: Okay. Don't use that word.

MS. ANNIE: Do you mean the menu off of our EC by Jiang Nan? It's different from other restaurants.

THE CHAIRMAN: Right. But the other ones are all the same? But you said the other ones use the same menu?

MS. ANNIE: No, it's different.

THE CHAIRMAN: Each one is different?

MS. ANNIE: Yes.

MR. HERBERT: Actually, I went online and I looked at the different restaurants, and

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they actually do have different menus. If you click on the different locations and view the menus, they actually do have different menus.

MS. ANNIE: Actually, like some very typical Chinese food like Peking Duck, soup dumpling, maybe it's also you can have that in Jiang Nan, but it doesn't matter with the -- if it's the same ownership of the two restaurants because every restaurant of China, they can serve that soup dumpling. It's so typical of Chinese food. Most of the other food in the menu is totally different. We serve our own food.

THE CHAIRMAN: So the only way to actually figure this out is to go there once you open and understand what's on the menu.

MR. NEMECEK: Let me explain. The town has -- and I'm sure Rob or Lukas will correct me when I'm wrong -- we have restrictions on franchises for restaurants.

MS. ANNIE: I know.

MR. NEMECEK: I don't know what the right questions for us to ask to give us the assurances that we need that this is an

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independent operation.

MS. ANNIE: It is.

MR. HERBERT: Actually, I mean, it's similar to remember the Kosher bakery that came in and they changed their name? They were a chain of about 20 bakeries mostly in the five boroughs. I think it was called Patisserie, but then they wanted to name the -- they were all either called Patis and this one was going to be called Patisserie, or it was the reverse. They had the different name, and that was okay.

MR. NEMECEK: Is it largely the ownership that we're not talking about --

MR. HERBERT: It's not necessarily the ownership, it's more the commonality, the name. Like a McDonald's, they all look the same, right, they all have the same menu.

MR. NEMECEK: You could walk into one and order the same thing for the same price, and would be upset if they don't have the Chicken McNuggets.

MR. HERBERT: Right. So it's like that.

MR. NEMECEK: Okay. That's why you

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1 were focusing on the menu, and that it's not
2 cookie cutter, it's not the same thing, it's
3 something different.

4 MS. ANNIE: No, it's not the same
5 thing. Even the ownership different. We have
6 our own boss.

7 THE CHAIRMAN: For this particular
8 establishment? For this establishment you're
9 saying the owner is separate from the others?

10 MR. PAUL: Yes, it's separate.

11 MS. ANNIE: It's separate. My boss,
12 the owner of EC by Jiang Nan, his name is
13 Li Zuto (Ph.) Last name is L-I. It's
14 different from the ownership of the Jiang Nan.

15 MR. NEMECEK: What is your
16 relationship to the restaurant?

17 MS. ANNIE: I'm the representative of
18 the Li Zuto because actually before he -- he
19 needed to come here, but unfortunately, the
20 friend, his son -- yes, his friend's son was
21 died in car accident three days ago, so he
22 cannot come. That's the reason.

23 MR. NEMECEK: I see.

24 THE CHAIRMAN: You're the

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1 spokesperson. You're doing a good job.

2 MS. ANNIE: Thank you so much.

3 THE CHAIRMAN: All right. So let's
4 just move on, unless you have any more
5 questions, guys?

6 MR. NEMECEK: No.

7 THE CHAIRMAN: Standby. We're going
8 to just do a public hearing, come back to you,
9 and we'll be done.

10 So I make a motion to open the public
11 hearing on Application 23-36, Jiang Nan
12 Restaurant 465 White Plains Road.

13 MR. NEMECEK: Second.

14 THE CHAIRMAN: All in favor.

15 (AYE)

16 (No comments.)

17 THE CHAIRMAN: This doesn't need to go
18 to Zoning, right, because they have more than
19 enough parking.

20 MR. HERBERT: No.

21 THE CHAIRMAN: Yes. Good.

22 MR. NEMECEK: I do find it amazing
23 that for a restaurant of this size, that it
24 requires 24 parking spaces, and some of the

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1 other stuff that we have -- it's crazy. It's
2 not your concern.

3 THE CHAIRMAN: They have like negative
4 27.

5 MR. NEMECEK: It requires 26, right, I
6 think, and they have 40.

7 MR. HERBERT: Eastchester is not alone
8 with parking requirements being a little wacky.

9 THE CHAIRMAN: So I make a motion to
10 close the public hearing on the application,
11 23-36, Jiang Nan Restaurant.

12 MR. NEMECEK: Second.

13 THE CHAIRMAN: All in favor.

14 (AYE)

15 THE CHAIRMAN: I make a motion to
16 approve this application --

17 MR. HERBERT: Mr. Chairman, if I could
18 just make a quick statement. The special
19 permit criteria had been reviewed by staff.

20 THE CHAIRMAN: Oh, it has. Okay. We
21 just looked over that. Nothing has really
22 changed?

23 MR. HERBERT: No. In the staff
24 review, they found it complied.

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1 THE CHAIRMAN: You prepared all of
2 those with the highlighting?

3 MR. HERBERT: Yes, that's me.

4 THE CHAIRMAN: Very helpful. Thank
5 you.

6 So then I make a motion to approve the
7 application, 23-36, Jiang Nan Restaurant, 465
8 White Plains Road.

9 MR. NEMECEK: Second.

10 THE CHAIRMAN: All in favor.

11 (AYE)

12 THE CHAIRMAN: Great. You guys are
13 good to go.

14 MS. ANNIE: Thank you so much. Merry
15 Christmas. Happy Holiday. Happy New Year.

16 THE CHAIRMAN: Do you guys have like
17 an opening date scheduled or -- some time in
18 '24, I guess?

19 MS. ANNIE: What?

20 THE CHAIRMAN: Opening date? Like any
21 idea?

22 MR. TUDISCO: When do you plan to
23 open?

24 MR. RUBINO: When can we eat there?

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1 MS. ANNIE: As soon as possible
 2 because I really want to visit that too. Thank
 3 you. Hope to see you there.
 4 THE CHAIRMAN: Have a good evening.
 5 MR. PAUL: Thank you.
 6 THE CHAIRMAN: You're welcome. Thank
 7 you very much.
 8 The next and last is ArchCare, 23-37,
 9 White Plains Road.
 10 THE CHAIRMAN: Okay. You're good.
 11 MR. SCHNEIDER: All set?
 12 MR. NEMECEK: Yes.
 13 THE CHAIRMAN: Good evening.
 14 MR. SCHNEIDER: Good evening,
 15 everyone. My name is William Schneider, and I
 16 am with PS and S Architecture and Engineering,
 17 and I'm here today representing ArchCare St.
 18 Frances Cabrini Apartments. I know this has
 19 been before you before for site plan approval.
 20 We're here today informally to show you some of
 21 the changes that have happened on site due to
 22 some sight conditions.
 23 With me today is Fred Mundt. He is
 24 also an engineer with our company, and he is

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1 the project manager for this particular
 2 project. So Fred will have some of the site
 3 details for you. We'll point them out as we go
 4 up front.
 5 I figured I'd start with some of the
 6 comments that the Fire Department has had and
 7 transmitted to us yesterday thanks to Lukas.
 8 Some of the comments are similar to what they
 9 were at the beginning of this project, and we
 10 made sure to accommodate them. One of them was
 11 whether or not the grade at the front of the
 12 entrance off of Midland would accommodate a
 13 fire apparatus as they were making the turn,
 14 and the slope would not bottom it out, just
 15 very common sense. It will not bottom out. We
 16 have run a simulation on that, and it will not
 17 bottom out after this project will be
 18 completed.
 19 While we're on the subject of the
 20 entrance, a question came up on possibly
 21 keeping it more as it is, narrower.
 22 Originally, we had designed it to widen it a
 23 little bit to make the turn a little easier for
 24 the apparatus. The question came up, maybe we

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1 can keep it the same, save a little money, and
 2 then we wouldn't be going to the county for an
 3 extra permit. If that were to come to pass, we
 4 would have to prove that the Fire Department
 5 could still access it without jumping over any
 6 curbs or causing a problem. At this time,
 7 we're still going to be pursuing our original
 8 design, which made it easy, but we will have to
 9 then test it if our client decides they want us
 10 to keep it as is. We'll test it to see whether
 11 or not the apparatus could make that turn
 12 comfortably.
 13 MR. NEMECEK: Is the original design
 14 the one you're building, that's the one with
 15 the narrow?
 16 MR. SCHNEIDER: No, wider. It was
 17 originally designed to be wider.
 18 MR. NEMECEK: For now you're not
 19 changing that, but you're going to explore the
 20 possibility?
 21 MR. SCHNEIDER: Yes.
 22 MR. NEMECEK: Got it.
 23 MR. SCHNEIDER: So those were two of
 24 the items that the Fire Department wanted.

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1 The other one was, they wanted to make
 2 sure that the road would be 26 feet wide, and
 3 it will be. The reason for that is that it
 4 will be able to accommodate an aerial apparatus
 5 of 26 foot wide, which they will be able to
 6 come up and set up in front of the building,
 7 and it will be 26 foot wide. That's part of
 8 our original design.
 9 The other comment was whether or not
 10 the surface of the driveway could accommodate
 11 the weight of the fire vehicle, and we did
 12 that, and we designed it accordingly. That
 13 design has not changed. We feel that we can
 14 satisfy the concerns of the Fire Department in
 15 that matter.
 16 That was all four of those. Then we
 17 have a few site changes. Fred, why don't you
 18 come up here, and we can talk about a little
 19 bit of the site changes that had happened here.
 20 All right.
 21 Again, we'll start down here on
 22 Midland Avenue. Fred, go through starting
 23 here.
 24 MR. MUNDT: I have to go in opposite

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1 order now, I guess. So the first change that
 2 we are proposing on site, this area right here
 3 because of all the grade change that we're
 4 cutting through as we bring this driveway and
 5 smoothing it out, there's a lot of bedrock in
 6 this area, and as the construction team has
 7 been on site and excavating this area out for
 8 the future driveway, the bedrock has really
 9 splayed out further into our driveway area than
 10 was anticipated. So one of the items that
 11 we're looking to propose here is to actually
 12 minimize the modular black retaining wall that
 13 was being proposed along here originally. It
 14 came down all the way towards the end of the
 15 driveway here to make up grade. We're actually
 16 looking to reduce that and potentially use
 17 existing bedrock as our new wall face along the
 18 side of the driveway. It's going to be set
 19 back about three to five feet off of the edge
 20 of the driveway so there's a little bit of
 21 separation from the vehicles coming down. What
 22 we're planning on doing between this hearing
 23 and the January hearing is, we're getting a
 24 geotechnical investigation, doing some borings

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1 into the bedrock to make sure that it's stable
 2 and can be used as such a function.
 3 Next item that we're looking at -- I'm
 4 going to flip all the way down here to the
 5 bottom side of the building. This is once you
 6 come down the driveway and past the convent
 7 here. The contractor had to install a
 8 temporary retaining wall. It's made of Ready
 9 Rock gravity block wall. It's a very common
 10 product that's used in the industry. They
 11 needed to install this temporary wall to
 12 flatten out grade in here for some of the
 13 utility improvements, particularly a utility
 14 pole with a new Con Ed service coming in
 15 overhead. Since that has been placed into
 16 effect, they have been utilizing that stable
 17 area, and the client has seen this in the field
 18 now and said, hey, you know what, it's really
 19 nice that we have this extra flat area that we
 20 could potentially use as the recreation area
 21 for our residents.

Our second proposed item is --

MR. SCHNEIDER: This is a
 pre-engineered wall system. You buy it from

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1 the manufacturer, and you basically assemble it
 2 according to their directions. So it's not
 3 something that we've actually gone --
 4 MR. NEMECEK: Take the mic.
 5 MR. SCHNEIDER: It's actually a
 6 gravity wall. It does not have geogrid, you
 7 know, coming back which was holding it, it's
 8 actually holding by its own weight. As I
 9 mentioned, pre-designed system assembled per
 10 the manufacturer's requirements.

THE CHAIRMAN: Can you point it out?
 It's that wall?

MR. SCHNEIDER: It's this wall right
 here.

THE CHAIRMAN: How tall is it?

MR. SCHNEIDER: It's about four, four
 and a half feet in height.

What we're going to do, there is a
 transformer here, and we're also proposing to
 put a fence or a guardrail similar to what you
 have like on a flat roof if you have an HVAC
 system within 10 feet of the side of the roof
 because anybody maintaining it you wouldn't
 want them to fall back, right. Similar to

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1 that, if anybody is here maintaining that, we
 2 want a guardrail so they don't fall off the
 3 back.

MR. NEMECEK: The guardrail would go
 the whole length of the --

MR. SCHNEIDER: It's not planned to go
 the whole way, I don't believe; right? Is
 there a fence there? Okay. Yes, we're going
 to do a fence there.

MR. NEMECEK: Okay.

MR. SCHNEIDER: Normally, it wouldn't
 require a guardrail unless it was an active
 walking surface and the vertical distance was
 more than 30 inch drop, which this is. But for
 safety reasons, it's proposed there. I could
 see it on the drawings.

MR. MUNDT: So then in addition to
 those two items, the third major item that
 we're proposing the change on the site here is,
 it's the hillside here that runs down to
 Midland Avenue, a couple of changes that will
 happen there. We actually went back in front
 of the Building Inspector back in August
 because based on some of the extra utility work

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1 that we had to do along this hillside, the
2 access that was needed for it, as well as we
3 actually had an arborist out there who had
4 noticed that there were a handful of either
5 diseased, dying, or invasive species trees on
6 the site, so we had done some addition tree
7 clearing in that area. One of the things that
8 left us with is a slightly more exposed
9 hillside. So one of the things that we are
10 looking to do here, again, with some of the
11 extra bedrock that has been excavated in this
12 area where the driveway and the detention
13 system are going for storm water, is actually
14 repurposing that bedrock, crushing it up, it's
15 nice angular stone, and using that as a slope
16 stabilization on that hillside to help cover it
17 and not leave it so exposed. I think that was
18 the third major eye testimony.

19 Then minor items. We've being going
20 back and forth with Veolia, the water company,
21 for months now, and the original water meter
22 and backflow preventer, that type of the
23 equipment in the basement of the building,
24 they're objecting to that. They're not

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1 granting us any type of an exemption for it,
2 and they want us to add a hot box outside the
3 building. We're utilizing what is the mostly
4 flattest area on that hillside to place a
5 concrete pad with the hot box that's being
6 designed by the plumbing engineer and run
7 through the whole Veolia and DOH process.

8 Then we made a couple of minor
9 drainage improvements, adding a few catch
10 basins here or there, especially in the front
11 of the building, to address a few erosion and
12 runoff concerns that we've been seeing
13 throughout construction.

14 THE CHAIRMAN: Where were the
15 utilities coming in from that you had to go
16 through -- did you go through the wooded area?

17 MR. MUNDT: So majority of the
18 utilities are actually coming up the hill here.
19 There's an existing sanitary sewer. One of the
20 things that we did as a condition of the
21 original Planning Board approval before going
22 to building permit or during the building
23 permit process was, we TV'd the sanitary sewer
24 line coming out of the building. It was found

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1 to be in poor condition in a few locations with
2 some cracks, so that's actually being replaced.
3 Part of what's, you know, being done for
4 utilities in that area. Con Ed also needed to
5 run a new overhead wire through here, and one
6 of their requirements was to have no trees
7 within 10 feet of either side of the new
8 overhead utilities.

9 Lastly, again, with the water, the
10 initial idea here was to the use the existing
11 services, but I think because of the demand
12 that we're generating here that the plumbing
13 engineer came up with, we needed a new service
14 and a new sprinkler system within the building.
15 Again, that's triggering the whole hot box. So
16 that's coming up from Midland Ave as well from
17 the intersection there.

18 THE CHAIRMAN: So bringing those
19 utilities in is why some of the wooded areas
20 were deforested.

21 MR. MUNDT: Correct, yes.

22 THE CHAIRMAN: What about the rest of
23 the slope, I mean the rest of the slope
24 overlooking Midland, like where are the trees

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1 that are removed, just in that area that you
2 just described?

3 MR. NEMECEK: Where's Midland and
4 where's Winter Hill?

5 MR. MUNDT: Midland is right here, and
6 Winter Hill runs over this way. The
7 intersection is pretty much right here.

8 MR. NEMECEK: Okay. Got it. That's
9 part of Midland too.

10 MR. MUNDT: The tricky thing here with
11 the utilities, a majority of the utility work
12 is in this area, they needed some way of
13 accessing that hillside, so what they had done
14 was they brought their vehicles in down this
15 way. That required us to have a little bit
16 more removal in this area.

17 Then the final area that we have is
18 this drainage system going out. One of the
19 conditions that we had for Planning Board was
20 to mark out the trees in the field once that
21 route was established prior to construction.
22 So in that area, we had also determined that
23 there were a few additional trees that needed
24 to be taken out.

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Again, one of the things that we did note when had done a site walk back last year with an arborist who came through, and again, there were a lot of invasive species that were on this hillside and a lot of trees that were not in good condition either. So taking them out was actually somewhat beneficial to the project.

The other thing that we've talked about with this too is that we have a very nice architectural historic convent building, and it's kind of nice to have some view of it from Midland Ave for the public that's down in that area.

THE CHAIRMAN: Okay. You mentioned that maybe you'll use some of the stone that's being cut to put on the embankment. In what parts of the embankment?

MR. MUNDT: Correct. So right now, again, the access that was formed off of here for some of the utility work, halfway down the hill there's actually we'll call it a shelf at this point that was used to access the vehicles through there. So we would work sort of uphill

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from the shelf there and place the angular stone on there. We're also going to look to bring in more smaller diameter stone to infill some of those areas so that it's well stabilized.

THE CHAIRMAN: Could you give me some dimensions of the stoned areas?

MR. MUNDT: Yes. We could provide some photos of the stockpiles that they have. Again, it's good angular bedrock there.

They've been mostly crushing it to, I would say, anywhere between a 12 inch and 24 inch diameter.

MR. SCHNEIDER: It will be like a rip rap slope.

THE CHAIRMAN: Oh, so it's big.

MR. SCHNEIDER: Things of that nature. It's actually called like a rip rap slope.

THE CHAIRMAN: They actually place it?

MR. SCHNEIDER: Yes.

MR. HERBERT: You aren't proposing to put soil or seed it with grass, it would just remain as a rock slope?

MR. MUNDT: Correct, yes.

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THE CHAIRMAN: So my concern is not so much the site issues, and appreciate everything you had to get the utilities in and how difficult it is, and even that little terraced area. Okay, I'm good with that. We're most concerned, or maybe what I'm most concerned about is what this looked like previously from Midland and what it looks like now, and what it's going to look like when you're done. So you've said a lot, but I'm not quite sure what it's going to look like when you're done. I could make it up in my head. I don't know if I'm going to approve anything until I see what it's going to look like. You guys are PSS, you don't do that kind of stuff, do you? Do you do renderings?

MR. MUNDT: No, but we could work with the team to come up with some.

MR. SCHNEIDER: We have a full architectural staff, but we're not hired as architects on this project. They do --

THE CHAIRMAN: I don't know if they're going to do it.

MR. SCHNEIDER: I'm sure they're

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capable of doing renderings. If not, we'll talk to the client.

THE CHAIRMAN: I don't know how you guys feel, but I need to understand what it's going to look like when it's done before I make any judgments as to what --

MR. MUNDT: What we can also offer to do too is, you know, I know that we have some existing condition photos from Midland Ave.

THE CHAIRMAN: Yes, that would be cool.

MR. MUNDT: Now that the trees have been taken down as well. I think there are a majority that remain down right off of the roadway there on Midland Ave, so the outermost layer of trees is still there. Obviously, there's quite a bit of a slope, so, you know, you're going to see a little bit more of the building, but we could certainly take a photo out there of what that looks like present day, and that's going to give you a pretty idea of what it will look like.

THE CHAIRMAN: I think it's also an opportunity, and I think you said it, it's a

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1 beautiful building. So it's not such a bad
2 thing. I'm not an architect, but it seems like
3 you have a beautiful building, you want to
4 light it up a little bit maybe, just get some
5 up lighting on the building.

6 MR. MUNDT: Absolutely.

7 THE CHAIRMAN: I'll leave it up to
8 whoever is rendering this, but it's just a
9 thought. To tell you the truth, I passed by
10 this one day and I called up Lukas and said,
11 what the hell is going on over there because
12 you see straight through. That is, was, will
13 be my concern, what it looks like. I don't
14 think -- also, the whole point of using the
15 stone, I'm really not too keen on that, but
16 maybe I just don't understand what it will look
17 like when it's done. So can you come up with a
18 couple of options or?

19 MR. MUNDT: Yes, absolutely. We can
20 definitely do that.

21 MR. SCHNEIDER: There is more than one
22 way to stabilize a slope as well.

23 THE CHAIRMAN: Yes. I don't want to
24 play landscape designer right now or anything

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1 else, maybe you guys could show us a few things
2 so we know.

3 MR. NEMECEK: It does make sense to
4 effectively recycle the stuff that you're --
5 this way you don't have to take it off site.
6 If you could use that for -- repurpose it for
7 what would be needed site stabilization, that
8 makes a lot of sense I think to me.

9 I do know this property reasonably
10 well. I actually went to grammar school many
11 years ago here. I actually was in the convent
12 once or twice, years and years ago, and I'm
13 parishioner at this church. I do know that
14 there's kind of a woods in that area that sort
15 of has grown rather randomly, you know. It's
16 certainly not an organized forest. Certainly,
17 I can see where there would be competing
18 objectives, you know, to both highlight, you
19 know, the building, but also to shield as much
20 as possible.

21 I'm looking on my phone looking at
22 Google Maps just to make sure I'm getting the
23 orientation properly of the convent building,
24 and it does sort of almost sit almost at the

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1 intersection of Midland and Winter Hill.
2 There's a pretty big -- the quarry place at
3 Tuckahoe sort of is almost oriented in the same
4 direction. So there are going to be people who
5 are going to have a pretty good vantage point
6 of -- you know, a viewpoint of this, so we want
7 to make sure it looks right. So I'm for what
8 the Chairman has suggested in terms of
9 understanding this. It sounds like it's --
10 decisions don't have to be made at this moment
11 on this, but we certainly would like to
12 understand the process.

13 THE CHAIRMAN: I think it's an
14 opportunity to create something that's actually
15 nicer than what was there, right, than just a
16 wooded area.

17 MR. MUNDT: Agreed. Absolutely.

18 THE CHAIRMAN: Just one thing. You
19 guys led with the Fire Department comments.
20 Are they new or they've always been there?

21 MR. HERBERT: Yes. The Fire Inspector
22 e-mailed me yesterday. He didn't know that
23 this was on the agenda. He just said, oh, I
24 saw that they were doing work there, I just

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1 want to check these four things, and he
2 e-mailed me. I said, oh, it's your lucky day,
3 they're appearing before the Planning Board
4 tomorrow, so I'll just ask them these questions
5 right now.

6 THE CHAIRMAN: Is there something
7 they're changing?

8 MR. HERBERT: No. These are just
9 questions he had had in his mind.

10 THE CHAIRMAN: Previously?

11 MR. HERBERT: Yes. Yes.

12 THE CHAIRMAN: Oh. But he never
13 commented on previously?

14 MR. HERBERT: He just kept forgetting.
15 He had commented previously, but he had wanted
16 to bring them up to me. He just said, I was
17 driving by there today and I just had these
18 questions. I said, perfect timing because, you
19 know --

20 THE CHAIRMAN: They're back.

21 MR. HERBERT: Yes. It worked out that
22 way.

23 MR. NEMECEK: But you're going to have
24 to comply with those requirements anyhow.

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MR. HERBERT: Right. Right. But it's a good time to ask.

MR. NEMECEK: There's never been any intention not to.

MR. SCHNEIDER: We're very cognizant of the Fire Department requirements.

MR. HERBERT: Just real quick. So are you asking for like a landscaping plan? Is that something you're able to provide?

MR. MUNDT: Yes, absolutely. I think it was that, and then some type of a rendering or elevation.

THE CHAIRMAN: From the street I think, right? From down on Midland?

MR. MUNDT: Yes. We'll work with the team to put that together.

THE CHAIRMAN: Different perspectives. I don't know what it's going to take to convince us that what you're doing looks good, but whatever it takes.

MR. NEMECEK: Well, there have been trees removed already; right?

MR. MUNDT: Correct, yes.

MR. NEMECEK: So our options are, you

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know, do something to make it probably look less -- I don't know if it looks bare, I don't know if that's the appropriate word for it, but it certainly isn't as thick a wall of trees as there was before. The question becomes, do you just change -- you know, you remove more trees and put something else there, you replant but with native species that are going to look great, but even then, how do you replant in a haphazard woods. These are all questions -- you know, we want to make it look as good as possible. It does have -- there is an opportunity here, and let's see if we can help do it right.

MR. RUBINO: I'm sure right now it is a lot more bare than it is in the summertime. That's something to consider.

MR. NEMECEK: But I guess it always probably has been this time of year.

MR. MUNDT: So to that point with what we create, you'll see the worst case scenario, the barest scenario. It will give you a good idea of, you know, what that will look like in the winter months, and know that there will be

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a slight improvement naturally over the rest of the year.

MR. SCHNEIDER: Keep in mind, with any replanting --

MR. NEMECEK: It takes awhile. Yes, I know.

THE CHAIRMAN: Can you see that wall from the street? I mean, it's not a very big wall, the block wall.

MR. MUNDT: I would say if you look, you can see it.

THE CHAIRMAN: You really got to search for it.

MR. MUNDT: Yes.

THE CHAIRMAN: I was going to ask about the aesthetics of that wall. It sounds like a pretty plain, vanilla wall. Do I need to be concerned?

MR. MUNDT: They look a lot like large stones but very square.

MR. NEMECEK: You said something like four feet?

MR. MUNDT: Yes, it's only four feet.

It's almost has like a self cladding to it.

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THE CHAIRMAN: It will be in your renderings, so we'll see it there.

MR. MUNDT: Yes.

THE CHAIRMAN: Good. Cool. We don't need to belabor this anymore. Gentlemen, any other questions?

MR. HERBERT: Could I just ask a procedural question? How long do you think it would take to get those landscape plans or renderings in? Just because I have to time the referring to the County Planning Board, and they are allowed up to 30 days to review. Often times they will take less. Ideally, we would want to give the County Planning Board whatever we could at the time of the referral and get their comments back in time for the next meeting, which is January 25th.

MR. MUNDT: I definitely think we'd want to reconvene with the team, especially talking to SLC, seeing what they could do rendering wise, and how we can pitch in on that. If it's okay, I would like to contact them tomorrow and get back to you with an answer tomorrow.

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1 MR. HERBERT: Yes. Let me know. We
2 do have some flexibility. I worked for the
3 County Planning Board for 22 years. I could
4 ask them to review it a little quicker,
5 perhaps. No guarantees. But it would be good
6 to have a complete package to send to them
7 first, and then get their comments in time for
8 the next Planning Board meeting here.

9 THE CHAIRMAN: Oh, so, this motion to
10 refer to the County, you want to hold on that
11 until we have something to send them?

12 MR. HERBERT: I mean, you could just
13 motion to send it them once I receive it.

14 THE CHAIRMAN: Just get it on record.

15 MR. HERBERT: Yes, get it on record,
16 and as soon as I get it, I'll refer it.

17 THE CHAIRMAN: Then the timing is
18 whatever it ends up being.

19 MR. HERBERT: 30 days from the day
20 they receive it, which will be immediate when I
21 send it because I'll send it by e-mail.

22 THE CHAIRMAN: No, I mean best case
23 they show up in January and everything is in
24 place. If not, it just rolls into the next --

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1 MR. HERBERT: Yes, it would roll one
2 month later.

3 THE CHAIRMAN: Do you guys have a
4 completion date for the project? Oh, you
5 wouldn't know about the building.

6 MR. MUNDT: Well, the building is
7 actually moving along pretty well on the
8 interior. It's some of the utility hookups,
9 especially the water. Again, because we've
10 been going with Veolia for so long now, and
11 they -- you know, we finally got to a point
12 where we said, you know what, we have to just
13 cut our losses and go with this hot box
14 outside. It was a losing battle to try to
15 fight them on going inside. We're still a ways
16 away. We've got to get their sign off, and
17 then go through the Health Department at the
18 County. So I think a lot of the -- and all of
19 the final pavement work is obviously not
20 happening until the Spring at this point
21 anyway. There is still some time, but I know
22 they want to get the site set is up as much as
23 they possibly can before that time.

24 THE CHAIRMAN: When do they plan on

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1 doing C of O's or everything; is it in '24 or
2 is it in '25?

3 MR. HERBERT: For this project you
4 mean?

5 THE CHAIRMAN: Yes.

6 MR. HERBERT: I'm not sure.

7 MR. MUNDT: They should be targeting
8 '24.

9 THE CHAIRMAN: Okay. Cool.
10 Interesting project. Thank you. This is not a
11 public hearing.

12 MR. HERBERT: January 25th will be the
13 public hearing for this. It's going to be two
14 meetings. So they'll come back January 25th,
15 but then they'll notice for the public hearing.

16 THE CHAIRMAN: Do we have an open
17 public hearing from previous --

18 MR. HERBERT: No. It was approved, it
19 was closed, so this is a new application.

20 THE CHAIRMAN: Gotcha. Okay. Cool.
21 I understand.

22 So then I'll just make a motion to
23 direct -- wow, this is a tough one -- so for
24 this, I make a motion to direct staff -- that's

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1 you, Lukas -- to refer Application 23-37,
2 ArchCare, 265 White Plains Road, to the
3 Westchester County Planning Board and the
4 village of Tuckahoe for review and comment.

5 MR. NEMECEK: Second.

6 THE CHAIRMAN: All in favor.
7 (AYE)

8 THE CHAIRMAN: I think you're good.
9 Thank you for presenting to us.

10 MR. MUNDT: Thank you very much.

11 MR. NEMECEK: See you in a month and a
12 half.

13 THE CHAIRMAN: Have a nice holiday.
14 Merry Christmas.

15 MR. NEMECEK: Happy New Year. We're
16 done here; right?

17 THE CHAIRMAN: Yes. We can close
18 this.

19 MR. NEMECEK: I don't know if
20 anyone -- because I got here a little bit
21 late -- I did want to mention that I believe
22 tonight is Anthony's last meeting.

23 MR. GIACOBBE: Yes, last Planning
24 Board meeting.

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1 MR. NEMECEK: Last Planning Board
 2 meeting. Anthony I guess was elected to the
 3 Town Board, and will begin that service in
 4 January; is that correct?
 5 MR. GIACOBBE: In January, yes. It's
 6 my last Planning Board meeting. It's been a
 7 pleasure serving with all of you.
 8 MR. NEMECEK: I wanted to thank you
 9 for that service. I think it's been a couple
 10 of years now; right?
 11 MR. GIACOBBE: Two years.
 12 MR. NEMECEK: It's been a pleasure,
 13 and you will be missed. You have a near
 14 perfect attendance record, which is very
 15 appreciated. It's just been a pleasure serving
 16 with you. Best of luck. It's good to know we
 17 have a friend -- not that the other members of
 18 the Town Board are not friends, but we have one
 19 of our own. Thank you very much.
 20 MR. GIACOBBE: Thank you.
 21 (Applause)
 22 THE CHAIRMAN: Thank you for your
 23 service and comments to the board. Now when we
 24 flip through the channel and when we see the
 25

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1 Town Board, we won't just flip it over, we'll
 2 stay on and listen to it.
 3 MR. GIACOBBE: Thank you.
 4 MR. NEMECEK: Plug our show when
 5 you're there.
 6 THE CHAIRMAN: So then I guess we're
 7 done. So thank you, everyone. I make a motion
 8 to adjourn the December 7th, 2023 Planning
 9 Board meeting. The next meeting will be
 10 January 25th, 2024.
 11 MR. GIACOBBE: I'll second.
 12 THE CHAIRMAN: All in favor.
 13 (AYE)
 14 MR. NEMECEK: Merry Christmas, Happy
 15 New Year, Happy Hanukkah, happy holidays. All
 16 the best.
 17 (MEETING ADJOURNED.)
 18
 19
 20
 21
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 23
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CERTIFICATION

1
 2
 3
 4 STATE OF NEW YORK)
) SS.
 5 COUNTY OF WESTCHESTER)
 6
 7 I, DINA M. MORGAN, Court Reporter and
 8 Notary Public within and for the County of
 9 Westchester, State of New York, do hereby
 10 certify:
 11 That the above transcript was taken from
 12 a video of the actual hearing. I was not
 13 present for such hearing. The video was taken
 14 and transcribed by me to the best of my
 15 ability.
 16 And, I further certify that I am not
 17 related to any of the parties to this action by
 18 blood or marriage, and that I am in no way
 19 interested in the outcome of this matter.
 20 IN WITNESS WHEREOF, I have hereunto set
 21 my hand this 19th day of December, 2023.

22
 23
 24
 25

Dina M. Morgan
 DINA M. MORGAN
 Court Reporter

DINA M. MORGAN, REPORTER

EASTCHESTER PLANNING BOARD - 12/7/2023

CORRECTION SHEET

PAGE

CORRECTION

- 23:12 - change "know" to "no"
- 28:10 - insert "be" after "could"
- 31:11 - change "alike" to "the like"
- 31:22 - change "you" to "I"
- 51:11, 52:19 - change "in tact" to "intact"
- 61:12-13 - change "Shang Hi" to "Shanghai"
- 91:3 - change "quarry place" to "Quarry Place"
- 98:17 - change "sign off" to "sign-off"
- 98:23 - delete "is"

DINA M. MORGAN, REPORTER